

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
SEPTEMBER 17, 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: 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 DP v. Sunshine Group LLC (Seaside Inn), Orange County Superior Court Case No. 30-2017- 00915900

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.

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

DAR Constitution 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, JULY 16, 2019**

RECOMMENDED ACTION: That the City Council approve the minutes.

3. **SPECIAL MEETING MINUTES, JULY 29, 2019**

RECOMMENDED ACTION: That the City Council approve the minutes.

4. **REGULAR MEETING MINUTES, SEPTEMBER 3, 2019**

RECOMMENDED ACTION: That the City Council approve the minutes.

5. **PLANNING COMMISSION MEETING MINUTES, JULY 8, 2019**

RECOMMENDED ACTION: That the City Council receive and file.

6. **PLANNING COMMISSION MEETING MINUTES, JULY 22, 2019**

RECOMMENDED ACTION: That the City Council receive and file.

7. **PLANNING COMMISSION MEETING MINUTES, AUGUST 26, 2019**

RECOMMENDED ACTION: That the City Council receive and file.

8. [OCEAN WATER QUALITY SUBCOMMITTEE MEETING MINUTES, JUNE 20, 2019](#)

RECOMMENDED ACTION: That the City Council receive and file.

9. [TRAFFIC IMPROVEMENT SUBCOMMITTEE MEETING MINUTES, JANUARY 17, 2018](#)

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

11. [CITY TREASURER'S REPORT, JULY 2019](#)

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

12. [CLAIMS AND DEMANDS](#)

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

13. [DANA POINT POLICE SERVICES MONTHLY REPORT](#)

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

14. [DEVELOPMENT UPDATE](#)

RECOMMENDED ACTION: That the City Council receive and file.

15. [AMENDMENT TO CITY COUNCIL POLICY 227](#)

RECOMMENDED ACTION: That the City Council adopt the amendments to City Council Policy 227.

16. [NATIONAL ARTS AND HUMANITIES MONTH – OCTOBER 2019](#)

RECOMMENDED ACTION: That the City Council adopt a Resolution proclaiming October 2019 as National Arts and Humanities Month entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA,
PROCLAIMING OCTOBER 2019 AS NATIONAL ARTS AND HUMANITIES

17. [AMENDMENTS TO PROFESSIONAL SERVICES AGREEMENTS FOR BUILDING OFFICIAL SERVICES AND INSPECTION SERVICES](#)

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

1. CSG Second Amendment for Acting Building Official Services;
2. CSG First Amendment for Inspection Services Agreement

18. 2019-20 PROPOSITION 218 CERTIFICATION OF ASSESSMENTS

RECOMMENDED ACTION: That the City Council authorize the Mayor to sign a Certification of Assessment to the County of Orange regarding special assessments for 2019-20 Secured Property Tax bill.

19. FINANCIAL REVIEW COMMITTEE APPOINTMENT

RECOMMENDED ACTION: That the City Council select Michael Frost as the City Council's appointment to the Financial Review Committee.

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

20. FISCAL YEAR 2019 (FY19) 4TH QUARTER FINANCIAL REPORT AND PROPOSED FY19 CARRY-OVER BUDGET ADJUSTMENTS

RECOMMENDED ACTION: That the City Council

1. Receive and file the FY19 Financial Report for the quarter ended June 30, 2019; and

2. Amend the FY2019-20 ("FY20") budget by authorizing the carry-over and appropriation of encumbered and unencumbered funds from FY19 to FY20, and
3. Ratify \$334,000 Emergency Contract with Excel Paving for Capistrano Beach Storm Drain Preventive Maintenance Project.

21. APPROVAL OF A LEASE AGREEMENT WITH MULLER-LIGHTHOUSE, LLC FOR USE OF PARKING AS SHARED, PUBLIC PARKING AT 24532 DEL PRADO, DANA POINT

RECOMMENDED ACTION: That the City Council approve a Parking Lot Lease Agreement by and between the City of Dana Point and Muller-Lighthouse, LLC, authorize the City Attorney to approve non-substantive changes to the Agreement and authorizing and directing the City Manager to execute the Agreement on behalf of the City.

22. TOURISM BUSINESS IMPROVEMENT DISTRICT ANNUAL REPORT AND RENEWAL FOR JANUARY 1 – JUNE 30, 2020 (1989 ACT); AND, RESOLUTION TO ESTABLISH THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT (1994 ACT)

RECOMMENDED ACTION: That the City Council:

- 1) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE 2020 ANNUAL REPORT AND DECLARING THE INTENTION OF THE CITY COUNCIL TO CONTINUE THE PROGRAM AND ASSESSMENTS FROM JANUARY 1 THROUGH JUNE 30, 2020 FOR THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID) UNDER THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989 (1989 ACT).; and;

- 2) Set the date for Public Hearing for renewal of the TBID 1989 ACT on October 15, 2019; AND

- 3) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DECLARING ITS INTENTION TO ESTABLISH THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT (DPTBID) UNDER THE PROPERTY AND BUSINESS IMPROVEMENT DISTRICT LAW OF 1994 (1994 ACT) AND FIXING THE TIME AND PLACE OF A PUBLIC MEETING ON OCTOBER 15, 2019.;AND, FIXING THE TIME AND PLACE OF A PUBLIC HEARING TO ESTABLISH THE DPTBID (1994 ACT) PUBLIC HEARING FOR NOVEMBER 5, 2019.

23. STATE OF THE CITY SPONSORSHIP

RECOMMENDED ACTION: That the City Council:

1. Approve the release of a Request for Sponsorship (RFS) for the 2020 State of the City event;
2. Authorize the City Manager or Economic Development Manager to evaluate submitted Request for Sponsorships and select sponsors;

3. Approve Sponsorship Agreement template, subject to such changes as may be approved by the City Manager and City Attorney; and
4. Authorize the City Manager to execute the Sponsorship Agreements.

24. CITY COUNCIL MEMBER EXPENSE REPORTS ON CITY WEBSITE

RECOMMENDED ACTION: That the City Council receive and file this update on the status of actions taken to link copies of their expense reports to their individual Council Member pages on the City's website.

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.

STAFF REPORTS

(City Manager Mark Denny)

(City Attorney Patrick Muñoz)

ADJOURNMENT

The next Regular Meeting of the City Council will be October 1, 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, September 10, 2019, at 5:30 p.m.

KATHY M. WARD, CITY CLERK

DATE

Subscriptions to receive City Council Agendas on a regular basis are available through the City Clerk's Office. Agendas are also available on the City's website at www.danapoint.org. In addition, Agenda related materials (including materials, if any, provided to the City Council after the Agenda was posted) may be reviewed in the office of the City Clerk during regular business hours or on the website at www.danapoint.org.

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.