

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**MONDAY
JANUARY 24, 2011
5:00 P.M.**

REVISED AGENDA

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

Next City Council Ordinance No. 11-01

CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS:

Scott Schoeffel, Mayor
Lara Anderson, Mayor Pro Tem
Lisa A. Bartlett, Council Member
William P. Brough, Council Member
Steven H. Weinberg, Council Member

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Government Code § 54956.9 (c), (1 case)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case)
 - 1. Name of Case: Russel Thompson vs. City of Dana Point; Orange County Case Number: 07CC04217
- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), Name of cases: City of Dana Point v. Holistic Health - 30-201000352106; City of Dana Point v. Beach Cities Collective – 30-201000352103; City of Dana Point v. The Point Alternative Care - 30-201000352093

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

January Business of the Month – Danmans Music School & Academy
OCTA I-5 Widening Presentation
Proclamation to Angela Duzich – 20 Years of Service

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.

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

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, JANUARY 10, 2011](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, DECEMBER 20, 2010](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION ACTIONS, MEETING OF JANUARY 17, 2011](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [YOUTH BOARD MEETING MINUTES, JANUARY 6, 2011](#)

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. **COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2010**

RECOMMENDED ACTION: That the City Council receive and file the Comprehensive Annual Financial Report ("CAFR") for the year ended June 30, 2010.

9. **DOCTOR'S AMBULANCE TRANSFER AGREEMENT**

RECOMMENDED ACTION: That the City Council approve the Consent to Transfer Agreement between Herren Enterprises, Inc., operating as Doctor's Ambulance Service and American Medical Response Ambulance Service, Inc. for the Exclusive Operating Area #39 (Dana Point) and authorize the City Manager to execute all associated transfer documents.

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

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a contract extension with Van Scoyoc Associates with five (5) additional one-year renewal options.

11. **SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING CHAPTER 12.08.050 OF THE MUNICIPAL CODE TO ADDRESS PARKING OF COMMERCIAL AND RECREATIONAL VEHICLES ON PUBLIC STREETS IN THE CITY OF DANA POINT**

RECOMMENDED ACTION: That the City Council hold the second reading and adopt an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING CHAPTER 12.08.050 OF THE DANA POINT MUNICIPAL CODE TO ADDRESS PARKING OF COMMERCIAL AND RECREATIONAL VEHICLES ON PUBLIC STREETS.

12. **OCTA INTERSTATE 5 (I-5) HIGH OCCUPANCY VEHICLE (HOV) LANE PROJECT BETWEEN AVENIDA PICO AND CAMINO CAPISTRANO/SAN JUAN CREEK ROAD**

RECOMMENDED ACTION: That the City Council receive and file this summary staff report and the associated presentation that is being made by the Orange County Transportation Authority (OCTA) for the I-5 HOV Lane Project (Project).

13. **APPROVAL OF A CONSULTANT SERVICES AGREEMENT WITH ULTRASYSTEMS FOR ENVIRONMENTAL SERVICES RELATED TO THE CONSTRUCTION OF THE DOHENY HOTEL**

RECOMMENDED ACTION: That the City Council 1) approve UltraSystems as the environmental consultant for preparation of an Environmental Impact Report (EIR) for the Doheny Hotel project, and 2) authorize the City Manager to enter into an agreement with UltraSystems.

14. [AUTHORIZATION TO PROCEED WITH REMOVAL OF THE EASTERLY CROSSWALK ON PCH AT THE INTERSECTION OF PACIFIC COAST HIGHWAY AND SELVA ROAD PURSUANT TO SECTION 21950 OF THE CALIFORNIA VEHICLE CODE](#)

RECOMMENDED ACTION: That the City Council 1) accept the removal of the crosswalk on PCH on the easterly leg of the intersection of Pacific Coast Highway and Selva Road, pursuant to California Vehicle Code Section 21950; and 2) authorize Staff to proceed with the removal in conjunction with other work at the intersection.

15. [A RESOLUTION ADDING TERMS OF SERVICE FOR THE TRAFFIC IMPROVEMENT SUBCOMMITTEE](#)

RECOMMENDED ACTION: That the City Council adopt a Resolution adding terms of service for the Traffic Improvement Subcommittee entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADDING TERMS OF SERVICE FOR THE TRAFFIC IMPROVEMENT SUBCOMMITTEE.

16. [AWARD OF CONTRACT FOR THE STAGE AND SOUND SYSTEM FOR THE 2011 CITY OF DANA POINT CALENDAR OF EVENTS](#)

RECOMMENDED ACTION: That the City Council approve the following for stage and sound system for the 2011 City of Dana Point Calendar of Events: 1) contract with Southern California Sound, Stage, and Lighting Corporation, dba Star Way Productions for stage and sound for 15 special events in the 2011 City of Dana Point Calendar of Events; and 2) authorize the City Manager to execute the agreement.

17. [AWARD OF CONTRACTS FOR LANDSCAPE MAINTENANCE SERVICES FOR CITY PARKS AND RIGHTS-OF-WAY](#)

RECOMMENDED ACTION: That the City Council 1) award a contract to Soto Company for landscape maintenance services for City parks; 2) award a contract to Pinnacle Landscape for landscape maintenance services for City rights-of-way; and 3) authorize the City Manager to execute the contracts:

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. [**ZONE TEXT AMENDMENT ZTA10-0002 - INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING CHAPTERS 9.35.050 AND 9.75.010 OF THE MUNICIPAL CODE TO ADDRESS VEHICULAR ACCESS TO PROPERTY**](#)

RECOMMENDED ACTION: That the City Council conduct a Public Hearing and introduce and hold the first reading of an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING CHAPTERS 9.35.050 AND 9.75.010 OF THE DANA POINT MUNICIPAL CODE TO ADDRESS VEHICULAR ACCESS TO PROPERTY.

UNFINISHED BUSINESS

19. [**TOURISM BUSINESS IMPROVEMENT DISTRICT**](#)

RECOMMENDED ACTION: That the City Council appoint two members of City Council to meet with Tourism Business Improvement District (TBID) Advisory Board in preparation for Dana Point brand launch.

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 February 14, 2011, 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, January 20, 2011, at 5:00 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.