

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
MARCH 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 MARCH 1, 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. 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)

- B. CONFERENCE WITH LEGAL COUNSEL - LITIGATION STRATEGY REVIEW INCLUDING POTENTIAL DISCUSSION OF THE FOLLOWING EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (4 cases)
 - a. City of DP v. Sunshine Group LLC (Seaside Inn), Orange County Superior Court Case No. 30-2017- 00915900

 - b. Concerned Residents of Dana Point vs. City of Dana Point Case No. 2019- 01117892- CU-TT-CXC

 - c. 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

 - d. Center For Natural Lands Management v City of Dana Point, Orange County Superior Court Case No: 30-2021-01219668 CU-OR-CJC

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Proclamation – Red Cross Month

Business of the Quarter – Brio Tuscany Grill

Volunteer of the Quarter – Vicki Patterson, Stand Up to Trash

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, FEBRUARY 15, 2022](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

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

RECOMMENDED ACTION: That the City Council receive and file.

4. **[CLAIMS AND DEMANDS](#)**

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

5. **[CITY TREASURER'S REPORT](#)**

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report, January 2022.

6. **[POLICE SERVICES REPORT](#)**

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

7. AWARD CONTRACT FOR BUDGETING SOFTWARE AND SUPPORT SERVICES

RECOMMENDED ACTION: That that City Council award a contract for budgeting software and support services to ClearGov and authorize the City Manager to execute the contract on the City's behalf.

8. AWARD OF CONTRACT FOR THE 4TH OF JULY AERIAL FIREWORKS DISPLAY

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a contract for the 2022 4th of July fireworks and barge services.

9. AWARD OF CONTRACT FOR CITYWIDE ASPHALT REPAIR FY21/22 PROJECT

RECOMMENDED ACTION: That the City Council:

- 1) Approve the award of a Contract for construction of the Citywide Asphalt Repairs FY21/22 Project; 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; and
- 3) Authorize additional materials inspection and testing services per the as-needed Consultant Services Agreement with GMU Geotechnical.

10. SELECTION OF PARS FOR SECTION 115 PENSION TRUST ADMINISTRATION SERVICES

RECOMMENDED ACTION: That the City Council:

- 1) Adopt a Resolution entitled:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING THE ADOPTION OF THE PUBLIC AGENCIES POST-EMPLOYMENT BENEFITS TRUST ADMINISTERED BY PUBLIC AGENCY RETIREMENT SERVICES (PARS); and

- 2) Authorize the City Manager to execute the Administrative Services Agreement with PARS to implement the Section 115 Pension Trust program.

11. ANNUAL HOUSING ELEMENT PROGRESS REPORT

RECOMMENDED ACTION: That the City Council receive and file the 2021 Annual Housing Element Progress Report.

12. SECOND READING AND ADOPTION OF AN ORDINANCE TO APPROVE ZONE TEXT AMENDMENT ZTA21-0001 ADDING CHAPTER 9.72 TO THE CITY OF DANA POINT ZONING

CODE REGULATING SINGLE-FAMILY RESIDENTIAL DUPLEXES, AND ADDING CHAPTER 7.37 OF THE CITY OF DANA POINT MUNICIPAL CODE REGULATING URBAN LOT SPLITS

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE CITY OF DANA POINT CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA21-0001 ADDING CHAPTER 9.72 TO THE CITY OF DANA POINT ZONING CODE REGULATING SINGLE-FAMILY RESIDENTIAL DUPLEXES, AND ADDING CHAPTER 7.37 OF THE CITY OF DANA POINT MUNICIPAL CODE REGULATING URBAN LOT SPLITS.

13. ADOPT A RESOLUTION TO AUTHORIZE THE PROJECT LIST SUBMITTAL FOR 2021 PAVEMENT MANAGEMENT RELIEF FUNDING PROGRAM THROUGH OCTA

RECOMMENDED ACTION: That the City Council:

1) Adopt a Resolution (Action Document A) entitled:

A RESOLUTION OF THE CITY OF DANA POINT, CALIFORNIA, WHICH CERTIFIES THAT THE CITY OF DANA POINT CITY COUNCIL HAS AUTHORIZED THE PROJECT LIST SUBMITTAL FOR CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT OF 2021 (CRRSAA) FUNDING THROUGH THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) 2021 PAVEMENT MANAGEMENT RELIEF FUNDING PROGRAM; and

2) Authorize the Mayor to sign the Resolution on behalf of the City; and

3) Delegate authority to the City Manager or the Director of Public Works/City Engineer to sign all required documents needed to receive the funds.

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

14. [APPEAL OF DECISION REGARDING ACCESSORY STRUCTURE AT 34626 VIA CATALINA](#)

RECOMMENDED ACTION: That the City Council:

- 1) Conduct a public hearing; and
- 2) Deny the appeal and uphold the Building Official's decision that the accessory structure located at 34626 Via Catalina was approved as an Accessory Living Quarter and not an Accessory Dwelling Unit; and
- 3) Direct Staff to assist the applicant in obtaining the required building permits to create a kitchen and formalize the structure as an Accessory Dwelling Unit.

UNFINISHED BUSINESS

15. [UTILITY BOX ARTWORK PROGRAM](#)

RECOMMENDED ACTION: That the City Council authorize Staff to release an application for the third phase of the Utility Box Artwork program; authorize the Arts and Culture Commission to select artists; and authorize Staff to use \$28,000 of Arts in Public Places fund to produce and install 14 vinyl wraps, and award \$250 to artists whose work is selected for the boxes.

NEW BUSINESS

16. [MID-FISCAL YEAR 2021-22 BUDGET STATUS REPORT](#)

RECOMMENDED ACTION: That the City Council:

- 1) Receive and file the Mid-Fiscal Year 2021-22 Budget Status Report and authorize the budget amendments detailed within this report; and
- 2) Authorize the City Manager to execute a Professional Services Contract with Convergent Technologies for security camera and facility access control upgrades and maintenance services for these systems.

17. [SUPPORT OF THE SOUTH COAST WATER DISTRICT DESALINATION PLANT AND ASSOCIATED SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD TENTATIVE ORDERS](#)

RECOMMENDED ACTION: That the City Council:

- 1) Authorize the Mayor to send the San Diego Regional Water Quality Control Board (SDRWQCB) a letter in support of Tentative Order No. R9-2022-0005 (NPDES Permit No. CA0107417) and Tentative Order No. R9-2022-0006 (NPDES Permit No. CA0107611) to support the South Coast Water District's proposed Doheny Ocean Desalination Project (Project); and

- 2) Delegate authority to the City Manager to file other letters of support for the Project if needed.

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)

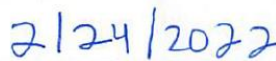
ADJOURNMENT

The next Regular Meeting of the City Council will be March 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, February 24, 2022, at 5:30 p.m.


SHAYNA SHARKE, 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.