

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
NOVEMBER 19, 2019  
5:00 P.M.**

## **AGENDA**

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

Next City Council Ordinance No. 19-05

### **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 REAL PROPERTY NEGOTIATOR, Government Code § 54956.8

Location: Assessor Parcel Number 668-283-01  
Agency Negotiator: David Cosgrove; Matthew Sinacori  
Negotiating Parties: City of Dana Point and Cynthia Holder  
Under Negotiation: Price and terms of agreement relating to property

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

### **RECONVENE CITY COUNCIL MEETING**

### **PLEDGE OF ALLEGIANCE**

### **INVOCATION**

### **PRESENTATIONS AND PROCLAMATIONS**

### **READING OF ORDINANCE TITLES**

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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 5, 2019](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

**3. [ARTS & CULTURE COMMISSION MEETING MINUTES, MAY 15, 2019](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**4. [FINANCIAL REVIEW COMMITTEE MEETING MINUTES, MAY 22, 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. [CITY TREASURER'S REPORT, OCTOBER 2019](#)**

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

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

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

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

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

**9. [DEVELOPMENT UPDATE](#)**

RECOMMENDED ACTION: That the City Council receive and file.

10. [ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING AN IMPROVEMENT PROJECT SUBMITTAL TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY \(OCTA\) FOR FUNDING UNDER THE COMPETITIVE MEASURE M2 REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM](#)

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 AN IMPROVEMENT PROJECT SUBMITTAL TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) FOR FUNDING UNDER THE COMPETITIVE MEASURE M2 REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM; and

- 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 funding consideration.

11. [ADOPTION OF A RESOLUTION OF THE CITY COUNCIL APPROVING THE MEASURE M \(M2\) EXPENDITURE REPORT FOR FY 2018-2019](#)

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 THE RENEWED MEASURE M (M2) EXPENDITURE REPORT FOR FISCAL YEAR 2018-2019; and

- 2) authorize the Mayor to sign the Resolution on behalf of the City; and
- 3) direct staff to submit the adopted Resolution and M2 Expenditure Report for Fiscal Year 2018-2019 for the City of Dana Point to the Orange County Transportation Authority (OCTA) to maintain eligibility in the Measure M (M2) program.

## **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

12. [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. Open the Public Hearing;
2. Introduce and hold for a first reading 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.

The changes and modifications to the 2019 Editions of the California Building, Residential, Plumbing, Mechanical, Electrical, Green Building Standards and Fire Codes are reasonably necessary due to local conditions in Dana Point. Other amendments are of an administrative or procedural nature and concern themselves with subjects that are not covered by the Code or are reasonably necessary to safeguard life and property within

the City of Dana Point. Adoption of these codes as amended will implement the latest codes in the City and complies with current State law; and

3. Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, SETTING FORTH FINDINGS WITH RESPECT TO LOCAL CONDITIONS WITHIN THE CITY OF DANA POINT WHICH MAKE CERTAIN MODIFICATIONS AND CHANGES TO THE CALIFORNIA BUILDING CODE, CALIFORNIA RESIDENTIAL CODE, THE CALIFORNIA PLUMBING CODE, THE CALIFORNIA MECHANICAL CODE, THE CALIFORNIA ELECTRICAL CODE, CALIFORNIA GREEN BUILDING STANDARDS CODE AND THE CALIFORNIA FIRE CODE AND FIRE CODE STANDARDS REASONABLY NECESSARY FOR DIFFERENT OCCUPANCIES; and

4. Instruct the Building Official to file the Resolution with the California Building Standards Commission and a copy to the California Department of Housing and Community Development.

## UNFINISHED BUSINESS

There are no Unfinished Business items.

## NEW BUSINESS

### 13. [AWARD OF CONTRACT FOR PARKS, MEDIANS, AND PARKWAY LANDSCAPE MAINTENANCE](#)

RECOMMENDED ACTION: That the City Council award an initial 6 month contract to The Soto Company for Parks, Medians, and Parkway Landscape Maintenance in the not-to-exceed amount of \$600,000 plus a 10% contingency, with a not-to-exceed amount of \$1,200,000 annually, plus a 10% contingency by amendment, and authorize the City Manager to extend the contract annually for up to four additional years, including CPI adjustments if mutually agreed upon.

### 14. [AWARD OF CONTRACT FOR SPORTS FIELDS MAINTENANCE](#)

RECOMMENDED ACTION: That the City Council award an initial 6 month contract to Professional Sports Field Maintenance, Inc. for Sports Fields Maintenance in the not-to-exceed amount of \$75,000 including an 11.6% contingency; and authorize the City Manager to extend the contract annually for up to four additional years with an annual not-to-exceed amount of \$150,000 annually, with contingency and CPI adjustment, if mutually agreed upon.

### 15. [MAYOR PRO-TEM WYATT: APPROVAL OF ACTIONS REQUIRED TO PUT A SHORT-TERM RENTAL ORDINANCE INTO EFFECT](#)

RECOMMENDED ACTION: That the City Council approve all the following recommended actions that establish the process and approvals that must take place before a short-term rental ordinance can go into effect in Dana Point:

- 1) Resident survey be conducted, results made public, and results reviewed at a Council Meeting. This direction has already been set by the Council;
- 2) Council must pass a short-term rental ordinance that will not become effective until approved by the California Coastal Commission and voted on and approved by a simple majority of Dana Point voters;
- 3) California Coastal Commission must approve the ordinance passed by the City Council without material changes; and
- 4) A ballot measure on the ordinance is approved by a simple majority of the Dana Point voters.

## **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 December 3, 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, November 13, 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.