

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
JUNE 6, 2017
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 17-04

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), (3 cases)
- B. PUBLIC EMPLOYMENT, Government Code § 54957: Title: City Manager recruitment
- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (3 cases)

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

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

Name of Case: People v. Gary Karns; Local Janitorial & Vacuum Supply Company, Case
No. 16HM10382

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Presentation to Dana Hills High School – Boys Swimming and Diving CIF Champions

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. **[SPECIAL JOINT MEETING MINUTES, MAY 15, 2017](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

3. **[REGULAR MEETING MINUTES, MAY 16, 2017](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

4. **[SPECIAL MEETING MINUTES, MAY 23, 2017](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

5. **[PLANNING COMMISSION MEETING MINUTES, APRIL 10, 2017](#)**

RECOMMENDED ACTION: That the City Council receive and file.

6. **[PLANNING COMMISSION ACTIONS, MEETING OF MAY 22, 2017](#)**

RECOMMENDED ACTION: That the City Council receive and file.

7. **[YOUTH BOARD MEETING MINUTES, MAY 4, 2017](#)**

RECOMMENDED ACTION: That the City Council receive and file.

8. **[ARTS AND CULTURE COMMISSION MINUTES, MARCH 15, 2017](#)**

RECOMMENDED ACTION: That the City Council receive and file.

9. [OCEAN WATER QUALITY MEETING MINUTES, MARCH 28, 2017](#)

RECOMMENDED ACTION: That the City Council receive and file.

10. [FINANCIAL REVIEW COMMITTEE MEETING MINUTES, MAY 10, 2017](#)

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

12. [CLAIMS AND DEMANDS](#)

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

13. [MONTHLY FINANCIAL ACTIVITY REPORT, APRIL 2017](#)

RECOMMENDED ACTION: That the City Council receive and file the Monthly Financial Activity Report for April 2017.

14. [GOVERNMENT FINANCE OFFICERS ASSOCIATION CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING FOR THE YEAR ENDED JUNE 30, 2016](#)

RECOMMENDED ACTION: That the City Council receive and file the GFOA Certificate of Achievement for the year ended June 30, 2016.

15. [WATER QUALITY NUISANCE WATER DIVERSION AGREEMENT AND SALT CREEK OZONE TREATMENT FACILITY BACKWASH AGREEMENT AMENDMENT WITH SOUTH COAST WATER DISTRICT](#)

RECOMMENDED ACTION: That the City Council authorize the City Manager to 1) execute and process the revised Dana Point Diversion Agreement, and 2) execute and process the Salt Creek Backwash Agreement Amendment #2 with SCWD to allow flow from storm drains to be diverted to the sanitary sewer system; and 3) delegate authority to extend future amendments to diversion or backwash agreements to the City Manager.

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

16. PUBLIC HEARING AND DISCUSS A RESOLUTION TO ADOPT THE PROPOSED OPERATING AND CAPITAL IMPROVEMENT BUDGETS FOR FISCAL YEARS 2017-2018 AND 2018-2019; ADOPTION OF A RESOLUTION TO ESTABLISH THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2017-2018; ADOPTION OF A RESOLUTION SUPPORTING RENEWED MEASURE M2 ELIGIBILITY PACKAGE; AUTHORIZE CLOSE OF CURRENTLY BUDGETED CIP PROJECTS IN FISCAL YEAR 2016-2017; AND AUTHORIZE CITY VEHICLE LEASING PROGRAM CONTRACTS

That the City Council:

1) Conduct a Public Hearing to review the City of Dana Point Proposed Operating and Capital Improvement Budgets for Fiscal Years 2017-2018 (FY18) and 2018-2019 (FY19);

2) Discuss a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADOPTING AN OPERATING AND CAPITAL IMPROVEMENT BUDGET FOR THE CITY OF DANA POINT FOR FISCAL YEARS 2017-2018 AND 2018-2019 (Action Document A);

3) Discuss a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2017-2018 (Action Document B);

4) Discuss a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADOPTING THE SEVEN YEAR CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2017-18 THROUGH FISCAL YEAR 2023-24 AND CERTIFYING COMPLIANCE AS REQUIRED BY THE OCTA RENEWED MEASURE M (M2) PROGRAM (Action Document C);

5) Discuss the necessary Renewed Measure M2 eligibility documentation to the Orange County Transportation Authority (OCTA);

6) Discuss closing current CIP projects in Fiscal Year 2016-2017 (FY17); and

- 7) Discuss the City Vehicle Leasing Program Contracts with Enterprise FM Trust, Inc. (vehicle lease contract) and Enterprise Fleet Management, Inc. (vehicle maintenance contract).

UNFINISHED BUSINESS

There are no Unfinished Business items.

NEW BUSINESS

17. APPROVAL OF A CONTRACT AGREEMENT FOR TRAFFIC SIGNAL MAINTENANCE SERVICES WITH SIEMENS INDUSTRY, INCORPORATED

RECOMMENDED ACTION: That the City Council:

- 1) Approve a contract agreement for Traffic Signal Maintenance Services with Siemens Industry, Incorporated;
- 2) Authorize three additional two (2) year contract term extension options provided unit prices remain competitive with vendors providing similar services; and
- 3) Authorize the City Manager to execute the agreement.

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 June 20, 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, June 1, 2017, 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.