

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
MARCH 21, 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), (1 case)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case)

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

- C. PUBLIC EMPLOYMENT, Government Code § 54957: Title: City Manager recruitment

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Deputy of the Year – Craig Nelson
American Cancer Society – Relay for Life
Employee of the Quarter – Sue Steinriede

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, MARCH 7, 2017](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

3. **[OCEAN WATER QUALITY SUBCOMMITTEE ACTION MINUTES, FEBRUARY 24, 2015](#)**

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, FEBRUARY 2017](#)**

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

6. **[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

7. [PLANNING COMMISSION AND TRAFFIC IMPROVEMENT SUBCOMMITTEE INTERVIEWS](#)

RECOMMENDED ACTION: That the City Council conduct interviews and consider an appointment to fill positions on the Dana Point Planning Commission and Traffic Improvement Subcommittee.

PUBLIC HEARINGS

8. [CALIFORNIA COASTAL COMMISSION SUGGESTED MODIFICATIONS TO THE CITY'S APPROVED GENERAL PLAN AMENDMENT GYP16-0001, ZONE TEXT AMENDMENT ZTA16-0001, AND LOCAL COASTAL PROGRAM AMENDMENT LCPA16-0001, TO AMEND THE HEADLANDS DEVELOPMENT AND CONSERVATION PLAN \(HDGP\), TO ADDRESS PUBLIC ACCESS OVER SPECIFIED ACCESSWAYS IN THE RESIDENTIAL PORTION OF THE HEADLANDS DEVELOPMENT AND CONSERVATION PLAN AND THE USE OF THREE ROPES OR SIMILAR DEVICE](#)

RECOMMENDED ACTION: That the City Council continue the item to the regularly scheduled City Council meeting of April 18, 2017, to allow additional meetings with the Headlands Homeowners Association (HOA), and other interested stakeholders, prior to City Council action.

UNFINISHED BUSINESS (Continued)

9. [DOHENY VILLAGE PLAN UPDATE](#)

RECOMMENDED ACTION: That the City Council:

1. Receive and file the report; and
2. Direct staff to prepare an agreement with Richard Willson Transportation Consultant to facilitate the parking study session meetings; and
3. Direct staff to prepare an agreement with Linscott, Law and Greenspan ("LLG") to conduct a Traffic Impact Analysis (TIA) of the Doheny Park Road Diet and Roundabout project.

10. [CONSIDERATION OF THE CONCEPTUAL DESIGN FOR THE MEDIANS ON CROWN VALLEY BETWEEN SEVEN SEAS DRIVE AND CAMINO DEL AVION](#)

RECOMMENDED ACTION: That the City Council approve the recommended conceptual design for the Crown Valley medians and direct staff to proceed with the preparation of construction documents for the Crown Valley Median Drought Conversion Project.

11. [COUNCIL DISCUSSION AND ADOPTION OF CITY PURCHASING POLICY AS PROPOSED BY MAYOR LEWIS](#)

RECOMMENDED ACTION: Mayor Lewis recommends that the City Council continue the discussion and consider approval of a City Purchasing Policy.

NEW BUSINESS

12. [ADOPTION OF AN URGENCY ORDINANCE AND FIRST READING OF AN ORDINANCE READOPTING PORTIONS OF THE DANA POINT MUNICIPAL CODE AND REAUTHORIZING THE COLLECTION OF A FEE TO SUPPORT PUBLIC, EDUCATION, AND GOVERNMENTAL \(“PEG”\) CHANNEL FACILITIES WITHIN THE CITY’S JURISDICTION](#)

RECOMMENDED ACTION: That the City Council:

- 1) Adopt an Urgency Ordinance entitled:

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, READOPTING SECTION 5.36.020 of CHAPTER 5.36 OF TITLE 5 OF THE DANA POINT MUNICIPAL CODE ENTITLED “STATE VIDEO FRANCHISE FEES” RELATING TO STATE FRANCHISES FOR CABLE COMMUNICATIONS; AND REAUTHORIZING A FEE TO SUPPORT PUBLIC, EDUCATION, AND GOVERNMENTAL (“PEG”) CHANNEL FACILITIES WITHIN THE CITY’S JURISDICTION; by four-fifths vote; and

- 2) Conduct the first reading of Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, READOPTING SECTION 5.36.020 of CHAPTER 5.36 OF TITLE 5 OF THE DANA POINT MUNICIPAL CODE ENTITLED “STATE VIDEO FRANCHISE FEES” RELATING TO STATE FRANCHISES FOR CABLE COMMUNICATIONS; AND REAUTHORIZING A FEE TO SUPPORT PUBLIC, EDUCATION, AND GOVERNMENTAL (“PEG”) CHANNEL FACILITIES WITHIN THE CITY’S JURISDICTION.

13. [SUBMITTAL OF SOUTH ORANGE COUNTY WATER QUALITY IMPROVEMENT PLAN AND ADOPTION AND SUBMITTAL OF THE UPDATED LOCAL IMPLEMENTATION PLAN FOR THE STORMWATER/WATER QUALITY 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, AUTHORIZING THE SUBMITTAL OF THE CITY PORTIONS OF THE SOUTH ORANGE COUNTY WATER QUALITY IMPROVEMENT PLAN (WQIP) AND ADOPTING AND AUTHORIZING THE SUBMITTAL OF THE UPDATED DANA POINT LOCAL IMPLEMENTATION PLAN (LIP), THE CITY'S WATER QUALITY IMPLEMENTATION DOCUMENT THAT MEETS THE REQUIREMENTS OF THE SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD MUNICIPAL NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT, R9-2013-0001 AS AMENDED BY R9-2015-0001 AND R9-2015-0100; AND AUTHORIZING MINOR UPDATES CONSISTENT WITH NPDES PERMIT REQUIREMENTS; and

2) Find that the actions proposed for approval in Resolution No. 17-03-21-XX are not subject to, or are otherwise exempt from the California Environmental Quality Act (CEQA) per the CEQA Guidelines and direct staff to file a Notice of Exemption (NOE) with the Orange County Clerk in accordance with 14 CCR 15062.

14. **ANNUAL HOUSING ELEMENT PROGRESS REPORT**

RECOMMENDED ACTION: That the City Council receive and file the Annual Housing Element Progress Report for 2016.

15. **ESTABLISH MONTHLY COMMUNITY MEETINGS WITH MAYOR AND CITY MANAGER**

RECOMMENDED ACTION: That the City Council consider the Mayor's suggestion of the establishment of monthly community meetings with the Mayor and City Manager.

16. **ESTABLISH NEIGHBORHOOD WATCH MEETINGS WITH MAYOR**

RECOMMENDED ACTION: That the City Council consider the Mayor's suggestion to organize and implement meetings with the Mayor and Dana Point Neighborhood Watch captains.

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 April 4, 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, March 16, 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.