

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
SEPTEMBER 1, 2015
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 15-04

CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS:

Carlos N. Olvera, Mayor
John A. Tomlinson, Mayor Pro Tem
Joseph L. Muller, Council Member
J. Scott Schoeffel, Council Member
Richard A. Viczorek, Council Member

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Government Code § 54956.9 (c), (1 case: Claim Against Utopia re: Illumination Performance)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case)

Name of Case: City of Dana Point v. California Coastal Commission, et al
Case No. 37-2010-00099827

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

There are no Presentations and Proclamations.

1. [APPOINTMENTS TO THE ARTS AND CULTURE COMMISSION](#)

RECOMMENDED ACTION: That the City Council conduct interviews and consider appointments to fill three expiring terms on the Arts and Cultural Commission.

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.

2. **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.

3. [REGULAR MEETING MINUTES, JULY 21, 2015](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

4. [PLANNING COMMISSION MEETING MINUTES, JULY 13, 2015](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [PLANNING COMMISSION MEETING MINUTES, JULY 27, 2015](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. [PLANNING COMMISSION ACTIONS, MEETING OF AUGUST 24, 2015](#)

RECOMMENDED ACTION: That the City Council receive and file.

7. [TRAFFIC IMPROVEMENT SUBCOMMITTEE ACTION MINUTES OF JANUARY 21, 2015](#)

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

9. [CITY TREASURER'S REPORT, JUNE 2015](#)

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of June, 2015.

10. **CLAIMS AND DEMANDS**

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

11. **ADMINISTRATIVE POLICY FOR TRANSITIONAL RETURN TO WORK PROGRAM**

RECOMMENDED ACTION: That the City Council approve an Administrative Policy providing for a Transitional Return to Work Program.

12. **HEALTH PLAN PROVISIONS FOR CALENDAR YEAR 2016**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, MODIFYING HEALTH BENEFIT PLAN ALLOWANCES FOR ALL ELIGIBLE REPRESENTED AND ELIGIBLE NON-REPRESENTED CLASSIFICATIONS.

13. **THIRD AMENDMENT TO THE OCFA JOINT POWERS AUTHORITY AGREEMENT**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING THE THIRD AMENDMENT TO THE ORANGE COUNTY FIRE AUTHORITY AMENDED JOINT POWERS AUTHORITY AGREEMENT, AND AUTHORIZING ITS EXECUTION.

14. **PCH TROLLEY STATUS REPORT**

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

15. **CONTRACT AMENDMENT FOR NELSON/NYGAARD CONSULTING ASSOCIATES TO CONTINUE THEIR WORK ON THE TOWN CENTER/LANTERN DISTRICT PARKING AMENDMENTS AND PROVIDE TRANSPORTATION PLANNING SERVICES FOR THE DOHENY VILLAGE PLAN**

RECOMMENDED ACTION: That the City Council authorize the City Manager to enter into an amended agreement with Nelson/Nygaard Consulting Associates in accordance with the attached scope of work to continue their work on parking amendments to the Town Center/Lantern District Plan and to provide Transportation Planning services for the Doheny Village Plan and authorize a budget adjustment.

16. **SECOND READING FOR ZONE TEXT AMENDMENT ZTA15-0001 TO AMEND THE CITY'S ZONING ORDINANCE CHAPTER 9.26 AND CORRESPONDING APPENDIX "E", GENERALLY REFERRED TO AS "DANA POINT TOWN CENTER PLAN", TO ADDRESS PARKING REGULATIONS, AND TO CHANGE THE TITLE OF THE DOCUMENT TO "DANA POINT LANTERN DISTRICT PLAN".**

RECOMMENDED ACTION: That the City Council hold a second reading and adopt Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA15-0001 TO AMEND THE CITY'S ZONING ORDINANCE; CHAPTER 9.26 AND CORRESPONDING APPENDIX "E" GENERALLY REFERRED TO AS THE "DANA POINT TOWN CENTER PLAN" TO ADDRESS PARKING REGULATIONS AND A TITLE CHANGE OF THE DOCUMENT TO "DANA POINT LANTERN DISTRICT PLAN" AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA15-0001 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

17. **PROFESSIONAL SERVICES AGREEMENT FOR SUPPLEMENTAL DEVELOPMENT COUNTER AND INSPECTION SERVICES**

RECOMMENDED ACTION: That the City Council authorize the City Manager to continue the Professional Services Agreement with Melad and Associates.

18. **DOHENY VILLAGE LAND USE PLAN GEOTECHNICAL, AND SURVEYING SUPPORT AND FLOODPLAIN ANALYSIS CONSULTANT AGREEMENT**

RECOMMENDED ACTION: That the City Council 1) authorize additional surveying services per the as-needed Consultant Services Agreement with Hall and Foreman; 2) approve geotechnical support expenditures; and 3) approve the Hydraulic Study Agreement with JLC Engineering and Consulting, Incorporated and associated funding.

19. **AMENDMENT OF CONSULTANT SERVICES AGREEMENT BY AND BETWEEN THE CITY OF DANA POINT AND OPTICOS DESIGN, INC. FOR SERVICES RELATED TO THE CREATION OF A FORM BASED CODE FOR THE DOHENY VILLAGE AREA**

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute an amendment to the Agreement for Consultant Services by and between the City of Dana Point and Opticos Design, Inc.

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

There are no Public Hearings.

UNFINISHED BUSINESS

There are no Unfinished Business items.

NEW BUSINESS

There are no New Business items

STAFF REPORTS

(City Manager Doug Chotkevys)

(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 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.

ADJOURNMENT

The next Regular Meeting of the City Council will be September 15, 2015, 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, August 27, 2015, 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.