

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
SEPTEMBER 20, 2016
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 16-08

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 – EXISTING LITIGATION, Government Code § 54956.9 (a), (2 cases):

Name of Case: City of Dana Point, et al v Sobertec LLC, et al; Orange County Superior Court Case No. 30-2016-00859437-CU-MC-CJC; and

Name of Case: City of Dana Point, et al v. Capo By the Sea, Inc; Orange County Superior Court Case No. 30-2016-00859426-CU-MC-CJC

- B. CONFERENCE WITH LABOR NEGOTIATOR, Government Code § 54957.6

Agency Designated Representatives: City Manager
Unrepresented and Represented Employees: All positions in City

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 – The Shwack Grill
Employee of the Month – Sean Nicholas
DAR Constitution Week
Lantern District Public Art Competition

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, AUGUST 16, 2016](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [TRAFFIC IMPROVEMENT SUBCOMMITTEE ACTION MINUTES, MAY 18, 2016](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [ARTS AND CULTURE COMMISSION MEETING MINUTES, JUNE 15, 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, AUGUST 2016](#)

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

7. [CLAIMS AND DEMANDS](#)

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

8. [FISCAL YEAR 2016-17 PROPOSED BUDGET ADJUSTMENTS \(CARRY-OVER\)](#)

RECOMMENDED ACTION: That the City Council amend the FY2016-17 (“FY17”) budget by authorizing the carry-over and re-appropriation of encumbered and unencumbered funds from FY16 to FY17; and authorize the City Manager to ratify and execute the first amendment to the agreement between West Coast Civil, Incorporated and the City of Dana Point.

9. **DOHENY VILLAGE PLAN UPDATE**

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

10. **SALARY RANGES FOR REPRESENTED AND NON-REPRESENTED EMPLOYEE CLASSIFICATIONS AND ESTABLISHING ADDITIONAL NON-REPRESENTED POSITION TITLES AND CLASS SPECIFICATIONS**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, ESTABLISHING SALARY RANGES FOR REPRESENTED AND NON-REPRESENTED CLASSIFICATIONS; ESTABLISHING POSITION TITLES AND CLASS SPECIFICATIONS FOR ADDITION NON-REPRESENTED CLASSIFICATIONS; AND AMENDING SALARY RANGES FROM JULY 1, 2012 – JUNE 21, 2016.

11. **2016-2017 DANA POINT YOUTH BOARD APPOINTMENTS**

RECOMMENDED ACTION: That the City Council appoint 11 Board Members and 10 Members-at-Large to the Dana Point Youth Board.

12. **PRELIMINARY DESIGN ACTIVITIES FOR THE DOHENY VILLAGE CONNECTIVITY ENHANCEMENT STUDY IMPROVEMENTS**

RECOMMENDED ACTION: That the City Council (1) establish a new Capital Improvement Program Project entitled “Capistrano Beach Connectivity Study Enhancements Project”; (2) authorize preliminary design services for the Connectivity Study Improvements by the City’s as-needed traffic engineering consultant (Linscott, Law & Greenspan, Engineers); (3) authorize the City Manager to execute a two year contract extension with Linscott, Law & Greenspan, Engineers (LLG) for as-needed traffic engineering services with two additional four year options to allow this work to be done along with other activities; and (4) authorize additional surveying services per the as-needed Consultant Services Agreement with David Evans and Associates, Inc.

13. **COAST HIGHWAY CLASS 1 BIKEWAY/PEDESTRIAN WAY PHASE 2 PROJECT FOR THE OCTA BICYCLE CORRIDOR IMPROVEMENT PROGRAM (BCIP) GRANT ACCEPTANCE**

RECOMMENDED ACTION: That the City Council (1) accept OCTA’s Grant and establish a complimentary Capital Improvement Program Project, namely the Coast Highway Class 1 Bikeway/Pedestrian Way Phase 2 Project; and (2) authorize the funding transfers to cover the City’s required matching funds and other needed services; and (3) authorize additional surveying services per the as-needed Consultant Services Agreement with David Evans and Associates, Inc.

14. AMENDMENT TO THE CITY'S CONFLICT OF INTEREST CODE

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA,
AMENDING THE CONFLICT OF INTEREST CODE.

15. HEALTH PLAN PROVISIONS FOR CALENDAR YEAR 2017

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.

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.

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 October 4, 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, September 15, 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.