

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
MAY 19, 2020  
5:00 P.M.**

## **AGENDA**

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

Next City Council Ordinance No. 20-02

## **SAFETY ALERT**

**AS A RESULT OF THE COVID-19 VIRUS, AND RESULTING ORDERS AND DIRECTION FROM THE PRESIDENT OF THE UNITED STATES, THE GOVERNOR OF THE STATE OF CALIFORNIA, AND THE ORANGE COUNTY HEALTH CARE AGENCY, AS WELL AS THE CITY OF DANA POINT EMERGENCY DECLARATION, THE PUBLIC WILL NOT BE PERMITTED TO PHYSICALLY ATTEND THE DANA POINT CITY COUNCIL MEETING TO WHICH THIS AGENDA APPLIES. 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 [COMMENT@DANAPOINT.ORG](mailto:COMMENT@DANAPOINT.ORG). YOU MAY VIEW THE MEETING LIVE ON COX CABLE CHANNEL 855 AND ONLINE ON THE CITY OF DANA POINT YouTube CHANNEL.**

**PLEASE NOTE THAT THE CITY COUNCIL IS MAKING EVERY EFFORT TO FOLLOW THE SPIRIT AND INTENT OF THE BROWN ACT AND OTHER APPLICABLE LAWS REGULATING THE CONDUCT OF PUBLIC MEETINGS, IN ORDER TO MAXIMIZE TRANSPARENCY AND PUBLIC ACCESS. IT WOULD BE APPRECIATED IF COMMUNICATIONS OF PUBLIC COMMENTS RELATED TO ITEMS ON THE AGENDA, OR ITEMS NOT ON THE AGENDA, ARE PROVIDED TO [COMMENT@DANAPOINT.ORG](mailto:COMMENT@DANAPOINT.ORG) PRIOR TO THE COMMENCEMENT OF THE MEETING. IF THAT IS NOT POSSIBLE, AND TO ACCOMMODATE COMMENTS TO ITEMS THAT MAY BE ADDED TO THE AGENDA AFTER ITS INITIAL POSTING DURING THIS TIME OF EMERGENCY, EVERY EFFORT WILL BE MADE TO ATTEMPT TO REVIEW EMAILS DURING THE COURSE OF THE MEETING. TOWARDS THIS END, THE MAYOR WILL ENDEAVOR TO TAKE A BRIEF PAUSE BEFORE ACTION IS TAKEN ON ANY AGENDA ITEM TO ALLOW THE CLERK TO REVIEW EMAILS, AND SHARE ANY PUBLIC COMMENTS RECEIVED DURING THE MEETING.**

## **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. THREAT TO PUBLIC SERVICES OR FACILITIES – Government Code § 54957 (a): consultation with City Attorney, Director of Emergency Services, Director of General Services regarding COVID 19
- B. CONFERENCE WITH LABOR NEGOTIATOR, Government Code § 54957.6

Agency Designated Representatives: City Manager  
Unrepresented and Represented Employees: All positions in City

## **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. [EMERGENCY MEETING MINUTES, APRIL 30, 2020](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

### **3. [REGULAR MEETING MINUTES, MAY 5, 2020](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

4. **PLANNING COMMISSION MEETING MINUTES, APRIL 13, 2020**

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. **CLAIMS AND DEMANDS**

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

7. **DANA POINT POLICE SERVICES MONTHLY REPORT**

RECOMMENDED ACTION: That the City Council receive and file.

8. **DEVELOPMENT UPDATE**

RECOMMENDED ACTION: That the City Council receive and file.

9. **ADOPTION OF A RESOLUTION ADDRESSING THE REQUIRED FY20/21 MEASURE M2 ELIGIBILITY SUBMITTAL ITEMS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY**

RECOMMENDED ACTION: That that City Council:

1) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONCERNING THE STATUS AND UPDATE OF THE LOCAL SIGNAL SYNCHRONIZATION PLAN FOR THE MEASURE M2 (M2) PROGRAM; and,

2) Approve the Seven Year Capital Improvement Program (CIP) for FY 2020-21 through FY 2027-28 and certify compliance as required by the Orange County Transportation Authority (OCTA) Renewed Measure M2 (M2) Program; and

3) Authorize staff to forward the necessary Renewed Measure M2 eligibility documentation to the OCTA.

10. **ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT FY 18/19**

RECOMMENDED ACTION: That that City Council:

1) Adopt a Resolution entitled:

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PROJECT ENTITLED "ANNUAL ROADWAY RESURFACING PROJECT FY 18/19".

11. **PROFESSIONAL SERVICES AGREEMENT WITH LSA ASSOCIATES, INC. TO CONDUCT ENVIRONMENTAL REVIEW FOR THE DANA POINT HARBOR HOTELS PROJECT**

RECOMMENDED ACTION: That that City Council authorize the City Manager to execute the professional services agreement with LSA Associates, Inc. to complete an Environmental Impact Report for the Dana Point Harbor Hotels project.

## **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**

12. **LOCAL COASTAL PROGRAM AMENDMENT LCPA19-0002/ZONE TEXT AMENDMENT ZTA19-0002 RELATED TO ACCESSORY DWELLING UNITS, JOINT PARKING AND PUBLIC NOTIFICATION**

RECOMMENDED ACTION: That the City Council table this item. No action is required.

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## UNFINISHED BUSINESS

### 13. FISCAL YEAR 2019-20 BUDGET ADJUSTMENTS DUE TO COVID-19 IMPACTS

RECOMMENDED ACTION: That the City Council discuss, receive, and file this report and authorize the budget amendments detailed therein.

## NEW BUSINESS

### 14. INITIATION OF A GENERAL PLAN AMENDMENT, PROFESSIONAL SERVICES AGREEMENT FOR CONSULTANT SERVICES, AND AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO UPDATE THE 2021-2029 HOUSING ELEMENT AND SAFETY ELEMENT

RECOMMENDED ACTION: That the City Council:

- 1) Direct staff to initiate a General Plan Amendment to update the 2021-2029 Housing Element and Safety Element in compliance with State law; and
- 2) Approve and authorize the City Manager to execute the Professional Services Agreement between the City of Dana Point and Placeworks for preparation of the Housing Element and Safety Element Updates with associated environmental review; and
- 3) Authorize a budget appropriation from the General Plan Update Reserve Fund; and
- 4) Adopt a Resolution authorizing the application for grant funds from the State of California Department of Housing and Community Development (HCD) Local Early Action Planning Grant Program (LEAP) Grants Program entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING APPLICATION FOR, AND RECEIPT OF, LOCAL GOVERNMENT PLANNING SUPPORT GRANT PROGRAM FUNDS; and

- 5) Authorize the City Manager to execute all necessary documents to apply for the grant, and if awarded, accept and administer the grant.

### 15. ADOPT A RESOLUTION RATIFYING AMENDMENT 3 TO THE PROCLAMATION DECLARING THE EXISTENCE OF A LOCAL EMERGENCY

RECOMMENDED ACTION: 1) Adopt Resolution 20-05-19-XX entitled:

AMENDMENT 3 TO: PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY BY THE DIRECTOR OF EMERGENCY SERVICES

## PUBLIC COMMENTS (Continued)

## STAFF REPORTS

(City Manager Michael Killebrew)

(City Attorney Patrick Muñoz)

## ADJOURNMENT

The next Regular Meeting of the City Council will be June 2, 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, and the Capistrano Beach Post Office by Friday, May 15, 2020, at 10:00 a.m.

 for:

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](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.