

# CITY OF DANA POINT

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## CITY COUNCIL REGULAR MEETING



**TUESDAY  
AUGUST 15, 2017  
4:00 P.M.**

## AGENDA

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

Next City Council Ordinance No. 17-04

## 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

NOTE – Closed Session will begin at 4:00 pm and continue until 6:00 pm when the City Council reconvenes their Public meeting.

### A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957

Title: City Manager (setting goals and objectives)

### B. CODE ENFORCEMENT UPDATE

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Gov. Code §54956.9(d)(1) (3 cases)
2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Gov. Code §54956.9(a) (6 cases):
  - i. City of DP v. Karns, Case No. 16HM10382
  - ii. City of DP v. Pickering, Case No. 16HM10192
  - iii. Volkmann v. City of DP, OC Superior Case No. 30-2017-00914962-CU-EI-CXC
  - iv. City of DP v. The Sunshine Group LLC, Case No. OCSC Case No. 30-2017-00915900
  - v. City of DP v. George R. Grant, Case No. 17HM00268
  - vi. City of DP v. David Stevens; Diane Stevens; Oakbrook Landscape & Construction, Case No. 17HM01407

- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case)

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

- D. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d1), (2 cases)

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

## **RECONVENE CITY COUNCIL MEETING**

## **PLEDGE OF ALLEGIANCE**

## **INVOCATION**

## **PRESENTATIONS AND PROCLAMATIONS**

There are no Presentations or Proclamations.

## **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. [SPECIAL MEETING MINUTES, JULY 12, 2017](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

### **3. [REGULAR MEETING MINUTES, JULY 18, 2017](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

### **4. [PLANNING COMMISSION MEETING MINUTES, JULY 10, 2017](#)**

RECOMMENDED ACTION: That the City Council receive and file.

### **5. [PLANNING COMMISSION ACTIONS, MEETING OF JULY 24, 2017](#)**

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RECOMMENDED ACTION: That the City Council receive and file.

6. [FINANCIAL REVIEW COMMITTEE MINUTES, JUNE 13, 2017](#)

RECOMMENDED ACTION: That the City Council receive and file.

7. [TRAFFIC IMPROVEMENT SUBCOMMITTEE MEETING MINUTES, APRIL 19, 2017](#)

RECOMMENDED ACTION: That the City Council receive and file.

8. [ARTS AND CULTURE COMMISSION MEETING MINUTES, MAY 17, 2017](#)

RECOMMENDED ACTION: That the City Council receive and file.

9. [OCEAN WATER QUALITY MEETING MINUTES, JUNE 27, 2017](#)

RECOMMENDED ACTION: That the City Council receive and file.

10. [HOMELESS TASK FORCE MEETING MINUTES, OCTOBER 4, 2016](#)

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

12. [CITY TREASURER'S REPORT, JUNE 2017](#)

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of June 2017.

13. [CLAIMS AND DEMANDS](#)

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

14. [DANA POINT POLICE SERVICES MONTHLY REPORT](#)

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

15. [NATIONAL ARTS & HUMANITIES MONTH – OCTOBER 2017](#)

RECOMMENDED ACTION: That the City Council:

1. Declare October 2017 as National Arts and Humanities Month; and
2. Adopt a Resolution entitled:  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT CALIFORNIA,  
DECLARING OCTOBER 2017 AS NATIONAL ARTS & HUMANITIES MONTH.

16. [ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT FY16/17](#)

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

A RESOLUTION OF THE CITY COUNCIL IF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PROJECT ENTITLED "ANNUAL ROADWAY RESURFACING PROJECT FY16/17"; and

2) authorize all remaining funds in the Annual Roadway Resurfacing Project FY16/17 to be transferred to the Capital Improvement Program fund balance.

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**

17. [DEVELOPMENT UPDATE](#)

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

## **NEW BUSINESS**

18. [2017-2018 DANA POINT YOUTH BOARD APPOINTMENTS](#)

RECOMMENDED ACTION: That the City Council appoint thirteen (13) Board Members and four (4) Members-at-Large to the Dana Point Youth Board.

19. **REPORT OF CITYWIDE PARKING: PARKING SUPPLY AND MANAGEMENT OPTIONS FOR DANA POINT**

RECOMMENDED ACTION: That the City Council 1) receive and file the Citywide Parking Report; and 2) direct staff to return at a future City Council meeting with a Resolution to establish a Parking Oversight Committee and initiate the Parking Implementation Plan.

20. **DISCUSSION OF THE CITY'S RECORDS RETENTION SCHEDULE FOR RECORDED VIDEOS AND FORMAT OF CITY MINUTES**

RECOMMENDED ACTION: That the City Council:

1. modify the City's Records Retention Schedule for recorded videos from three years to permanent retention; and if approved, staff will return with appropriate changes to the Municipal Code and Council Policy 109 (Audio Tapes); and
2. approve a new Council Policy regarding format of City Minutes.

21. **PROFESSIONAL SERVICES AGREEMENTS FOR SUPPLEMENTAL PLAN CHECK, COUNTER, INSPECTION AND CODE ENFORCEMENT SERVICES**

RECOMMENDED ACTION: That the City Council authorize and direct the City Manager to execute the following contracts:

1. VCA/The Code Group for Plan Check Services
2. Melad & Associates for Plan Check Services
3. VCA/The Code for Personnel Services – Permit Technician
4. Melad & Associates for Personnel Services – Senior Building Inspector and/or Building Inspector
5. VCA/The Code Group for Personnel Services – Code Enforcement Officer

22. **APPROVAL OF A CONSULTANT SERVICES AGREEMENT WITH AMEC FOSTER WHEELER, ENVIRONMENTAL AND INFRASTRUCTURE, INC. FOR AS-NEEDED TECHNICAL WATER QUALITY PROGRAM / SPECIAL PROJECT IMPLEMENTATION SERVICES**

RECOMMENDED ACTION: That the City Council:

1. approve a Consultant Services Agreement with AMEC Foster Wheeler, Environmental and Infrastructure, Inc. for "As-Needed Technical Water Quality Program/Special Project Implementation Services" in order to comply with the National Pollutant Discharge Elimination System (NPDES), also known as Municipal Separate Storm Sewer System (MS4), storm water permit requirements; and
2. authorize the City Manager or his designee to execute the contract.

23. **APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT BY AND BETWEEN THE CITY OF DANA POINT AND DUDEK**

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute the professional services agreement by and between the City of Dana Point and DUDEK to complete a Sea Level Rise Study and Local Coastal Program Amendment (LCPA), and authorize the City Manager to extend the term, if necessary, to June 30, 2018.

24. **ADOPTION OF A RESOLUTION OF THE DANA POINT CITY COUNCIL AMENDING AND REINSTATING THE POLICY RELATING TO THE ACCEPTANCE AND DEDICATION OF EQUIPMENT**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING AND REINSTATING A SECTION OF THE SUSPENDED POLICY RELATING TO THE ACCEPTANCE AND DEDICATION OF EQUIPMENT.

25. **RESOLUTION FOR HOMELESS TASK FORCE**

RECOMMENDED ACTION: That the City Council 1) receive and provide input on the draft Resolution for the Homeless Task Force; 2) direct staff to solicit input on the draft Resolution from the existing Homeless Task Force at its meeting scheduled for August 30, 2017; and 3) direct staff to bring the Resolution back to the City Council for approval at the regular meeting of September 19, 2017.

**PUBLIC COMMENTS (Continued)**

**STAFF REPORTS**

(City Manager Mark Denny)

(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 September 19, 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, August 10, 2017, 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.