

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
JUNE 18, 2019
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 19-04

CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS:

Joseph L. Muller, Mayor
Paul N Wyatt, Mayor Pro Tem
Jamey M. Federico, Council Member
Debra Lewis, Council Member
Richard A. Viczorek, Council Member

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (1 case)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (1 case)

Name of Case: Housing is a Human Right v. Dana Point, United States District Court for the Central District of California – Southern Division; Case No. 18-cv-00155 DOCKES

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

Title: City Manager

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Orange County Human Relations Report
OCFA Drowning Prevention Awareness
VFW Deputy of the Year; Firefighter of the Year; Reserve Firefighter of the Year

READING OF ORDINANCE TITLES

At this time, the City Clerk will read the title(s) of the ordinance(s) listed on the agenda.

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 and that further reading of such ordinances be waived.

2. **[REGULAR MEETING MINUTES, JUNE 4, 2019](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

3. **[PLANNING COMMISSION MEETING MINUTES, MAY 13, 2019](#)**

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

5. **[CITY TREASURER'S REPORT, MAY 2019](#)**

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of May 2019.

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

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

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

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

8. [DEVELOPMENT UPDATE](#)

RECOMMENDED ACTION: That the City Council receive and file.

9. [ARTS AND CULTURE COMMISSION AND TRAFFIC IMPROVEMENT SUBCOMMITTEE APPOINTMENTS](#)

RECOMMENDED ACTION: That the City Council reappoint Maria Elena Banks, Nancy Jenkins, and Karin Schnell to the Arts and Culture Commission and appoint Rich Holt to the Traffic Improvement Subcommittee.

10. [RESOLUTION AUTHORIZING STAFF TO APPLY FOR THE STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM](#)

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 THE APPLICATION FOR THE STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM; and

2) authorize the City Manager or his designee to apply for subject grants.

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

11. 2019 WEED ABATEMENT PROGRAM, AUTHORIZATION TO ABATE WEEDS

RECOMMENDED ACTION: That the City Council hear any objections regarding weed abatement and thereafter adopt one of the two Resolutions entitled:

- 1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, OVERRULING OBJECTIONS AND PROCEEDING WITH WEED ABATEMENT; or
- 2) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, HEARING NO OBJECTIONS AND PROCEEDING WITH WEED ABATEMENT.

NEW BUSINESS

12. ADOPTION OF A RESOLUTION ADDRESSING THE REQUIRED FY19/20 MEASURE M2 ELIGIBILITY SUBMITTAL ITEMS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY AND AN AMENDED RESOLUTION APPROVING THE FY17/18 MEASURE M2 EXPENDITURE REPORT

RECOMMENDED ACTION: That the City Council:

- 1) Adopt a Resolution (Action Document A) entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT CONCERNING THE STATUS AND UPDATE OF THE CIRCULATION ELEMENT, AND MITIGATION FEE PROGRAM FOR THE MEASURE M2 (M2) PROGRAM; and,

- 2) Adopt a Resolution (Action Document B) entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT CONCERNING THE STATUS AND UPDATE OF THE PAVEMENT MANAGEMENT PLAN FOR THE MEASURE M2 (M2) PROGRAM; and,

- 3) Adopt a Resolution (Action Document C) entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT CONCERNING THE MEASURE M2 (M2) PROGRAM EXPENDITURE REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2018, INCLUDING REVISIONS TO THE PREVIOUSLY ADOPTED RESOLUTION (18-11-20-01); and,

- 4) Approve the Seven Year Capital Improvement Program (CIP) for FY 2019-20 through FY 2025-26 and certify compliance as required by the Orange County Transportation Authority (OCTA) Renewed Measure M2 (M2) Program as provided in Supporting Document D; and
- 5) Authorize staff to forward the necessary Renewed Measure M2 eligibility documentation to the OCTA.

13. PROFESSIONAL SERVICES AGREEMENTS FOR SUPPLEMENTAL PLAN CHECK, INSPECTION AND BUILDING OFFICIAL 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. VCA/The Code Group for Personnel Services – Senior Building Inspector and/or Building Inspector
3. Melad & Associates for Plan Check Services
4. Melad & Associates for Personnel Services – Senior Building Inspector and/or Building Inspector
5. CSG Contract Amendment for Building Official Services

14. CONTRACT AWARD FOR CITY COUNCIL CHAMBERS AUDIO/VIDEO AND BROADCAST ROOM UPGRADE

RECOMMENDED ACTION: That the City Council award a contract to Golden Star Technology (GST) for the upgrade of the City Council Chambers Audio/Video and Broadcast room.

15. AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE ANNUAL RESIDENTIAL ROADWAY RESURFACING PROJECT FY 18/19

RECOMMENDED ACTION: That the City Council:

1) approve the award of a contract (Action Document A) to All American Asphalt for construction of the Annual Roadway Resurfacing Project FY 18/19 and authorize the City Manager or his designee to sign and administer the subject contract and approve additional payment for change orders, contingencies, soils and material testing, construction staking and construction design support for the Project; and

2) authorize the expenditure for civil engineering design services by West Coast Civil for the Annual Roadway Resurfacing Project FY 19/20 as allowed in their as-needed Consultant Services Agreement per the proposal provided in Supporting Document B.

16. CONSIDERATION OF AMENDMENT TO CITY MANAGER EMPLOYMENT AGREEMENT AND PAYMENT OF ANNUAL BONUS

RECOMMENDED ACTIONS: (A) That the City Council approve a bonus for the City Manager per Section 8(c) of his employment agreement; (B) That the City Manager's employment agreement be amended as recommended by the Council.

PUBLIC COMMENTS (Continued)

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.

STAFF REPORTS

(City Manager Mark Denny)

(City Attorney Patrick Muñoz)

ADJOURNMENT

The next Regular Meeting of the City Council will be July 16, 2019, 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 Tuesday, June 11, 2019, 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.