

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
DECEMBER 6, 2016
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 16-09

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 – EXISTING LITIGATION, Government Code § 54956.9 (a), (5 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

Surfrider Foundation v. City of Dana Point; San Diego Superior Court Case No. 37-2010-00099878

City of Dana Point v. Headlands Reserve LLC, Sanford Edward, et al (Orange County Superior Court Case No. 30-2016-00872051)

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Business of the Month – The Craft House
Employee of the Month – Monique Leon

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, NOVEMBER 15, 2016](#)**

RECOMMENDED ACTION: That the City Council approve the Minutes.

3. **[SPECIAL MEETING MINUTES, NOVEMBER 18, 2016](#)**

RECOMMENDED ACTION: That the City Council approve the Minutes.

4. **[PLANNING COMMISSION MEETING MINUTES, OCTOBER 17, 2016](#)**

RECOMMENDED ACTION: That the City Council receive and file.

5. **[TRAFFIC IMPROVEMENT SUBCOMMITTEE ACTION MINUTES, AUGUST 17, 2016](#)**

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

7. **[CLAIMS AND DEMANDS](#)**

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

8. [CITY TREASURER'S REPORT, OCTOBER 2016](#)

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

9. [QUARTERLY FINANCIAL REPORT, SEPTEMBER 2016](#)

RECOMMENDED ACTION: That the City Council receive and file the City Financial Report and Management Discussion for the quarter ended September 30, 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 Hearing items.

UNFINISHED BUSINESS

10. [MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF DANA POINT AND THE HOBIE MEMORIAL FOUNDATION](#)

RECOMMENDED ACTION: That the City Council authorize the Acting City Manager to negotiate and enter into a Memorandum of Understanding (MOU) with Hobie Memorial Foundation (the "Foundation") for the fabrication of the Hobie Memorial (the "Memorial") at the Linear Park fronting Pacific Coast Highway.

NEW BUSINESS

11. [COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2016](#)

RECOMMENDED ACTION: That the City Council receive and file the Comprehensive Annual Financial Report ("CAFR") for the year ended June 30, 2016.

12. [DISCUSSION REGARDING DATE UPON WHICH TO HOLD SECOND MEETING IN DECEMBER](#)

RECOMMENDED ACTION: That the City Council provide staff with direction.

PUBLIC COMMENTS (Continued)

CITY COUNCIL REORGANIZATION

A. COUNCIL REORGANIZATION

STAFF REPORTS

(Acting City Manager Mike Killebrew)

(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

Unless changed based on action from Item #13, the next Regular Meeting of the City Council will be December 20, 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 December 1, 2016, at 5:30 p.m.

KATHY M. WARD, CITY CLERK

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.