

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
OCTOBER 1, 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. 19-04

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

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## PRESENTATIONS AND PROCLAMATIONS

Dolphin Whale Capital of the World Presentation

## 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, SEPTEMBER 17, 2019](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

### 3. **[PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 9, 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. **[CITY TREASURER'S REPORT, AUGUST 2019](#)**

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

### 6. **[CLAIMS AND DEMANDS](#)**

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

7. [RESOLUTION AUTHORIZING STAFF TO APPLY FOR THE STATE OF CALIFORNIA PARKS AND WATER BOND OF 2018 PER CAPITA GRANT PROGRAM](#)

RECOMMENDED ACTION: That the City Council:

1) Adopt the resolution (Action Document A) entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING THE APPLICATION FOR THE STATE OF CALIFORNIA PARKS AND WATER BOND OF 2018 PER CAPITA GRANT PROGRAM; and

2) Authorize the City Manager or his designees to apply for subject grants

8. [ADOPT A RESOLUTION AUTHORIZING THE CITY OF DANA POINT TO SUBMIT A LOCAL COASTAL PROGRAM PLANNING GRANT APPLICATION TO THE CALIFORNIA COASTAL COMMISSION](#)

RECOMMENDED ACTION That the City Council:

1) Adopt the Resolution (Action Document A) entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE CITY OF DANA POINT TO SUBMIT A LOCAL COASTAL PROGRAM PLANNING GRANT APPLICATION TO THE CALIFORNIA COASTAL COMMISSION; and

2) Authorize the City Manager to sign all needed documentation under the California Coastal Commission (CCC) grant program, and amend the budget as described in the Fiscal Impact section.

## **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.

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## **PUBLIC HEARINGS**

There are no Public Hearings.

## **UNFINISHED BUSINESS**

There are no Unfinished Business items.

## **NEW BUSINESS**

### **9. COUNCILMEMBER FEDERICO: SHORT TERM RENTAL SUBCOMMITTEE POLICY DIRECTION**

RECOMMENDED ACTION: That the City Council:

- 1) Formally adopt policy objectives that Staff and the Short Term Rental Subcommittee will use in drafting any proposed ordinance. Any short term rental ordinance must:
  - a. Maintain the character of our neighborhoods by not encouraging absentee corporate investment.
  - b. Firmly protect against nuisances.
  - c. Balance the rights and responsibilities of all residents and homeowners and honor HOA regulations; and
- 2) Direct that Short Term Rental Subcommittee meetings be open to the public; and
- 3) Authorize the City Manager to contract for the completion of a statistically valid resident survey focused on short term rental policy.

### **10. MAYOR MULLER: PROPOSED AMENDMENTS TO TOWN CENTER PLAN**

RECOMMENDED ACTION: That the City Council discuss the amendments proposed by the Chamber of Commerce to the Town Center Plan and discuss whether the proposed amendments shall be included on a future agenda for consideration as City Council initiated voter measure.

### **11. SALARY RANGES FOR REPRESENTED AND NON-REPRESENTED EMPLOYEE CLASSIFICATIONS; AND AMENDING CITY'S CONFLICT OF INTEREST CODE**

RECOMMENDED ACTION: That the City Council adopt two resolutions entitled:

- 1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING SALARY RANGES FOR REPRESENTED AND NON-REPRESENTED CLASSIFICATIONS; and,
- 2) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING THE CITY'S CONFLICT OF INTEREST CODE

### **12. PENSION LIABILITY UPDATE – SECTION 115 TRUST**

RECOMMENDED ACTION: That the City Council receive and discuss this update regarding the City's unfunded pension liability and steps being taken to aggressively address it.

13. [AMENDMENT OF DANA POINT MUNICIPAL CODE SECTION 12.08.098, "VEHICLE CITATIONS – AUTHORIZED", TO ALLOW FOR THE ISSUANCE OF PARKING CITATIONS BY A NON-PEACE OFFICER](#)

RECOMMENDED ACTION: That the City Council introduce and hold a first reading of an Ordinance (Action Document A) entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 12.08.098 OF THE DANA POINT MUNICIPAL CODE

14. [2019-2020 DANA POINT YOUTH BOARD APPOINTMENTS AND AMENDMENT TO CITY COUNCIL POLICY 302](#)

RECOMMENDED ACTION: That the City Council:

- 1) Appoint eight (8) Board Members to the Dana Point Youth Board; and
- 2) Adopt the amendments to City Council Policy No. 302

15. [AMENDMENT TO COASTAL ANIMAL SERVICES AUTHORITY \(CASA\) JOINT POWERS AGREEMENT](#)

RECOMMENDED ACTION: That the City Council approve the Amended and Restated Joint Powers Agreement of the Coastal Animal Services Authority.

## **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 October 15, 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, September 25, 2019, at 5:30 p.m.

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KATHY M. WARD, CITY CLERK

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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](http://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](http://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.