

# CITY OF DANA POINT

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## **CITY COUNCIL REGULAR MEETING**



**TUESDAY  
APRIL 19, 2016  
5:00 P.M.**

## **AGENDA**

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

Next City Council Ordinance No. 16-03

## **CALL TO ORDER**

## **ROLL CALL OF CITY COUNCIL MEMBERS:**

John A. Tomlinson, Mayor  
Richard A. Viczorek, Mayor Pro Tem  
Joseph L. Muller, Council Member  
Carlos N. Olvera, Council Member  
J. Scott Schoeffel, 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 – 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 – Sundara Salon  
Employee of the Month – Kevin Evans  
Donate Life Month

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## 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, MARCH 15, 2016](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

**3. [SPECIAL MEETING MINUTES, MARCH 16, 2016](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

**4. [PLANNING COMMISSION MEETING MINUTES, FEBRUARY 22, 2016](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**5. [PLANNING COMMISSION MEETING MINUTES, MARCH 28, 2016](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**6. [PLANNING COMMISSION ACTIONS, MEETING OF APRIL 11, 2016](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**7. [TOURISM IMPROVEMENT BUSINESS DISTRICT MINUTES, MARCH 1, 2016](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**8. [TOURISM IMPROVEMENT BUSINESS DISTRICT MINUTES, MARCH 22, 2016](#)**

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, MARCH 2016](#)**

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of March 2016.

11. [CLAIMS AND DEMANDS](#)

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

12. [BIANNUAL CAMPAIGN CONTRIBUTION AND EXPENDITURE LIMITS ADJUSTMENT](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADJUSTING THE CAMPAIGN CONTRIBUTION AND CAMPAIGN LOAN LIMITS TO REFLECT CHANGES IN THE CONSUMER PRICE INDEX, AS REQUIRED BY SECTION 2.05.058 OF THE DANA POINT MUNICIPAL CODE

13. [LETTER IN SUPPORT OF H.R. 3643 INTERIM CONSOLIDATED STORAGE ACT OF 2015](#)

RECOMMENDED ACTION: That the City Council authorize the Mayor to send a letter in support of H.R. 3643 on behalf of the City Council.

14. [DOHENY VILLAGE PLAN UPDATE](#)

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

15. [CR&R WASTE FRANCHISE AGREEMENT BIENNIAL AUDIT CONTRACT WITH HF&H CONSULTANTS, LLC](#)

RECOMMENDED ACTION: That the City Council 1) award a professional services contract to HF&H Consultants, LLC for a biennial solid waste franchise performance audit, and 2) authorize the City Manager or his designee to execute the professional services agreement.

16. [APPROVAL OF ART IN PUBLIC PLACES MURAL FOR LOCAL BUSINESS – 34150 PACIFIC COAST HIGHWAY](#)

RECOMMENDED ACTION: That the City Council approve the proposed public art mural design located at 34150 Pacific Coast Highway, Dana Point as recommended by the Arts and Culture Commission.

17. [ENDORSEMENT OF THE CALIFORNIA CULTURAL HERITAGE ART DISPLAY IN DANA POINT](#)

RECOMMENDED ACTION: That the City Council consider supporting the Arts and Culture Commission recommendation to endorse a public art display themed “California’s Cultural Heritage” in Dana Point.

18. [NATIONAL ARTS AND HUMANITIES MONTH – OCTOBER 2016](#)

RECOMMENDED ACTION: That the City Council 1) declare October 2016 as National Arts and Humanities Month and 2) approve a Resolution declaring October 2016 as National Arts and Humanities Month entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DECLARING OCTOBER 2016 AS NATIONAL ARTS AND HUMANITIES MONTH.

