

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
JUNE 4, 2019
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 19-03

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: Housing is a Human Right v. Dana Point, United States District Court for the Central District of California – Southern Division; Case No. 18-cv-00155 DOCKES

- B. 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, MAY 21, 2019**

RECOMMENDED ACTION: That the City Council approve the minutes.

3. **MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR**

RECOMMENDED ACTION: That the City Council receive and file.

4. **MONTHLY FINANCIAL ACTIVITY REPORT, APRIL**

RECOMMENDED ACTION: That the City Council receive and file the Financial Activity Report for April 2019.

5. **CLAIMS AND DEMANDS**

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

6. **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 hold second reading and adopt 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.

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

7. [CONDUCT PUBLIC HEARING AND TAKE ACTIONS NECESSARY TO ADOPT THE FISCAL YEAR 2019-2020 \(FY20\) AND 2020-2021 \(FY21\) BUDGETS INCLUDING ADOPTION OF A RESOLUTION TO ADOPT THE PROPOSED OPERATING AND CAPITAL IMPROVEMENT BUDGETS FOR FISCAL YEARS 2019-2020 \(FY20\) AND 2020-2021 \(FY21\), ADOPTION OF A RESOLUTION IMPLEMENTING USER FEE STUDY PHASE II \(FY20\) AND PHASE III \(FY21\) FOR SERVICE FEE CHARGES; ADOPTION OF A RESOLUTION ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2019-2020 \(FY20\); ADOPTION OF A RESOLUTION ESTABLISHING SALARY RANGES AND ADDITIONAL NON-REPRESENTED TITLES AND CLASS SPECIFICATIONS; AND OTHER ACTIONS AS LISTED IN THE RECOMMENDED ACTIONS](#)

RECOMMENDED ACTION: That the City Council:

- 1) Conduct a Public Hearing to review the City of Dana Point Proposed Operating and Capital Improvement Budgets for Fiscal Years 2019-2020 (FY20) and 2020-2021 (FY21), and Implementing User Fee Study Phase II (FY20) and Phase III (FY21) for Service Fee Charges;
- 2) Approve Financial Policies ([Action Document A](#)), including a new General Fund Reserve Policy and Community Investment Account Policy; and, rescind 8/23/2006 General Fund Reserve Policy #224 and Capital Improvement Policy #225) ([Supporting Document 1](#));
- 3) Direct that the new General Fund Reserve Policy take effect as of June 30, 2019;
- 4) Direct the establishment of a new General Fund designated reserve titled "Unfunded Pension Liability Reserve" (new Account #01-2550) and move \$5,000,000 of the General Fund excess unassigned fund balance into the account; and, direct Staff to continue research into Section 115 Pension Trust account funding options and return to City Council with recommendations during FY20;
- 5) Amend the FY19 budget to transfer General Fund excess unassigned fund balance by increasing both the Transfer Out of the General Fund (Account #01-99-90-0000-9010) and the Transfer In to the Facilities Fund (Account #12-90-6901) in the amount of \$2,075,000;

- 6) Amend the FY19 budget to transfer General Fund excess unassigned fund balance by increasing the Transfer Out of the General Fund (Account #01-99-90-0000-9050) and the Transfer In to the Capital Improvement Fund (Account #11-90-6901) in the amount of \$3,598,849; further, allocate the amount transferred to a new designated reserve titled Community Investment Account (new Account #11-2450);

- 7) Adopt a Resolution titled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING AN OPERATING AND CAPITAL IMPROVEMENT BUDGET FOR THE CITY OF DANA POINT FOR FISCAL YEARS 2019-20 AND 2020-2021 ([Action Document B](#));

- 8) Adopt a Resolution titled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, IMPLEMENTING USER FEE STUDY PHASE II (FY20) AND PHASE III (FY21) FOR SERVICE FEE CHARGES ([Action Document C](#)), AND RESCIND RESOLUTION 18-06-19-01 ([Supporting Document 2](#));

- 9) Adopt a Resolution titled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2019-2020 ([Action Document D](#); [Supporting Document 3](#));

- 10) Adopt a Resolution titled:

A RESOLUTION OF THE CITY COUNCIL OF THE OF DANA POINT, CALIFORNIA, ESTABLISHING SALARY RANGES FOR REPRESENTED AND NON-REPRESENTED CLASSIFICATIONS ESTABLISHING ADDITIONAL NON-REPRESENTED POSITION TITLES AND CLASS SPECIFICATIONS ([Action Document E](#)); and,

- 11) Approve the Calendar of Budget-related Activity to occur in Fiscal Year 2019-20 ([Action Document F](#))

UNFINISHED BUSINESS

There are no Unfinished Business items.

NEW BUSINESS

8. [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").

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 Mark Denny)

(City Attorney Patrick Muñoz)

ADJOURNMENT

The next Regular Meeting of the City Council will be June 18, 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 Wednesday, May 29, 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.