

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
SEPTEMBER 15, 2020  
5:00 P.M.**

## **AGENDA**

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

Next City Council Ordinance No. 20-03

### **REVISED SAFETY ALERT (EFFECTIVE AS OF JUNE 2, 2020)**

**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 HAS NOT BEEN PERMITTED TO PHYSICALLY ATTEND DANA POINT CITY COUNCIL MEETINGS SINCE MID MARCH, 2020. AS COVID-19 RELATED RESTRICTIONS EASE, THE PUBLIC WILL NOW BE ALLOWED TO ATTEND COUNCIL MEETINGS PROVIDED SOCIAL DISTANCING GUIDELINES ARE FOLLOWED. THESE GUIDELINES WILL RESULT IN VERY LIMITED OPPORTUNITIES, ON A FIRST COME BASIS, FOR THE PUBLIC TO OBSERVE THE COUNCIL MEETING FROM THE FOYER WHICH IS ADJACENT TO THE COUNCIL CHAMBER AND TO ENTER THE CHAMBER TO MAKE PUBLIC COMMENTS. MEMBERS OF THE CITY COUNCIL MAY CONTINUE TO PARTICIPATE IN MEETINGS TELEPHONICALLY IF THEY CHOOSE PURSUANT TO GOVERNOR NEWSOM'S EXECUTIVE ORDER N-29-20. SIMILARLY, MEMBERS OF THE PUBLIC MAY CHOOSE TO PARTICIPATE ELECTRONICALLY BY WATCHING THE MEETING TO WHICH THIS AGENDA APPLIES LIVE ON COX CABLE CHANNEL 855 OR ONLINE ON THE CITY OF DANA POINT YouTube CHANNEL.**

**PUBLIC COMMENT: PUBLIC COMMENT MAY BE PROVIDED IN PERSON, ELECTRONICALLY OR BY MAIL. IF YOU CHOOSE TO ATTEND THE MEETING AND WISH TO DELIVER PUBLIC COMMENT IN PERSON, YOU ARE ENCOURAGED TO WEAR FACE COVERINGS AND MAINTAIN SOCIAL DISTANCING. TEMPERATURE SCREENINGS ARE MANDATORY FOR ALL PERSONS ENTERING CITY HALL. CITY STAFF IN ATTENDANCE AT THE MEETING WILL BE COORDINATING ENTRY TO THE COUNCIL CHAMBERS WHEN PUBLIC COMMENT IS OPEN. THERE WILL BE LIMITED SPACE AT THE COUNCIL MEETING FOR MEMBERS OF THE PUBLIC TO SIT OR STAND TO OBSERVE THE MEETING LIVE FROM THE FOYER ADJACENT TO THE COUNCIL CHAMBER. IF THAT SPACE IS EXCEEDED PERSONS WISHING TO PRESENT PUBLIC COMMENT IN PERSON WILL BE PERMITTED TO LINE UP OUTSIDE AND WILL BE ALLOWED TO SPEAK. AFTER SPEAKING, HOWEVER, THEY WILL BE REQUIRED TO GO BACK OUTSIDE UNLESS ONE**

**OF THE LIMITED SPOTS INSIDE THE FOYER BECOME AVAILABLE. MEMBERS OF THE PUBLIC WILL BE REQUIRED TO FOLLOW STAFF'S DIRECTIONS. ALTERNATIVELY, 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. ALL COMMENTS RECEIVED BY 4:00 PM ON THE DATE OF THE MEETING WILL BE PROVIDED TO THE CITY COUNCIL IN ADVANCE TO ALLOW TIME FOR THE COUNCIL TO READ THEM. TO BE CONSIDERED AS PART OF THE MEETING TO WHICH THIS AGENDA APPLIES, MAILED OR EMAILED COMMENTS MUST BE RECEIVED NO LATER THAN 4:00 P.M. ON THE DAY OF THE MEETING (ALTHOUGH ALL COMMENTS WHENEVER RECEIVED WILL BE SHARED WITH THE COUNCIL.) EMAILS SHOULD INCLUDE "PUBLIC COMMENT" AND THE DATE OF THE MEETING IN THE SUBJECT LINE, AS WELL AS REFERENCE THE AGENDA ITEM NUMBER, IF APPLICABLE. MAILED COMMENTS SHOULD PROMINENTLY INCLUDE A SIMILAR REFERENCE AT THE TOP OF THE FIRST PAGE. MAILED AND EMAILED COMMENTS WILL NOT BE READ BY THE CITY CLERK DURING THE MEETING, BUT WILL BE INCLUDED IN THE RECORD.**

