

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
JUNE 1, 2021
5:00 P.M.**

REVISED AGENDA

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

Next City Council Ordinance No. 21-02

REVISED SAFETY ALERT (EFFECTIVE AS OF MAY 4, 2021)

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 COUNCIL CHAMBER AND ADJACENT FOYER. MEMBERS OF THE PUBLIC MAY CHOOSE TO PARTICIPATE ELECTRONICALLY BY WATCHING THE MEETING LIVE ON COX CABLE CHANNEL 855 OR VIA THE CITY'S YOUTUBE CHANNEL.

PUBLIC COMMENT: PUBLIC COMMENT MAY BE PROVIDED IN PERSON, ELECTRONICALLY, OR BY MAIL. THOSE APPEARING TO COMMENT IN PERSON ARE ENCOURAGED TO WEAR FACE COVERINGS AND MAINTAIN SOCIAL DISTANCING. TEMPERATURE SCREENINGS ARE MANDATORY FOR ALL PERSONS ENTERING CITY HALL. CITY STAFF WILL BE COORDINATING ENTRY TO THE COUNCIL CHAMBERS DURING PUBLIC COMMENT AND MANAGING AVAILABLE SEATING CAPACITY THROUGHOUT THE MEETING. THEIR DIRECTIONS MUST BE FOLLOWED. ALTERNATIVELY, COMMENTS MAY BE SUBMITTED 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. TO BE CONSIDERED AS PART OF THE MEETING TO WHICH THIS AGENDA APPLIES AND PROVIDED TO CITY COUNCIL PRIOR TO THE MEETING, COMMENTS MUST BE RECEIVED NO LATER THAN 4:00 P.M. ON THE DAY OF THE MEETING. ALL COMMENTS, WHENEVER RECEIVED, WILL BE SHARED WITH THE CITY COUNCIL. EMAILS SHOULD INCLUDE "PUBLIC COMMENT", THE DATE OF THE MEETING IN THE SUBJECT LINE, AS WELL AS REFERENCE TO 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 – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (1 case)

B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957

Title: City Manager

C. CONFERENCE WITH LABOR NEGOTIATOR, Government Code § 54957.6

Agency Designated Representatives: City Manager
Unrepresented and Represented Employees: All positions in City

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

RECONVENE CITY COUNCIL MEETING

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, MAY 18, 2021

RECOMMENDED ACTION: That the City Council approve the minutes.

3. PLANNING COMMISSION MEETING MINUTES, MAY 10, 2021

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. CITY TREASURER'S REPORT, APRIL 2021

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of April, 2021.

6. CLAIMS AND DEMANDS

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

7. AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE SLURRY SEAL PROGRAM FY20/21 PROJECT

1) approve the award of a Contract to American Asphalt South, Incorporated, for construction of the Slurry Seal FY 20/21 Project (Project), and waive any irregularity associated with the inadvertent clerical error made by the Bidder as stated in the letter included in Supporting Document B; and

2) authorize the City Manager or his designee to sign and administer the subject Contract and approve additional payment for change orders, contingencies, and soils and material testing for the Project as outlined in the Fiscal Impact Section; and

3) authorize additional materials inspection and testing services per the as-needed Consultant Services Agreement with GMU Geotechnical for geotechnical engineering and materials testing.

8. STATE OF THE CITY SPONSORSHIP

RECOMMENDED ACTION: That the City Council:

- 1) Approve the release of a Request for Sponsorship (RFS) for 2021 State of the City event;
- 2) Authorize the City Manager or Assistant City Manager to evaluate submitted Request for Sponsorships and select sponsors;

- 3) Approve Sponsorship Agreement template, subject to such changes as may be approved by the City Manager and City Attorney; and
- 4) Authorize the City Manager to execute the Sponsorship Agreements.

9. **ASSIGNMENT AGREEMENT FOR INFORMATION TECHNOLOGY SERVICES FOR THE CITY OF DANA POINT**

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute the assignment and assumption agreement for Information Technology Consulting Services.

10. **SECOND READING OF AN AMENDMENT OF DANA POINT MUNICIPAL CODE CHAPTER 5.38 FOR NEW AND ENHANCED REGULATIONS AND PENALTIES AFFECTING SHORT-TERM RENTALS**

RECOMMENDED ACTION: That the City Council hold a second reading and adopt an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 5.38 OF THE DANA POINT MUNICIPAL CODE AMENDING REGULATIONS AND PENALTIES AFFECTING SHORT-TERM RENTALS

11. **ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE ANNUAL RESIDENTIAL ROADWAY RESURFACING PROJECT FY 19/20**

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 "ANNUAL RESIDENTIAL ROADWAY RESURFACING PROJECT FY 19/20"

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.

