

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
MAY 17, 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, INITIATION OF LITIGATION, Government Code § 54956.9 (d)(4), (1 case): California Regional Water Quality Control Board, San Diego Region

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

CUSD Teacher of the Year
Recognition of DP Path Students (formerly SOS)
Boys & Girls Club of Capistrano Valley – Youth of the Year
Orange County Chapter of the American Society of Civil Engineers Presentation
Orange County Engineering Council Presentation

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, APRIL 19, 2016

RECOMMENDED ACTION: That the City Council approve the minutes.

3. PLANNING COMMISSION MEETING MINUTES, APRIL 11, 2016

RECOMMENDED ACTION: That the City Council receive and file.

4. PLANNING COMMISSION ACTIONS, MEETING OF MAY 9, 2016

RECOMMENDED ACTION: That the City Council receive and file.

5. DOHENY VILLAGE CODE COMMITTEE ACTIONS, MEETING OF MAY 10, 2016

RECOMMENDED ACTION: That the City Council receive and file.

6. DOHENY VILLAGE CODE COMMITTEE ACTIONS, MEETING OF MAY 12, 2016

RECOMMENDED ACTION: That the City Council receive and file.

7. YOUTH BOARD MEETING MINUTES, FEBRUARY 18, 2016

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. CLAIMS AND DEMANDS

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

10. OCTA CORRIDOR STUDY FOR PCH COMPLETE STREET – LONG RANGE BICYCLE AND PEDESTRIAN FACILITY IMPROVEMENT PLAN PRESENTATION

RECOMMENDED ACTION: That the City Council receive subject presentation from OCTA.

11. COMPLETION OF WEBSITE UPGRADE BY VISION INTERNET

RECOMMENDED ACTION: That the City Council authorize staff to go live with the City's new website.

12. DOHENY VILLAGE PLAN UPDATE

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

13. QUARTERLY FINANCIAL REPORT, MARCH 2016

RECOMMENDED ACTION: That the City Council receive and file the City Financial Report and Management Discussion for the quarter ended March 31, 2016.

14. SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND CHAPTER 2.20 OF THE DANA POINT MUNICIPAL CODE ENTITLED "EMERGENCY ORGANIZATION"

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 2.20 ENTITLED "EMERGENCY ORGANIZATION" OF THE DANA POINT MUNICIPAL CODE; and

15. AMENDMENT OF CONSULTANT SERVICES AGREEMENT BY AND BETWEEN THE CITY OF DANA POINT AND JUDITH BIJLANI

RECOMMENDED ACTION: That the City Council ratify the agreement entered between the City and Judith A. Bijlani for interim management services for the Tourism Business Improvement District (TBID), previously executed by the City Manager pursuant to his spending authority, and amend the agreement.

16. OPERATING AGREEMENT BETWEEN CITY OF DANA POINT AND THE RESORTS OF DANA POINT ASSOCIATION, INC.

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute an operating agreement between the City of Dana Point and The Resorts of Dana Point Association, Inc. to provide tourism related services on behalf of the Tourism Business Improvement District.

17. HISTORIC PRESERVATION AGREEMENT (MILLS ACT) FOR THE PROPERTY LOCATED AT 24711 EL CAMINO CAPISTRANO

RECOMMENDED ACTION: That the City Council authorize the Mayor to sign a Historic Property Preservation Agreement which would allow the property owners of the historic structure at 24711 El Camino Capistrano to participate in the State's Mills Act Program.

18. **APPROVAL OF FIRST AMENDMENT TO CONTRACT WITH WEST COAST ARBORISTS, INC. FOR TREE MAINTENANCE SERVICES**

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a First Amendment to the contract agreement with West Coast Arborists, Inc. for annual tree maintenance services not to exceed to approved budget amount.

19. **ADOPT A RESOLUTION AUTHORIZING THE CITY OF DANA POINT TO SUBMIT A LOCAL COASTAL PROGRAM PLANNING GRANT APPLICATION TO THE CALIFORNIA COASTAL COMMISSION**

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 CITY OF DANA POINT TO SUBMIT A LOCAL COSTAL PROGRAM PLANNING GRANT APPLICATION TO THE CALIFORNIA COASTAL COMMISSION; and

(2) authorize the City Manager to sign all needed documentation under the California Coastal Commission grant program.

