

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
APRIL 19, 2022
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 22-02

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), (3 cases)

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Good Samaritan – Dennis Powers

VFW Police, Fire, EMT of the Year

Police – Deputy Ivan Recinos
Fire – Captain Andrew Vanderstelt
EMT – Reserve Firefighter Brian Chen

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, MARCH 1, 2022](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, JANUARY 24, 2022](#)
RECOMMENDED ACTION: That the City Council receive and file.
4. [PLANNING COMMISSION MEETING MINUTES, FEBRUARY 28, 2022](#)
RECOMMENDED ACTION: That the City Council receive and file.
5. [PLANNING COMMISSION MEETING MINUTES, MARCH 14, 2022](#)
RECOMMENDED ACTION: That the City Council receive and file.
6. [PLANNING COMMISSION MEETING MINUTES, MARCH 28, 2022](#)
RECOMMENDED ACTION: That the City Council receive and file.
7. [ARTS & CULTURE COMMITTEE MEETING MINUTES, FEBRUARY 9, 2022](#)
RECOMMENDED ACTION: That the City Council receive and file.
8. [YOUTH BOARD MEETING MINUTES, FEBRUARY 3, 2022](#)
RECOMMENDED ACTION: That the City Council receive and file.
9. [MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR](#)
RECOMMENDED ACTION: That the City Council receive and file.
10. [CLAIMS AND DEMANDS](#)
RECOMMENDED ACTION: That the City Council receive and file the Claims and Demands.
11. [TREASURER'S REPORT, FEBRUARY 2022](#)
RECOMMENDED ACTION: That the City Council receive and file the Treasurer's Report for February 2022.
12. [DEVELOPMENT UPDATE](#)
RECOMMENDED ACTION: That the City Council receive and file the report.
13. [SINGLE AUDIT REPORT ON FEDERAL AWARDS FOR FISCAL YEAR ENDED JUNE 30, 2021](#)
RECOMMENDED ACTION: That the City Council receive and file the Single Audit Report on Federal Awards for the fiscal year ended June 30, 2021.

14. **RATIFY THE PURCHASE OF A POLICE MOTORCYCLE FOR THE CITY'S SECOND MOTOR OFFICER**

RECOMMENDED ACTION: That the City Council ratify the City Manager's purchase of a police motorcycle using the funding outlined in the Fiscal Impact Section.

15. **BIENNIAL CAMPAIGN CONTRIBUTION AND EXPENDITURE LIMITS ADJUSTMENT**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADJUSTING THE CAMPAIGN CONTRIBUTION AND CAMPAIGN LOAN LIMITS TO REFLECT CHANGES IN THE CONSUMER PRICE INDEX, AS REQUIRED BY SECTION 2.05.058 OF THE DANA POINT MUNICIPAL CODE.

16. **AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE SLURRY SEAL FY21/22 PROJECT**

RECOMMENDED ACTION: That the City Council:

- 1) Approve the award of a Contract to Roy Allan Slurry Seal, Incorporated for the construction of the Slurry Seal FY 21/22 Project; and
- 2) Authorize the City Manager or his designee to sign and administer the subject Contract and approve additional payment for change orders, and contingencies 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 as outlined in the Fiscal Impact Section.

17. **SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH PLACEWORKS, INC. FOR PREPARATION OF THE 2021-2029 HOUSING ELEMENT AND PUBLIC SAFETY ELEMENT UPDATES**

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute the contract amendment to Placeworks, Inc. – Second Amendment to Agreement for a six-month extension

18. **FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH MICHAEL BAKER INTERNATIONAL FOR PREPARATION OF THE VICTORIA BOULEVARD SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT**

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute the contract amendment with Michael Baker International – First Amendment to Agreement for a one-year extension.

19. EMERGENCY MANAGEMENT SERVICES

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute the contract for Emergency Management Services with Jacob Green & Associates for FY23.

20. RECRUITMENT FOR THE ARTS AND CULTURE COMMISSION

RECOMMENDED ACTION: That the City Council direct Staff to proceed with the recruitment of one (1) Arts and Culture Commission member.

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

21. FEE SCHEDULE FOR RESIDENTIAL SINGLE-FAMILY DUPLEX PERMITS AND URBAN LOT SPLITS IN ACCORDANCE WITH SENATE BILL 9

RECOMMENDED ACTION: That the City Council:

- 1) Conduct a public hearing; and
- 2) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A FEE SCHEDULE FOR RESIDENTIAL SINGLE FAMILY DUPLEX PERMITS AND URBAN LOTS SPLITS PERMITS IN ACCORDANCE WITH SENATE BILL 9.

22. 2022 WEED ABATEMENT PROGRAM

RECOMMENDED ACTION: That the City Council

- 1) Adopt the Resolution of the City of Dana Point as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DECLARING WEEDS A PUBLIC NUISANCE AND INITIATING ABATEMENT PROCEEDINGS; and

2) Hear any objections regarding weed abatement and thereafter adopt one of the Resolutions as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, OVERRULING OBJECTIONS AND PROCEEDING WITH WEED ABATEMENT; or

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, HEARING NO OBJECTIONS AND PROCEEDING WITH WEED ABATEMENT.

UNFINISHED BUSINESS

23. [STRATEGIC PLAN UPDATE](#)

RECOMMENDED ACTION: That the City Council approve the update to the City of Dana Point Strategic Plan.

NEW BUSINESS

24. [LONG TERM FINANCIAL PLAN UPDATE](#)

RECOMMENDED ACTION: That the City Council receive the Long-Term Financial Plan update and recommend referral to the Financial Review Committee.

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 agendaized 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-agendaized items may be presented as informational only.

STAFF REPORTS

(City Manager Michael Killebrew)

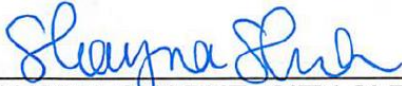
(City Attorney Patrick Muñoz)

ADJOURNMENT

The next Regular Meeting of the City Council will be May 3, 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, April 14, 2022, at 5:30 p.m.



SHAYNA SHARKE, CITY CLERK

4/14/2022

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.