

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
MAY 16, 2017
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 17-04

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

- A. PUBLIC EMPLOYMENT, Government Code § 54957: Title: City Manager recruitment
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (2 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: Dana Point Automotive, Inc. v. City of Dana Point; Orange County Superior
Court Case No. 30-2017-00914962-CU-EI-CXC

- C. 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

Drowning Prevention Awareness

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, MAY 1, 2017](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

3. **[REGULAR MEETING MINUTES, MAY 2, 2017](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

4. **[YOUTH BOARD MEETING MINUTES, APRIL 20, 2017](#)**

RECOMMENDED ACTION: That the City Council receive and file.

5. **[FINANCE REVIEW COMMITTEE MINUTES, APRIL 10, 2017](#)**

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. **[CITY TREASURER'S REPORT, APRIL 2017](#)**

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

8. **[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.

UNFINISHED BUSINESS

9. [DOHENY VILLAGE PLAN UPDATE](#)

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

NEW BUSINESS

10. [FY2017-18 LAW ENFORCEMENT SERVICES AGREEMENT](#)

RECOMMENDED ACTION: That the City Council approve the Law Enforcement Services Agreement with the County of Orange for law enforcement services for the 2017-18 Fiscal Year and authorize the City Manager to execute the agreement.

11. [FISCAL YEARS 2017-18 AND 2018-19 BUDGET WORKSHOP](#)

RECOMMENDED ACTION: That the City Council:

1. Conduct a Workshop to discuss the City of Dana Point Proposed Operating and Capital Improvement Budgets for Fiscal Years 2017-2018 (“FY18”) and 2018-2019 (“FY19”); and
2. Review, revise or provide other direction in regards to the FY18 and FY19 Proposed Budget.

12. [ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE POLICE SERVICES RENOVATION PROJECT 2016](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE COMPLETION FOR THE POLICE SERVICES RENOVATION PROJECT 2016.

13. PARTICIPATION IN ORANGE COUNTY SMALL CITY URBAN PROGRAM

RECOMMENDED ACTION: That the City Council:

1. Approve Amendment Four to Cooperation Agreement between the County of Orange and the City of Dana Point; and
2. Authorize the City Manager to sign the Cooperative Agreement and any non-substantial amendments, including term extensions.

14. RENEWAL OF PROFESSIONAL SERVICES CONTRACT FOR INFORMATION TECHNOLOGY SERVICES

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a contract renewal with the City of Brea (BreaIT) for contract information technology support services for a one year term, with an optional, one year extension.

PUBLIC HEARINGS

15. COMPLEMENTARY PARATRANSIT SERVICES AS PART OF THE DANA POINT TROLLEY AND HARBOR SHUTTLE

RECOMMENDED ACTION: That the City Council adopt a Complementary Paratransit Plan as required by the Americans with Disabilities Act (ADA) and the Orange County Transportation Authority (OCTA) 2016 Project V Grant for fixed-route local transit service (the Dana Point Trolley and Harbor Shuttle).

16. APPEAL OF THE PLANNING COMMISSION'S DECISION TO UPHOLD THE COMMUNITY DEVELOPMENT DIRECTOR'S DETERMINATION THAT "RECREATIONAL VEHICLE STORAGE USE" IS A PROHIBITED USE WITHIN THE COMMUNITY COMMERCIAL/VEHICULAR DISTRICT (CC/V) ZONE AND "MAJOR AUTOMOTIVE REPAIR USE" IS A PROHIBITED USE WITHIN THE TRANSPORTATION CORRIDOR DISTRICT (TC) ZONE. THEREFORE, THE PROPOSED USES AT 25802 AND 25831 VICTORIA BOULEVARD ARE NOT ALLOWED IN ACCORDANCE WITH THE CITY'S MUNICIPAL CODE

RECOMMENDED ACTION: That the City Council continue this hearing to the regular meeting of June 6, 2017.

17. **HEARING ON THE APPEAL OF THE DETERMINATION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT THAT THE PROPERTY LOCATED AT 35715 BEACH ROAD IS WITHIN THE FP3 FLOODPLAIN OVERLAY DISTRICT**

RECOMMENDED ACTION: That the City Council uphold the Director’s determination that the property at 35715 Beach Road is located in the FP-3 Floodplain Overlay District and adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, UPHOLDING THE DETERMINATION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT THAT THE PROPERTY AT 35715 BEACH ROAD IS LOCATED IN THE FP-3 FLOODPLAIN OVERLY DISTRICT; AND REAFFIRMING THE COUNCIL’S ADOPTION OF THE COASTAL FLOODPLAIN DEVELOPMENT STUDY, DEFINED IN SECTION 9.75.030.C OF THE MUNICIPAL CODE, FOR PURPOSES OF IDENTIFYING AREAS OF SPECIAL FLOOD HAZARDS, AS RECOMMENDED BY THE FLOODPLAIN ADMINISTRATOR.

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 June 6, 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, May 11, 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.