

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
DECEMBER 5, 2017  
5:00 P.M.**

## **AGENDA**

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

Next City Council Ordinance No. 17-06

### **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. CODE ENFORCEMENT UPDATE**

- a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (3 cases)
  - i. City of DP v. Seaside Inn, Orange County Superior Court Case No. 30-2017-00915900
  - ii. Thomas Volkmann v. City of DP, Orange County Superior Court Case No. 30-2017-00914962-CU-EI-CXC
  - iii. City of DP v. Pickering, Orange County Superior Court Case No. 16HM10192
- b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, Government Code § 54956.9 (d)(2) (3 cases)

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

**RECONVENE CITY COUNCIL MEETING**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

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## PRESENTATIONS AND PROCLAMATIONS

There are no Presentations or Proclamations.

## 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, NOVEMBER 7, 2017](#)**

RECOMMENDED ACTION: That the City Council: 1) approve the November 7, 2017 minutes and 2) consider a request by Mayor Lewis to waive City Council Policy 118 – City Minutes (Statements for the Record) regarding the addition of Mayor Lewis' statements for Item #13.

### 3. **[PLANNING COMMISSION MEETING MINUTES, OCTOBER 23, 2017](#)**

RECOMMENDED ACTION: That the City Council receive and file.

### 4. **[PLANNING COMMISSION MEETING MINUTES, NOVEMBER 13, 2017](#)**

RECOMMENDED ACTION: That the City Council receive and file.

### 5. **[PLANNING COMMISSION ACTIONS, MEETING OF NOVEMBER 27, 2017](#)**

RECOMMENDED ACTION: That the City Council receive and file.

### 6. **[FINANCIAL REVIEW COMMITTEE MINUTES, OCTOBER 26, 2017](#)**

RECOMMENDED ACTION: That the City Council receive and file.

### 7. **[YOUTH BOARD MEETING MINUTES, OCTOBER 5, 2017](#)**

RECOMMENDED ACTION: That the City Council receive and file.

### 8. **[YOUTH BOARD MEETING MINUTES, OCTOBER 19, 2017](#)**

RECOMMENDED ACTION: That the City Council receive and file.

### 9. **[TRAFFIC IMPROVEMENT SUBCOMMITTEE MINUTES, JULY 19, 2017](#)**

RECOMMENDED ACTION: That the City Council receive and file.

10. **MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR**

RECOMMENDED ACTION: That the City Council receive and file.

11. **CITY TREASURER'S REPORT, OCTOBER 2017**

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

12. **CLAIMS AND DEMANDS**

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

13. **DANA POINT POLICE SERVICES MONTHLY REPORT**

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

14. **DISPOSITION OF NON-ESSENTIAL CITY RECORDS AND RECORDS RETENTION SCHEDULE UPDATE**

RECOMMENDED ACTION: That the City Council approve the 2017 disposition of non-essential City records in accordance with California State law and the City's approved Records Retention Schedule and adopt the Resolutions entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE DISPOSITION OF CERTAIN INACTIVE CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA; and

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING REVISED RECORDS RETENTION SCHEDULE FOR CERTAIN CITY DEPARTMENTS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

15. **DEVELOPMENT UPDATE**

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

16. **MONTHLY FINANCIAL ACTIVITY REPORT, OCTOBER 2017**

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

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

17. [LOCAL COASTAL PROGRAM AMENDMENT LCPA 17-0003/ZONE TEXT AMENDMENT ZTA 17-0001/SPECIFIC PLAN AMENDMENT SPA 17-0001 – TO AMEND VARIOUS PORTIONS OF THE ZONING ORDINANCE TO ADDRESS TYPOGRAPHICAL ERRORS, CLARIFY SECTIONS OF THE CODE, AND MODIFICATIONS CONSISTENT WITH RECENT STATE LAW CHANGES. A SPECIFIC PLAN AMENDMENT IS PROPOSED FOR THE DANA POINT SPECIFIC PLAN DIRECTLY RELATED TO USES ALLOWED ABOVE THE GROUND FLOOR IN THE COASTAL VISITOR COMMERCIAL \(C-VC\) ZONING DISTRICT, 2017 ZONING ORDINANCE CLEAN UP](#)

RECOMMENDED ACTION: That the City Council 1) conduct a Public Hearing and

2) Adopt the following Resolution approving SPA 17-0001 and requesting certification of LCPA 17-0003 from the California Coastal Commission:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING DANA POINT SPECIFIC PLAN AMENDMENT SPA17-0001 AND LOCAL COASTAL RPGRAM AMENDMENT LCPA 17-0003, WHICH MODIFIES THE C-VC ZONING DESIGNATION OF THE DANA POINT SPECIFIC PLAN, AND SUBMISSION OF ZTA 17-0001/SPA 17-0001 AS LOCAL COASTAL PROGRAM AMENDMENT LCPA 17-0003 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION;

