

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
JULY 21, 2015  
5:00 P.M.**

## **AGENDA**

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

Next City Council Ordinance No. 15-04

### **CALL TO ORDER**

### **ROLL CALL OF CITY COUNCIL MEMBERS:**

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

### **CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d1), (2 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Government Code § 54956.9 (c), (1 case: Claim Against Utopia re: Illumination Performance)
- C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957

Title: City Manager

### **RECESS OF CITY COUNCIL MEETING UNTIL 6:00 P.M.**

### **RECONVENE CITY COUNCIL MEETING**

### **PLEDGE OF ALLEGIANCE**

### **INVOCATION**

### **PRESENTATIONS AND PROCLAMATIONS**

Business of the Month – Jon's Fish Market  
Employee of the Month – Robin Harnish

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## CONSENT CALENDAR

All matters listed under the Consent Calendar are considered to be routine and all will be enacted by one roll call vote. There will be no separate discussion of these items unless members of the City Council, the public, or staff request specific items be removed from the Consent Calendar for separate action.

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

RECOMMENDED ACTION: That the City Council approve the reading by title only of all ordinances on the Consent Calendar and that further reading of such ordinances be waived.

**2. [REGULAR MEETING MINUTES, JUNE 16, 2015](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

**3. [PLANNING COMMISSION MEETING MINUTES, JUNE 22, 2015](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**4. [PLANNING COMMISSION ACTIONS, MEETING OF JULY 13, 2015](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**5. [FINANCIAL REVIEW COMMITTEE MEETING MINUTES, APRIL 16, 2015](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**6. [YOUTH BOARD MEETING MINUTES, MAY 21, 2015](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**7. [YOUTH BOARD MEETING MINUTES, JUNE 4, 2015](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**8. [MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**9. [DOHENY PARK ROAD MAINTENANCE/INTERIM IMPROVEMENTS](#)**

RECOMMENDED ACTION: That the City Council approve moving forward with the proposed improvements.

10. **AMENDMENT TO CITY MANAGER CONTRACT**

RECOMMENDED ACTION: That the City Council authorize the Mayor to sign an amendment to the City Manager's contract.

11. **AWARD CONTRACT TO DEKRA-LITE INDUSTRIES FOR HOLIDAY DÉCOR DISPLAYS, SPECIALTY DISPLAYS AND STREET LIGHT POLE BANNER SERVICES**

RECOMMENDED ACTION: That the City Council 1) award a maintenance services contract to Dekra-Lite Industries, Inc. for holiday décor displays, specialty displays and street light pole banner services; 2) authorize up to four optional two year contract renewals beyond the original partial year term of September 1, 2015 – June 30, 2016; and 3) authorize the City Manager to execute the maintenance services contract and future amendments to the contract.

12. **DOHENY VILLAGE PLAN UPDATE**

RECOMMENDED ACTION: That the City Council receive and file.

13. **CONSIDER AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE ANNUAL SLURRY SEAL PROJECT**

RECOMMENDED ACTION: That the City Council 1) approve the final construction contract documents required for the Annual Slurry Seal Project (CIP #1276); 2) approve award of a contract to American Asphalt South, Incorporated for the construction of the Annual Slurry Seal Project, providing that the City Manager or his designee signs and administers the subject contract and may approve additional payment for change orders, contingencies, management services, and soils and material testing, as noted in the Fiscal Impact Section; 3) authorize additional inspection and materials and testing services per the as-needed Consultant Services Agreement with GMU Geotechnical for geotechnical engineering per the Fiscal Impact section; and 4) authorize the funding transfer as noted in the Fiscal Impact section.

14. **DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT QUARTERLY REPORT FOR APRIL - JUNE 2015**

RECOMMENDED ACTION: That the City Council receive and file.

15. **AWARD OF CONTRACT TO OPTICOS DESIGN, INC. TO DEVELOP A FORM BASED CODE FOR DOHENY VILLAGE**

RECOMMENDED ACTION: That the City Council authorize the City Manager to finalize the scope of work and enter into an agreement with Opticos Design, Inc. (the "Consultant") in accordance with the scope of work.

