

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
FEBRUARY 2, 2021
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 21-01

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:

Jamey M. Federico, Mayor
Joseph L. Muller, Mayor Pro Tem
Mike Frost, Council Member
Richard A. Viczorek, Council Member
Michael Villar, Council Member

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (1 case)
 - 1. Name of Case: Campbell vs. Don Barnes, in his official capacity as Sheriff of Orange County, Orange County Superior Court Case No 30-2020-01141117-CU-WM-CXC CASE

- B. CONFERENCE WITH LEGAL COUNSEL - LITIGATION STRATEGY REVIEW INCLUDING POTENTIAL DISCUSSION OF THE FOLLOWING EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (6 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

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Certificate of Recognition – Chair Janie Raub, Arts and Culture Commission
Certificate of Recognition – Commissioner Scott McKhann, Planning Commission

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, JANUARY 19, 2021](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

3. **[PLANNING COMMISSION MEETING MINUTES, DECEMBER 14, 2020](#)**

RECOMMENDED ACTION: That the City Council receive and file.

4. **[FINANCIAL REVIEW SUBCOMMITTEE MINUTES, OCTOBER 27, 2020](#)**

RECOMMENDED ACTION: That the City Council receive and file.

5. **[ARTS & CULTURE COMMISSION MEETING MINUTES, SEPTEMBER 9, 2020](#)**

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

7. **CLAIMS AND DEMANDS**

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

8. **QUARTERLY FINANCIAL REPORT, DECEMBER 2020**

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

9. **CITY COUNCIL REPRESENTATIVE FOR OCEAN WATER QUALITY SUBCOMMITTEE**

RECOMMENDED ACTION: That the City Council appoint Council Member Mike Frost as the Council representative on the Ocean Water Quality Subcommittee.

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

10. **2021 WEED ABATEMENT PROGRAM**

RECOMMENDED ACTION: That the City Council

1) Adopt the Resolution of the City of Dana Point as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DECLARING WEEDS A PUBLIC NUISANCE AND INITIATING ABATEMENT PROCEEDINGS; and

- 2) Hear any objections regarding weed abatement and thereafter adopt one of the Resolutions as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, OVERRULING OBJECTIONS AND PROCEEDING WITH WEED ABATEMENT; or

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, HEARING NO OBJECTIONS AND PROCEEDING WITH WEED ABATEMENT.

11. **ADOPTION OF DANA POINT MUNICIPAL CODE CHAPTER 5.42 SMALL WIRELESS FACILITY BUSINESS REGULATIONS AND ASSOCIATED PERMIT FEES**

RECOMMENDED ACTION: That the City Council:

- 1) Introduce and hold a first reading of an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING CHAPTER 5.42 OF THE DANA POINT MUNICIPAL CODE; and

- 2) Conduct a Public Hearing, and adopt a Resolution entitled:

A RESOLUTION OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A FEE SCHEDULE FOR THE PERMITTING OF SMALL WIRELESS FACILITIES.

UNFINISHED BUSINESS

12. **INITIATION OF A GENERAL PLAN AMENDMENT AND SPECIFIC PLAN DISTRICT, AND PROFESSIONAL SERVICES AGREEMENT FOR CONSULTANT SERVICES TO PREPARE THE VICTORIA BOULEVARD SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT**

RECOMMENDED ACTION: That the City Council:

- 1) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA INITIATING A GENERAL PLAN AMENDMENT AND A SPECIFIC PLAN DISTRICT FOR THE VICTORIA BOULEVARD APARTMENTS AT 26126 VICTORIA BOULEVARD; AND

- 2) Approve and authorize the City Manager to execute the professional services agreement with Michael Baker International

NEW BUSINESS

13. **AUTHORIZATION TO TERMINATE CAPISTRANO UNIFIED SCHOOL DISTRICT AND CITY OF DANA POINT JOINT FACILITIES USE AGREEMENT FOR DANA HILLS HIGH SCHOOL SPORTS FIELDS**

RECOMMENDED ACTION: That the City Council authorize the termination of the Joint Facilities Use Agreement between Capistrano Unified School District and the City of Dana Point effective February 2, 2022 and authorize the City Manager to notify Capistrano Unified School District of the termination.

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 February 16, 2021, 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, January 28, 2021, 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.