

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
FEBRUARY 7, 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
Joseph L. Muller, Council Member
John A. Tomlinson, 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), (5 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (4 cases)

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

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

Name of Case: City of Dana Point v. Luminance Health Group, Inc.; Orange County
Superior Court Case No. 30-2016-00890481

RECESS OF CITY COUNCIL MEETING UNTIL 6:00 P.M.

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

February Business of the Month – OC Beads

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, JANUARY 17, 2017](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, DECEMBER 12, 2016](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION ACTIONS, MEETING OF JANUARY 23, 2017](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [TRAFFIC IMPROVEMENT SUBCOMMITTEE ACTION MINUTES, MEETING OF NOVEMBER 16, 2016](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. [YOUTH BOARD MEETING MINUTES, DECEMBER 1, 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'S REPORT, DECEMBER 2016

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

9. CLAIMS AND DEMANDS

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

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

10. 2017 WEED ABATEMENT PROGRAM

RECOMMENDED ACTION: That the City Council adopt a Resolution of the City of Dana Point as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DECLARING WEEDS A PUBLIC NUISANCE AND INITIATING ABATEMENT PROCEEDINGS.

11. PROFESSIONAL SERVICES AGREEMENTS FOR COASTAL ENGINEERING SERVICES

RECOMMENDED ACTION: That the City Council:

- 1) Authorize the Acting City Manager to execute a consultant services agreement by and between the City and Moffat and Nichol for coastal engineering services for the Community Development Department which will be reimbursed through developer fees collected prior to services rendered; and
- 2) Authorize the Acting City Manager to execute a separate consultant services agreement by and between the City and Moffat and Nichol for coastal engineering services associated with a FEMA study for the Community Development Department.

12. CONSULTANT SERVICES AGREEMENT FOR DESIGN OF THE ARTERIAL ROADWAY RESURFACING PROJECT, PACIFIC COAST HIGHWAY FROM NIGUEL ROAD TO GREEN LANTERN

RECOMMENDED ACTION: That the City Council:

- 1) Approve a Consultant Services Agreement with Kreuzer Consulting Group for preparation of the construction documents for the Arterial Roadway Resurfacing Project, Pacific Coast Highway (PCH) from Niguel Road to Green Lantern; and
- 2) fund the work effort from CIP #1277 Arterial Roadway Rehabilitation and Repairs per the Fiscal Impact Section.

13. PARKS, RECREATION AND OPEN SPACE MASTER PLAN UPDATE

RECOMMENDED ACTION: That the City Council consider directing staff to initiate an update to the 2005 Parks, Recreation and Open Space Master Plan.

14. ASSOCIATION OF CALIFORNIA CITIES – ORANGE COUNTY MEMBERSHIP

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute an annual City Membership in the Association of California Cities – Orange County.

15. RESOLUTION TO AMEND THE MEMBER SELECTION PROCESS AND PURPOSE OF THE CITY'S FINANCE REVIEW COMMITTEE AND DESIGNATED COMMITTEE MEMBERS

RECOMMENDATION ACTION: That the City Council approve and adopt a Resolution entitled:

- 1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING THE SELECTION PROCESS AND PURPOSE OF THE CITY'S FINANCE REVIEW COMMITTEE;

And, if the Resolution approved,

- 2) Receive and File names of the City Council appointees to the Finance Review Committee.

16. 5TH MARINES VIETNAM WAR MEMORIAL

RECOMMENDED ACTION: That the City Council authorize a donation to the Dana Point 5th Marine Regiment Support Group to contribute to the commission of a Vietnam War Memorial Monument honoring our fallen Marines and Sailors.

17. QUARTERLY FINANCIAL REPORT, DECEMBER 2016

RECOMMENDED ACTION: That the City Council receive and file the City Financial Report and Management Discussion for the six months ended December 31, 2016.

18. CITY COUNCIL CONSIDERATION TO DIRECT STAFF TO HOLD A JOINT WORKSHOP WITH CITY COUNCIL AND PLANNING COMMISSION TO DISCUSS TOWN CENTER/LANTERN DISTRICT PARKING POLICIES

RECOMMENDED ACTION: That the City Council consider directing staff to hold a joint workshop with the City Council and Planning Commission to discuss appropriate parking policies for the City of Dana Point and specifically the Town Center/Lantern District.

19. COUNCIL DISCUSSION AND ADOPTION OF CITY PURCHASING POLICY AS PROPOSED BY MAYOR LEWIS

RECOMMENDED ACTION: Mayor Lewis recommends that the City Council discuss and consider approval of a City Purchasing Policy requiring requests for proposals after the same contractor has been delivering the same goods and/or services for five continuous years.

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 21, 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, February 16, 2017, 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.