

# CITY OF DANA POINT

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## **CITY COUNCIL REGULAR MEETING**



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

## **ACTION AGENDA**

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

Next City Council Ordinance No. 12-07

## **CALL TO ORDER**

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Anderson at 5:00 p.m. in the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point.

## **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 (*arrived at 5:02 p.m.*)

## **CLOSED SESSION**

City Attorney Munoz indicated that there was a need for a Closed Session as follows:

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

City Attorney Munoz stated that one of the Closed Session items could be listed as either Anticipated or Existing Litigation and that item is in regards to The People ex. rel. City of Dana Point v. Beach Cities Collective, et al.: 30-2010- 00352103.

Mayor Anderson recessed the meeting into a Closed Session at 5:01 p.m. pursuant to Government Code Section 54956 et seq.

## **RECONVENE CITY COUNCIL MEETING – CALL TO ORDER**

Mayor Anderson reconvened the meeting at 6:00 p.m. All Council Members were present.

STAFF PRESENT: Douglas C. Chotkevys, City Manager; A. Patrick Munoz; City Attorney; Kathy Ward, City Clerk; Mike Killebrew, Assistant City Manager; Mike Rose, Director of Disaster Preparedness; Lt. Lynn Koehmstedt, Police Services; Kyle Butterwick, Director of Community Development; Brad Fowler, Director of Public Works/Engineering; Kevin Evans, Director of Community Services and Parks; John Tilton, City Architect; Lynn Kelly, Management Analyst; Christy Teague, Economic Development Manager; Mark Sutton, Building Official; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk

## **CLOSED SESSION ANNOUNCEMENT**

City Attorney Munoz stated that the City Council had voted unanimously to direct staff to proceed forward with proceedings under Health and Safety Code Section 17980.6 with that certain real property located at 34447 Camino El Molino. He added that this is a procedure by which the City will seek a Court appointed receiver to proceed forward with dealing with the dangerous and substandard conditions at the property generally known as the Stahl property.

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Karin Schnell, Chairwoman of the Arts and Culture Commission.

## **INVOCATION**

The Invocation was provided by Veterans of Foreign Wars Post 9934 Chaplain Mori Hansen.

## **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**

Council Member Brough removed Items 2 and 24 and members of the public removed Items 15 and 21 from the Consent Calendar.

Council Member Brough also recused himself from Item 16 and announced that he had a potential conflict of interest.

IT WAS MOVED BY MAYOR PRO TEM WEINBERG, SECONDED BY COUNCIL MEMBER BARTLETT, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 2, 15, 21 AND 24.

The motion carried by the following vote:

AYES: Council Member Lisa Bartlett, Council Member William Brough, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg and Mayor Lara Anderson

NOES: None

ABSENT: None

**1. WAIVE THE READING OF ORDINANCES AND APPROVE READING BY TITLE ONLY**

APPROVED 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**

Council Member Brough removed this item from the Consent Calendar.

IT WAS MOVED BY MAYOR PRO TEM WEINBERG, SECONDED BY COUNCIL MEMBER BARTLETT, THAT THE CITY COUNCIL APPROVE THE MINUTES.

The motion carried by the following vote:

AYES: Council Member Lisa Bartlett, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg and Mayor Lara Anderson

NOES: None

ABSTAIN: Council Member William Brough

**3. PLANNING COMMISSION MEETING MINUTES, JUNE 11, 2012**

RECEIVED AND FILED.

**4. PLANNING COMMISSION MEETING MINUTES, JUNE 25, 2012**

RECEIVED AND FILED.

**5. PLANNING COMMISSION ACTIONS, MEETING OF JULY 9, 2012**

RECEIVED AND FILED.

**6. OCEAN WATER QUALITY SUBCOMMITTEE MEETING MINUTES, MARCH 27, 2012**

RECEIVED AND FILED.

**7. ARTS AND CULTURE COMMISSION MEETING MINUTES, MAY 16, 2012**

RECEIVED AND FILED.

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**8. ARTS AND CULTURE COMMISSION MEETING MINUTES, JUNE 20, 2012**

RECEIVED AND FILED.

**9. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR**

RECEIVED AND FILED.

**10. CITY TREASURER'S REPORT, JUNE 2012**

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF JUNE 2012.

**11. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

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

APPROVED 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**

RECEIVED AND FILED.

