

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
NOVEMBER 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. 22-04

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

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 – EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (1 case)

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

- B. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Government Code § 54956.9 (c), (1 case)

- C. 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, OCTOBER 18, 2022](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. **PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 26, 2022**

RECOMMENDED ACTION: That the City Council receive and file.

4. **FINANCIAL REVIEW COMMITTEE MEETING MINUTES, SEPTEMBER 13, 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 the month of September 2022.

8. **QUARTERLY FINANCIAL REPORT**

RECOMMENDED ACTION: That the City Council receive and file the City Financial Report and Management Discussion for the quarter ended September 30, 2022.

9. **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").

10. **RECRUITMENT FOR THE OCEAN WATER QUALITY SUBCOMMITTEE**

RECOMMENDED ACTION: That the City Council direct Staff to proceed with the recruitment of one (1) Ocean Water Quality Subcommittee member.

11. **AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE ANNUAL RESIDENTIAL ROADWAY RESURFACING PROJECT FY 21/22 AND THE CALLE PORTOLA STORM DRAIN IMPROVEMENTS PROJECT**

RECOMMENDED ACTION: That the City Council:

1) Establish a new Capital Improvement Program (CIP) Project entitled "Calle Portola Storm Drain Improvements Project", CIP #11-99-30-1350-3110, and authorize the funding transfer noted in the Fiscal Impact Section;

2) Approve award of contract (Action Document A) to Onyx Paving Company, Incorporated for construction of the Annual Roadway Resurfacing Project FY 21/22 (CIP #1329) and the Calle

Portola Storm Drain Improvements Project (CIP #1350) and authorize the City Manager to sign the contract, and authority to approve change orders if necessary;

3) Authorize the expenditure as noted in the Fiscal Impact Section with GMU Geotechnical, Inc. for materials testing and quality assurance for the Annual Roadway Resurfacing Project FY 21/22 (CIP #1329) per the existing As-Needed Consultant Services Agreement with GMU Geotechnical;

4) Authorize the City Manager to sign an agreement with WestLAND Group, Incorporated, for surveying, construction staking and monument preservation for the Annual Roadway Resurfacing Project FY 21/22 (CIP #1329) and the associated expenditure as noted in the Fiscal Impact Section;

5) Authorize the City Manager to sign a, agreement with GHD, Inc. for materials testing and quality assurance for the Calle Portola Storm Drain Improvements Project (CIP #1350) and the associated expenditure as noted in the Fiscal Impact Section.

6) Approve expenditure and budget adjustments outlined in the Fiscal Impact Section for the Annual Roadway Resurfacing Project FY 21/22 (CIP #1329) and the Calle Portola Storm Drain Improvements Project (CIP #1350);

7) Authorize the City Manager to sign an agreement with WestLAND Group, Incorporated, for surveying services for the Roadway Rehab and Repair Design Project FY 22/23 (CIP #1342) with funding as described in the Fiscal Impact Section.

8) Authorize the City Manager to sign an agreement with West Coast Civil, Incorporated, for design services for the Roadway Rehab and Repair Design Project FY 22/23 (CIP #1342) with funding as described in the Fiscal Impact Section.

12. [ADOPTION OF RESOLUTIONS APPROVING A NOTICE OF COMPLETION FOR BOTH THE CITYWIDE ASPHALT REPAIRS PROJECT FY 21/22 AND CONSTRUCTION OF THE ANNUAL RESIDENTIAL ROADWAY SLURRY PROJECT FY 21/22](#)

RECOMMENDED ACTION: That the City Council:

1) Adopt Resolutions entitled:

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 ASPHALT REPAIRS PROJECT FY 21/22"

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 "ANNUAL RESIDENTIAL ROADWAY SLURRY PROJECT FY 21/22"; and

2) Authorize a budget adjustment to reallocate Project #1330 savings to CIP Unassigned Fund Balance per the Fiscal Impact Section.

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

UNFINISHED BUSINESS

13. [LONG TERM FINANCIAL PLAN / BUDGET PRIORITIES – UNFUNDED CAPITAL IMPROVEMENT AND FACILITIES PROJECTS](#)

RECOMMENDED ACTION: That the City Council continue to discuss the unfunded Capital Improvement Program (CIP) and Facilities Improvement Projects and provide Staff direction on the prioritization process for these Projects.

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 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)

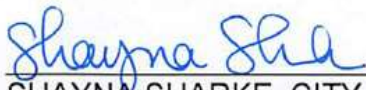
(City Attorney Patrick Muñoz)

ADJOURNMENT

The next Regular Meeting of the City Council will be November 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, October 27th, 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.