

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
JULY 16, 2019  
5:00 P.M.**

## **AGENDA**

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

Next City Council Ordinance No. 19-04

### **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 – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (1 case)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (3 cases)

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

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

Name of Case: City of Dana Point v. New Life Addiction Treatment Center, et al, OCSC Case No. 30-2018-0102009

- C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957

Title: City Manager

- D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957

Title: City Attorney

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

**RECONVENE CITY COUNCIL MEETING**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**PRESENTATIONS AND PROCLAMATIONS**

OCFA Wildfire Awareness and Prevention Season  
Certificates of Recognition for Lifesaving

**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 18, 2019](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

**3. [PLANNING COMMISSION MEETING MINUTES, JUNE 10, 2019](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**4. [PLANNING COMISSION MEETING MINUTES, JUNE 24, 2019](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**5. [OCEAN WATER QUALITY SUBCOMMITTEE MINUTES, FEBRUARY 26, 2019](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**6. [MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR](#)**

RECOMMENDED ACTION: That the City Council receive and file.

7. **CITY TREASURER’S REPORT, JUNE 2019**

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

8. **MONTHLY FINANCIAL ACTIVITY REPORT, MAY 2019**

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

9. **CLAIMS AND DEMANDS**

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

10. **DANA POINT POLICE SERVICES MONTHLY REPORT**

RECOMMENDED ACTION: That the City Council receive and file report.

11. **DEVELOPMENT UPDATE**

RECOMMENDED ACTION: That the City Council receive and file.

12. **ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE ANNUAL SLURRY SEAL PROJECT FY 18/19**

RECOMMENDED ACTION: That the City Council adopt a Resolution 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 “ANNUAL SLURRY SEAL PROJECT FY 18/19”

13. **FINANCIAL REVIEW COMMITTEE RECRUITMENT**

RECOMMENDED ACTION: That the City Council direct staff to proceed with the recruitment for a vacancy on the Financial Review Committee.

14. **UPDATED GANN LIMIT, FISCAL YEARS 2018-2019 (FY 19) AND 2019-2020 (FY 20)**

RECOMMENDED ACTION: That the City Council adopt the Resolutions entitled:

- 1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING AND ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2018-2019; and
- 2) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING AND ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2019-2020.

15. [AMENDMENT TO CONSULTANT SERVICES AGREEMENT BY AND BETWEEN THE CITY OF DANA POINT AND DUDEK](#)

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute an amendment (the "Second Amendment") to the Agreement for Consultant Services by and between the City of Dana Point and Dudek (the "Consultant").

16. [INTERVENTION SPECIALIST AGREEMENT FY 2019-2020](#)

RECOMMENDED ACTION: That the City Council authorize the City Manager to 1) approve a contract for consultant services for the Intervention Specialist Program and 2) approve up to two, one-year renewals.

## **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**

17. [2019 WEED ABATEMENT PROGRAM](#)

RECOMMENDED ACTION: That the City Council conduct a Public 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 ABATEMENT AND PROVIDING FOR THE COLLECTION  
ON THE REGULAR TAX BILL

## **UNFINISHED BUSINESS**

There are no Unfinished Business items.

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## NEW BUSINESS

There are no New Business items.

## 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 September 3, 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, July 9, 2019, at 5:30 p.m.

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KATHY M. WARD, CITY CLERK

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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.