

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
APRIL 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. 17-02

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. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case)

Name of Case: City of Dana Point v. Headlands Reserve LLC, Sanford Edward, et al;
Orange County Superior Court Case No. 30-2016-00872051;

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 – Girl in the Curl
Donate Life Month – Dick Veale

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, MARCH 21, 2017](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [SPECIAL MEETING MINUTES, MARCH 29, 2017](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

4. [PLANNING COMMISSION MEETING MINUTES, FEBRUARY 27, 2017](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [PLANNING COMMISSION MEETING MINUTES, MARCH 27, 2017](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. [PLANNING COMMISSION ACTIONS, MEETING OF APRIL 10, 2017](#)

RECOMMENDED ACTION: That the City Council receive and file.

7. [OCEAN WATER QUALITY SUBCOMMITTEE MINUTES, FEBRUARY 28, 2017](#)

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, MARCH 2017](#)

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of March, 2017.

10. [CLAIMS AND DEMANDS](#)

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

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

11. [CALIFORNIA COASTAL COMMISSION SUGGESTED MODIFICATIONS TO THE CITY'S APPROVED GENERAL PLAN AMENDMENT GPA16-0001, ZONE TEXT AMENDMENT ZTA16-0001, AND LOCAL COASTAL PROGRAM AMENDMENT LCPA16-0001, TO AMEND THE HEADLANDS DEVELOPMENT AND CONSERVATION PLAN \(HDGP\), TO ADDRESS PUBLIC ACCESS OVER SPECIFIED ACCESSWAYS IN THE RESIDENTIAL PORTION OF THE HEADLANDS DEVELOPMENT AND CONSERVATION PLAN AND THE USE OF THREE ROPES OR SIMILAR DEVICES](#)

RECOMMENDED ACTION: That the City Council consider adopting the suggested modifications as approved by the California Coastal Commission in its certification of the City of Dana Point Local Coastal Program Amendment LCPA16-0001 and forward the adopted suggested modifications to the Executive Director of the Coastal Commission for final certification, and

- 1) Adopt the following Resolution approving the GPA16-0001 and requesting certification of LCPA16-0001 from the California Coastal Commission:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REGARDING GENERAL PLAN AMENDMENT GPA16-0001 AND LOCAL COASTAL PROGRAM AMENDMENT LCPA16-0001 TO AMEND LAND USE POLICY 5.31 AND REQUESTING CERTIFICATION OF LOCAL COASTAL PROGRAM AMENDMENT LCPA16-0001 BY THE CALIFORNIA COASTAL COMMISSION; and

- 2) Introduce for first reading of an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA16-0001 TO AMEND THE HEADLANDS DEVELOPMENT AND CONSERVATION PLAN; SECTION 4.0 TO ADDRESS PUBLIC ACCESS OVER SPECIFIED ACCESS WAYS IN THE RESIDENTIAL PORTION OF THE HEADLANDS AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA16-0001 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

UNFINISHED BUSINESS

12. [DOHENY VILLAGE PLAN UPDATE](#)

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

13. [2017 ABATEMENT PROGRAM, AUTHORIZATION TO ABATE WEEDS](#)

RECOMMENDED ACTION: That the City Council hear any objections regarding weed abatement and thereafter adopt one of the two attached Resolutions as follows:

- 1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, OVERRULING OBJECTIONS AND PROCEEDING WITH WEED ABATEMENT; or
- 2) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, HEARING NO OBJECTIONS AND PROCEEDING WITH WEED ABATEMENT.

NEW BUSINESS

14. **FINANCIAL REVIEW COMMITTEE MINUTES, MARCH 27, 2017**

A. [RECOMMENDED ACTION: That the City Council receive and file the Minutes.](#)

B. [RECOMMENDED ACTION: At the Mayor's request, that the City Council receive input from any interested Financial Review Committee \(FRC\) Members on FRC's progress to date.](#)

15. [BUDGET – STATUS UPDATE AND CITY COUNCIL REVIEW](#)

RECOMMENDED ACTION: That the Acting City Manager inform City Council on status of FY 2018/2019 Budget.

16. [ANNUAL REVIEW OF THE INVESTMENT POLICY](#)

RECOMMENDED ACTION: That the City Council approve the City's Statement of Safekeeping and Investment of Public Funds Policy ("Investment Policy").

17. [AWARD OF CONTRACT FOR THE 4TH OF JULY AERIAL FIREWORKS DISPLAY](#)

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a contract with Pyro Engineering, Inc. for the 2017 Dana Point July 4th Fireworks display.

18. RECRUITMENT FOR THE ARTS AND CULTURE COMMISSION

RECOMMENDED ACTION: That the City Council direct staff to proceed with the recruitment for the Arts and Culture Commission.

19. AMENDMENT TO AGREEMENT WITH SOUTH COAST WATER DISTRICT FOR THE OPERATION AND MAINTENANCE OF THE SALT CREEK OZONE TREATMENT FACILITY

RECOMMENDED ACTION: That the City Council authorize the City Manager to process and sign the Sixth Amendment to the Agreement with South Coast Water District (SCWD) for the Operation and Maintenance of the Salt Creek Ozone Treatment Facility and authorize the City Manager, when processing the Amendment, to accept any non-substantive changes.

20. DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT/VISIT DANA POINT QUARTERLY REPORT FOR JANUARY – MARCH 2017

RECOMMENDED ACTION: That the City Council receive and file.

21. SECOND READING AND ADOPTION OF AN ORDINANCE READOPTING PORTIONS OF THE DANA POINT MUNICIPAL CODE AND REAUTHORIZING THE COLLECTION OF A FEE TO SUPPORT PUBLIC, EDUCATION, AND GOVERNMENTAL (“PEG”) CHANNEL FACILITIES WITHIN THE CITY’S JURISDICTION

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, READOPTING SECTION 5.36.020 of CHAPTER 5.36 OF TITLE 5 OF THE DANA POINT MUNICIPAL CODE ENTITLED “STATE VIDEO FRANCHISE FEES” RELATING TO STATE FRANCHISES FOR CABLE COMMUNICATIONS; AND REAUTHORIZING A FEE TO SUPPORT PUBLIC, EDUCATION, AND GOVERNMENTAL (“PEG”) CHANNEL FACILITIES WITHIN THE CITY’S JURISDICTION.

22. MEETING BETWEEN MAYORS AND CITY MANAGERS OF SAN CLEMENTE, SAN JUAN CAPISTRANO AND DANA POINT

RECOMMENDED ACTION: That the City Council consider the City of San Clemente’s invitation to form a tri-city committee of the Cities of Dana Point, San Clemente and San Juan Capistrano to meet regularly to discuss issues of mutual concern and select the Mayor and one member of the City Council to be the Dana Point representatives to the tri-city committee.

23. RECOGNITION OF LANTERN VILLAGE ASSOCIATION 25TH ANNIVERSARY

RECOMMENDED ACTION: That the City Council consider recognizing the 25th Anniversary of the establishment of the Lantern Village Association by placement of a decorative plaque at La Plaza Park.

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 May 2, 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, April 13, 2017, 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.