

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
JANUARY 17, 2017
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 17-01

CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS:

Debra Lewis, Mayor
Paul N Wyatt, Mayor Pro Tem
John A. Tomlinson, Council Member
Joseph L. Muller, Council Member
Richard A. Viczorek, Council Member

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d1), (4 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case)

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

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

Title: City Attorney

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 – Kenny’s Music Store
VFW Voice of Democracy

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 6, 2016](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [ADJOURNED REGULAR MEETING MINUTES, DECEMBER 15, 2016](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

4. [PLANNING COMMISSION MEETING MINUTES, NOVEMBER 14, 2016](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [YOUTH BOARD MEETING MINUTES, NOVEMBER 3, 2016](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. [FINANCIAL REVIEW COMMITTEE MEETING MINUTES, SEPTEMBER 23, 2015](#)

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’S REPORT, NOVEMBER 2016](#)

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer’s Report for the month of November, 2016.

9. [CLAIMS AND DEMANDS](#)

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

10. [DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT/VISIT DANA POINT QUARTERLY REPORT FOR OCTOBER – DECEMBER 2016](#)

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

11. [MONTHLY FINANCIAL ACTIVITY REPORT, OCTOBER AND NOVEMBER 2016](#)

RECOMMENDED ACTION: That the City Council receive and file the Monthly Financial Activity Report for October and November 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

12. [AN APPEAL OF THE PLANNING COMMISSION APPROVAL OF COASTAL DEVELOPMENT PERMIT CDP16-0018 TO DEMOLISH AN EXISTING SINGLE-FAMILY RESIDENCE AND CONSTRUCT A NEW TWO-STORY, SINGLE-FAMILY RESIDENCE AND MINOR SITE DEVELOPMENT PERMIT SDP16-0038\(M\) TO ALLOW INCREASED HEIGHT FOR RETAINING WALLS ON A LOT WITHIN THE COASTAL ZONE LOCATED AT 32687 SEA ISLAND DRIVE](#)

RECOMMENDED ACTION: That the City Council deny the appeal and uphold the Planning Commission approval of Coastal Development Permit CDP16-0018 and Minor Site Development Permit SDP16-0038(M).

UNFINISHED BUSINESS

There are no Unfinished Business items.

NEW BUSINESS

13. [DOHENY VILLAGE PLAN UPDATE](#)

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

14. [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").

15. [AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE ANNUAL RESIDENTIAL ROADWAY RESURFACING PROJECT FY16/17](#)

RECOMMENDED ACTION: That the City Council:

- 1) approve the construction contract documents required for the "Annual Residential Roadway Resurfacing Project FY 16/17";
- 2) approve award of a contract to All American Asphalt for construction of the Annual Residential Roadway Resurfacing Project FY 16/17 and authorize the City Manager or his designee to sign and administer the subject contract and approve additional payment for change orders, contingencies, management services, soils and material testing, surveying, and construction design support for the Project as noted in the Fiscal Impact Section;
- 3) authorize additional surveying services per the as-needed Consultant Services Agreement with David Evans and Associates per the Fiscal Impact Section;
- 4) authorize additional materials inspection and testing services per the as-needed Consultant Services Agreements with GMU Geotechnical and Coastal Geotechnical for geotechnical engineering and materials testing per the Fiscal Impact Section;
- 5) authorize the reduction of the expenditure budget by \$498,360 for CIP #1281; and
- 6) establish a new \$150,000 budget for a landscaping renovation/beautification project along Camino Capistrano in Doheny Village next to the portion of street being resurfaced along the I-5 Freeway, and effect funding as further described in the Fiscal Impact Section.

16. [ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE DEL OBISPO STREET ARTERIAL ROADWAY RESURFACING PROJECT FY15/16](#)

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 "DEL OBISPO STREET ARTERIAL ROADWAY RESURFACING PROJECT FY15/16"; and

2) transfer \$175,320 in unexpended Gas Tax Funding in CIP #1282 to the Gas Tax fund (fund 02) for future Council approved projects.

17. RECRUITMENTS FOR THE PLANNING COMMISSION AND TRAFFIC IMPROVEMENT SUBCOMMITTEE

RECOMMENDED ACTION: That the City Council direct staff to proceed with the recruitment/appointment of Planning Commission members and Traffic Improvement Subcommittee members.

18. REPORT ON 2016 CITY PROSECUTOR AND CODE ENFORCEMENT ACTIVITIES

RECOMMENDED ACTION: That the City Council receive and file this update of City Prosecutor and Code Enforcement activities.

19. 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;
- 3) Discuss methodology of assigning members to the Financial Review Committee;
- 4) Direct staff to take action as deemed appropriate; and
- 5) 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.

PUBLIC COMMENTS (Continued)

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

The next Regular Meeting of the City Council will be February 7, 2017, 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 12, 2017, 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.