

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
NOVEMBER 17, 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 – ANTICIPATED LITIGATION, INITIATION OF LITIGATION, Government Code § 54956.9 (d)(4), (1 case):

California Regional Water Quality Control Board, San Diego Region

- B. 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**

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## PRESENTATIONS AND PROCLAMATIONS

Business of the Month – Gelson’s Market  
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, NOVEMBER 3, 2015](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

**3. [PLANNING COMMISSION MEETING MINUTES, OCTOBER 26, 2015](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**4. [PLANNING COMMISSION ACTIONS, MEETING OF NOVEMBER 9, 2015](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**5. [YOUTH BOARD MEETING MINUTES, OCTOBER 15, 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. [CITY TREASURER’S REPORT, OCTOBER 2015](#)**

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer’s Report for the month of October 2015.

**8. [CLAIMS AND DEMANDS](#)**

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

**9. DISPOSITION OF NON-ESSENTIAL CITY RECORDS**

RECOMMENDED ACTION: That the City Council approve the 2015 disposition of non-essential City records in accordance with California State law and the City's approved Records Retention Schedule and adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE DISPOSITION OF CERTAIN INACTIVE CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

**10. APPROVAL OF REVISION TO RECORDS RETENTION SCHEDULES**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING REVISED RECORDS RETENTION SCHEDULES FOR CERTAIN DEPARTMENTS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

**11. RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE APPROVAL OF THE MEASURE M (M2) EXPENDITURE REPORT FOR FISCAL YEAR 2014-2015**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING THE RENEWED MEASURE M (M2) EXPENDITURE REPORT FOR THE FISCAL YEAR 2014-2015; and

2) authorize the Mayor to sign the Resolution on behalf of the City; and 3) direct staff to submit the Resolution for the City of Dana Point to the Orange County Transportation Authority (OCTA) to maintain eligibility in the Measure M (M2) program.

**12. CITY PARKS AND FACILITIES UTILITIES ACCOUNT COST SAVINGS**

RECOMMENDED ACTION: That the City Council ratify the agreement between the City of Dana Point and Procure America to effect changes to utility rate schedules in order to realize cost savings.

**13. VAN SCOYOC ASSOCIATES CONTRACT EXTENSION FOR FEDERAL GOVERNMENT REPRESENTATION, ADVOCACY AND CONSULTING SERVICES**

RECOMMENDED ACTION: That the City Council approve a contract extension with Van Scoyoc Associates for five (5) additional one-year options.

**14. QUARTERLY FINANCIAL REPORT, SEPTEMBER 2015**

RECOMMENDED ACTION: That the City Council receive and file the City Financial Report and Management Discussion for the quarter ended September 30, 2015.

15. [APPROVAL TO CARRYOVER EXISTING SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUNDS \(SLESF\) AND ALLOCATION OF NEW CITIZEN OPTIONS FOR PUBLIC SAFETY PROGRAM FUNDS TO SLESF](#)

RECOMMENDED ACTION: That the City Council amend the FY2015-16 Supplemental Law Enforcement Services Fund (SLESF) budget by appropriating \$139,949, inclusive of the carryover and FY 2015/16 Citizen Options For Public Safety Program (COPS) funding to implement and maintain the following programs in the City of Dana Point:

- School Resource Officer position for this school year.
- Bike Patrol Program.
- Project Hide It, Lock It, or Lose It.
- Parent Project Classes.
- Motorcycle Program.
- Special Enforcement Program.
- National Night Out Program.
- Disaster Response Program.

16. [SECOND AMENDMENT TO AGREEMENT WITH KEYSER MARSTON ASSOCIATES](#)

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a second amendment to the Agreement for Consultant Services by and between the City of Dana Point and Keyser Marston Associates and approve an amendment to the budget.

17. [DOHENY VILLAGE PLAN UPDATE](#)

RECOMMENDED ACTION: That the City Council receive and file this report.

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. [RESOLUTION CONDITIONALLY VACATING A PORTION OF DEL PRADO AVENUE NEAR BLUE LANTERN AND A PORTION OF THE STREET OF THE RUBY LANTERN BETWEEN PACIFIC COAST HIGHWAY AND DEL PRADO AS A RESULT OF RECENT STREET IMPROVEMENTS](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONDITIONALLY VACATING A PORTION OF DEL PRADO AVENUE (FORMERLY SAN JUAN AVENUE) PER TRACT MAP NUMBER 573 AND ADJACENT TO ASSESSOR PARCEL NUMBERS 682-233-02 AND 682-233-03; and

2) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, TO VACATE A PORTION OF DEL PRADO, A PORTION OF RUBY LANTERN, FORMERLY JUANITA STREET, BETWEEN PACIFIC COAST HIGHWAY AND DEL PRADO, A PUBLIC STREET OWNED IN FEE PER TRACT MAP NUMBER 7868; and

3) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONDITIONALLY VACATING A PORTION OF THE STREET OF THE RUBY LANTERN (FORMERLY JUANITA STREET), PER TRACT MAP NUMBER 768 AND ADJACENT TO ASSESSOR PARCEL NUMBER 682-231-01; and

4) Approve a Public Roadway, Drainage, Utility and Landscape Easement Agreement.

## UNFINISHED BUSINESS

19. [PETITION REGARDING PROCEEDINGS UNDER THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982](#)

RECOMMENDED ACTION: That the City Council take the following actions in accordance with Government Code Section 53311 et seq. regarding the Petition to Form the Doheny Beach Community Facilities District No. 2015-1 (CFD No. 2015-1) and to schedule a Public Hearing, and:

A. Approve and adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DECLARING ITS INTENTION TO ESTABLISH CITY OF DANA POINT COMMUNITY FACILITIES DISTRICT NO. 2015-1 (DOHENY BEACH) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN; and

B. Approve and adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DECLARING ITS INTENTION TO INCUR BONDED INDEBTEDNESS FOR THE CITY OF DANA POINT COMMUNITY FACILITIES DISTRICT NO. 2015-1 (DOHENY BEACH).

## **NEW BUSINESS**

There are no New Business items.

## **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 December 1, 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 Thursday, November 12, 2015, at 5:30 p.m.

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KATHY M. WARD, CITY CLERK

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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](http://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](http://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.