

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
JUNE 21, 2016
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 16-05

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), 3 cases
- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, INITIATION OF LITIGATION, Government Code § 54956.9 (d)(4), (1 case): California Regional Water Quality Control Board, San Diego Region

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 – Beach Cities Glass, Inc.
Employee of the Month – Aaron Rosen
City Manager Staff Report

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, MAY 3, 2016](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [SPECIAL MEETING MINUTES, MAY 11, 2016](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

4. [REGULAR MEETING MINUTES, MAY 17, 2016](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

5. [PLANNING COMMISSION MEETING MINUTES, MAY 9, 2016](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. [PLANNING COMMISSION ACTIONS, MEETING OF JUNE 13, 2016](#)

RECOMMENDED ACTION: That the City Council receive and file.

7. [TRAFFIC IMPROVEMENT SUBCOMMITTEE ACTION MINUTES, NOVEMBER 18, 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, APRIL 2016](#)

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

10. [CLAIMS AND DEMANDS](#)

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

11. **RESOLUTION AMENDING THE CITY'S ICMA 457 DEFERRED COMPENSATION PLAN TO PERMIT LOANS**

RECOMMENDED ACTION: That the City Council:

1. Adopt a Resolution amending the International City Management Association Retirement Corporation (ICMA-RC) to permit loans entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING THE ICMA-RC 457 DEFERRED COMPENSATION PLAN TO PERMIT LOANS; and

2. Authorize the City Manager to execute the Loan Administration Agreement.

12. **AMENDMENT TO RESOLUTION TO 89-10-10-02, NATURAL RESOURCES PROTECTION OFFICER CLASS SPECIFICATION, AND SENIOR BUILDING INSPECTOR SALARY RANGE; AND ADOPTION OF CLASS SPECIFICATION AND SALARY RANGE FOR PRINCIPAL PLANNER**

RECOMMENDED ACTION: That the City Council:

1. Amend Resolution No. 89-10-10-2 to include the Natural Resources Protection Officer as a designated City position that may exercise the powers of arrest and issue citations as outlined in Dana Point Municipal Code 1.08.505; and
2. Approve the amended Natural Resources Protection Officer job description; and
3. Authorize the execution of a Side Letter of Agreement with the DPEA relating to the Senior Building Inspector salary range; and
4. Adopt a Resolution entitled:
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING THE SENIOR BUILDING INSPECTOR SALARY RANGE, AND ESTABLISHING A CLASS SPECIFICATION AND SALARY RANGE FOR PRINCIPAL PLANNER.

13. **DOHENY VILLAGE PLAN UPDATE**

RECOMMENDED ACTION: That the City Council receive and file.

14. **CALLING FOR A GENERAL MUNICIPAL ELECTION ON NOVEMBER 8, 2016 TO FILL TWO CITY COUNCIL SEATS**

RECOMMENDED ACTION: That the City Council adopt the following Resolutions entitled:

- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES; and

- B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2016 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE; and
- C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES' STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016.

15. ANNUAL APPROVAL OF THE SEVEN YEAR CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2016-2017 THROUGH FISCAL YEAR 2022-2023 AND AUTHORIZATION TO FORWARD RENEWED MEASURE M ELIGIBILITY DOCUMENTATION TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY

RECOMMENDED ACTION: That the City Council 1) adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADOPTING THE SEVEN YEAR CAPITAL IMPROVEMENT PROGRAM FOR FY2016-17 THROUGH FY2022-23 AS REQUIRED BY THE OCTA RENEWED MEASURE M (M2) PROGRAM.

2) authorize the Director of Public Works and Engineering Services to forward the necessary Renewed Measure M Eligibility documentation to the Orange County Transportation Authority.

16. SECOND READING AND ADOPTION OF ORDINANCE WITH CALIFORNIA COASTAL COMMISSION SUGGESTED MODIFICATIONS TO THE CITY'S APPROVED ZONE TEXT AMENDMENT ZTA13-0001, LOCAL COASTAL PROGRAM AMENDMENT LCPA13-0001; SPECIFIC PLAN AMENDMENT SPA13-0001, AND LOCAL COASTAL PROGRAM AMENDMENT LCPA13-0002 TO AMEND THE CITY'S ZONING ORDINANCE AND THE DANA POINT SPECIFIC PLAN TO ALLOW SHORT TERM RENTALS IN ALL ZONING DISTRICTS WHERE RESIDENTIAL USES ARE ALLOWED

RECOMMENDED ACTION: That the City Council hold a second reading and adopt suggested modifications as approved by the California Coastal Commission in its certification of the City of Dana Point Local Coastal Program Amendment LCPA13-0001 and LCPA13-0002 and forward the adopted suggested modifications to the Coastal Commission for final certification:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA13-0001 TO ALLOW SHORT TERM RENTALS IN ALL THE ZONING DISTRICTS WHERE RESIDENTIAL USES ARE ALLOWED AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA13-0001 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION; and

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING SPECIFIC PLAN AMENDMENT SPA13-0001 TO ALLOW SHORT TERM RENTALS IN ALL THE DISTRICTS WHERE RESIDENTIAL USES ARE ALLOWED WITHIN THE SPECIFIC PLAN'S BOUNDARIES, AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA13-0002 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

17. **ADOPT A RESOLUTION AUTHORIZING THE AGREEMENT AND ACCEPTANCE OF LOCAL ASSISTANCE GRANT FUNDS FROM THE STATE OF CALIFORNIA FOR THE ASSESSMENT OF PACIFIC POCKET MOUSE DISTRIBUTION AND RELATIVE ABUNDANCE WITHIN TWO CITY OF DANA POINT CONSERVATION PARKS (GRANT AGREEMENT NO. P1582107)**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE AGREEMENT AND ACCEPTANCE OF LOCAL ASSISTANCE GRANT FUNDS FROM THE STATE OF CALIFORNIA FOR THE ASSESSMENT OF PACIFIC POCKET MOUSE DISTRIBUTION AND RELATIVE ABUNDANCE WITHIN TWO CITY OF DANA POINT CONSERVATION PARKS (GRANT AGREEMENT NO. P1582107).

