

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
SEPTEMBER 21, 2021  
5:00 P.M.**

## **AGENDA**

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

Next City Council Ordinance No. 21-07

### **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.**

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**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 - LITIGATION STRATEGY REVIEW INCLUDING POTENTIAL DISCUSSION OF THE FOLLOWING EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (2 cases)

1. City of Dana Point v. Southern California Recovery Center, TML Holdings, LLC, Case No. 30-2018-01012750
2. City of DP v. Sunshine Group LLC (Seaside Inn), Orange County Superior Court Case No. 30-2017- 00915900
3. Concerned Residents of Dana Point vs. City of Dana Point Case No. 2019- 01117892-CU-TT-CXC
4. Susan A. Aguirre, Trustee Of The Aguirre Family Trust Dated December 29, 1993 v. City of Dana Point, Orange County Superior Court Case No: 30-2021-01217610 CU-WM-CJC
5. Center For Natural Lands Management v City of Dana Point, Orange County Superior Court Case No: 30-2021-01219668 CU-OR-CJC

B. 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**

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## PRESENTATIONS AND PROCLAMATIONS

Business of the Quarter – Waldorf Astoria Monarch Beach

SONGS Update – Congressman Levin

## 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. **[ADJOURNED REGULAR MEETING MINUTES, AUGUST 23, 2021](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

### 3. **[PLANNING COMMISSION MEETING MINUTES, AUGUST 9, 2021](#)**

RECOMMENDED ACTION: That the City Council receive and file.

### 4. **[ARTS AND CULTURE COMMISSION MINUTES, JUNE 9, 2021](#)**

RECOMMENDED ACTION: That the City Council receive and file.

### 5. **[ARTS AND CULTURE COMMISSION MINUTES, AUGUST 11, 2021](#)**

RECOMMENDED ACTION: That the City Council receive and file.

### 6. **[FINANCIAL REVIEW COMMITTEE MINUTES, APRIL 27, 2021](#)**

RECOMMENDED ACTION: That the City Council receive and file.

### 7. **[OCEAN WATER QUALITY SUBCOMMITTEE MEETING MINUTES, APRIL 27, 2021](#)**

RECOMMENDED ACTION: That the City Council receive and file.

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

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RECOMMENDED ACTION: That the City Council receive and file.

9. **CITY TREASURER'S REPORTS**

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

10. **CLAIMS AND DEMANDS**

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

11. **DANA POINT POLICE SERVICES MONTHLY REPORT**

RECOMMENDED ACTION: That the City Council receive and file the Dana Point Police Services Monthly Report.

12. **DEVELOPMENT UPDATE**

RECOMMENDED ACTION: That the City Council receive and file the Development Update.

13. **ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE CITYWIDE ASPHALT REPAIRS FY 20/21 PROJECT**

RECOMMENDED ACTION: That the City Council approve 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 "CITYWIDE ASPHALT REPAIRS FY 20/21 PROJECT"

14. **EMERGENCY MANAGEMENT SERVICES**

RECOMMENDED ACTION: That the City Council ratify the Emergency Management Services contract with Jacob Green & Associates and authorize the City Manager to execute the First Amendment of the Agreement.

15. **JOINT AGREEMENT FOR THE OPERATION, MAINTENANCE, AND FINANCIAL MANAGEMENT OF THE ORANGE COUNTY 800 MHZ COUNTYWIDE COORDINATED COMMUNICATIONS SYSTEM**

RECOMMENDED ACTION: That the City Council approve and authorize the City Manager to execute the Joint Agreement for the Operation, Maintenance, and Financial Management of the Orange County 800 MHz Countywide Coordinated Communication System.

16. **2021-2022 DANA POINT YOUTH BOARD APPOINTMENTS**

RECOMMENDED ACTION: That the City Council appoint seven (7) Board Members and four (4) At-Large members to the Dana Point Youth Board.

17. [AGREEMENT WITH THE COUNTY OF ORANGE FOR EXTENDED OPERATING HOURS AT THE DANA POINT LIBRARY](#)

RECOMMENDED ACTION: That the City Council authorize the City Manager to provide the 120-day written notice to terminate the Agreement Between the City of Dana Point and the County of Orange for the operation on Sundays at the Dana Point Branch Library.

18. [HEALTH PLAN PROVISIONS FOR CALENDAR YEAR 2022](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, MODIFYING HEALTH BENEFIT PLAN ALLOWANCES FOR ALL ELIGIBLE REPRESENTED AND ALL ELIGIBLE NON-REPRESENTED CLASSIFICATIONS

## **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**

19. [FEE SCHEDULE FOR ACCESSORY DWELLING PERMITS](#)

RECOMMENDED ACTION: That the City Council conduct a Public Hearing; and adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A FEE SCHEDULE FOR ACCESSORY DWELLING PERMITS.

## **UNFINISHED BUSINESS**

20. [FISCAL YEAR 2020-2021 \(FY21\) 4<sup>th</sup> QUARTER FINANCIAL REPORT AND PROPOSED FY22 CARRY-OVER BUDGET ADJUSTMENTS FROM FY21](#)

RECOMMENDED ACTION: That the City Council:

1. Receive and file the FY21 Financial Report for the quarter ended June 30, 2021;
2. Amend the FY2021-22 (FY22) budget by authorizing the carry-over and appropriation of encumbered and unencumbered funds from FY21 to FY22, and updating FY22 revenue projections, as detailed in the report; and,
3. Defer action to transfer FY21 General Fund surplus per Financial Policy #234 Community Investment Account, until no later than the City's FY22 mid-year financial report.

## NEW BUSINESS

## 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)

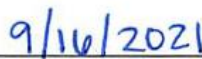
## ADJOURNMENT

The next Regular Meeting of the City Council will be October 5, 2021, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

## CERTIFICATION

I, Shayna Sharke, 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 Thursday, September 16, 2021, at 5:30 p.m.

  
SHAYNA SHARKE, 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.