

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
JULY 17, 2012
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 12-07

CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS:

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

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b1), (3 cases)

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Volunteer of the Month – Rene Cortez
Certificate of Recognition Girl Scout Gold Award
Presentation of Marine Regiment Guide on Standard

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 19, 2012](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, JUNE 11, 2012](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION MEETING MINUTES, JUNE 25, 2012](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [PLANNING COMMISSION ACTIONS, MEETING OF JULY 9, 2012](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. [OCEAN WATER QUALITY SUBCOMMITTEE MEETING MINUTES, MARCH 27, 2012](#)

RECOMMENDED ACTION: That the City Council receive and file.

7. [ARTS AND CULTURE COMMISSION MEETING MINUTES, MAY 16, 2012](#)

RECOMMENDED ACTION: That the City Council receive and file.

8. [ARTS AND CULTURE COMMISSION MEETING MINUTES, JUNE 20, 2012](#)

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. [CITY TREASURER'S REPORT, JUNE 2012](#)

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of June 2012.

11. **CLAIMS AND DEMANDS**

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

12. **CHARITABLE DONATION TO FIFTH MARINE SUPPORT GROUP FOR OPERATION ENDURING FREEDOM MEMORIAL**

RECOMMENDED ACTION: That the City Council approve subject donation in support of our adopted Fifth Marine Regiment at Camp Pendleton in remembrance of those who gave their lives in Afghanistan during Operating Enduring Freedom.

13. **DANA POINT DESTINY AD HOC COMMITTEE MINUTES, APRIL 25, 2012**

RECOMMENDED ACTION: That the City Council receive and file.

14. **DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT QUARTERLY REPORT FOR APRIL - JUNE 2012**

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

15. **WATER QUALITY IMPROVEMENTS FOR DOHENY STATE PARK BEACH**

RECOMMENDED ACTION: That the City Council authorize the Mayor to send a request for support to various agencies for funding and technical assistance to help improve water quality at Doheny State Park Beach.

16. **ADOPTION OF A RESOLUTION OF THE CITY COUNCIL AUTHORIZING APPLICATION FOR FUNDS FOR WATER QUALITY IMPROVEMENT PROJECTS UNDER THE ORANGE COUNTY TRANSPORTATION AGENCY MEASURE M2 ENVIRONMENTAL CLEAN UP FUNDING PROGRAM**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING APPLICATION(S) FOR FUNDS FOR THE ENVIRONMENTAL CLEANUP, TIER 1 & TIER 2 GRANT PROGRAMS UNDER ORANGE COUNTY LOCAL TRANSPORTATION ORDINANCE NO. 3 FOR APPLICABLE WATER QUALITY PROJECTS; and

2) authorize the City Manager, or his designee, to sign grant documents, and 3) authorize the Mayor to sign the Resolution on behalf of the City.

17. **ADOPTION OF A RESOLUTION GRANTING TWO EASEMENTS BETWEEN THE CITY OF DANA POINT AND SOUTH COAST WATER DISTRICT FOR THE PLACEMENT AND FUTURE MAINTENANCE OF WATER WELL FACILITIES AT CREEKSIDE PARK**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, GRANTING TWO PERMANENT EASEMENTS FROM THE CITY OF DANA POINT TO SOUTH COAST WATER DISTRICT FOR THE PLACEMENT AND MAINTENANCE OF WATER WELL FACILITIES AT CREEKSIDE PARK.

18. AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE PACIFIC COAST HIGHWAY PAVEMENT REHABILITATION PROJECT FY 12/13

RECOMMENDED ACTION: That the City Council 1) approve the construction contract documents required for the "Pacific Coast Highway Pavement Rehabilitation Project FY 12/13"; 2) approve award of a contract to All American Asphalt for construction of the Pacific Coast Highway Pavement Rehabilitation Project FY 12/13 (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, soils and material testing, and construction design support for the project as noted in the Fiscal Impact Section; and 3) approve a Consultant Services Agreement for surveying services.

19. PCH/DEL PRADO STREET IMPROVEMENT PROJECT PHASE I LANDSCAPING ADJUSTMENT

RECOMMENDED ACTION: That the City Council 1) review and approve an adjustment to the landscaping scheme for the PCH/Del Prado Street Improvement Project Phase I and 2) approve an amendment to the project design and Tipu Tree management.

20. AESTHETIC CORRIDOR GUIDELINES AND LANDSCAPE CONCEPT PLANS INCLUDING DECORATIVE BRIDGE FEATURES FOR THE PLANNED INTERSTATE 5 HIGH OCCUPANCY VEHICLE (HOV) LANE PROJECT FROM AVENIDA PICO TO SAN JUAN CREEK ROAD

RECOMMENDED ACTION: That the City Council receive and file the Aesthetic Corridor Guidelines and Concept Plans for the Interstate 5 Freeway HOV Lane Project from Avenida Pico to San Juan Creek Road.

21. AUTHORIZATION TO DESIGNATE CITY HISTORIC RESOURCES ON THE CITY'S HISTORIC RESOURCE REGISTER

RECOMMENDED ACTION: That the City Council authorize the designation of two historic City resources on the City's Historic Resource Register.

22. HISTORIC PRESERVATION AGREEMENT (MILLS ACT) FOR THE PROPERTY LOCATED AT 34091 PACIFIC COAST HIGHWAY

RECOMMENDED ACTION: That the City Council authorize the Mayor to sign a Historic Property Preservation Agreement which would allow the property owners of the historic structure at 34091 Pacific Coast Highway to participate in the State's Mills Act Program.

23. **APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF ORANGE AND PARTICIPANTS FOR USE OF THE COUNTY-WIDE MASS NOTIFICATION SYSTEM**

RECOMMENDED ACTION: That the City Council 1) approve the Memorandum of Understanding (MOU) between the County of Orange and Participants for Use of the County-Wide Mass Notification System; and 2) authorize the City Manager to sign the MOU and all future updates.

24. **ADOPTION OF A RESOLUTION DESIGNATING THE CITY TO BECOME A HEALTHY EATING ACTIVE LIVING (HEAL) CITY**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DESIGNATING THE CITY OF DANA POINT TO BECOME A HEALTHY EATING ACTIVE LIVING (HEAL) CITY.

25. **ADOPTION OF A RESOLUTION FOR CLOSURE OF CITY HALL ON THREE SUCCESSIVE FRIDAYS BEGINNING AUGUST 17, 2012 THROUGH AUGUST 31, 2012**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ESTABLISHING THE CLOSURE OF CITY HALL ON THREE SUCCESSIVE FRIDAYS BEGINNING AUGUST 17, 2012 THROUGH AUGUST 31, 2012.

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

26. 2012 WEED ABATEMENT PROGRAM

RECOMMENDED ACTION: That the City Council conduct a hearing on the Weed Abatement Cost Report and, thereafter, adopt a Resolution confirming the Cost Report 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 AND PROVIDING FOR THE COLLECTION ON THE REGULAR TAX BILL.

UNFINISHED BUSINESS

27. UPDATE – EFFORTS TO OBTAIN INSURANCE FOR POTENTIAL “QUIET ZONE” DESIGNATION FOR BEACH ROAD AT-GRADE CROSSING

RECOMMENDED ACTION: That the City Council receive and file an update from staff of the City's efforts to obtain insurance as a precursor to the City's pursuit of a “Quiet Zone” designation for the Beach Road at-grade crossing.

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 September 18, 2012, 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, July 12, 2012, 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.