

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
OCTOBER 15, 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), (1 case)

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

PRESENTATIONS AND PROCLAMATIONS

Presentation by Laleh Vafael, U.S. Census Bureau

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, OCTOBER 1, 2019

RECOMMENDED ACTION: That the City Council approve the minutes.

3. PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 23, 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. DANA POINT POLICE SERVICES MONTHLY REPORT

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

7. DEVELOPMENT UPDATE

RECOMMENDED ACTION: That the City Council receive and file.

8. UTILITY UNDERGROUNDING RULE 20A PROGRAM

RECOMMENDED ACTION: That the City Council receive and file the attached information regarding Utility Undergrounding Rule 20A Program, and Prior Activity.

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

9. [TOURISM BUSINESS IMPROVEMENT DISTRICT RENEWAL FOR JANUARY 1, 2020 TO JUNE 30, 2020 AND PUBLIC MEETING ON THE ESTABLISHMENT OF THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT](#)

RECOMMENDED ACTION: That the City Council take the following actions:

- 1) Conduct a Public Hearing; and
- 2) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE ANNUAL REPORT AND CONTINUING THE PROGRAM AND ASSESSMENTS FOR THE JANUARY 1, 2020 TO JUNE 30, 2020 FOR THE TOURISM BUSINESS IMPROVEMENT DISTRICT ("TBID").

- 3) Allow members of the public to provide comments on the proposed Dana Point Tourism Business Improvement District (DPTBID), and close the public meeting.

UNFINISHED BUSINESS

10. [PROPOSED CITY COUNCIL SPONSORED INITIATIVE RE: TOWN CENTER](#)

RECOMMENDED ACTION: That, should Council desire to proceed with a Council initiated ballot measure, the City Council:

1. Take the following action pursuant to Elections Code Section 9222:
 - a. Adopt Action Document A, a Resolution by which the Council would submit a City Council sponsored ordinance, which will be referred to as the "2020 Town Center Measure," to the voters for a general election to be held on March 3, 2020, entitled:

AN ORDINANCE OF THE PEOPLE OF THE CITY OF DANA POINT TO REDUCE THE MINIMUM GROUND FLOOR HEIGHT PROVISIONS CONTAINED IN THE 2008 TOWN CENTER PLAN, AS AMENDED, READOPTED AND RECODIFIED BY THE 2015 TOWN CENTER INITIATIVE, FROM 18 FEET TO 14 FEET; and

- b. If the Council takes action to call for an election, consider taking the following actions (all of which are optional, and at the Council's discretion):
 - a. Adopt a motion directing the City Attorney to prepare an impartial analysis
 - b. Adopt a motion calling for the City Council to submit an argument in favor of the 2020 Town Center Measure, and giving related direction to staff regarding how to proceed.
 - c. If the Council takes action to call for an election, adopt a motion by which to transfer \$85,000 from General Fund Operations Contingency Account (99-2999) to the City Clerk Professional Services account (31-2230) for election services.

NEW BUSINESS

11. [OC DANA POINT HARBOR COMMERCIAL CORE REVITALIZATION PUBLIC WORKSHOP AND OPEN HOUSE FEEDBACK](#)

RECOMMENDED ACTION: That the City Council receive presentation from the Dana Point Harbor Partners (DPHP) related to feedback they received at three public events regarding various aspects of the Dana Point Harbor Commercial Core Revitalization Plan.

12. [DANA POINT TROLLEY UPDATE](#)

RECOMMENDED ACTION: That the City Council:

- 1) Receive and file the Dana Point Trolley ridership results from Summer 2019; and
- 2) Approve in concept application for additional grant funding from the Orange County Transportation Authority (OCTA) in an upcoming 2019 Call for Projects; and
- 3) Receive and file draft routes for the 2020 Trolley Season.

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 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. **COUNCIL MEMBER LEWIS: ORANGE COUNTY HOUSING FINANCE TRUST**

RECOMMENDED ACTION: That the City Council discuss the Orange County Housing Financing Trust (OCHFT) progress and either vote to continue or discontinue Dana Point's membership in the OCHFT given that the County pays the costs for the first year only and that a party to the OCHFT Joint Powers Agreement must give six (6) month's notice.

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 November 5, 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, October 8, 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.