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

RECEIVED AND FILED THIS REPORT.

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

A member of the public removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY COUNCIL MEMBER BARTLETT, 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.

The motion carried by the following vote:

AYES: Council Member Lisa Bartlett, Council Member William Brough, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg and Mayor Lara Anderson

NOES: None

ABSENT: None

**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**

Council Member Brough recused himself from this item due to a potential conflict of interest.

**ADOPTED RESOLUTION 12-07-17-01 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*

*AUTHORIZED THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN GRANT DOCUMENTS, AND AUTHORIZED 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**

**ADOPT RESOLUTION 12-07-17-02 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**

*APPROVED THE CONSTRUCTION CONTRACT DOCUMENTS REQUIRED FOR THE "PACIFIC COAST HIGHWAY PAVEMENT REHABILITATION PROJECT FY 12/13"; APPROVED 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 APPROVED A CONSULTANT SERVICES AGREEMENT FOR SURVEYING SERVICES.*

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

REVIEWED AND APPROVED AN ADJUSTMENT TO THE LANDSCAPING SCHEME FOR THE PCH/DEL PRADO STREET IMPROVEMENT PROJECT PHASE I AND APPROVED 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**

RECEIVED AND FILED 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**

A member of the public removed this item from the Consent Calendar.

IT WAS MOVED BY MAYOR PRO TEM WEINBERG, SECONDED BY COUNCIL MEMBER BROUGH, THAT THE CITY COUNCIL AUTHORIZE THE DESIGNATION OF TWO HISTORIC CITY RESOURCES ON THE CITY'S HISTORIC RESOURCE REGISTER.

The motion carried by the following vote:

AYES: Council Member Lisa Bartlett, Council Member William Brough, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg and Mayor Lara Anderson

NOES: None

ABSENT: None

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

AUTHORIZED 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**

APPROVED THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE COUNTY OF ORANGE AND PARTICIPANTS FOR USE OF THE COUNTY-WIDE MASS NOTIFICATION SYSTEM; AND AUTHORIZED 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**

Council Member Brough removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM WEINBERG, THAT THE CITY COUNCIL ADOPT **RESOLUTION 12-07-17-04** 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.*

The motion carried by the following vote:

AYES: Council Member Lisa Bartlett, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg and Mayor Lara Anderson

NOES: Council Member William Brough

ABSENT: None

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

ADOPT **RESOLUTION 12-07-17-03** 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.*

**PUBLIC COMMENTS**

Carlos N. Olvera  
Stephen Crane

**PUBLIC HEARINGS**

**26. 2012 WEED ABATEMENT PROGRAM**

IT WAS MOVED BY MAYOR PRO TEM WEINBERG, SECONDED BY COUNCIL MEMBER SCHOEFFEL, THAT THE CITY COUNCIL CONDUCT A HEARING ON THE WEED ABATEMENT COST REPORT AND, THEREAFTER, ADOPT **RESOLUTION 12-07-17-05** 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.*

The motion carried by the following vote:

AYES: Council Member Lisa Bartlett, Council Member William Brough, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg and Mayor Lara Anderson

NOES: None

ABSENT: None

## **UNFINISHED BUSINESS**

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

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY COUNCIL MEMBER BARTLETT, THAT THE CITY COUNCIL DIRECT STAFF TO EXPLORE WITH THE ASSISTANCE OF THE CITY ATTORNEY THE COMMENCEMENT OF THE QUIET ZONE DESIGNATION PROCESS, IF NECESSARY; SUBJECT TO THE SATISFACTION OF THE INSURANCE REQUIREMENT.

The motion carried by the following vote:

AYES: Council Member Lisa Bartlett, Council Member William Brough, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg and Mayor Lara Anderson

NOES: None

ABSENT: None

## **NEW BUSINESS**

There were no New Business items.

## **PUBLIC COMMENTS (Continued)**

There were no additional Public Comments.

## **STAFF REPORTS**

## **COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED**

## **ADJOURNMENT**

There being no further business before the City Council at this session, Mayor Anderson adjourned the meeting at 7:00 p.m. in the memory of Jacquie Krum, a longtime member of the Dana Point Women's Club and the Dana Point Yacht Club. She announced that the next Regular Meeting of the City Council will be held on September 18, 2012, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.