

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
APRIL 2, 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. 19-01

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: 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: Laguna Beach Sober Living, LLC, and Donna's House, Inc. v. City of Dana Point, U.S. District Court, Central District of CA, Case No. 8:19-cv-00024-AG-JDE

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Presentation to Bill Beattie, Code Enforcement Officer
Donate Life Month

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, MARCH 19, 2019](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

3. **[PLANNING COMMISSION MEETING MINUTES, MARCH 11, 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. **[CLAIMS AND DEMANDS](#)**

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

6. **[MONTHLY FINANCIAL ACTIVITY REPORT, FEBRUARY 2019](#)**

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

7. **[ADOPTION OF A RESOLUTION APPROVING THE SB-1 PROJECT LIST FOR FISCAL YEAR 19/20 \(FY 19/20\)](#)**

RECOMMENDED ACTION: That the City Council:

1) adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT ADOPTING THE FISCAL YEAR 2019-20 SB-1 PROJECT LIST TO INCLUDE THE FY19-20 ANNUAL RESIDENTIAL RESURFACING PROJECT; and

2) authorize the City Manager, or his designee, to submit all required documentation to maintain funding eligibility for FY19-20; and

3) authorize the Mayor to sign the Resolution on behalf of the City.

8. **ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE ARTERIAL ROADWAY RESURFACING & PAVEMENT PRESERVATION PROJECT FY18/19**

RECOMMENDED ACTION: That the City Council:

1) 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 "ARTERIAL ROADWAY RESURFACING & PAVEMENT PRESERVATION PROJECT FY 18/19"

9. **RECRUITMENT FOR THE ARTS AND CULTURE COMMISSION**

RECOMMENDED ACTION: That the City Council direct staff to proceed with the recruitment for the Arts and Culture Commission.

10. **SECOND READING AND ADOPTION OF ZONE TEXT AMENDMENT ZTA19-0001 AMENDING CHAPTER 9.31 (FLOODPLAIN OVERLAY DISTRICT) AND CHAPTER 9.75 (DEFINITION AND ILLUSTRATIONS OF TERMS) TO MEET MINIMUM NATIONAL FLOOD INSURANCE PROGRAM REQUIREMENTS**

RECOMMENDED ACTION: That the City Council hold a second reading and adopt an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA19-0001 AMENDING CHAPTER 9.31 (FLOODPLAIN OVERLAY DISTRICT) AND CHAPTER 9.75 (DEFINITION AND ILLUSTRATIONS OF TERMS) TO MEET MINIMUM NATIONAL FLOOD INSURANCE PROGRAM REQUIREMENTS AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA19-0001 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

11. **SPECIAL MEETING MINUTES, MARCH 19, 2019**

RECOMMENDED ACTION: That the City Council approve the minutes.

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

There are no Unfinished Business items.

NEW BUSINESS

12. [INTRODUCTION OF AN ORDINANCE OF THE DANA POINT CITY COUNCIL ESTABLISHING STREET VENDING BUSINESS REGULATION](#)

RECOMMENDED ACTION: That the City Council ensure compliance with State law and the protection of public health and safety, and general welfare of its residents by:

- 1) Introduction of an Ordinance establishing Dana Point Municipal Code Title 5.03 Resolution of Sidewalk vendors consistent with recently adopted State legislation 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) Amending Dana Point Municipal Code Title 5.02 Regulation of Street Vendors Activities to address motorized street vending; and
- 3) Set May 7, 2019 as the date to conduct a public hearing related to adoption of the sidewalk vending registration fee.

13. [UPDATE ON THE EVALUATION OF ORANGE COUNTY SHERIFF'S DEPARTMENT CONTRACT LAW ENFORCEMENT SERVICES STUDY](#)

RECOMMENDED ACTION: That the City Council receive and file the analysis of Contract Law Enforcement Services Costs and Methodology for Contract Cities study prepared by Matrix Consulting Group.

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.

14. [COUNCIL MEMBER LEWIS: SUPPORT FOR INDEPENDENT INVESTIGATION OF TCA](#)

RECOMMENDED ACTION: That the City Council adopt the Resolution supporting our neighbor San Clemente and Congressman Levin's call for an independent investigation of the TCA to determine that this public agency has or has not misused public funds entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT IN SUPPORT OF THE CALL FOR A THIRD PARTY INDEPENDENT INVESTIGATION OF THE TRANSPORTATION CORRIDOR AGENCY, A PUBLIC AGENCY, BY CONGRESSMAN MIKE LEVIN AND THE CITY OF SAN CLEMENTE TO ENSURE THE PROPER USE OF PUBLIC FUNDS.

STAFF REPORTS

(City Manager Mark Denny)

(City Attorney Patrick Muñoz)

ADJOURNMENT

The next Regular Meeting of the City Council will be April 16, 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 Thursday, March 28, 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.