

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
MARCH 3, 2015
5:00 P.M.**

ACTION AGENDA

Location: City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point, California 92629

Next City Council Ordinance No. 15-01

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Olvera at 5:00 p.m. in the City Council Chambers, 33282 Golden Lantern, Dana Point.

ROLL CALL OF CITY COUNCIL MEMBERS:

Carlos N. Olvera, Mayor
John A. Tomlinson, Mayor Pro Tem (*Arrived at 5:29 p.m.*)
Joseph L. Muller, Council Member
J. Scott Schoeffel, Council Member
Richard A. Viczorek, Council Member

CLOSED SESSION

City Attorney Munoz indicated that there was a need for a Closed Session as follows:

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d1), (1 case)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (2 cases)

Name of Case: Therese Coppi v. City of Dana Point; County of Orange – USDC Central District Case No. – SACV11-1813 JST (RNBx)

Name of Case: City of Dana Point v. California Coastal Commission, Surfrider Foundation, Headlands Reserve LLC; California Court of Appeal – 4th Appellate District – Division One Case No. D060260 (Consolidated with D060369)

Mayor Olvera recessed the meeting into a Closed Session at 5:01 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING

Mayor Olvera reconvened the meeting at 6:04 p.m. All Council Members were present.

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Kathy Ward, City Clerk; Mike Rose, Director of Disaster Preparedness; Lt. Russ Chilton; Ursula Luna-Reynosa, Director of Community Development; Brad Fowler, Director of Public Works and Engineering; Kevin Evans, Director of Community Services; Robert Sedita, Management Analyst; Christy Teague, Economic Development Manager, Brian McClure, Parks Manager; John Tilton, City Architect; Matthew Sinacori, City Engineer; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that he had no announcement.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Schoeffel.

INVOCATION

The Invocation was provided by VFW Post 9934 Chaplain and Commander, Morrie Hansen.

PRESENTATIONS AND PROCLAMATIONS

Business of the Month – White Pelican
Shop Del Prado Program Presentation and Prize Drawing
Employee of the Month – Christy Teague
VFW Deputy of the Year – Tobin Anderson
VFW Firefighter of the Year – Jason Jones
VFW Reserve Firefighter of the Year – Jose D. Soto
VFW Voice of Democracy Winner – Alisha S. Nagarkar

CONSENT CALENDAR

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY COUNCIL MEMBER MULLER, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR. COUNCIL MEMBER SCHOEFFEL ASKED FOR HIS VOTE ON ITEM 16 TO BE REGISTERED AS AN ABSTENTION DUE TO A POTENTIAL CONFLICT OF INTEREST.

The motion carried by the following vote:

AYES: Council Member Joseph L. Muller, Council Member J. Scott Schoeffel, Council Member Richard A. Viczorek, Mayor Pro Tem John A. Tomlinson and Mayor Carlos N. Olvera

NOES: None

ABSENT: None

1. WAIVE THE READING OF ORDINANCES AND APPROVE READING BY TITLE ONLY

APPROVED THE READING BY TITLE ONLY OF ALL ORDINANCES ON THE CONSENT CALENDAR AND THAT FURTHER READING OF SUCH ORDINANCES BE WAIVED.

2. YOUTH BOARD MEETING MINUTES, JANUARY 15, 2015

RECEIVED AND FILED.

3. TRAFFIC IMPROVEMENT SUBCOMMITTEE ACTION MINUTES, NOVEMBER 19, 2014

RECEIVED AND FILED.

4. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

5. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

6. CITY TREASURER'S REPORT, JANUARY 2015

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF JANUARY 2015.

7. ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PCH/DEL PRADO STREETScape IMPROVEMENT PHASE 1A PROJECT

ADOPTED RESOLUTION 15-03-03-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PROJECT ENTITLED "PCH/DEL PRADO STREETScape IMPROVEMENT PHASE 1A PROJECT".

