

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
MAY 5, 2020  
5:00 P.M.**

## **AGENDA**

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

Next City Council Ordinance No. 20-02

## **SAFETY ALERT**

**AS A RESULT OF THE COVID-19 VIRUS, AND RESULTING ORDERS AND DIRECTION FROM THE PRESIDENT OF THE UNITED STATES, THE GOVERNOR OF THE STATE OF CALIFORNIA, AND THE ORANGE COUNTY HEALTH CARE AGENCY, AS WELL AS THE CITY OF DANA POINT EMERGENCY DECLARATION, THE PUBLIC WILL NOT BE PERMITTED TO PHYSICALLY ATTEND THE DANA POINT CITY COUNCIL MEETING TO WHICH THIS AGENDA APPLIES. YOU MAY SUBMIT COMMENTS ON ANY AGENDA ITEM OR ON ANY ITEM NOT ON THE AGENDA IN WRITING VIA MAIL TO "CITY COUNCIL" 33282 GOLDEN LANTERN, DANA POINT, CA 92629 OR BY EMAIL TO [COMMENT@DANAPOINT.ORG](mailto:COMMENT@DANAPOINT.ORG). YOU MAY VIEW THE MEETING LIVE ON COX CABLE CHANNEL 855 AND ONLINE ON THE CITY OF DANA POINT YouTube CHANNEL.**

**PLEASE NOTE THAT THE CITY COUNCIL IS MAKING EVERY EFFORT TO FOLLOW THE SPIRIT AND INTENT OF THE BROWN ACT AND OTHER APPLICABLE LAWS REGULATING THE CONDUCT OF PUBLIC MEETINGS, IN ORDER TO MAXIMIZE TRANSPARENCY AND PUBLIC ACCESS. IT WOULD BE APPRECIATED IF COMMUNICATIONS OF PUBLIC COMMENTS RELATED TO ITEMS ON THE AGENDA, OR ITEMS NOT ON THE AGENDA, ARE PROVIDED TO [COMMENT@DANAPOINT.ORG](mailto:COMMENT@DANAPOINT.ORG) PRIOR TO THE COMMENCEMENT OF THE MEETING. IF THAT IS NOT POSSIBLE, AND TO ACCOMMODATE COMMENTS TO ITEMS THAT MAY BE ADDED TO THE AGENDA AFTER ITS INITIAL POSTING DURING THIS TIME OF EMERGENCY, EVERY EFFORT WILL BE MADE TO ATTEMPT TO REVIEW EMAILS DURING THE COURSE OF THE MEETING. TOWARDS THIS END, THE MAYOR WILL ENDEAVOR TO TAKE A BRIEF PAUSE BEFORE ACTION IS TAKEN ON ANY AGENDA ITEM TO ALLOW THE CLERK TO REVIEW EMAILS, AND SHARE ANY PUBLIC COMMENTS RECEIVED DURING THE MEETING.**

**CALL TO ORDER**

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**ROLL CALL OF CITY COUNCIL MEMBERS:**

Richard A. Viczorek, Mayor  
Jamey M. Federico, Mayor Pro Tem  
Debra Lewis, Council Member  
Joseph L. Muller, Council Member  
Paul N Wyatt, Council Member

**CLOSED SESSION**

- A. THREAT TO PUBLIC SERVICES OR FACILITIES – Government Code § 54957 (a): consultation with City Attorney, Director of Emergency Services, Director of General Services regarding COVID 19
- B. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Government Code § 54956.9 (c), 1 case
- C. CONFERENCE WITH LEGAL COUNSEL - LITIGATION STRATEGY REVIEW INCLUDING POTENTIAL DISCUSSION OF THE FOLLOWING EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (7 cases)
  - 1. City of Dana Point v. Southern California Recovery Center, TML Holdings, LLC, Case No. 30-2018-01012750
  - 2. City of Dana Point v. Donna’s House, LLC, Michael Marriner, Jr., Katy Marriner, Ralph M. Wright, Jr., Trustee, or His Successor, Under The Ralph M. Wright, Jr. 2017 Family Trust, Case No. 30-2018-01011653
  - 3. City of Dana Point v. Changes & Recovery, Inc., Shirley K. Zulauf, Case No. 30-2019-01059862
  - 4. City of Dana Point v. Wings of Hope, Parissa Assadi, Hamid Rezaie, Case No. 30-2019-01059792
  - 5. City of DP v. Sunshine Group LLC (Seaside Inn), Orange County Superior Court Case No. 30-2017- 00915900
  - 6. City v. New Method Wellness, Inc., NMW Beds, LLC, and Pacific View Sober Living LLC, Orange County Superior Court Case No. 30-2017-00904169
  - 7. Concerned Residents of Dana Point vs. City of Dana Point Case No. 2019- 01117892-CU-TT-CXC

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

**RECONVENE CITY COUNCIL MEETING**

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## PLEDGE OF ALLEGIANCE

## INVOCATION

## PRESENTATIONS AND PROCLAMATIONS

## 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, APRIL 21, 2020](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

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

RECOMMENDED ACTION: That the City Council receive and file.

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

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

### 5. **[CITY TREASURER'S REPORT, MARCH 2020](#)**

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report, March, 2020.

### 6. **[QUARTERLY FINANCIAL REPORT, MARCH 2020](#)**

RECOMMENDED ACTION: That the City Council receive and file the City Financial Report and Management Discussion for the quarter ended March 31, 2020.

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## **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 thirty 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 agendaized 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-agendaized items may be presented as informational only.

## **PUBLIC HEARINGS**

There are no Public Hearings.

## **UNFINISHED BUSINESS**

There are no Unfinished Business items.

## **NEW BUSINESS**

7. [\*\*OPERATING AGREEMENT BETWEEN CITY OF DANA POINT AND THE RESORTS OF DANA POINT ASSOCIATION, INC.\*\*](#)

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute an Operating Agreement between the City of Dana Point and Dana Point Resorts Association Inc. dba Visit Dana Point to provide tourism related services on behalf of the Dana Point Tourism Business Improvement District (the “Agreement”).

8. [\*\*UPDATE OF LOCAL EMERGENCY BY DIRECTOR OF EMERGENCY SERVICES CREATED BY COVID19\*\*](#)

RECOMMENDED ACTION: That the City Council receive and file.

9. [RECOUPING COSTS UNDER WEED ABATEMENT PROGRAM – COUNCIL MEMBER LEWIS](#)

RECOMMENDED ACTION: Pursuant to California Government Code section 39577, ALL of the costs of nuisance abatement in front of or upon each offending parcel of land and the costs incurred by the City of Dana Point in enforcing the nuisance abatement upon the parcels shall be calculated, constitute a special assessment against that parcel and either the amount shall be (1) demanded by the City of Dana Point from the offending property owner and shall be paid by the offending property owner directly to the City of Dana Point within thirty (30) days from date of written demand therefor or (2) attached as a lien on the parcel upon recordation of the order confirming the assessment in the office of the Orange County recorder, whether or not the City of Dana Point is required to physically enter the offending property and abate the nuisance.

**PUBLIC COMMENTS (Continued)**

**STAFF REPORTS**

(City Manager Michael Killebrew)

(City Attorney Patrick Muñoz)

**ADJOURNMENT**

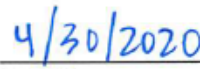
The next Regular Meeting of the City Council will be May 19, 2020, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

**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, and the Capistrano Beach Post Office by Thursday, April 30, 2020, at 5:30 p.m.

 for:

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](http://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.