

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
DECEMBER 1, 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, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d1), (1 case)
- B. 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
- C. 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

Business of the Month – Keli's Outrigger & Paddle Sports
Employee of the Month – Archie Rempher

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. **[SPECIAL MEETING MINUTES, NOVEMBER 11, 2015](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

3. **[REGULAR MEETING MINUTES, NOVEMBER 17, 2015](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

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

RECOMMENDED ACTION: That the City Council receive and file.

5. **[PLANNING COMMISSION ACTIONS, MEETING OF NOVEMBER 23, 2015](#)**

RECOMMENDED ACTION: That the City Council receive and file.

6. **[YOUTH BOARD MINUTES, NOVEMBER 5, 2015](#)**

RECOMMENDED ACTION: That the City Council receive and file.

7. **[TRAFFIC IMPROVEMENT SUBCOMMITTEE MINUTES, AUGUST 19, 2015](#)**

RECOMMENDED ACTION: That the City Council receive and file.

8. **[TOURISM BUSINESS IMPROVEMENT DISTRICT MINUTES, OCTOBER 21, 2015](#)**

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

10. [CLAIMS AND DEMANDS](#)

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

11. [AWARD OF CONTRACTS FOR THE MAINTENANCE OF PARK AND FOR THE MAINTENANCE OF LANDSCAPED MEDIANS AND PARKWAYS](#)

RECOMMENDED ACTION: That the City Council 1) award a contract to The Soto Company for \$521,560 per year for landscape maintenance services for the City parks; and 2) award another contract to The Soto Company for \$90,835.99 per year for landscape maintenance services for the City's medians and parkways.

12. [COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2015](#)

RECOMMENDED ACTION: That the City Council receive and file the Comprehensive Annual Financial Report ("CAFR") for the year ended June 30, 2015.

13. [PROFESSIONAL SERVICES AGREEMENT FOR SUPPLEMENTAL DEVELOPMENT COUNTER AND INSPECTION SERVICES](#)

RECOMMENDED ACTION: That the City Council authorize and direct the City Manager to execute the Second Amendment with the Consultant.

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

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

RECOMMENDED ACTION: That the City Council 1) conduct a Public Hearing; and 2) adopt a Resolution entitled:

A RESOLUTION OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE 2015 ANNUAL REPORT AND DECLARING THE INTENTION OF THE COUNCIL TO CONTINUE THE PROGRAM AND ASSESSMENTS FOR THE 2016 CALENDAR YEAR FOR THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID).

UNFINISHED BUSINESS

15. [ELECTION CODE SECTION 9212 REPORT](#)

RECOMMENDED ACTION: That the City Council receive and file.

16. [THE 2015 TOWN CENTER INITIATIVE – EITHER ADOPT THE INITIATIVE ORDINANCE OR CALL A SPECIAL ELECTION](#)

RECOMMENDED ACTION: That the City Council:

1. Take one of the following two actions pursuant to Elections Code Section 9214:

- a. Adopt the initiative Ordinance (Action Document A), 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. Adopt Action Document B, a Resolution by which the Council would submit the initiative ordinance, without alteration, to the voters for a special election to be consolidated with the June 7, 2016 regular 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 TO BE CONSOLIDATED WITH THE JUNE 7, 2016 REGULAR ELECTION, FOR THE SUBMISSION TO THE VOTERS OF A QUESTION RELATING TO AMENDING THE TOWN CENTER PLAN; and

If the Council takes action to call for an election, consider taking the following actions (all of which are optional, and at the Council's discretion):

- Adopt a motion directing the City Attorney to prepare an impartial analysis.

- Adopt a motion calling for the City Council to submit an argument in opposition to The 2015 Town Center Initiative, and giving related direction to staff regarding how to proceed.
- Adopt Action Document C, a Resolution adopting the provisions of Elections Code Section 9285(a) by which rebuttal arguments would be permitted, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING THE PROVISIONS OF ELECTIONS CODE SECTION 9285(a), AND THEREBY PERMITTING THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES; and

If the Council takes action to call for an election, adopt a motion by which to appropriate \$50,000 from General Fund Unassigned Reserve to the City Clerk Professional Services account (31-2230) for election services.

NEW BUSINESS

There are no New Business items.

PUBLIC COMMENTS (Continued)

CITY COUNCIL REORGANIZATION

- A. COUNCIL REORGANIZATION
- B. RECOGNITION OF OUTGOING MAYOR

RECEPTION

REFRESHMENTS WILL BE SERVED – THE PUBLIC IS INVITED.

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 agendized 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-agendized items may be presented as informational only.

ADJOURNMENT

The next Regular Meeting of the City Council will be January 19, 2016, 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 Wednesday, November 25, 2015, at 5:30 p.m.

KATHY M. WARD, CITY CLERK

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.