8. INTRODUCE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REPLACING DANA POINT MUNICIPAL CODE SECTION 12.16.010 ESTABLISHING SPEED LIMITS CITYWIDE

INTRODUCED AND HELD A FIRST READING OF AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING AND REPLACING DANA POINT MUNICIPAL CODE, CHAPTER 12.16.010, ESTABLISHING SPEED LIMITS IN THE CITY OF DANA POINT PURSUANT TO THE CALIFORNIA VEHICLE CODE.

9. CONTRACT AMENDMENT FOR THE ENVIRONMENTAL SERVICES PROVIDED BY LSA ASSOCIATES FOR THE SOUTH SHORES CHURCH PROJECT'S ENVIRONMENTAL IMPACT REPORT

AUTHORIZED THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT WITH LSA ASSOCIATES.

10. CONTRACT EXTENSION AND BUDGET ADJUSTMENT FOR NELSON/NYGAARD CONSULTING ASSOCIATES TO CONTINUE THEIR WORK ON THE TOWN CENTER/LANTERN DISTRICT PARKING AMENDMENTS

AUTHORIZED THE CITY MANAGER TO ENTER INTO AN AMENDED AGREEMENT WITH NELSON/NYGAARD CONSULTING ASSOCIATES IN ACCORDANCE WITH THE ATTACHED SCOPE OF WORK TO CONTINUE THEIR WORK ON PARKING AMENDMENTS TO THE TOWN CENTER/LANTERN DISTRICT PLAN AND AUTHORIZED A BUDGET ADJUSTMENT.

11. AUTHORIZE STAFF TO DISTRIBUTE A REQUEST FOR PROPOSAL FOR THE MAINTENANCE OF THE CITY RECREATION FACILITIES

AUTHORIZED STAFF TO DISTRIBUTE A REQUEST FOR PROPOSAL TO QUALIFIED MAINTENANCE CONTRACTORS FOR THE MAINTENANCE OF THE CITY RECREATION FACILITIES.

12. 2015 SPECIAL EVENTS CALENDAR

APPROVED THE SPECIAL EVENT CALENDAR FOR 2015 AND THE RECOMMENDED VENUES, AWARDED THE STAGE AND SOUND CONTRACT TO SOUTHERN CALIFORNIA SOUND STAGE & LIGHTING CORPORATION, AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE CONTRACT.

13. RATIFICATION OF EMERGENCY CONSTRUCTION ACTIVITIES TO REPLACE AGED STORM DRAIN BETWEEN ZARZITO DRIVE AND FORMOSA AT THE TERMINUS OF MANZANITA DRIVE

RATIFIED THE CITY MANAGER'S ACTION TO WAIVE COMPETITIVE BIDDING PER CITY ORDINANCES FOR EMERGENCY WORK ACTIVITIES TO REPLACE AN AGED STORM DRAIN (PARTIALLY BLOCKED IN RECENT STORMS) AT THE TERMINUS OF MANZANITA DRIVE BETWEEN ZARZITO DRIVE AND FORMOSA, HEREIN REFERRED TO AS "STORM DRAIN REPAIRS", APPROVED BUDGET ADJUSTMENT AND, AUTHORIZED STAFF TO PAY ALL NECESSARY CONTRACTORS, VENDORS AND CONSULTANTS FOR COMPLETING STORM DAMAGE REPAIRS UPON RECEIPT OF ACTUAL INVOICES FOR STORM DRAIN REPAIR WORK.

14. AWARD OF CONTRACT FOR THE 4TH OF JULY AERIAL FIREWORKS DISPLAY AND BARGE CONTRACT

APPROVED THE FOLLOWING FOR THE 2015 FOURTH OF JULY AERIAL FIREWORKS DISPLAY: CONTRACT WITH BAY FIREWORKS FOR THE AERIAL DISPLAY, CONTRACT WITH PACIFIC TUGBOAT TO PROVIDE THE TUG AND BARGE TO BE USED AS THE STAGING AREA FOR THE FIREWORKS DISPLAY, AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENTS.