16. **APPROVAL OF A LEASE AGREEMENT WITH HUFF MERIDIAN, LLC FOR USE OF PRIVATE PARKING INTO SHARED, PUBLIC PARKING AT 24582 DEL PRADO, DANA POINT**

RECOMMENDED ACTION: That the City Council adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF DANA POINT AND HUFF MERIDIAN, LLC, AUTHORIZING THE CITY ATTORNEY TO APPROVE NON-SUBSTANTIVE CHANGES TO THE AGREEMENT AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY.

17. **AUTHORIZE THE CITY MANAGER TO APPOINT AN INTERIM PLANNING MANAGER AND INTERIM CITY CLERK SPECIALIST**

RECOMMENDED ACTION: That the City Council authorize the City Manager to appoint an Interim Planning Manager and an Interim City Clerk Specialist.

At this time, the City Clerk will read the title(s) of the ordinance(s) listed on the agenda.

## **PUBLIC COMMENTS**

Any person wishing to address the City Council during the Public Comments section or on an Agenda item is asked to complete a "Request to Speak" form available on the table at the side of the Council Chamber. The completed form is to be submitted to the City Clerk prior to the Agenda item being called by the Mayor and prior to the individual being heard by the City Council.

In order to conduct a timely meeting, there will be a three-minute time limit per person and an overall time limit of fifteen minutes for this Public Comments portion of the agenda. At the Mayor's discretion, the balance of public comments will be heard after the New Business portion of the agenda. All comments are to be directed to the City Council and shall not consist of any personal attacks. Members of the public are expected to maintain a professional, courteous decorum during their comments. State law prohibits the City Council from taking action on a specific item unless it appears on the posted Agenda.

If anyone has handouts to distribute to the City Council, please follow proper procedure and hand them to the City Clerk. The City Clerk will see that they are distributed.

## **PUBLIC HEARINGS**

18. **2015 WEED ABATEMENT ADMINISTRATIVE CITATION PROGRAM**

RECOMMENDED ACTION: That the City Council conduct a Hearing on the Weed Abatement Cost Report and delinquent Administrative Citation fines, thereafter, adopt a Resolution confirming the Cost Report/delinquent citation fines and providing for the collection on the regular tax bill entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE COST OF ABATEMENT/DELINQUENT ADMINISTRATIVE CITATION FINES AND PROVIDING FOR THE COLLECTION ON THE REGULAR TAX BILL.

19. **ZONE TEXT AMENDMENT ZTA15-0001 AND LOCAL COASTAL PROGRAM AMENDMENT LCPA15-0001; TO AMEND THE CITY'S ZONING ORDINANCE; CHAPTER 9.26 AND CORRESPONDING APPENDIX "E", GENERALLY REFERRED TO AS "DANA POINT TOWN CENTER PLAN", TO ADDRESS PARKING REGULATIONS, AND TO CHANGE THE TITLE OF THE DOCUMENT TO "DANA POINT LANTERN DISTRICT PLAN" AND AN ADDENDUM TO THE PREVIOUSLY APPROVED MITIGATED NEGATIVE DECLARATION**

RECOMMENDED ACTION: That the City Council 1) conduct a public hearing; and

2) adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING AN ADDENDUM TO A PREVIOUSLY APPROVED MITIGATED NEGATIVE DECLARATION FOR THE ZONE TEXT AMENDMENT ZTA15-0001 AND LOCAL COASTAL PROGRAM AMENDMENT LCPA15-0001, TO AMEND THE CITY'S ZONING ORDINANCE; CHAPTER 9.26 AND CORRESPONDING APPENDIX "E", GENERALLY REFERRED TO AS "DANA POINT TOWN CENTER PLAN", TO ADDRESS PARKING REGULATIONS, AND TO CHANGE THE TITLE OF THE DOCUMENT TO "DANA POINT LANTERN DISTRICT PLAN";