PUBLIC HEARINGS

12. [CONDUCT PUBLIC HEARING AND TAKE ACTIONS NECESSARY TO ADOPT THE FISCAL YEAR 2021-2022 \(FY22\) AND 2022-2023 \(FY23\) BUDGETS INCLUDING ADOPTION OF A RESOLUTION TO ADOPT THE PROPOSED OPERATING AND CAPITAL IMPROVEMENT BUDGETS FOR FISCAL YEARS 2021-2022 \(FY22\) AND 2022-2023 \(FY23\); ADOPTION OF A RESOLUTION ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2021-2022 \(FY22\); AUTHORIZE FY21 REVENUE BUDGET INCREASE; ADOPTION OF A RESOLUTION ESTABLISHING SALARY RANGES AND ADDITIONAL REPRESENTED TITLES AND CLASS SPECIFICATIONS; APPROVAL OF FY22 BUDGET CALENDAR; ADOPTION OF A RESOLUTION FOR FY21/22 M2 ELIGIBILITY SUBMITTAL ITEMS TO ORANGE COUNTY TRASPORATION AUTHORITY; ADOPTION OF A RESOLUTION APPROVING THE SB-1 PROJECT LIST FOR FISCAL YEAR 2021-2022; AND OTHER ACTIONS AS LISTED IN THE RECOMMENDED ACTIONS](#)

RECOMMENDED ACTION: That the City Council:

1) Conduct a Public Hearing to review the City of Dana Point Proposed Operating and Capital Improvement Budgets for Fiscal Years 2021-2022 (FY22) and 2022-2023 (FY23);

2) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING AN OPERATING AND CAPITAL IMPROVEMENT BUDGET FOR THE CITY OF DANA POINT FOR FISCAL YEARS 2021-2022 AND 2022-2023;

3) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING AND ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2021-2022;

4) Approve FY21 revenue budget adjustment as described in the Fiscal Impact Section;

5) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING SALARY RANGES AND CLASS SPECIFICATIONS FOR REPRESENTED AND NON-REPRESENTED CLASSIFICATIONS ESTABLISHING ADDITIONAL REPRESENTED POSITION TITLES AND CLASS SPECIFICATIONS;

6) Approve the Calendar of Budget-related Activity to occur in Fiscal Year 2021-2022;

7) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT CONCERNING THE STATUS AND UPDATE OF THE CIRCULATION ELEMENT, AND MITIGATION FEE PROGRAM FOR THE MEASURE M (M2) PROGRAM;

- 8) Approve the Seven-Year Capital Improvement Program (CIP) for FY 2021-22 through FY 2028-29 and certify compliance, as required by the Orange County Transportation Authority (OCTA), Renewed Measure M2 (M2) Program as provided;
- 9) Authorize Staff to forward the necessary Renewed Measure M2 eligibility documentation to the OCTA;
- 10) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY OF DANA POINT, CALIFORNIA ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 21-22 FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017; and
- 11) Authorize the City Manager or designee to submit all required documentation to maintain funding eligibility for FY21-22.

UNFINISHED BUSINESS

There are no Unfinished Business items.

NEW BUSINESS

13. [ORANGE COUNTY SHERIFF'S DEPARTMENT CONTRACT FOR FY22](#)

RECOMMENDED ACTION: That the City Council

- 1) Consider the Law Enforcement Services Agreement with the County of Orange for law enforcement services for Fiscal Year 2021-22 (FY22) and authorize the City Manager to execute the agreement; and, authorize the City Manager to execute amendments to the Agreement in an amount not to exceed the related Council approved budget.
- 2) Adopt a Resolution of the City of Dana Point, California, approving an updated schedule of administration fees for traffic violators entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING AN UPDATED SCHEDULE OF ADMINISTRATION FEES FOR TRAFFIC VIOLATORS

- 3) Adopt a Resolution of the City of Dana Point, California, approving an updated schedule of fees for false alarms entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING AN UPDATED SCHEDULE OF FEES FOR FALSE ALARMS

14. [SHORT TERM RENTALS PHASE 2](#)

RECOMMENDED ACTION: That the City Council provide direction to the Planning Commission on Phase 2 of the Short Term Rentals (STR) program in regards to zoning.

PUBLIC COMMENTS (Continued)

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.

STAFF REPORTS

(City Manager Michael Killebrew)

(City Attorney Patrick Muñoz)

ADJOURNMENT

The next Regular Meeting of the City Council will be June 15, 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, and Dana Point Library by Friday, May 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.