

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
NOVEMBER 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. 21-07

### **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.**

**CALL TO ORDER**

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**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), (2 cases):
1. Mitchell Carr v. City of Dana Point, et al, Orange County Superior Court Case No. 30-2018-00970749
  2. City of DP v. Sunshine Group LLC (Seaside Inn), Orange County Superior Court Case No. 30-2017- 00915900
- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (1 case)

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

**RECONVENE CITY COUNCIL MEETING**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**PRESENTATIONS AND PROCLAMATIONS**

Certificate of Recognition – Lillian Boyd, Dana Point Times

**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**

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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, OCTOBER 19, 2021**

RECOMMENDED ACTION: That the City Council approve the minutes.

3. **PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 27, 2021**

RECOMMENDED ACTION: That the City Council receive and file.

4. **FINANCIAL REVIEW COMMITTEE MEETING MINUTES, SEPTEMBER 13, 2021**

RECOMMENDED ACTION: That the City Council receive and file.

5. **MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR**

RECOMMENDED ACTION: That the City Council receive and file.

6. **CLAIMS AND DEMANDS**

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

7. **QUARTERLY FINANCIAL REPORT, SEPTEMBER 2021**

RECOMMENDED ACTION: That the City Council receive and file the City Financial Report and Management Discussion for the quarter ended September 30, 2021.

8. **AMENDMENT TO TITLE 1 AND TITLE 5 OF THE DANA POINT MUNICIPAL CODE PERTAINING TO THE ENFORCEMENT OF VIOLATIONS OF THE MUNICIPAL CODE BY WAY OF ADMINISTRATIVE CITATIONS**

RECOMMENDED ACTION: That the City Council introduce for a first reading of an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING TITLE 1 AND TITLE 5 OF THE DANA POINT MUNICIPAL CODE PERTAINING TO THE ENFORCEMENT OF VIOLATIONS OF THE MUNICIPAL CODE BY WAY OF ADMINISTRATIVE CITATION

9. **ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE CITYWIDE SLURRY SEAL FY20/21 PROJECT**

RECOMMENDED ACTION: That the City Council:

- 1) Adopt a Resolution entitled:

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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 SLURRY SEAL FY20/21 PROJECT"; and

- 2) Approve a Consultant Services Agreement for design services for the Annual Roadway Resurfacing FY 21/22 Project with West Coast Civil.

**10. SECOND READING AND ADOPTION OF AN ORDINANCE TO APPROVE AMENDING IN ITS ENTIRETY TITLE 6, CHAPTER 6.10 OF THE DANA POINT MUNICIPAL CODE PERTAINING TO THE REGULATION OF SOLID WASTE INCLUDING ORGANIC WASTE**

RECOMMENDED ACTION: That the City Council hold a Second Reading and adopt Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING IN ITS ENTIRETY TITLE 6, CHAPTER 6.10 OF THE DANA POINT MUNICIPAL CODE PERTAINING TO THE REGULATION OF SOLID WASTE INCLUDING ORGANIC WASTE

**11. FISCAL YEAR 2021-22 (FY22) PROPOSED BUDGET ADJUSTMENT FOR BUILDING DIVISION**

RECOMMENDED ACTION: That the City Council authorize a budget adjustment to increase funds in the Building Division's Professional Services Account.

## **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. [APPEAL OF THE PLANNING COMMISSION'S DECISION TO DENY THE APPEAL AND UPHOLD THE COMMUNITY DEVELOPMENT DIRECTOR'S APPROVAL OF MINOR SITE DEVELOPMENT PERMIT SDP21-0009\(M\) TO CONSTRUCT AN ADDITION GREATER THAN 10 PERCENT TO A NONCONFORMING STRUCTURE AT 34732 CALLE FORTUNA](#)

RECOMMENDED ACTION: That the City Council adopt the resolution denying the appeal and sustain the Planning Commission's decision to uphold the Community Development Director's approval of Minor Site Development Permit SDP21-0009(M) to construct a 739 square-foot living area addition to a nonconforming single-family dwelling.

## UNFINISHED BUSINESS

## 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 November 16, 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, October 28, 2021, at 5:30 p.m.

  
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SHAYNA SHARKE, CITY CLERK

10/28/2021  
\_\_\_\_\_  
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.