

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
JULY 18, 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. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d1), (1 case)
- 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. Seaside Inn, 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. PUBLIC EMPLOYMENT, Government Code § 54957 (b)(1): City Manager Appointment

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Presentation to Ocean Institute – Non-Profit of the Year
Employee Recognition Presentation – Lauren Kehiayan
Proclamation to Heather Johnston, Outgoing Dana Point Chamber Executive Director

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, JUNE 20, 2017](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

3. **[PLANNING COMMISSION MEETING MINUTES, JUNE 26, 2017](#)**

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

5. **[OCEAN WATER QUALITY SUBCOMMITTEE MINUTES, APRIL 25, 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. **[CLAIMS AND DEMANDS](#)**

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

8. [MONTHLY FINANCIAL ACTIVITY REPORT, MAY 2017](#)

RECOMMENDED ACTION: That the City Council receive and file the Monthly Financial Activity Report for May 2017.

9. [DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT/VISIT DANA POINT QUARTERLY REPORT FOR APRIL – JUNE 2017](#)

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

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

10. [2017 WEED ABATEMENT/ADMINISTRATIVE CITATION PROGRAM](#)

RECOMMENDED ACTION: That the City Council conduct a hearing on the Weed Abatement Cost Report and delinquent Administrative Citation fines, thereafter, adopt a Resolution confirming the Cost Report/delinquent citation fines and providing for the collection on the regular tax bill entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE COST OF ABATEMENT/DELINQUENT ADMINISTRATIVE CITATION FINES AND PROVIDING FOR THE COLLECTION ON THE REGULAR TAX BILL.

UNFINISHED BUSINESS

11. APPROVAL OF CITY MANAGER EMPLOYMENT CONTRACT

RECOMMENDED ACTION: That the City Council approve an employment contract for City Manager.

12. DOHENY VILLAGE PLAN UPDATE

RECOMMENDED ACTION: That the City Council 1) receive and file this report and 2) authorize and direct the City Manager to execute an amendment to the contract by and between the City and Opticos Design, Inc. to extend the term of the agreement to June 30, 2018 (no additional funds are being requested).

13. CITY COUNCIL ATTENDANCE AT CITY COMMISSION/COMMITTEE/BOARD MEETINGS

RECOMMENDED ACTION: That the City Council discuss Policy 205 regarding the attendance of City Council Members at Planning Commission or other Commission/Committee/Board meetings.

NEW BUSINESS

14. AWARD OF CONTRACT FOR THE CONSTRUCTION OF THE ANNUAL SLURRY SEAL PROJECT FY17/18

RECOMMENDED ACTION: That the City Council:

- 1) Approve the construction contract documents required for the "Annual Slurry Seal Project FY 17/18";
- 2) Approve award of a contract to All American Asphalt for construction of the Annual Slurry Seal Project FY 17/18 and authorize the City Manager or his designee to sign and administer the subject contract and approve additional payment for change orders, contingencies, management services, soils and material testing, surveying, and construction design support for the Project;
- 3) Authorize additional materials inspection and testing services per the as-needed Consultant Services Agreement with GMU Geotechnical for geotechnical engineering and materials testing; and
- 4) Authorize the funding transfers.

15. CITY COUNCIL SUMMER MEETING SCHEDULE

RECOMMENDED ACTION: That the City Council discuss the upcoming Council meetings in August and September and provide direction to staff.

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 August 15, 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, July 13, 2017, at 5:30 p.m.

KATHY M. WARD, CITY CLERK

DATE

Subscriptions to receive City Council Agendas on a regular basis are available through the City Clerk's Office. Agendas are also available on the City's website at www.danapoint.org. In addition, Agenda related materials (including materials, if any, provided to the City Council after the Agenda was posted) may be reviewed in the office of the City Clerk during regular business hours or on the website at www.danapoint.org.

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.