

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
JANUARY 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. 16-01

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

- C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Government Code § 54956.8

Location: Assessor's Parcel Number 682-172-11
Agency Negotiator: Doug Chotkevys, City Manager
Negotiating Parties: City of Dana Point and County of Orange and Saddleback Community College District
Under Negotiation: Price and terms of agreement relating to property

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 – Casanova Ristorante
Employee of Month – Jeff Rosaler

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, DECEMBER 1, 2015](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

3. **[SPECIAL MEETING MINUTES, DECEMBER 14, 2015](#)**

RECOMMENDED ACTION: That the City Council approve the minutes

4. **[PLANNING COMMISSION MEETING MINUTES, NOVEMBER 23, 2015](#)**

RECOMMENDED ACTION: That the City Council receive and file.

5. **[PLANNING COMMISSION MEETING MINUTES, DECEMBER 14, 2015](#)**

RECOMMENDED ACTION: That the City Council receive and file.

6. **[YOUTH BOARD MEETING MINUTES, DECEMBER 3, 2015](#)**

RECOMMENDED ACTION: That the City Council receive and file.

7. **[WATER AND SEWER COMMITTEE ACTIONS, MEETING OF APRIL 30, 2015](#)**

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

9. **CITY TREASURER'S REPORT, NOVEMBER 2015**

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of November, 2015

10. **CLAIMS AND DEMANDS**

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

11. **SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADDING CHAPTER 5.40 TO THE DANA POINT MUNICIPAL CODE TO PROHIBIT ALL CANNABIS RELATED USES, COMMERCIAL CANNABIS ACTIVITIES, AND THE DELIVERY AND CULTIVATION OF CANNABIS IN THE CITY**

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADDING CHAPTER 5.40 TO THE DANA POINT MUNICIPAL CODE TO PROHIBIT ALL CANNABIS RELATED USES, COMMERCIAL CANNABIS ACTIVITIES, AND THE DELIVERY AND CULTIVATION OF CANNABIS IN THE CITY.

12. **PARK/MEDIAN PROJECTS UPDATE AND PLAN ADJUSTMENTS**

RECOMMENDED ACTION: That the City Council approve adjustments to current planned and budgeted Park/Median Projects and approve funding and contract adjustments.

13. **DOHENY VILLAGE PLAN UPDATE**

RECOMMENDED ACTION: That the City Council:

1. Receive and file the status report.
2. Approve a budget transfer of \$57,600 from the General Fund's fund balance into account 56-2230 for additional City traffic engineering services.

14. **AFFORDABLE CARE ACT SAFE HARBORS**

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 LOOK BACK MEASUREMENT SAFE HARBOR AND AFFORDABILITY SAFE HARBORS UNDER THE PATIENT PROTECTION AND AFFORDABLE CARE ACT (ACA).

15. ANNUAL REVIEW OF THE INVESTMENT POLICY

RECOMMENDED ACTION: That the City Council approve the City's Statement of Safekeeping and Investment of Public Funds Policy ("Investment Policy").

16. RECOMMENDED 2016 SUMMER TROLLEY PLAN ADJUSTMENTS

RECOMMENDED ACTION: That the City Council receive and authorize staff to submit a grant proposal to OCTA.

17. SCOPE OF WORK FOR THE 2016 COMPREHENSIVE GENERAL PLAN UPDATE REQUEST FOR PROPOSALS

RECOMMENDED ACTION: That the City Council confirm the scope of work for the comprehensive update to the Dana Point General Plan request for proposals.

18. HOMELESS TASK FORCE UPDATE AND APPROVAL OF AN AGREEMENT BY AND BETWEEN THE CITY OF DANA POINT AND MERCY HOUSE

RECOMMENDED ACTION: That the City Council receive and file report and direct the City Manager to execute a consultant services agreement by and between the City of Dana Point and Mercy House (the "Agreement") to conduct homeless outreach efforts in conjunction with Police Services and prepare a Housing Placement Strategy.

19. AMENDMENT TO CONSULTANT SERVICES AGREEMENT BY AND BETWEEN THE CITY OF DANA POINT AND MICHAEL BAKER INTERNATIONAL

RECOMMENDED ACTION: That the City Council authorize the City Manager to ratify the agreement and execute the First Amendment to the consultant services agreement (the "First Amendment"), by and between the City and Michael Baker International (the "Consultant") to prepare the Environmental Impact Report ("EIR") for the Doheny Village Plan (the "Plan").

20. PLANNING SERVICES AGREEMENT WITH LILLEY PLANNING GROUP

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a consultant services agreement (the "Agreement") by and between the City and Lilley Planning Group (the "Consultant") for Planning services for the Community Development Department.

21. AMENDMENT OF CONSULTANT SERVICES AGREEMENT BY AND BETWEEN THE CITY OF DANA POINT AND NELSON/NYGAARD CONSULTING ASSOCIATES FOR SERVICES RELATED TO THE TRAFFIC IMPACT ANALYSIS FOR THE DOHENY VILLAGE PLAN ENVIRONMENTAL IMPACT REPORT

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute an amendment (the "First Amendment") to the Agreement for Consultant Services by and between the City of Dana Point and Nelson/Nygaard Consulting Associates (the "Consultant").

22. **YOUTH AND GROUP FACILITY – DANA POINT HARBOR JOINT PROPOSAL WITH SADDLEBACK COLLEGE**

RECOMMENDED ACTION: That the City Council receive the written staff report at the City Council meeting.

