

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
FEBRUARY 16, 2016
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 16-03

CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS:

John A. Tomlinson, Mayor
Richard A. Viczorek, Mayor Pro Tem
Joseph L. Muller, Council Member
Carlos N. Olvera, Council Member
J. Scott Schoeffel, 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), (2 cases)

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

Business of the Month – Harbor Grill
Employee of the Month – Kim Cholodenko
Library Presentation – Lisa Bartlett, Chairwoman of the Orange County Board of Supervisors
VFW Law Enforcement Officer of the Year
VFW Firefighter of the Year
VFW Reserve Firefighter of the Year
VFW Patriot Pen
VFW Voice of Democracy

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, FEBRUARY 2, 2016](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, JANUARY 25, 2016](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION ACTIONS, MEETING OF FEBRUARY 8, 2016](#)

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

6. [CITY TREASURER'S REPORT, JANUARY 2016](#)

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of January 2016.

7. [CLAIMS AND DEMANDS](#)

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

8. **DOHENY VILLAGE PLAN UPDATE**

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

9. **RATIFICATION OF AGREEMENT WITH DB NEISH, INC. FOR PLANNING SERVICES AND ADVOCACY REPRESENTATION/COASTAL COMMISSION LIAISON**

RECOMMENDED ACTION: That the Council ratify the agreement entered between the City and DB Neish, Inc. for planning and advocacy/Coastal Commission liaison work. In order to extend these services beyond the initial term, it is requested that the City Council a) ratify the initial contract with DB Neish and authorize the City Manager to approve a first amendment to that agreement; and, b) authorize a budget adjustment per the Fiscal Impact Section.

10. **AWARD OF CONTRACT FOR THE MAINTENANCE OF CITY RECREATIONAL FACILITIES**

RECOMMENDED ACTION: That the City Council award a contract to Professional Sports Field Maintenance, Inc. for maintenance of City recreational facilities and authorize the City Manager to execute amendments for unforeseen work not-to-exceed 20% of the annual award.

11. **AWARD OF CONTRACT FOR THE 4TH OF JULY AERIAL FIREWORKS DISPLAY AND BARGE CONTRACT**

RECOMMENDED ACTION: That the City Council approve the following for the 2016 4th of July aerial fireworks display: 1) contract with Garden State Fireworks for the aerial display, and 2) contract with Pacific Tugboat Service to provide a tug and barge to be used as the staging area for the fireworks display, and 3) authorize the City Manager to execute the agreements.

12. **ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PCH/DEL PRADO STREETSCAPE IMPROVEMENT PHASE 2A PROJECT**

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 A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PROJECT ENTITLED "PCH/DEL PRADO STREETSCAPE IMPROVEMENT PHASE 2A PROJECT"; and

2) authorize the funding transfers noted in the Fiscal Impact Section.

13. **2016 SPECIAL EVENTS CALENDAR**

RECOMMENDED ACTION: That the City Council 1) approve the Special Event Calendar for 2016 and the recommended venues; 2) award the stage and sound contract to Southern California Sound Stage & Lighting Corporation; and 3) authorize the City Manager to execute the contract.

14. [APPROVAL OF CONTRACT AMENDMENTS FOR ADDITIONAL AS-NEEDED REIMBURSABLE PUBLIC WORKS DEVELOPMENT ENGINEERING PLAN CHECK SERVICES](#)

RECOMMENDED ACTION: That the City Council 1) approve a contract amendment with Atkins North America, Incorporated for additional as-needed reimbursable Public Works plan checking services and authorize the City Manager or his Designee to execute the contract amendment; 2) approve a contract amendment with NV5 for additional as-needed reimbursable Public Works plan checking services and authorize the City Manager or his Designee to execute the contract amendment; and 3) approve a contract amendment with Coastal Geotechnical for additional as-needed reimbursable Public Works plan checking services and authorize the City Manager or his Designee to execute the contract amendment.