15. ARTS AND CULTURE MASTER PLAN UPDATE

RECEIVED AND FILED AND, DIRECTED STAFF TO INCLUDE THE ARTS AND CULTURE MASTER PLAN UPDATE AS PART OF THE BUDGET DISCUSSION FOR FY16 AND FY17.

16. RESOLUTION URGING SADDLEBACK MEMORIAL TO USE ALL DILIGENT AND GOOD FAITH EFFORTS WITH THE PROPOSED CHANGES TO THE EXISTING SADDLEBACK MEMORIAL CARE SAN CLEMENTE CAMPUS

Council Member Schoeffel abstained from voting on this item due to a potential conflict of interest.

ADOPTED **RESOLUTION 15-03-03-02** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, URGING SADDLEBACK MEMORIAL CARE TO USE ALL DILIGENT AND GOOD FAITH EFFORTS TO ASSURE THAT THE PROVISION OF EMERGENCY MEDICAL SERVICES FOR THE DANA POINT RESIDENTS, BUSINESS, AND VISITORS WILL NOT BE IMPAIRED BY CHANGES TO THE EXISTING SADDLEBACK MEMORIAL CARE SAN CLEMENTE CAMPUS.

17. AMENDMENT TO JOINT AGREEMENT FOR THE OPERATION, MAINTENANCE AND FINANCIAL MANAGEMENT OF THE ORANGE COUNTY 800 MEGAHERTZ COUNTYWIDE COORDINATED COMMUNICATIONS SYSTEM

APPROVED THE AMENDMENT TO THE JOINT AGREEMENT FOR THE OPERATION, MAINTENANCE AND FINANCIAL MANAGEMENT OF THE ORANGE COUNTY 800 MHZ COUNTYWIDE COORDINATED COMMUNICATIONS SYSTEM; AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AMENDMENT AND ALL RELATED DOCUMENTS.

18. PROFESSIONAL SERVICES AGREEMENT FOR SUPPLEMENTAL COUNTER AND INSPECTION SERVICES

AUTHORIZED THE CITY MANAGER TO CONTINUE THE PROFESSIONAL SERVICES AGREEMENT WITH MELAD AND ASSOCIATES.

PUBLIC COMMENTS

Antony Cooke
Maurice Hansen
Donna Kalez

Roxanna Watrous
Nancy Jenkins

PUBLIC HEARINGS

19. **INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING CHAPTER 12.08.050 AND ADDING CHAPTER 12.08.060 OF THE MUNICIPAL CODE TO ADDRESS PARKING OF COMMERCIAL AND RECREATIONAL VEHICLES ON PUBLIC STREETS AND TO EXTEND ENFORCEMENT OF THE ORDINANCE TO DESIGNATED PARKING LOTS USED BY THE PUBLIC IN THE CITY OF DANA POINT**

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY COUNCIL MEMBER MULLER, THAT THE CITY COUNCIL HOLD A PUBLIC HEARING AND INTRODUCE AN ORDINANCE TO AMEND CHAPTER 12.08.050 AND ADD CHAPTER 12.08.060 ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING CHAPTER 12.08.050 AND ADDING CHAPTER 12.08.060 OF THE DANA POINT MUNICIPAL CODE TO ADDRESS PARKING OF COMMERCIAL AND RECREATIONAL VEHICLES ON PUBLIC STREETS AND TO EXTEND ENFORCEMENT OF ORDINANCE TO DESIGNATED PARKING LOTS USED BY THE PUBLIC IN THE CITY OF DANA POINT.

The motion carried by the following vote:

AYES: Council Member Joseph L. Muller, Council Member J. Scott Schoeffel, Council Member Richard A. Viczorek, Mayor Pro Tem John A. Tomlinson and Mayor Carlos N. Olvera

NOES: None

ABSENT: None

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

There were no New Business items.

PUBLIC COMMENTS (Continued)

There were no additional Public Comments received.

STAFF REPORTS

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Olvera adjourned the meeting at 7:09 p.m. and announced that the next Regular Meeting of the City Council will be March 17, 2015, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.