

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
DECEMBER 3, 2019  
5:00 P.M.**

## **REVISED AGENDA**

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

Next City Council Ordinance No. 19-05

### **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), (2 cases)

Name of Case: City v. New Method Wellness, Inc., NMW Beds, LLC, and Pacific View Sober Living LLC, Orange County Superior Court Case No. 30-2017-00904169

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**

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## 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 19, 2019](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

**3. [PLANNING COMMISSION MEETING MINUTES, OCTOBER 28, 2019](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**4. [PLANNING COMMISSION MEETING MINUTES, NOVEMBER 18, 2019](#)**

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. [ADOPTION BY REFERENCE THE CALIFORNIA CODES OF REGULATIONS TITLE 24, PARTS 1-12, KNOWN AND DESIGNATED AS THE 2019 EDITION OF THE CALIFORNIA BUILDING CODE, 2019 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, 2019 EDITION OF THE CALIFORNIA ELECTRICAL CODE, 2019 EDITION OF THE CALIFORNIA PLUMBING CODE, 2019 EDITION OF THE CALIFORNIA MECHANICAL CODE, 2019 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2019 EDITION OF THE CALIFORNIA REFERENCE STANDARDS CODE, 2019 EDITION OF THE CALIFORNIA ENERGY CODE, 2019 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2019 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2019 EDITION OF THE CALIFORNIA](#)**

**EXISTING BUILDING CODE AND THE 2019 EDITION OF THE CALIFORNIA FIRE CODE, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS.**

RECOMMENDED ACTION: That the City Council:

1. Hold a second reading and adopt 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 2019 EDITION OF THE CALIFORNIA BUILDING CODE, 2019 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, 2019 EDITION OF THE CALIFORNIA ELECTRICAL CODE, 2019 EDITION OF THE CALIFORNIA PLUMBING CODE, 2019 EDITION OF THE CALIFORNIA MECHANICAL CODE, 2019 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2019 EDITION OF THE CALIFORNIA REFERENCE STANDARDS CODE, 2019 EDITION OF THE CALIFORNIA ENERGY CODE, 2019 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2019 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2019 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2019 EDITION OF THE CALIFORNIA FIRE CODE, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS.

8. **COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2019**

RECOMMENDED ACTION: That the City Council receive and file the Comprehensive Annual Financial Report (CAFR) for the year ended June 30, 2019.

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

RECOMMENDED ACTION: That the City Council approve the 2019 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 SCHEDULE FOR CERTAIN CITY DEPARTMENTS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

10. [AMENDMENTS AND ASSOCIATED BUDGET ADJUSTMENTS TO PROFESSIONAL PLAN CHECK SERVICES AGREEMENTS FOR PLANNING, BUILDING AND PUBLIC WORKS DIVISIONS](#)

RECOMMENDED ACTION: That the City Council authorize and direct the City Manager to execute the following contracts:

1. Summers/Murphy & Partners (“SMP”) – Ratification and First Amendment for Landscape Plan Check Services;
2. West Coast Code Consultants (“WC3”) - First Amendment for Plan Check and Building Inspection Services;
3. West Coast Code Consultants (“WC3”) – Ratification and First Amendment for Permit Technician Services;
4. NV5, Inc. – Third Amendment for Public Works Development Engineering Plan Check Services; and,
5. Authorize Budget Adjustments as described in the agenda report and summarized in the Fiscal Impact Section.

11. [TRAFFIC IMPROVEMENT SUBCOMMITTEE VACANCY](#)

RECOMMENDED ACTION: That the City Council accept the letter of resignation from Rich Holt of the Traffic Improvement Subcommittee, direct staff to advertise the Notice of Vacancy for 30 days, accept applications for Council’s review and future appointment.

12. [ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA APPROVING THE SUBMITTAL OF AN APPLICATION TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR ADDITIONAL FUNDING UNDER THE PROJECT V COMMUNITY-BASED TRANSIT/CIRCULATORS PROGRAM](#)

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 SUBMITTAL OF AN APPLICATION TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR ADDITIONAL FUNDING UNDER THE PROJECT V COMMUNITY-BASED TRANSIT/CIRCULATORS PROGRAM;

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

3) Authorize the City Manager or his designee to apply for additional funding consideration.

**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**

There are no Public Hearings.

## **UNFINISHED BUSINESS**

### **13. CAPISTRANO BEACH VILLAGE PLAN UPDATE**

RECOMMENDED ACTION: That the City Council:

- 1) Receive and file the status report;
- 2) Direct staff to initiate a Zoning Code Amendment, General Plan Amendment, and Local Coastal Plan Amendment for the Capistrano Beach Village Plan ("Village Plan");
- 3) Authorize the City Manager to ratify the agreement (Supporting Document A) and execute the Additional Work Request No. 1 (Supporting Document B) by and between the City and Michael Baker International to prepare the Environmental Impact Report ("EIR") for the Village Plan;

## **NEW BUSINESS**

### **~~14. MAYOR MULLER: CAPISTRANO UNIFIED SCHOOL DISTRICT PROPOSED SCHOOLS FACILITIES IMPROVEMENT DISTRICTS~~**

~~RECOMMENDED ACTION: That the City Council may consider taking a position (i.e. Support, Neutral, Oppose) on the upcoming Capistrano Unified School District (CUSD) Bond.~~

### **15. SOLID WASTE DISPOSAL CONTRACT AMENDMENT**

RECOMMENDED ACTION: That the City Council consider an amendment to the agreement with CR&R, Inc. for solid waste handling services and state-mandated organics recycling programs.

16. [ADOPTION OF A RESOLUTION OF THE CITY COUNCIL TO AMEND THE CALIFORNIA JOINT POWERS INSURANCE AUTHORITY JOINT POWERS AGREEMENT](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING APPROVAL OF THE AMENDMENT TO THE JOINT POWERS AGREEMENT OF THE CALIFORNIA JOINT POWERS INSURANCE AUTHORITY.

17. [2020 CITY COUNCIL MEETING SCHEDULE](#)

RECOMMENDED ACTION: That the City Council approve the 2020 City Council meeting schedule.

**PUBLIC COMMENTS (Continued)**

**CITY COUNCIL REORGANIZATION**

- A. COUNCIL REORGANIZATION
- B. RECOGNITION OF OUTGOING MAYOR

**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 Mark Denny)

(City Attorney Patrick Muñoz)

**ADJOURNMENT**

The next Regular Meeting of the City Council will be January 21, 2020, 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, 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, November 27, 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.