18. **AMENDMENT OF CONSULTANT SERVICES AGREEMENT BY AND BETWEEN THE CITY OF DANA POINT AND INTERWEST CONSULTING GROUP**

RECOMMENDED ACTION: That the City Council ratify the agreement entered between the City and Interwest Consulting Group for planning and project management services previously executed by the City Manager pursuant to his spending authority, and amend the amount of the agreement.

19. **ADOPT A RESOLUTION AUTHORIZING THE CITY OF DANA POINT TO SUBMIT THE COAST HIGHWAY CLASS 1 BIKEWAY/PEDESTRIAN WAY PHASE 2 PROJECT FOR THE OCTA BICYCLE CORRIDOR IMPROVEMENT PROGRAM (BCIP) GRANT**

RECOMMENDED ACTION: That the City Council 1) adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE CITY OF DANA POINT TO SUBMIT THE COAST HIGHWAY CLASS 1 BIKEWAY/PEDESTRIAN WAY PHASE 2 PROJECT FOR THE OCTA BICYCLE CORRIDOR IMPROVEMENT PROGRAM (BCIP) GRANT; and

2) authorize the City Manager to sign all needed documentation under the program as previously approved by the Resolution included as Supporting Document B.

20. **ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE ANNUAL RESIDENTIAL ROADWAY RESURFACING PROJECT FY 14/15**

RECOMMENDED ACTION: That the City Council 1) adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PROJECT ENTITLED "ANNUAL RESIDENTIAL ROADWAY RESURFACING PROJECT FY 14/15"; and

2) authorize the funding transfers noted in the Fiscal Impact Section; and 3) authorize David Evans and Associates to complete additional as-needed surveying to address general surveying, and preparation of legal descriptions (for easements and other purposes) citywide per the Fiscal Impact Section.

21. RENEWAL OF PROFESSIONAL SERVICES CONTRACT FOR INFORMATION TECHNOLOGY SERVICES

RECOMMENDED ACTION: That the City Council 1) consider renewing a contract with the City of Brea (BrealT) for contract Information Technology services; and 2) authorize the City Manager to execute the agreement for said professional services.

22. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING AMENDMENTS TO THE SECURITY DEPOSIT AMOUNT APPLICABLE FOR IDENTIFIED COVERED PROJECTS FOR THE CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING PROGRAM, AND RESCINDING RESOLUTION 03-12-10-04

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING AMENDMENTS TO THE SECURITY DEPOSIT AMOUNT APPLICABLE FOR IDENTIFIED COVERED PROJECTS FOR THE CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING PROGRAM AND RESCINDING RESOLUTION 03-12-10-04.

23. FISCAL YEAR-END 2015-16 AND 2016-17 BUDGET UPDATE REPORT AND RESOLUTION ESTABLISHING THE APPROPRIATIONS LIMITS FOR FISCAL YEAR 2016-17

RECOMMENDED ACTION: That the City Council:

A. Receive and file this Fiscal Year 2015-16 and 2016-17 Budget Adjustment Report and authorize the budget amendments detailed within this report; and

B. Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2016-2017.

24. FY 2016-17 LAW ENFORCEMENT SERVICES AGREEMENT

RECOMMENDED ACTION: That the City Council approve the Law Enforcement Services Agreement with the County of Orange for law enforcement services for the 2016-17 Fiscal Year and authorize the City Manager to execute the agreement.

25. FIRST AMENDMENT TO AGE WELL SENIOR SERVICES CONTRACT

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute the first amendment to the contract agreement with Age Well Senior Services, Inc. to provide transportation services for the Senior Mobility Program for an additional five years.

26. 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 to the Agreement for Consultant Services by and between the City of Dana Point and Nelson/Nygaard Consulting Associates.

27. APPROVAL OF CONSULTANT SERVICES AGREEMENT BETWEEN THE CITY OF DANA POINT AND RSM DESIGN FOR SERVICES RELATED TO ECONOMIC DEVELOPMENT MARKETING

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a Consultant Services Agreement for design services by and between the City of Dana Point and RSM Design.

28. APPROVAL OF A CONTRACT WITH PAYMENTUS FOR AN INTERACTIVE VOICE RECOGNITION (IVR) SYSTEM FOR THE COMMUNITY DEVELOPMENT DEPARTMENT

RECOMMENDED ACTION: That the City Council authorize the City Manager to enter into an agreement with Paymentus to provide the City with an Interactive Voice Recognition System (IVR) for the automated scheduling of inspection requests for Building, Planning, and Public Works.

29. AMENDMENT OF CONSULTANT SERVICES AGREEMENT BY AND BETWEEN THE CITY OF DANA POINT AND LILLEY PLANNING GROUP

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute an amendment to the Agreement for Consultant Services by and between the City of Dana Point and Lilley Planning Group.

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

There are no Public Hearing Items.

UNFINISHED BUSINESS

There are no Unfinished Business items.

NEW BUSINESS

30. APPEAL OF TRAFFIC IMPROVEMENT SUBCOMMITTEE ESTABLISHMENT OF BLUE LANTERN PREFERENTIAL PARKING DISTRICT

RECOMMENDED ACTION: That the City Council uphold the Resolution of the Traffic Improvement Subcommittee in establishing a Residential Preferential Parking District on a section of the Street of the Blue Lantern.

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 July 5, 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, June 16, 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.