## **CALL TO ORDER**

## **ROLL CALL OF CITY COUNCIL MEMBERS:**

Richard A. Viczorek, Mayor  
Jamey M. Federico, Mayor Pro Tem  
Joseph L. Muller, 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), (2 cases)

Name of Case: City of DP v. Sunshine Group LLC (Seaside Inn), Orange County Superior Court Case No. 30-2017- 00915900

Name of Case: Nancy Leonard v. City of Dana Point; Orange County Superior Court Case No. 30-2020-01158639-CU-MC-CJC

- C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957  
Title: City Attorney

## **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

Daughters of the American Revolution Proclamation for Constitution Week

## 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, SEPTEMBER 1, 2020](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

### 3. **[ARTS AND CULTURE COMMISSION MEETING MINUTES, JANUARY 8, 2020](#)**

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

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

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

### 6. **[DANA POINT POLICE SERVICES MONTHLY REPORT](#)**

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

### 7. **[DEVELOPMENT UPDATE](#)**

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

**8. ACCEPTANCE OF EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) FUNDS**

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute all necessary documents related to the acceptance, and administration of the Emergency Management Performance Grant (EMPG).

**9. ORANGE COUNTY HOUSING FINANCE TRUST**

RECOMMENDED ACTION: That the City Council adopt a Resolution authorizing the continuance of City of Dana Point's membership in the Orange County Housing Finance Trust entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, RELATING TO THE JOINT EXERCISE OF POWERS FOR AND MEMBERSHIP IN THE ORANGE COUNTY HOUSING FINANCE TRUST

**10. 2020-2021 DANA POINT YOUTH BOARD APPOINTMENTS**

RECOMMENDED ACTION: That the City Council appoint seven (7) Board Members and three (3) At Large members to the Dana Point Youth Board

**11. NATIONAL ARTS AND HUMANITIES MONTH – OCTOBER 2020**

RECOMMENDED ACTION: That the City Council adopt a Resolution proclaiming October 2020 as National Arts and Humanities Month entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, PROCLAIMING OCTOBER 2020 AS NATIONAL ARTS AND HUMANITIES MONTH

**12. DOHENY VILLAGE PUBLIC ART PROGRAM MURAL INSTALLATION**

RECOMMENDED ACTION: That the City Council authorize the use of Doheny Village Capital Improvement Reserve Account funds to commission the painting of a mural recommended as part of the Doheny Village Public Art Program.

**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 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**

There are no Public Hearings.

## **UNFINISHED BUSINESS**

There are no Unfinished Business items.

## **NEW BUSINESS**

### **13. SALARY RANGES FOR REPRESENTED AND NON-REPRESENTED EMPLOYEE CLASSIFICATIONS; AMENDING JOB TITLES AND CLASS SPECIFICATIONS; AND AMENDING CITY'S CONFLICT OF INTEREST CODE**

RECOMMENDED ACTION: That the City Council adopt:

- 1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ESTABLISHING SALARY RANGES FOR REPRESENTED AND NON-REPRESENTED CLASSIFICATIONS AND AMENDING CLASS SPECIFICATIONS; and
- 2) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING THE CITY'S CONFLICT OF INTEREST CODE

### **14. FISCAL YEAR 2019-20 (FY20) 4<sup>TH</sup> QUARTER FINANCIAL REPORT. PROPOSED FY20 CARRY-OVER BUDGET ADJUSTMENTS**

RECOMMENDED ACTION: That the City Council:

1. Receive and file the FY20 Financial Report for the quarter ended June 30, 2020;
2. Amend the FY2020-21 ("FY21") budget by authorizing the carry-over and appropriation of encumbered and unencumbered funds from FY20 to FY21; and,
3. Approve the updated FY21 Budget Calendar.

15. [AMENDMENT OF DANA POINT MUNICIPAL CODE CHAPTER 5.20 MESSAGE BUSINESS REGULATIONS](#)

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 5.20 OF THE DANA POINT MUNICIPAL CODE

**PUBLIC COMMENTS (Continued)**

**STAFF REPORTS**

(City Manager Michael A. Killebrew)

(City Attorney Patrick Muñoz)

**ADJOURNMENT**

The next Regular Meeting of the City Council will be October 6, 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 on or before Thursday, September 10, 2020, at 5:00 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](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](http://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.