

CITY OF DANA POINT



**CITY COUNCIL
REGULAR
MEETING/JOINT
MEETING WITH
THE PLANNING
COMMISSION**

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

AGENDA

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

Next City Council Ordinance No. 15-07

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 – EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case)
Name of Case: City of Dana Point v. California Coastal Commission, et al
Case No. 37-2010-00099827

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Employee of the Month – Evelyn LaRocca
Presentation from Senator Pat Bates

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, OCTOBER 20, 2015](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, OCTOBER 12, 2015](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION ACTIONS, MEETING OF OCTOBER 26, 2015](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [TOURISM BUSINESS IMPROVEMENT DISTRICT MEETING MINUTES, SEPTEMBER 22, 2015](#)

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

7. [CLAIMS AND DEMANDS](#)

RECOMMENDED ACTION: That the City Council receive and file the Claims and Demands.

8. [CITY TREASURER'S REPORT, SEPTEMBER 2015](#)

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of September, 2015.

9. [DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT ANNUAL REPORT AND RENEWAL FOR 2016](#)

RECOMMENDED ACTION: That the City Council 1) adopt a Resolution entitled:

A RESOLUTION OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE 2016 ANNUAL REPORT AND DECLARING THE INTENTION OF THE CITY COUNCIL TO CONTINUE THE PROGRAM AND ASSESSMENTS FOR THE 2016 CALENDAR YEAR FOR THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID); and

2) Set the date for a Public Hearing for renewal of the Dana Point Tourism Business Improvement District on December 1, 2015.

10. AUTHORIZATION TO DISTRIBUTE REQUESTS FOR PROPOSALS FOR THE CUSTODIAL MAINTENANCE SERVICE AT CITY FACILITIES

RECOMMENDED ACTION: That the City Council authorize staff to distribute the Requests For Proposal (RFP) to qualified contractors for custodial services at City Hall, the Community Center, the Nature Interpretive Center, the PCH Pedestrian Bridge and park restrooms.

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

11. COASTAL DEVELOPMENT PERMIT 15-0021 REGULATING HOURS OF OPERATION OF PUBLIC FACILITIES, INCLUDING THE MID-STRAND BEACH ACCESS AND CENTRAL STRAND BEACH ACCESS, AT THE DANA POINT HEADLANDS AND INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 13.04, PARKS AND RECREATIONAL FACILITIES REGULATIONS, OF THE MUNICIPAL CODE TO ADDRESS CITY PARKS AND FACILITIES

RECOMMENDED ACTION: That the City Council hold a Public Hearing and 1) adopt a Resolution approving Coastal Development Permit 15-0021 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING COASTAL DEVELOPMENT PERMIT CDP15-0021 REGULATING HOURS OF

OPERATION OF PUBLIC FACILITIES, INCLUDING THE MID-STRAND BEACH ACCESS AND CENTRAL STRAND BEACH ACCESS AT THE DANA POINT HEADLANDS; 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, AMENDING CHAPTER 13.04, PARKS AND RECREATIONAL FACILITIES REGULATIONS OF THE MUNICIPAL CODE TO ADDRESS PARKS AND FACILITIES IN THE CITY.

NEW BUSINESS

12. **CERTIFY THE SUFFICIENCY OF CITIZENS' INITIATIVE PETITION FOR "THE 2015 TOWN CENTER INITIATIVE" AND CONSIDER ACTIONS TO ADOPT THE INITIATIVE ORDINANCE, OR ADOPT A RESOLUTION SUBMITTING THE INITIATIVE ORDINANCE TO THE VOTERS AT A SPECIAL ELECTION, OR ORDER A REPORT ON THE EFFECT OF THE PROPOSED ORDINANCE**

[Exhibit A – Part 1](#)

[Exhibit A – Part 2](#)

RECOMMENDED ACTION: That the City Council:

1. Accept the report of the City Clerk declaring sufficiency of the initiative petitions; and appropriate funds from General Fund reserves to the City Clerk's Office in the amount of \$13,672.00 for costs incurred to have the petition signatures verified by the Orange County Registrar of Voters.

2. Take one of the following three actions pursuant to Elections Code § 9214:

a. Adopt the initiative Ordinance, without alteration, and introduce for first reading an Ordinance entitled:

AN ORDINANCE OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING THE 2015 TOWN CENTER INITIATIVE; or

b. Submit the initiative Ordinance, without alteration, to the voters for a Special Election and adopt a Resolution calling the Special election entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ORDERING, CALLING, PROVIDING FOR AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION FOR THE SUBMISSION TO THE VOTERS OF A QUESTION RELATING TO AMENDING THE TOWN CENTER PLAN; and

Adopt a Resolution setting priorities for arguments and directing the City Attorney to prepare an impartial analysis entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, SETTING PRIORITIES FOR FILING A WRITTEN ARGUMENT

REGARDING A CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS; and

Adopt a Resolution authorizing rebuttals to direct arguments entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT THE SPECIAL ELECTION

Appropriate funds from General Fund Reserves to the City Clerk Professional Services account for election services; or

- c. Order a report on the initiative pursuant to Elections Code § 9212 to be presented to the City Council at a Regular City Council Meeting no later than December 1, at which time the Council must take one of the actions described in 2.a or 2.b above.

JOINT MEETING WITH THE PLANNING COMMISSION

ROLL CALL OF THE PLANNING COMMISSION MEMBERS:

April O'Connor, Chairwoman
Eric A. Nelson, Vice-Chairman
Liz Claus, Commissioner
Scott McKhann, Commissioner
Danni R. Murphy, Commissioner

UNFINISHED BUSINESS

13. [DOHENY VILLAGE DESIGN CHARRETTE OVERVIEW](#)

RECOMMENDED ACTION: That the City Council and Planning Commission receive an update.

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 November 17, 2015, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

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 Friday, October 30, 2015, at 5:30 p.m.

KATHY M. WARD, CITY CLERK

DATE

Subscriptions to receive City Council Agendas on a regular basis are available through the City Clerk's Office. Agendas are also available on the City's website at www.danapoint.org. In addition, Agenda related materials (including materials, if any, provided to the City Council after the Agenda was posted) may be reviewed in the office of the City Clerk during regular business hours or on the website at www.danapoint.org.

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.