

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
JANUARY 21, 2020
5:00 P.M.**

REVISED AGENDA

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

Next City Council Ordinance No. 20-01

CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS:

Richard A. Viczorek, Mayor
Jamey M. Federico, Mayor Pro Tem
Debra Lewis, Council Member
Joseph L. Muller, Council Member
Paul N Wyatt, 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), (5 cases)

Name of Case: Concerned Residents of Dana Point vs. City of Dana Point Case No. 2019-01117892-CU-TT-CXC

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

Name of Case: Laguna Beach Sober Living and Donna's House v. City of Dana Point, Case No. 8:19-cv-00024-AG-(JD Ex)

Name of Case: City of Santa Ana v. City of Dana Point, et al, Case No. 8:20-cv-00069

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

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, DECEMBER 3, 2019](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, NOVEMBER 25, 2019](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION MEETING MINUTES, DECEMBER 9, 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, NOVEMBER 2019](#)

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

10. **AMENDMENT OF DANA POINT MUNICIPAL CODE CHAPTER 3.13 INFORMAL BID PROCEDURES TO ALIGN WITH STATE PUBLIC CONTRACT CODE PROVISIONS**

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 3.13 OF THE DANA POINT MUNICIPAL CODE TO ALIGN WITH STATE PUBLIC CONTRACT CODE PROVISIONS

11. **TRAFFIC IMPROVEMENT SUBCOMMITTEE APPOINTMENT**

RECOMMENDED ACTION: That the City Council select Jeff Pedersen as the City Council's appointment to the Traffic Improvement Subcommittee.

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.

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.

PUBLIC HEARINGS

12. [**AN APPEAL OF PLANNING COMMISSION APPROVAL FOR COASTAL DEVELOPMENT PERMIT CDP18-0015 TO CONTRACT A NEW 4,881 SQUARE-FOOT, TWO-STORY SINGLE-FAMILY DWELLING AND ATTACHED 711 SQUARE-FOOT TWO-CAR GARAGE AT 34312 SHORE LANTERN**](#)

RECOMMENDED ACTION: That the City Council deny the appeal and uphold the Planning Commission's approval of Coastal Development Permit CDP18-0015

UNFINISHED BUSINESS

There are no Unfinished Business items.

NEW BUSINESS

13. [**ADOPTION OF A RESOLUTION OF THE DANA POINT CITY COUNCIL AMENDING POLICY 112 RELATING TO THE ACCEPTANCE AND DEDICATION OF EQUIPMENT**](#)

RECOMMENDED ACTION: That the City Council adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING THE POLICY RELATING TO THE ACCEPTANCE AND DEDICATION OF EQUIPMENT

14. [**UTILITY BOX ARTWORK PROGRAM**](#)

RECOMMENDED ACTION: That the City Council authorize staff to release an application for the Utility Box Artwork Program; authorize the Arts and Culture Commission to select artists and authorize staff to use \$10,000 of Arts in Public Places funds to produce and install nine (9) vinyl wraps.

15. [**SELECTION OF CONTRACT – STRATEGIC PLAN PROJECT ECONOMIC AND MARKET PROFILE STUDY**](#)

RECOMMENDED ACTION: That the City Council award a contract to Placeworks in the not-to-exceed amount of \$100,000 plus a 5% contingency for an Economic and Market Profile Study, and authorize the City Manager to execute the contract.

PUBLIC COMMENTS (Continued)

STAFF REPORTS

(City Manager Mark Denny)

(City Attorney Patrick Muñoz)

ADJOURNMENT

The next Regular Meeting of the City Council will be February 4, 2020, 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, January 15, 2020, 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.