**19. AMENDMENT TO CHAPTER 2.20 OF THE DANA POINT MUNICIPAL CODE ENTITLED "EMERGENCY ORGANIZATION"**

RECOMMENDED ACTION: That the City Council 1) adopt a Resolution relative to Workers' Compensation Benefits for Registered Disaster Service Workers entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, RELATIVE TO WORKERS' COMPENSATION BENEFITS FOR REGISTERED DISASTER SERVICE WORKER VOLUNTEERS; and

2) Amend the Municipal Code, Chapter 2.20, "Emergency Organization" by introducing and holding a first reading of the Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 2.20 ENTITLED "EMERGENCY ORGANIZATION" OF THE DANA POINT MUNICIPAL CODE; and

3) Authorize the City Manager to sign correspondence between the City and the State of California with regard to these actions.

**20. APPROVAL OF COOPERATIVE AGREEMENT WITH THE COUNTY OF ORANGE COUNTY FOR CONSTRUCTION OF THE COAST HIGHWAY PEDESTRIAN CROSSING PHASE 1 PROJECT**

RECOMMENDED ACTION: That the City Council 1) approve the Cooperative Agreement, 2) consent to the County Highway declaration for a portion of Coast Highway during construction, and 3) authorize the Mayor to sign the document.

**21. APPROVAL OF A FIRST AMENDMENT TO THE CONTRACT AGREEMENT WITH JM ELECTRIC FOR AS-NEEDED INSPECTION AND CONSTRUCTION SERVICES**

RECOMMENDED ACTION: That the City Council 1) authorize the City Manager to execute a First Amendment to the Contract Agreement with JM Electric, Incorporated for as-needed electrical inspection and construction establishing the annual not-to-exceed amount for this multi-year Agreement outlined in the Fiscal Impact Section.

**22. DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT QUARTERLY REPORT FOR JANUARY-MARCH 2016**

RECOMMENDED ACTION: That the City Council receive and file.

**23. AMENDMENT OF CONSULTANT SERVICES AGREEMENT BY AND BETWEEN THE CITY OF DANA POINT AND SZFM DESIGN STUDIOS**

RECOMMENDED ACTION: That the City Council ratify the agreement entered between the City and SZFM Design Studio for review and design services previously executed by the City Manager pursuant to his spending authority, and amend the agreement to an amount as listed in the Fiscal Impact Section.

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

24. [COASTAL DEVELOPMENT PERMIT CDP15-0021\(1\), AMENDING CDP15-0021 CONCERNING THE REGULATION OF HOURS OF OPERATION OF STRAND ACCESS AREAS, INCLUDING STRAND VISTA PARK AND THE BEACH ACCESS WAYS, LOCATED AT THE DANA POINT HEADLANDS, MODIFICATION OF PROVISIONS REGARDING GATES AT THE MID-STRAND BEACH ACCESS AND CENTRAL STRAND BEACH ACCESS, AND INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 13.04, PARKS AND RECREATIONAL FACILITIES REGULATIONS, OF THE MUNICIPAL CODE TO REFLECT MODIFIED HOURS OF USE IN THE STRAND ACCESS AREAS](#)

RECOMMENDED ACTION: That the City Council conduct a Public Hearing.

## UNFINISHED BUSINESS

25. [2016 ABATEMENT PROGRAM, AUTHORIZATION TO ABATE WEEDS](#)

RECOMMENDED ACTION: That the City Council hear any objections regarding weed abatement and thereafter adopt one of the two attached Resolutions as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, OVERRULING OBJECTIONS AND PROCEEDING WITH WEED ABATEMENT.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA,  
HEARING NO OBJECTIONS AND PROCEEDING WITH WEED ABATEMENT.

## NEW BUSINESS

26. [APPROVAL OF LEASE AGREEMENT WITH H & K TAKENAGA ENTERPRISES, INC. FOR USE OF PRIVATE PARKING INTO SHARED, PUBLIC PARKING AT 34119 PACIFIC COAST HIGHWAY](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF DANA POINT AND H & K TAKENAGA ENTERPRISES, INC. AUTHORIZING THE CITY ATTORNEY TO APPROVE NON-SUBSTANTIVE CHANGES TO THE AGREEMENT AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

## 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 May 3, 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 Thursday, April 14, 2016, 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.