

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
FEBRUARY 18, 2020
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 20-02

CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS:

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

CLOSED SESSION

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

Name of Case: City of DP v. Sunshine Group LLC (Seaside Inn), Orange County Superior Court Case No. 30-2017- 00915900

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

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, FEBRUARY 4, 2020](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, JANUARY 27, 2020](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [YOUTH BOARD MEETING MINUTES, JANUARY 16, 2020](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [ARTS AND CULTURE COMMISSION MEETING MINUTES, OCTOBER 16, 2019](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. [FINANCIAL REVIEW COMMITTEE MINUTES, OCTOBER 29, 2019](#)

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 2019](#)

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

9. [CLAIMS AND DEMANDS](#)

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

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

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

11. [DEVELOPMENT UPDATE](#)

RECOMMENDED ACTION: That the City Council receive and file.

12. [APPROVAL OF AMENDMENT TO TELECOMMUNICATIONS RIGHT-OF-WAY USE AGREEMENT WITH CROWN CASTLE FIBER LLC](#)

RECOMMENDED ACTION: That the City Council 1) approve an amendment to the agreement with Crown Castle Fiber LLC (formerly Crown Castle Networks, Incorporated), hereafter defined as Crown Castle, for telecommunications right-of-way use; 2) authorize the City Manager or his designee to execute the amendment.

13. [AMENDMENT TO AN AGREEMENT WITH DUDEK TO DEVELOP THE LOCAL COASTAL PROGRAM AMENDMENT FOR THE CITY'S SEA LEVEL RISE \(SLR\) VULNERABILITY ASSESSMENT](#)

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute the Third Amendment ("Amendment") to the Professional Services Agreement with Dudek ("Consultant") to develop the implementing measures for the City's Sea Level Rise (SLR) Vulnerability Assessment; and amend the budget.

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.

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.

PUBLIC HEARINGS

There are no Public Hearings.

UNFINISHED BUSINESS

There are no Unfinished Business items.

NEW BUSINESS

14. LONG-TERM FINANCIAL PLAN REVIEW

RECOMMENDED ACTION: That the City Council receive a presentation and review the City's Long-Term Financial Plan (LTFP).

15. AWARD OF CONTRACT FOR THE CONSTRUCTION OF THE RESIDENTIAL AND ARTERIAL ROADWAY SLURRY PROGRAM FY20 PROJECTS

RECOMMENDED ACTION: That the City Council:

- 1) approve the award of a Contract to All American Asphalt for construction of the Residential Roadway Slurry Program FY 20 and the Arterial Roadway Slurry Program FY 20 Projects, hereafter defined as the Slurry Seal Project FY 20;
- 2) authorize the City Manager or his designee to sign and administer the subject Contract and approve additional payment for change orders, contingencies, and soils and material testing for the Project, and to process the recommended funding transfers; and
- 3) authorize materials inspection and testing services with Ninyo and Moore, and authorize staff to process the associated Short Form Contract Agreement.

PUBLIC COMMENTS (Continued)

STAFF REPORTS

(City Manager Mark Denny)

(City Attorney Patrick Muñoz)

ADJOURNMENT

The next Regular Meeting of the City Council will be March 3, 2020, 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, February 11, 2020, 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.