23. **ORANGE COUNTY TRANSPORTATION AUTHORITY PROPOSED 2016 BUS SERVICE PLAN**

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

24. **RATIFICATION OF AGREEMENT WITH RICHARDS, WATSON AND GERSHON FOR SPECIALIZED LEGAL SERVICES**

RECOMMENDED ACTION: That the City Council adopt a motion ratifying the agreement entered between the City and Richards, Watson and Gershon (“RWG”) for legal services previously executed by the City Manager pursuant to his spending authority, in order to authorize the continuation of services pursuant to that agreement in the event the costs incurred exceed the limits of the City Manager’s spending authority.

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

25. **CONDUCT A PUBLIC HEARING AND HOLD A SPECIAL ELECTION FOR THE CITY OF DANA POINT COMMUNITY FACILITIES DISTRICT NO. 2015-1 (DOHENY BEACH) AND ADOPT VARIOUS RESOLUTIONS AND AN ORDINANCE FORMING THE DISTRICT**

RECOMMENDED ACTION:

It is recommended that the City Council receive and file the Community Facilities District Report prepared by David Taussig & Associates, Inc. and conduct a Public Hearing regarding (a) the establishment of Community Facilities District No. 2015-1 (Doheny Beach) ("CFD No. 2015-1").

If following such Public Hearing, no majority protest has been filed pertaining to the establishment of CFD No. 2015-1 or the levy of special taxes within CFD No. 2015-1, consider adopting the following Resolutions:

A. Approve and adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING FORMATION OF THE CITY OF DANA POINT COMMUNITY FACILITIES DISTRICT NO. 2015-1 (DOHENY BEACH), AUTHORIZING THE LEVY OF A SPECIAL TAX THEREIN, APPROVING AGREEMENTS, PRELIMINARILY ESTABLISHING AN APPROPRIATIONS LIMIT THEREFOR AND SUBMITTING LEVY OF THE SPECIAL TAX AND THE ESTABLISHMENT OF THE APPROPRIATIONS LIMIT TO THE QUALIFIED ELECTORS THEREOF; and

B. Approve and adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CALLING A SPECIAL ELECTION FOR THE PURPOSE OF APPROVING A SPECIAL TAX IN THE CITY OF DANA POINT COMMUNITY FACILITIES DISTRICT NO. 2015-1 (DOHENY BEACH), THE ISSUANCE OF BONDS BY SAID DISTRICT AND ESTABLISHMENT OF AN APPROPRIATIONS LIMIT; and

C. Approve and adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DETERMINING THE NECESSITY TO INCUR BONDED INDEBTEDNESS WITHIN IMPROVEMENT AREA NO. 1 OF THE CITY OF DANA POINT COMMUNITY FACILITIES DISTRICT NO. 2015-1 (DOHENY BEACH) AND SUBMITTING A PROPOSITION TO THE QUALIFIED ELECTORS.

Should the above Resolutions be adopted, request that the City Clerk tabulate the ballots cast in the special election to be held within CFD No. 2015-1 to enable the qualified electors of CFD No. 2015-1 to consider ballot questions regarding (a) the authorization to levy special taxes within CFD No. 2015-1, (b) the authorization to issue bonds secured by the levy of such special taxes and (c) the establishment of an appropriations limit for CFD No. 2015-1.

If the results of the special elections reveal that the propositions have received the affirmative vote of two-thirds of the votes cast, take the following actions:

D. Approve and adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DECLARING THE RESULTS OF A SPECIAL ELECTION HELD IN THE CITY OF DANA POINT COMMUNITY FACILITIES DISTRICT NO. 2015-1 (DOHENY BEACH) AND DIRECTING RECORDING OF A NOTICE OF SPECIAL TAX LIEN; and

E. Introduce and hold first reading of an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF THE CITY OF DANA POINT COMMUNITY FACILITIES DISTRICT NO. 2015-1 (DOHENY BEACH) LEVYING SPECIAL TAXES WITHIN THE CITY OF DANA POINT COMMUNITY FACILITIES DISTRICT NO. 2015-1 (DOHENY BEACH).

26. [WATER EFFICIENT LANDSCAPE ORDINANCE – ZONE TEXT AMENDMENT ZTA15-0002](#)

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA15-0002, AMENDING THE CITY OF DANA POINT ZONING ORDINANCE, CHAPTER 9.55 FOR THE PURPOSE OF UPDATING THE WATER EFFICIENT LANDSCAPE STANDARDS IN ACCORDANCE WITH THE GOVERNOR'S APRIL 1ST DROUGHT EXECUTIVE ORDER (B-19-15).

UNFINISHED BUSINESS

There are no Unfinished Business items.

NEW BUSINESS

27. [CITY COUNCIL APPOINTED REPRESENTATIVES AND CITY COMMISSIONS, COMMITTEES, SUBCOMMITTEES AND TASK FORCES](#)

RECOMMENDED ACTION: That the City Council:

- 1) Consider appointments of City Council representatives to outside agencies;
- 2) Consider appointments to City committees, subcommittees and task forces; and
- 3) Direct staff to take action as deemed appropriate; and
- 4) Adopt a Resolution (if necessary) entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DESIGNATING AND APPOINTING ITS REPRESENTATIVE TO THE ORANGE COUNTY FIRE AUTHORITY'S BOARD OF DIRECTORS.

28. [THE 2015 TOWN CENTER INITIATIVE CITY COUNCIL DISCUSSION](#)

RECOMMENDED ACTION: That the City Council discuss the Initiative and provide staff with direction as appropriate.

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 2, 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, January 14, 2016, at 5:30 p.m.

KATHY M. WARD, CITY CLERK

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. 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.

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.