3) introduce for first reading an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA15-0001 TO AMEND THE CITY'S ZONING ORDINANCE; CHAPTER 9.26 AND CORRESPONDING APPENDIX "E" GENERALLY REFERRED TO AS THE "DANA POINT TOWN CENTER PLAN" TO ADDRESS PARKING REGULATIONS AND A TITLE CHANGE OF THE DOCUMENT TO "DANA POINT LANTERN DISTRICT PLAN" AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA15-0001 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION;

4) adopt a Resolution requesting certification of the LCPA from the California Coastal Commission entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REGARDING LOCAL COASTAL PROGRAM AMENDMENT LCPA15-0001 AND REQUESTING CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

## **UNFINISHED BUSINESS**

There are no Unfinished Business items.

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## NEW BUSINESS

20. [INTRODUCTION OF ORDINANCE AMENDMENTS TO THE CITY COUNCIL OF CITY OF DANA POINT, CALIFORNIA MUNICIPAL CODE 1\) AMENDING CHAPTER 12.08 TO ALLOW PARKING METER/PAY STATION/MOBILE DEVICE PAYMENT ZONES; 2\) ADDING CHAPTER 12.20 OF THE MUNICIPAL CODE TO ESTABLISH A PARKING BENEFIT DISTRICT FOR THE RESIDENTIAL AREA LOCATED TO THE SOUTH OF THE LANTERN DISTRICT; AND 3\) INITIATING A NEW PREFERENTIAL PARKING DISTRICT FOR THE RESIDENTIAL AREA LOCATED TO THE NORTH OF LANTERN DISTRICT/PACIFIC COAST HIGHWAY](#)

RECOMMENDED ACTION: That the City Council 1) introduce and hold a first reading of an amendment to Ordinance 12.08 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING CHAPTER 12.08 TO ALLOW PARKING METER/PAY STATION/MOBILE DEVICE PAYMENT ZONES; and

2) introduce and hold a first reading of an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADDING CHAPTER 12.20 OF THE DANA POINT MUNICIPAL CODE ESTABLISHING A PARKING BENEFIT DISTRICT SOUTH OF DEL PRADO IN LANTERN VILLAGE; and

3) initiate a new Lantern Village Preferential Parking District north of Pacific Coast Highway.

## PUBLIC COMMENTS (Continued)

## STAFF REPORTS

(City Manager Doug Chotkevys)

(City Attorney Patrick Muñoz)

## COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

The City Council may discuss, act upon or seek consensus on matters described under Council Reports only if: They are agendaized with a complete written report included; or, if an item arose subsequent to the posting of the agenda and the Council determines that an emergency exists. Non-agendaized items may be presented as informational only.

## ADJOURNMENT

The next Regular Meeting of the City Council will be September 1, 2015, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

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## CERTIFICATION

I, Kathy M. Ward, City Clerk of the City of Dana Point, do hereby certify that a copy of the foregoing Agenda was posted at Dana Point City Hall, the Dana Point Post Office, the Capistrano Beach Post Office and the Dana Point Library by Thursday, July 16, 2015, at 5:30 p.m.

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KATHY M. WARD, CITY CLERK

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DATE

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PURSUANT TO THE AMERICANS WITH DISABILITIES ACT, PERSONS WITH A DISABILITY WHO REQUIRE A DISABILITY-RELATED MODIFICATION OR ACCOMMODATION IN ORDER TO PARTICIPATE IN A MEETING, INCLUDING AUXILIARY AIDS OR SERVICES, MAY REQUEST SUCH MODIFICATION OR ACCOMMODATION FROM THE CITY CLERK AT (949) 248-3500 (TELEPHONE) OR (949) 248-9920 (FACSIMILE). NOTIFICATION 48 HOURS PRIOR TO THE MEETING WILL ENABLE THE CITY TO MAKE REASONABLE ARRANGEMENTS TO ASSURE ACCESSIBILITY TO THE MEETING.