

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
FEBRUARY 1, 2022  
5:00 P.M.**

## **AGENDA**

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

Next City Council Ordinance No. 22-01

### **REVISED SAFETY ALERT (EFFECTIVE AS OF JANUARY 18, 2022)**

**AS COVID-19 RELATED RESTRICTIONS ARE UPDATED, THE PUBLIC WILL 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 REQUIRED TO WEAR FACE COVERINGS AND MAINTAIN SOCIAL DISTANCING. 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:**

Joseph L. Muller, Mayor  
Mike Frost, Mayor Pro Tem  
Jamey M. Federico, 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)

## **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, JANUARY 18, 2022**

RECOMMENDED ACTION: That the City Council approve the minutes.

### **3. PLANNING COMMISSION MEETING MINUTES, DECEMBER 13, 2021**

RECOMMENDED ACTION: That the City Council receive and file.

4. **FINANCIAL REVIEW COMMITTEE MEETING MINUTES, OCTOBER 26, 2021**

RECOMMENDED ACTION: That the City Council receive and file.

5. **YOUTH BOARD MEETING MINUTES, DECEMBER 2, 2021**

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. **CITY TREASURER'S REPORT**

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

8. **CLAIMS AND DEMANDS**

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

9. **QUARTERLY FINANCIAL REPORT, DECEMBER 2021**

RECOMMENDED ACTION: That the City Council receive and file the City Financial Report and Management Discussion for the quarter ended December 31, 2021.

10. **ANNUAL REVIEW OF INVESTMENT POLICY**

RECOMMENDED ACTION: That the City Council approve the City's Statement of Safekeeping and Investment of Public Funds Policy ("Investment Policy").

11. **2022 SPECIAL EVENTS CALENDAR**

RECOMMENDED ACTION: That the City Council:

- 1.) Approve the Special Events calendar for 2022 and the recommended venues; and
- 2.) Authorize the City Manager to execute two contracts with Southern California Sound, Stage & Lighting Corporation for: A) Festival of Whales Concert, and B) Concerts in the Park.

12. **CONSIDERATION OF AMENDMENT TO CITY MANAGER EMPLOYMENT AGREEMENT**

RECOMMENDED ACTION: That the City Council:

- 1) Approve a \$5,000 bonus for the City Manager as authorized by existing Employment Agreement;

- 2) Consider a Second Amendment to the City Manager Employment Agreement; and
- 3) Adopt a Resolution of the City Council of the City of Dana Point, California, amending the Salary Schedule for Represented and Non-Represented Classifications, effective January 1, 2022, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT,  
CALIFORNIA, ESTABLISHING SALARY RANGES FOR REPRESENTED  
AND 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**

### **13. [GENERAL PLAN AMENDMENT \(GPA20-0003\) TO UPDATE THE 2021-2029 HOUSING ELEMENT](#)**

RECOMMENDED ACTION: That the City Council:

- 1) Conduct a public hearing; and
- 2) Adopt a resolution approving GPA20-0003 to update the 2021-2029 Housing Element entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADOPTING GENERAL PLAN AMENDMENT (GPA 20-0003) FOR THE 2021-2029 HOUSING ELEMENT, AND AUTHORIZING SUBMISSION OF THE HOUSING ELEMENT FOR CERTIFICATION BY THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD).

## **UNFINISHED BUSINESS**

14. LETTER OF SUPPORT FOR ASSEMBLY BILL 1595, VETERANS CEMETERY IN ORANGE COUNTY

RECOMMENDED ACTION: That the City Council:

- 1) Approve a support letter for Assembly Bill (AB) 1595 to allow the California Department of Veterans Affairs to design, develop, and construct a state-operated veterans cemetery in Orange County; and
- 2) Direct the Mayor to sign and submit the letter on behalf of the City of Dana Point

**NEW BUSINESS**

15. CANNABIS POLICY AND SURVEY RESULTS

RECOMMENDED ACTION: That the City Council receive a presentation from HdL Companies on cannabis policy and FM3 Research on the 2021 cannabis survey.

**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 February 15, 2022, 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, January 27, 2022, at 5:30 p.m.

  
SHAYNA SHARKE, CITY CLERK

1/27/2022  
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.