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

15. [CONDUCT A PUBLIC HEARING AND HOLD A SPECIAL ELECTION FOR THE CITY OF DANA POINT COMMUNITY FACILITIES DISTRICT NO. 2015-1 \(DOHENY BEACH\) AND ADOPT VARIOUS RESOLUTIONS AND AN ORDINANCE FORMING THE DISTRICT](#)

RECOMMENDED ACTION:

It is recommended that the City Council receive and file the Community Facilities District Report prepared by David Taussig & Associates, Inc. and proceed with the public hearing opened and continued on January 19, 2016 regarding (a) the establishment of Community Facilities District No. 2015-1 (Doheny Beach) ("CFD No. 2015-1").

If following such Public Hearing, no majority protest has been filed pertaining to the establishment of CFD No. 2015-1 or the levy of special taxes within CFD No. 2015-1, consider adopting the following Resolutions:

A. Approve and adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING FORMATION OF THE CITY OF DANA POINT COMMUNITY FACILITIES DISTRICT NO. 2015-1 (DOHENY BEACH), AUTHORIZING THE LEVY OF A SPECIAL TAX THEREIN, APPROVING AGREEMENTS, PRELIMINARILY ESTABLISHING AN APPROPRIATIONS LIMIT THEREFOR AND SUBMITTING LEVY OF THE SPECIAL TAX AND THE ESTABLISHMENT OF THE APPROPRIATIONS LIMIT TO THE QUALIFIED ELECTORS THEREOF; and

B. Approve and adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CALLING A SPECIAL ELECTION FOR THE PURPOSE OF APPROVING A SPECIAL TAX IN THE CITY OF DANA POINT COMMUNITY FACILITIES DISTRICT NO. 2015-1 (DOHENY BEACH), THE ISSUANCE OF BONDS BY SAID DISTRICT AND ESTABLISHMENT OF AN APPROPRIATIONS LIMIT; and

C. Approve and adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DETERMINING THE NECESSITY TO INCUR BONDED INDEBTEDNESS WITHIN IMPROVEMENT AREA NO. 1 OF THE CITY OF DANA POINT COMMUNITY FACILITIES DISTRICT NO. 2015-1 (DOHENY BEACH) AND SUBMITTING A PROPOSITION TO THE QUALIFIED ELECTORS.

Should the above Resolutions be adopted, request that the City Clerk tabulate the ballots cast in the special election to be held within CFD No. 2015-1 to enable the qualified electors of CFD No. 2015-1 to consider ballot questions regarding (a) the authorization to levy special taxes within CFD No. 2015-1, (b) the authorization to issue bonds secured by the levy of such special taxes and (c) the establishment of an appropriations limit for CFD No. 2015-1.

If the results of the special elections reveal that the propositions have received the affirmative vote of two-thirds of the votes cast, take the following actions:

D. Approve and adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DECLARING THE RESULTS OF A SPECIAL ELECTION HELD IN THE CITY OF DANA POINT COMMUNITY FACILITIES DISTRICT NO. 2015-1 (DOHENY BEACH) AND DIRECTING RECORDING OF A NOTICE OF SPECIAL TAX LIEN; and

E. Introduce and hold first reading of an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF THE CITY OF DANA POINT COMMUNITY FACILITIES DISTRICT NO. 2015-1 (DOHENY BEACH) LEVYING SPECIAL TAXES WITHIN THE CITY OF DANA POINT COMMUNITY FACILITIES DISTRICT NO. 2015-1 (DOHENY BEACH).

UNFINISHED BUSINESS

There are no Unfinished Business items.

NEW BUSINESS

16. [PLANNING COMMISSION VACANCY – LIZ CLAUS](#)

RECOMMENDED ACTION: That the City Council accept the letter of resignation from Planning Commissioner Liz Claus and provide staff with direction as appropriate.

17. [ARTS AND CULTURE COMMISSION MEETING FREQUENCY](#)

RECOMMENDED ACTION: That the City Council discuss and provide direction as to the Arts and Culture Commission meeting frequency.

PUBLIC COMMENTS (Continued)

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 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 March 1, 2016, 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, February 11, 2016, 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.