

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
MAY 7, 2019
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 19-02

CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS:

Joseph L. Muller, Mayor
Paul N Wyatt, Mayor Pro Tem
Jamey M. Federico, Council Member
Debra Lewis, Council Member
Richard A. Viczorek, Council Member

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (1 case)

Name of Case: City of DP v. Sunshine Group LLC (Seaside Inn), Orange County
Superior Court Case No. 30-2017- 00915900

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Boys & Girls Clubs of Capistrano Valley – Youth of the Year

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, APRIL 16, 2019

RECOMMENDED ACTION: That the City Council approve the minutes.

3. PLANNING COMMISSION MEETING MINUTES, MARCH 25, 2019

RECOMMENDED ACTION: That the City Council receive and file.

4. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECOMMENDED ACTION: That the City Council receive and file.

5. CITY TREASURER'S REPORT, MARCH 2019

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of March 2019

6. QUARTERLY FINANCIAL REPORT, MARCH 2019

RECOMMENDED ACTION: That the City Council receive and file the City Financial Report and Management Discussion for the quarter ended March 31, 2019.

7. CLAIMS AND DEMANDS

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

8. 4TH AMENDMENT TO OCFA JOINT POWERS AUTHORITY AGREEMENT

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA APPROVING THE FOURTH AMENDMENT TO THE ORANGE COUNTY FIRE AUTHORITY AMENDED JOINT POWERS AUTHORITY AGREEMENT, AND AUTHORIZE ITS EXECUTION.

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 fifteen 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

9. [SECOND READINGS OF SIDEWALK AND STREET VENDING ORDINANCES, AND PUBLIC HEARING](#)

RECOMMENDED ACTION: That the City Council take the following actions:

- 1) Hold second reading of an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADDING CHAPTER 5.03 TO THE DANA POINT MUNICIPAL CODE; and

- 2) Hold a second reading of the amendments to the Dana Point Municipal Code Title 5.02 Regulation of Street Vendors Activities; and

- 3) Conduct a Public Hearing; and adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING AN APPLICATION FEE FOR SIDEWALK VENDING.

NEW BUSINESS

10. [ORDINANCE OF THE CITY COUNCIL OF DANA POINT, CALIFORNIA AMENDING DANA POINT MUNICIPAL CODE CHAPTER 6.46 \(EXPANDED POLYSTYRENE FOOD SERVICE WARE\)](#)

RECOMMENDED ACTION: That the City Council introduce for first reading an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING SECTIONS 6.46.010 AND 6.46.030 OF THE DANA POINT MUNICIPAL CODE RELATING TO THE BAN ON POLYSTYRENE.

11. [ORANGE COUNTY SHERIFF'S DEPARTMENT CONTRACT FOR FY19](#)

RECOMMENDED ACTION: That the City Council consider the Law Enforcement Services Agreement with the County of Orange for law enforcement services for Fiscal Year 2019-20 (FY 20) and authorize the City Manager to execute the agreement; and, authorize the City Manager to execute amendments to the Agreement in an amount not to exceed the related Council approved budget.

UNFINISHED BUSINESS

12. [FISCAL YEARS 2019-20 AND 2020-21 BUDGET WORKSHOP](#)

RECOMMENDED ACTION: That the City Council:

- A. Conduct a Workshop to discuss the City of Dana Point Proposed Operating and Capital Improvement Budgets for Fiscal years 2019-2020 ("FY20") and 2020-2021 ("FY21"); and
- B. Review, revise or provide other direction in regards to the FY20 and FY21 Proposed Budget.

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.

13. [VISUAL PRESENTATION BY PUBLIC AT COUNCIL MEETING – COUNCIL MEMBER LEWIS](#)

RECOMMENDED ACTION: That the City Council pass the Resolution enabling visual presentations by members of the public to the City Council at City Council meetings entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA
ADOPTING RULES FOR VISUAL PRESENTATION BY PUBLIC AT CITY COUNCIL
MEETINGS

14. [DISCLOSURE OF GIFTS, PAYMENTS AND PROMISED PAYMENTS – COUNCIL MEMBER LEWIS](#)

RECOMMENDED ACTION: That the City Council pass the Resolution supporting public disclosure of all stipends, mileage reimbursement, gifts or money, whether paid or promised to be paid to a City Council member in his/her official capacity as a representative of the City of Dana Point when an incident of payment or promised payment exceeds \$50.00 . A meeting or event shall include but is not limited to boards of director, committees, subcommittees, workshops or task forces, participation in study sessions or meetings, or appearances at any events. The Resolution is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA
ADOPTING RULES FOR PUBLIC DISCLOSURE OF GIFTS OR REMUNERATION
RECEIVED BY OR PROMISED TO CITY COUNCIL MEMBERS

STAFF REPORTS

(City Manager Mark Denny)

(City Attorney Patrick Muñoz)

ADJOURNMENT

The next Regular Meeting of the City Council will be May 21, 2019, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

CERTIFICATION

I, Kathy M. Ward, 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, the Capistrano Beach Post Office and the Dana Point Library by Tuesday, April 30, 2019, at 5:30 p.m.

KATHY M. WARD, CITY CLERK

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.