

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
MARCH 17, 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. 20-02

SAFETY ALERT

IF YOU HAVE TRAVELED INTERNATIONALLY, PARTICULARLY TO CHINA, ITALY, IRAN, JAPAN, SOUTH KOREA, TAIWAN, AND/OR YOU HAVE HAD DIRECT CONTACT WITH SOMEONE WHO HAS TRAVELED TO THOSE PLACES OR TESTED POSITIVE FOR CORONAVIRUS (COVID-19), OR YOU ARE EXPERIENCING SYMPTOMS SUCH AS COUGHING, SNEEZING, FEVER, DIFFICULTY BREATHING OR OTHER FLU-LIKE SYMPTOMS, PLEASE DO NOT ATTEND THIS MEETING IN PERSON. YOU MAY SUBMIT COMMENTS ON ANY AGENDA ITEM OR ON ANY ITEM NOT ON THE AGENDA IN WRITING VIA MAIL TO "CITY COUNCIL" 33282 GOLDEN LANTERN, DANA POINT, CA 92629 OR BY EMAIL TO kward@danapoint.org. YOU MAY VIEW THE MEETING LIVE ON COX CABLE CHANNEL 855 AND ONLINE ON THE [CITY OF DANA POINT](#) YouTube CHANNEL.

IF YOU ARE IN THE GROUP OF INDIVIDUALS WHO MAY BE MOST VULNERABLE TO COVID-19, INCLUDING THOSE OVER THE AGE OF 60 AND THOSE WITH UNDERLYING HEALTH CONDITIONS, INCLUDING BUT NOT LIMITED TO LUNG, HEART, IMMUNO-COMPROMISED, DIABETES, OR OTHER CONDITIONS THAT COULD INTERFERE WITH YOUR ABILITY TO FIGHT COVID-19, PLEASE CONSIDER CAREFULLY BEFORE ATTENDING THIS MEETING IN PERSON AND KEEP A SIX FOOT DISTANCE FROM OTHERS AS MUCH AS POSSIBLE.

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), (2 cases)

Name of Case: City of Dana Point v. Wings of Hope, Parissa Assadi, Hamid Rezaie, Case No. 30-2019-01059792

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

VFW Award Presentations – Deputy of the Year; Firefighter of the Year; Reserve Firefighter of the Year
Recognition of City Manager Mark Denny

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. [SPECIAL MEETING MINUTES, FEBRUARY 26, 2020](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [REGULAR MEETING MINUTES, MARCH 3, 2020](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

4. [PLANNING COMMISSION MEETING MINUTES, FEBRUARY 24, 2020](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [YOUTH BOARD MEETING MINUTES, FEBRUARY 27, 2020](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. [OCEAN WATER QUALITY SUBCOMMITTEE MINUTES, JULY 23, 2019](#)

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

8. [CITY TREASURER'S REPORT, JANUARY 2020](#)

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of January 2020.

9. [CLAIMS AND DEMANDS](#)

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

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

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

11. [DEVELOPMENT UPDATE](#)

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

12. [SB1 PROJECT LIST FOR FY20/21](#)

RECOMMENDED ACTION: That the City Council:

1) adopt a Resolution (Action Document A) entitled:

A RESOLUTION OF THE CITY OF DANA POINT, CALIFORNIA ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 20-21 FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

2) authorize the City Manager or his designee to submit all required documentation to maintain funding eligibility for FY20-21; and

3) authorize the Mayor to sign the Resolution on behalf of the City.

13. AWARD OF CONTRACT FOR THE 4TH OF JULY AERIAL FIREWORKS DISPLAY

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a contract with Garden State Fireworks, Inc. for the 4th of July fireworks and barge services.

14. 2020 WEED ABATEMENT PROGRAM

RECOMMENDED ACTION: That the City Council adopt the Resolution of the City of Dana Point as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DECLARING WEEDS A PUBLIC NUISANCE AND INITIATING ABATEMENT PROCEEDINGS.

15. ANNUAL HOUSING ELEMENT PROGRESS REPORT

RECOMMENDED ACTION: That the City Council receive and file the 2019 Annual Housing Element Progress Report.

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 thirty 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

There are no Public Hearings.

UNFINISHED BUSINESS

There are no Unfinished Business items.

NEW BUSINESS

16. MID-FISCAL YEAR 2019-20 BUDGET STATUS REPORT

RECOMMENDED ACTION: That the City Council receive and file the Mid-Fiscal Year 2019-20 Budget Status Report and authorize the budget amendments detailed within this report.

PUBLIC COMMENTS (Continued)

STAFF REPORTS

(City Manager Mark Denny)

(City Attorney Patrick Muñoz)

ADJOURNMENT

The next Regular Meeting of the City Council will be April 7, 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 Friday, March 13, 2020, 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.