20. **SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING CHAPTER 13.04, PARKS AND RECREATIONAL FACILITIES REGULATIONS, OF THE MUNICIPAL CODE TO ADDRESS CITY PARKS AND FACILITIES AND MODIFY HOURS OF USE IN THE STRAND ACCESS AREAS**

RECOMMENDED ACTION: That the City Council hold a second reading and adoption of an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING SECTION 13.04.030 OF THE DANA POINT MUNICIPAL CODE, RELATING TO HOURS OF USE IN PUBLIC PARKS AND FACILITIES, INCLUDING STRAND ACCESS AREAS IN THE DANA POINT HEADLANDS, AND REPEALING CITY OF DANA POINT ORDINANCE NO. 10-05

21. **ARTS AND CULTURE VACANCY – JUDITH NOWLAND**

RECOMMENDED ACTION: That the City Council accept the letter of resignation from Arts and Culture Commissioner Judith Nowland, direct staff to advertise the Notice of Vacancy for 30 days, and accept applications for Council's review and future appointment.

22. **OCTA SENIOR MOBILITY PROGRAM AGENCY SERVICE PLAN**

RECOMMENDED ACTION: That the City Council formally adopt the service plan for the Orange County Transportation Authority's (OCTA) Senior Mobility Program and authorize the City Manager to sign the service plan.

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

23. [CALIFORNIA COASTAL COMMISSION SUGGESTED MODIFICATIONS TO THE CITY'S APPROVED ZONE TEXT AMENDMENT ZTA13-0001, LOCAL COASTAL PROGRAM AMENDMENT LCPA13-0001; SPECIFIC PLAN AMENDMENT SPA13-0001, AND LOCAL COASTAL PROGRAM AMENDMENT LCPA13-0002 TO AMEND THE CITY'S ZONING ORDINANCE AND THE DANA POINT SPECIFIC PLAN TO ALLOW SHORT TERM RENTALS IN ALL ZONING DISTRICTS WHERE RESIDENTIAL USES ARE ALLOWED](#)

RECOMMENDED ACTION: That the City Council adopt suggested modifications as approved by the California Coastal Commission in its certification of the City of Dana Point Local Coastal Program Amendment LCPA13-0001 and LCPA13-0002 and forward the adopted suggested modifications to the Coastal Commission for final certification, and

1) Introduce for first reading two amended Ordinances entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA13-0001 TO ALLOW SHORT TERM RENTALS IN ALL THE ZONING DISTRICTS WHERE RESIDENTIAL USES ARE ALLOWED AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA13-0001 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION; and

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING SPECIFIC PLAN AMENDMENT SPA13-0001 TO ALLOW SHORT TERM RENTALS IN ALL THE DISTRICTS WHERE RESIDENTIAL USES ARE ALLOWED WITHIN THE SPECIFIC PLAN'S BOUNDARIES, AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA13-0002 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION, and

- 2) Adopt the following two Resolutions requesting certification of the LCPA from the California Coastal Commission:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REGARDING LOCAL COASTAL PROGRAM AMENDMENT LCPA13-0001 AND REQUESTING CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION; and

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REGARDING LOCAL COASTAL PROGRAM AMENDMENT LCPA13-0002 REQUESTING CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

UNFINISHED BUSINESS

24. [APPROVAL OF A LEASE AGREEMENT WITH COMMUNITY HOUSE, INC. FOR USE OF PARKING AS SHARED, PUBLIC PARKING AT 24642 SAN JUAN AVENUE, DANA POINT](#)

RECOMMENDED ACTION: That the City Council approve a Lease Agreement by and between the City of Dana Point, and Community House, Inc., authorizing the City Attorney to approve non-substantive changes to the Agreement and authorizing and directing the City Manager to execute the Agreement on behalf of the City.

NEW BUSINESS

25. [TRAFFIC IMPROVEMENT SUBCOMMITTEE INTERVIEWS](#)

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

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 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 June 21, 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, May 12, 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.