

# CITY OF DANA POINT

## CITY COUNCIL REGULAR MEETING



**TUESDAY  
JULY 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. 16-05

## 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), (1 case)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (2 cases)

City of Dana Point, et al v Sobertec LLC, et al; Orange County Superior Court  
Case No. 30-2016-00859437-CU-MC-CJC; and

City of Dana Point, et al v. Capo By the Sea, Inc; Orange County Superior Court  
Case No. 30-2016-00859426-CU-MC-CJC

- C. CONFERENCE WITH LABOR NEGOTIATOR, Government Code § 54957.6

Agency Designated Representatives: City Manager  
Unrepresented and Represented Employees: All positions in City

- D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957

Title: City Manager

## **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 - Dana Point Auto Services  
Employee of the Month – Donna Ducharm

## **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 21, 2016](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

### **3. [REGULAR MEETING MINUTES, JULY 5, 2016](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

### **4. [PLANNING COMMISSION MEETING MINUTES, JUNE 13, 2016](#)**

RECOMMENDED ACTION: That the City Council receive and file.

### **5. [PLANNING COMMISSION ACTIONS, MEETING OF JUNE 27, 2016](#)**

RECOMMENDED ACTION: That the City Council receive and file.

### **6. [ARTS AND CULTURE COMMISSION MEETING MINUTES, APRIL 20, 2016](#)**

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

8. **CITY TREASURER REPORTS, MAY AND JUNE, 2016**

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

9. **CLAIMS AND DEMANDS**

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

10. **DOHENY VILLAGE PLAN UPDATE**

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

11. **INTERVENTION SPECIALIST AGREEMENT FY2016-2017**

RECOMMENDED ACTION: That the City Council authorize the City Manager to 1) approve a contract for consultant services for the Intervention Specialist Program, and 2) approve up to two, one-year renewals in accordance with the Fiscal Impact Section.

12. **AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE DEL OBISPO STREET ARTERIAL ROADWAY RESURFACING PROJECT FY 15/16**

RECOMMENDED ACTION: That the City Council 1) approve the construction contract documents required for the "Del Obispo Street Arterial Roadway Resurfacing Project FY 15/16"; 2) approve award of contract to the RJ Noble Company for construction of the Del Obispo Street Arterial Roadway Resurfacing Project FY 15/16, 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, surveying, and construction design support for the Project; 3) authorize additional surveying services per the as-needed Consultant Services Agreement with David Evans and Associates, Inc.; 4) authorize additional materials inspection and testing services per the as-needed Consultant Services Agreements with GMU Geotechnical for geotechnical engineering and materials testing; and 5) approve the recommended funding transfer noted in the Fiscal Impact Section.

13. **TOPOGRAPHIC SURVEY AND LANDSCAPE DESIGN SERVICES FOR CROWN VALLEY MEDIAN DROUGHT CONVERSION PROJECT**

RECOMMENDED ACTION: That the City Council 1) approve an amendment with Integration Design Studio, Inc. for landscape and irrigation design for the Crown Valley Median Drought Conversion Project; 2) authorize topographic survey services with David Evans and Associates, Inc. per the as-needed Consultant Services Agreement; and 3) authorize the funding transfer noted in the Fiscal Impact Section.

14. **ADOPT A RESOLUTION AUTHORIZING THE REMEDIATION OF A BIRD NUISANCE AT SALT CREEK OUTFALL IN ACCORDANCE WITH MUNICIPAL ORDINANCE SECTION 10.14.040**

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 DECLARATION AND REMEDIATION OF A BIRD NUISANCE AT SALT CREEK OUTFALL IN ACCORDANCE WITH MUNICIPAL ORDINANCE CHAPTER 10.14.040; and

2) authorize the City Manager to execute an agreement with County of Orange to manage subject bird nuisance.

15. **APPROVAL OF AN AGREEMENT WITH SOUTH COAST WATER DISTRICT TO OPERATE THE HEADLANDS COMMUNITY FACILITIES DISTRICT STORM DRAIN DIVERSION AT BABY BEACH TO MAINTAIN WATER QUALITY**

RECOMMENDED ACTION: That the City Council 1) approve an agreement between the City of Dana Point and the South Coast Water District for the City of Dana Point's Interim Use of Facilities to Divert Dry Weather Flows from Baby Beach via diversion, and 2) authorize the City Manager or his designee to sign the agreement.

16. **APPROVAL OF FIRST AMENDMENT TO AN EXISTING AGREEMENT WITH SOUTH COAST WATER DISTRICT TO CONTINUE TO OPERATE STORM DRAIN DIVERSIONS AT HEADLANDS**

RECOMMENDED ACTION: That the City Council 1) accept the first amendment to the existing agreement for the Facility Operation and Maintenance between South Coast Water District and the City of Dana Point; and 2) authorize the City Manager or his designee to sign the agreement.

17. **APPROVAL OF A FIRST AMENDMENT WITH CO'S TRAFFIC CONTROL FOR SPECIAL EVENT TRAFFIC CONTROL**

That the City Council 1) approve a first amendment with Co's Traffic Control, Incorporated for placement of special event traffic control for City Events, and 2) authorize the City Manager or his designee to sign the agreement.

18. **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.

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**

### **19. 2016 WEED ABATEMENT ADMINISTRATIVE CITATION PROGRAM**

RECOMMENDED ACTION: That the City Council conduct a hearing on the Weed Abatement Cost Report and delinquent Administrative Citation fines, thereafter, adopt a Resolution confirming the Cost Report/delinquent Administrative Citation fines 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/DELINQUENT ADMINISTRATIVE CITATION FINES AND PROVIDING FOR THE COLLECTION ON THE REGULAR TAX BILL.

## **UNFINISHED BUSINESS**

There is no Unfinished Business.

## **NEW BUSINESS**

There is no New Business.

## **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 agendized 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-agendized items may be presented as informational only.

## **ADJOURNMENT**

The next Regular Meeting of the City Council will be August 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, July 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](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.