

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
NOVEMBER 15, 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 – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (2 cases)

## **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, NOVEMBER 1, 2022](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

### **3. [PLANNING COMMISSION MEETING MINUTES, OCTOBER 10, 2022](#)**

RECOMMENDED ACTION: That the City Council receive and file.

### **4. [ARTS & CULTURE COMMISSION MEETING MINUTES, SEPTEMBER 14, 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. DEVELOPMENT UPDATE**

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

**8. DISPOSITION OF NON-ESSENTIAL CITY RECORDS AND RECORDS RETENTION SCHEDULE UPDATE**

RECOMMENDED ACTION: That the City Council approve the 2022 disposition of non-essential City records in accordance with California State law and the City's approved Records Retention Schedule and adopt the Resolutions entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE DISPOSITION OF CERTAIN INACTIVE CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA; and

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING REVISED RECORDS RETENTION SCHEDULES FOR CERTAIN CITY DEPARTMENTS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

**9. PROFESSIONAL SERVICES AGREEMENT FOR COASTAL ENGINEERING SERVICES**

RECOMMENDED ACTION: That the City Council:

1) Ratify the agreement and approve the first amendment to consultant services agreement by and between the City and Moffatt and Nichol for coastal engineering services for the Community Development Department, which will be reimbursed through developer fees collected prior to services rendered, and

2) Authorize the City Manager or designee to execute the amendment.

**10. FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT FOR CENTRAL SQUARE TECHNOLOGIES, LLC**

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a first amendment to the contract with Central Square Technologies to upgrade the City's permitting and licensing software to increase the not-to-exceed amount from \$159,000 to \$199,000, and amend the budget as described in the Fiscal Impact Section.

**11. MEASURE M2 EXPENDITURE REPORT FOR FISCAL YEAR 2021-2022**

RECOMMENDED ACTION: That the City Council:

1) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONCERNING THE MEASURE M (M2) EXPENDITURE REPORT FOR THE CITY OF DANA POINT FOR FISCAL YEAR 2021-2022; and

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

3) Direct Staff to submit the adopted Resolution and M2 Expenditure Report for Fiscal Year 2021-2022 for the City of Dana Point to the Orange County Transportation Authority (OCTA) to maintain eligibility in the Measure M (M2) program.

**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**

**12. ADOPTION BY REFERENCE THE CALIFORNIA CODES OF REGULATIONS TITLE 24, PARTS 1-12, KNOWN AND DESIGNATED AS THE 2022 EDITION OF THE CALIFORNIA BUILDING CODE, 2022 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, 2022 EDITION OF THE CALIFORNIA ELECTRICAL CODE, 2022 EDITION OF THE CALIFORNIA PLUMBING CODE, 2022 EDITION OF THE CALIFORNIA MECHANICAL CODE, 2022 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2022 EDITION OF THE CALIFORNIA REFERENCE STANDARDS CODE, 2022 EDITION OF THE CALIFORNIA ENERGY CODE, 2022 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2022 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2022 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2022 EDITION OF THE CALIFORNIA FIRE CODE, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS.**

RECOMMENDED ACTION: That the City Council:

1. Open the Public Hearing,
2. Introduce and hold for a first reading an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTERS 8.02, 8.03, 8.12, 8.14, 8.16, 8.20, 8.24, 8.26, 8.28, 8.30, 8.32, 8.34, 8.36 AND 8.38 OF TITLE 8 OF THE DANA POINT MUNICIPAL CODE ADOPTING BY REFERENCE THE CALIFORNIA CODES OF REGULATIONS TITLE 24, PARTS 1-12, KNOWN AND DESIGNATED AS THE 2022 EDITION OF THE CALIFORNIA BUILDING CODE, 2022 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, 2022 EDITION OF THE CALIFORNIA ELECTRICAL CODE, 2022 EDITION OF THE CALIFORNIA PLUMBING CODE, 2022 EDITION OF THE CALIFORNIA MECHANICAL CODE, 2022 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2022 EDITION OF THE CALIFORNIA REFERENCE STANDARDS CODE, 2022 EDITION OF THE CALIFORNIA ENERGY CODE, 2022 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2022 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2022 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2022 EDITION OF THE CALIFORNIA FIRE CODE, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS.

3. Find that the changes and modifications to the 2022 Editions of the California Building, Residential, Plumbing, Mechanical, Electrical, Green Building Standards, Energy and Fire Codes are reasonably necessary due to local conditions in Dana Point. Other amendments are of an administrative or procedural nature and concern themselves with subjects that are not covered by the Code or are reasonably necessary to safeguard life and property within the City of Dana Point. Adoption of these codes as amended will implement the latest codes in the City and complies with current State law; and
4. Instruct the Building Official to file the Resolution with the California Building Standards Commission and a copy to the California Department of Housing and Community Development.

## UNFINISHED BUSINESS

### 13. DISCUSSION OF STATUS FOR GENERAL PLAN AMENDMENT AND SPECIFIC PLAN, AND ENVIRONMENTAL IMPACT REPORT FOR 26126 VICTORIA BLVD.

RECOMMENDED ACTION: That the City Council discuss the status of the initiation of the General Plan Amendment and initiation of a Specific Plan District, and related environmental review for the parcels located at 26126 Victoria Blvd, commonly referred to as Victoria Apartments.

### 14. CONSULTANT SERVICES AGREEMENT WITH ARDURRA GROUP, INCORPORATED TO PREPARE DESIGN DOCUMENTS FOR THE DOHENY VILLAGE CONNECTIVITY IMPROVEMENT PROJECT

RECOMMENDED ACTION:

That the City Council:

- 1) Approve a Consultant Services Agreement with Ardurra Group, Incorporated for preparation of design documents for the Doheny Village Connectivity Improvement Project, and authorize the City Manager to sign that document on behalf of the City; and
- 2) Fund the work effort from CIP #1340 Doheny Village Connectivity Improvements/Design Project per the Fiscal Impact Section.

**15. CITYWIDE ASSESSMENT REPORT OF OVERHEAD UTILITIES**

RECOMMENDED ACTION: That the City Council:

- 1) Approve the revised Utility Undergrounding Assessment District Procedures Guide; and
- 2) Receive and file the report entitled "Citywide Assessment of Overhead Utilities".

**16. 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 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 December 6, 2022, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.


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## 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, November 10<sup>th</sup>, 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](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.