

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
JULY 17, 2018
5:00 P.M.**

REVISED AGENDA

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

Next City Council Ordinance No. 18-04

CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS:

Richard A. Viczorek, Mayor
Joseph L. Muller, Mayor Pro Tem
Debra Lewis, Council Member
John A. Tomlinson, Council Member
Paul N Wyatt, Council Member

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (1 case)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (1 case)

Name of Case: Thomas Volkmann v. City of DP, Orange County Superior Court Case No. 30-2017-00914962-CU-EI-CXC

- C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957

Title: City Manager

- D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957

Title: City Attorney

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Special Presentation by VFW Post 9934

READING OF ORDINANCE TITLES

At this time, the City Clerk will read the title(s) of the ordinance(s) listed on the agenda.

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 and that further reading of such ordinances be waived.

2. **[REGULAR MEETING MINUTES, JUNE 19, 2018](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

3. **[PLANNING COMMISSION MEETING MINUTES, JUNE 11, 2018](#)**

RECOMMENDED ACTION: That the City Council receive and file.

4. **[PLANNING COMMISSION MEETING MINUTES, JUNE 25, 2018](#)**

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. **[MONTHLY FINANCIAL ACTIVITY REPORT, MAY 2018](#)**

RECOMMENDED ACTION: That the City Council receive and file the Monthly Financial Activity Report for May 2018.

7. **[CLAIMS AND DEMANDS](#)**

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

8. DANA POINT POLICE SERVICES MONTHLY REPORT

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

9. DEVELOPMENT UPDATE

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

10. ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE CROWN VALLEY MEDIAN IMPROVEMENT AND ARTERIAL RESURFACING PROJECT

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PROJECT ENTITLED "CROWN VALLEY MEDIAN IMPROVEMENT AND ARTERIAL RESURFACING PROJECT"

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.

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.

PUBLIC HEARINGS

11. 2018 WEED ABATEMENT PROGRAM

RECOMMENDED ACTION: That the City Council conduct a hearing on the Weed Abatement Cost Report and thereafter, adopt a Resolution confirming the Cost Report and providing for the collection on the regular tax bill entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONFORMING THE COST OF ABATEMENT AND PROVIDING FOR THE COLLECTION ON THE REGULAR TAX BILL.

UNFINISHED BUSINESS

12. STRATEGIC PLAN UPDATE

RECOMMENDED ACTION: That the City Council approve the update to the City of Dana Point Strategic Plan.

NEW BUSINESS

13. ORDINANCE OF THE CITY COUNCIL OF DANA POINT, CALIFORNIA AMENDING DANA POINT MUNICIPAL CODE TITLE 11 (PEACE, MORALS AND SAFETY) AND TITLE 13 (PARKS AND RECREATION FACILITIES)

RECOMMENDED ACTION: That the City Council ensure compliance with state law and the protection of public health, safety, and general welfare of its residents by introducing for first reading of an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING DANA POINT MUNICIPAL CODE TITLE 11 (PEACE, MORALS AND SAFETY) AND TITLE 13 (PARKS AND RECREATION FACILITIES) TO CLARIFY AND AMEND THE CITY'S REGULATIONS RELATING TO PUBLIC NUISANCES BEHAVIOR.

14. CHAPTER 14.01 STREETS AND SIDEWALKS CODE CLEAN-UP AMENDMENT

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 14.01 STREETS AND SIDEWALKS OF THE DANA POINT MUNICIPAL CODE.

15. AWARD OF CONTRACT FOR THE CONSTRUCTION OF THE ARTERIAL ROADWAY RESURFACING AND PAVEMENT PRESERVATION FY 18/19 PROJECT

RECOMMENDED ACTION: That the City Council:

- 1) approve award of a contract to Hardy and Harper, Incorporated for construction of the Arterial Roadway Resurfacing and Pavement Preservation Project FY 18/19, excluding Bid Schedules B and C, 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; and,
- 2) authorize materials inspection and testing services and approve the Agreement for Contractor Services with Ninyo & Moore; and,
- 3) authorize surveying services with WestLAND Group and approve the Short Form Contract Agreement; and,
- 4) authorize funding transfers within the existing Capital Improvement Program Projects.

16. APPROVAL OF A SECOND AMENDMENT TO CONTRACT WITH WEST COAST ARBORISTS, INC. FOR TREE MAINTENANCE

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a Second Amendment to the Contract Agreement with West Coast Arborists, Inc., for annual tree maintenance services.

17. CONSIDERATION OF CITY MANAGER BONUS

RECOMMENDED ACTION: That the City Council approve a bonus for the City Manager per Section 8(c) of his employment agreement.

PUBLIC COMMENTS (Continued)

STAFF REPORTS

(City Manager Mark Denny)

(City Attorney Patrick Muñoz)

ADJOURNMENT

The next Regular Meeting of the City Council will be September 4, 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 Friday, July 13, 2018, 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.