

# CITY OF DANA POINT

## CITY COUNCIL REGULAR MEETING



**TUESDAY  
OCTOBER 18, 2016  
5:00 P.M.**

## AGENDA

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

Next City Council Ordinance No. 16-08

## 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), (2 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (3 cases)

Name of Case: City of Dana Point v. California Coastal Commission, et al  
Case No. 37-2010-00099827

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

Name of Case: 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

## **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 – Monarch Beach Resort  
Employee of the Month – Brandy Boka

## **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, SEPTEMBER 20, 2016**

RECOMMENDED ACTION: That the City Council approve the minutes.

### **3. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR**

RECOMMENDED ACTION: That the City Council receive and file.

### **4. CLAIMS AND DEMANDS**

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

### **5. CONSIDERATION OF RESOLUTION CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE TERRITORY OF THE CITY OF DANA POINT IN THE CSCDA OPEN PACE PROGRAM; AND OTHER MATTERS RELATED THERETO**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA  
CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE TERRITORY OF THE  
CITY OF DANA POINT IN THE CSCDA OPEN PACE PROGRAM.

6. **AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE POLICE SERVICES RENOVATION PROJECT 2016**

RECOMMENDED ACTION: That the City Council 1) approve the construction contract documents required for the “Police Services Renovation Project 2016”; 2) approve award of a contract to Optima RPM, Inc. for the Project, providing that the City Manager or his designee signs and administers the subject contract and may approve additional payment for change orders, contingencies, and other Project costs; and 3) deem the bid received from Conan Construction non-responsive due to failure to bid the Project as self-performing at least 50 percent of the work.

7. **DOHENY VILLAGE PLAN UPDATE**

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

8. **DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT QUARTERLY REPORT FOR JULY – SEPTEMBER 2016**

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

9. **AWARD CONTRACT TO GRIFFIN STRUCTURES, INC. TO CONDUCT A PRELIMINARY NEEDS ASSESSMENT FOR SURFING HERITAGE AND CULTURAL CENTER**

RECOMMENDED ACTION: That the City Council authorize the City Manager to enter into an agreement with Griffin Structures, Inc. to conduct a preliminary needs assessment for a Surfing Heritage and Culture Center.

10. **REQUEST TO THE CALIFORNIA COASTAL COMMISSION TO WITHDRAW LOCAL COASTAL PROGRAM AMENDMENT, LCPA15-0001 TO MODIFY PARKING STANDARDS FOR THE CITY’S TOWN CENTER PLAN AREA**

RECOMMENDED ACTION: That the City Council direct staff to withdraw LCPA15-0001 from further review and consideration by the California Coastal Commission.

11. **APPROVAL OF A CONTRACT AMENDMENT FOR ADDITIONAL AS-NEEDED TRAFFIC MANAGEMENT SERVICES WITH FULL TRAFFIC MAINTENANCE, INC.**

RECOMMENDED ACTION: That the City Council authorize the City Manager to 1) approve a Contract Amendment to the Agreement with Full Traffic Maintenance, Inc. for as-needed traffic management services and 2) authorize the City Manager or his Designee to execute the contract amendment, and subsequent extensions if desired.

12. [APPROVAL FOR CITY TO PARTICIPATE IN THE CONCERNED COASTAL COMMUNITIES COALITION](#)

RECOMMENDED ACTION: That the City Council approve of the City joining the coalition and appoint the Mayor (or Mayor pro-tem in his absence) to participate in regularly held meetings of the coalition.

13. [OPPOSE CALIFORNIA PROPOSITION 57](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA OPPOSING PROPOSITION 57, THE CALIFORNIA PAROLE FOR NON-VIOLENT CRIMINALS AND JUVENILE COURT TRIAL REQUIREMENTS INITIATIVE; and

2) direct staff to forward the Resolution to the office of Representative William Brough.

14. [PROFESSIONAL SERVICES AGREEMENT FOR COMMUNICATIONS CONSULTING SERVICES](#)

RECOMMENDED ACTION: That the City Council authorize and direct the City Manager to execute a Professional Services Agreement with Barrios & Associates, LLC., DBA CommunicationsLab.

15. [DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT ANNUAL REPORT AND RENEWAL FOR 2017](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE 2017 ANNUAL REPORT AND DECLARING THE INTENTION OF THE CITY COUNCIL TO CONTINUE THE PROGRAM AND ASSESSMENTS FOR THE 2017 CALENDAR YEAR FOR THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID); and

2) set the date for the public hearing for renewal of the Dana Point Tourism Business Improvement District for November 15, 2016.

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 Hearings.

## **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 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 November 1, 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, October 13, 2016, at 5:30 p.m.

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KATHY M. WARD, CITY CLERK

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DATE

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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.