3) 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 ZTA17-0001 TO MODIFY AND ADD VARIOUS PROVISIONS TO THE ZONING ORDINANCE AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA17-0003 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

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## UNFINISHED BUSINESS

### 18. [AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE CROWN VALLEY PARKWAY MEDIAN REHABILITATION AND ARTERIAL RESURFACING PROJECT](#)

RECOMMENDED ACTION: That the City Council

- 1) Approve the construction contract documents required for the “Crown Valley Parkway Median Rehabilitation and Arterial Resurfacing Project”;
- 2) Approve an award of contract to All American Asphalt for construction of the Crown Valley Parkway Median Rehabilitation and Arterial Roadway Resurfacing Project and authorize the City Manager or his designee to sign and administer the subject contract and approve additional payment for change orders, contingencies, management services, soils and material testing, surveying, and construction design support for the project as noted in the Fiscal Impact Section;
- 3) Authorize materials inspection and testing services per the Fiscal Impact Section and approve the Short Form Contract Agreement;
- 4) Authorize surveying services with WestLAND Group per the Fiscal Impact Section and approve the Short Form Contract Agreement; and
- 5) Authorize the transfer of the balance of the Crown Valley Median Rehabilitation Project (CIP #1284) to the Crown Valley Parkway Arterial Roadway Resurfacing Project (CIP #1310) budget as the projects are being built together.

### 19. [NO SMOKING IN PUBLIC PLACES ORDINANCE - Continued from the regular meeting of October 3, 2017](#)

RECOMMENDED ACTION: That the City Council introduce and hold a first reading of an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 6.40 OF THE DANA POINT MUNICIPAL CODE RELATING TO THE REGULATION AND PROHIBITION OF SMOKING IN THE CITY.

## NEW BUSINESS

### 20. [HOMELESS OUTREACH SERVICES](#)

RECOMMENDED ACTION: That the City Council:

- 1) Ratify and amend the contract with Mercy House for homeless outreach activities in an amount not to exceed a total contract of \$80,000, and extend the term through December 31, 2018. Approve a budget adjustment as described in the Fiscal Impact section; and
- 2) Authorize the City Manager to initiate negotiations with Family Assistance Ministries for targeted outreach services providing overnight support and homeward bound relocation assistance.

### 21. [SHORT TERM RENTAL MANAGEMENT APPLICATION](#)

RECOMMENDED ACTION: That the City Council receive staff's presentation.

**22. VEHICLE ACQUISITION PROGRAM**

RECOMMENDED ACTION: That the City Council:

- a) Review, discuss, and adopt the proposed City Council Policy 226 entitled "Acquisition and Use of City Vehicles"; AND
- b) Authorize the City Manager to enter into a Master Equity Lease Agreement with Enterprise FM Trust and any other pertinent agreements required to implement a fleet leasing program, and appropriate funds in the as outlined in the Fiscal Impact Section;

OR

- c) Authorize staff to implement a vehicle purchase and replacement program, and authorize the purchase of the first six vehicle replacements, including three F-150's, three Ford Escapes, and one F-350 Service Body, and appropriate funds as outlined in the Fiscal Impact Section.

**23. USER FEE SUBSIDY POLICY**

RECOMMENDED ACTION: That the City Council:

- 1) Discuss and adopt the User Fee Subsidy Policy; and
- 2) Receive and file the User Fee Study Report.

**24. MANAGEMENT OF CITY ATTORNEY**

RECOMMENDED ACTION: That the City Council:

- 1) Consider a proposed Policy entitled Management of City Attorney; and
- 2) Discuss the proposed Policy and provide direction to staff to prepare a final version for first reading at the next regular City Council meeting.

**PUBLIC COMMENTS (Continued)**

**CITY COUNCIL REORGANIZATION**

- A. COUNCIL REORGANIZATION
- B. RECOGNITION OF OUTGOING MAYOR

**STAFF REPORTS**

(City Manager Mark Denny)

(City Attorney Patrick Muñoz)

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## **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.

## **RECEPTION**

REFRESHMENTS WILL BE SERVED – THE PUBLIC IS INVITED.

## **ADJOURNMENT**

The next Regular Meeting of the City Council will be January 16, 2018, 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 Tuesday, November 28, 2017, at 5:30 p.m.

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KATHY M. WARD, CITY CLERK

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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.