

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



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

## **REVISED AGENDA**

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

Next City Council Ordinance No. 22-04

### **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**

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## **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**

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (1 case)
2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (d)(1) – Finnegan v. City of Dana Point, OCSC Case No. 30-2021-01209328
3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957 (Title: City Attorney)
4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957 (Title: City Manager)

## **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, JUNE 21, 2022](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, MAY 9, 2022](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [DANA POINT YOUTH BOARD MEETING MINUTES, MAY 5, 2022](#)

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. [TREASURER'S REPORT](#)

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

8. [DEVELOPMENT UPDATE](#)

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

9. [CITY MANAGER CONTRACT](#)

RECOMMENDED ACTION: That the City Council consider adopting amendments to the City Manager's employment agreement as recommended by the Mayor and Mayor Pro Tem.

10. [CITY ATTORNEY CONTRACT](#)

RECOMMENDED ACTION: That the City Council consider adopting amendments to the agreement with Rutan and Tucker for City Attorney Services as recommended by the Mayor and Mayor Pro Tem.

11. [RATIFY THE CONTRACT WITH AGE WELL SENIOR SERVICES FOR THE SENIOR MOBILITY PROGRAM](#)

RECOMMENDED ACTION: That the City Council ratify the City Manager's approval to execute a Contract Agreement with Age Well Senior Services for the Senior Mobility Program and authorize the City Manager to execute up to four one-year optional renewals with an annual CPI adjustment and 10% contingency.

**12. INFINITY TECHNOLOGIES CONTRACT AMENDMENT BUDGET INCREASE IN FY2023**

RECOMMENDED ACTION: That the City Council:

- 1) Authorize the City Manager to execute a Second Amendment to the Agreement with Infinity Technologies for Information Technology Management Services for FY23 in an amount not to exceed \$160,000; and
- 2) Authorize the City Manager to execute the final two annual one-year extensions, in an amount not-to-exceed \$160,000 annually; and
- 3) Approve the budget adjustment included in the Fiscal Impact Section of this report.

**13. AMENDMENT TO COASTAL ANIMAL SERVICES AUTHORITY (CASA) JOINT POWERS AGREEMENT**

RECOMMENDED ACTION: That the City Council approve and authorize the Mayor to execute the Amended and Restated Joint Powers Agreement of the Coastal Animal Services Authority.

**14. BANKING SERVICES TO PROVIDE CUSTODY SERVICES FOR SAFEKEEPING OF CITY INVESTMENTS**

RECOMMENDED ACTION: That the City Council authorize the City Manager to enter into a contract and execute necessary documents for custody services for safekeeping of City Investments with U.S. Bank.

**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**

### **15. 2022 WEED ABATEMENT PROGRAM**

RECOMMENDED ACTION: That the City Council conduct a hearing on the Weed Abatement Cost Report and thereafter, adopt the attached Resolution confirming the cost report and providing for the collection on the regular tax bill, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE COST OF WEED ABATEMENT AND PROVIDING FOR THE COLLECTION ON THE REGULAR TAX BILL

## **UNFINISHED BUSINESS**

## **NEW BUSINESS**

### **16. UPDATED GARDENER GUIDELINES AND USE AGREEMENT FOR THE HARRY OTSUBO COMMUNITY GARDENS**

RECOMMENDED ACTION: That the City Council:

- 1) Authorize the City Manager or designee to update Community Garden guidelines and use agreements as needed; and
- 2) Receive and file the guidelines and use agreement for the Harry Otsubo Community Gardens.

### **17. PROFESSIONAL SERVICES AGREEMENT FOR RRM DESIGN GROUP TO CONDUCT COMMUNITY ENGAGEMENT FOR A FUTURE GENERAL PLAN UPDATE**

RECOMMENDED ACTION: That the City Council:

- 1) Approve and authorize the City Manager to execute the Professional Services Agreement (Action Document A) with RRM Design Group in an amount not to exceed \$223,615 with a 10% contingency to conduct community engagement for a future General Plan Update; and
- 2) Authorize a budget appropriation in the amount of \$245,977 (\$223,615 plus 10% contingency) from the General Plan Update Reserve Fund.

18. [FIRST READING OF ORDINANCE – AMENDMENT TO MUNICIPAL CODE SECTION 5.38 \(SHORT TERM RENTAL PERMITS\)](#)

RECOMMENDED ACTION: That the City Council introduce an ordinance amending Section 5.38 of the Municipal Code to create permit limitations and regulations for short term rentals located outside of the Coastal Zone that are similar to those approved by the Council by way of Coastal Development Permit CDP22-0010 for short term rentals within the Coastal Zone entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT CALIFORNIA, AMENDING SECTION 5.38 OF THE DANA POINT MUNICIPAL CODE TO CREATE PERMIT LIMITATIONS AND REGULATIONS FOR SHORT TERM RENTALS LOCATED OUTSIDE OF THE COASTAL ZONE

**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 September 6, 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, July 14, 2022, at 5:30 p.m.

  
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SHAYNA SHARKE, CITY CLERK

  
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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.