

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
JUNE 21, 2022  
5:00 P.M.**

## **AGENDA**

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

Next City Council Ordinance No. 22-04

### **REVISED SAFETY ALERT (EFFECTIVE AS OF MARCH 1, 2022)**

**AS COVID-19 RELATED RESTRICTIONS ARE UPDATED, THE PUBLIC WILL BE ALLOWED TO ATTEND COUNCIL MEETINGS PROVIDED SOCIAL DISTANCING GUIDELINES ARE FOLLOWED. THESE GUIDELINES WILL RESULT IN VERY LIMITED OPPORTUNITIES, ON A FIRST COME BASIS, FOR THE PUBLIC TO OBSERVE THE COUNCIL MEETING FROM THE COUNCIL CHAMBER AND ADJACENT FOYER. MEMBERS OF THE PUBLIC MAY CHOOSE TO PARTICIPATE ELECTRONICALLY BY WATCHING THE MEETING LIVE ON COX CABLE CHANNEL 855 OR VIA THE CITY'S YOUTUBE CHANNEL.**

**PUBLIC COMMENT: PUBLIC COMMENT MAY BE PROVIDED IN PERSON, ELECTRONICALLY, OR BY MAIL. CITY STAFF WILL BE COORDINATING ENTRY TO THE COUNCIL CHAMBERS DURING PUBLIC COMMENT AND MANAGING AVAILABLE SEATING CAPACITY THROUGHOUT THE MEETING. THEIR DIRECTIONS MUST BE FOLLOWED. ALTERNATIVELY, COMMENTS MAY BE SUBMITTED 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. TO BE CONSIDERED AS PART OF THE MEETING TO WHICH THIS AGENDA APPLIES AND PROVIDED TO CITY COUNCIL PRIOR TO THE MEETING, COMMENTS MUST BE RECEIVED NO LATER THAN 4:00 P.M. ON THE DAY OF THE MEETING. ALL COMMENTS, WHENEVER RECEIVED, WILL BE SHARED WITH THE CITY COUNCIL. EMAILS SHOULD INCLUDE "PUBLIC COMMENT", THE DATE OF THE MEETING IN THE SUBJECT LINE, AS WELL AS REFERENCE TO THE AGENDA ITEM NUMBER, IF APPLICABLE. MAILED COMMENTS SHOULD PROMINENTLY INCLUDE A SIMILAR REFERENCE AT THE TOP OF THE FIRST PAGE. MAILED AND EMAILED COMMENTS WILL NOT BE READ BY THE CITY CLERK DURING THE MEETING, BUT WILL BE INCLUDED IN THE RECORD.**

## **CALL TO ORDER**

## **ROLL CALL OF CITY COUNCIL MEMBERS:**

Joseph L. Muller, Mayor  
Mike Frost, Mayor Pro Tem

Jamey M. Federico, Council Member  
Richard A. Viczorek, Council Member  
Michael Villar, Council Member

## **CLOSED SESSION**

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (3)
2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957

Title: City Manager

## **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, JUNE 7, 2022](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

### **3. [TRAFFIC IMPROVEMENT SUBCOMMITTEE MINUTES, APRIL 20, 2022](#)**

RECOMMENDED ACTION: That the City Council receive and file.

### **4. [ARTS AND CULTURE COMMISSION MINUTES, APRIL 13, 2022](#)**

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. **DEVELOPMENT UPDATE**

RECOMMENDED ACTION: That the City Council receive and file the Development Update.

8. **POLICE SERVICES UPDATE**

RECOMMENDED ACTION: That the City Council receive and file the Police Services Update.

9. **FISCAL YEAR 22-23 (FY23) PROFESSIONAL SERVICES AGREEMENTS AND BUDGET ADJUSTMENT FOR BUILDING DIVISION**

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute the following contract amendments:

- 1.) True North Compliance Services (True North) – Third Amendment for Plan Check, Permit Technician, and Inspection Services
- 2.) West Coast Code Consultants (WC3) – Fifth Amendment for Plan Check, Permit Technician, and Inspection Services; and
- 3.) Authorize a FY23 budget adjustment to increase funds in the Building Division’s Professional Services account

10. **ADOPTION OF THE REQUIRED FY22/23 MEASURE M2 ELIGIBILITY SUBMITTAL ITEMS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY**

RECOMMENDED ACTION: That the City Council:

- 1.) Approve the Seven-Year Capital Improvement Program (CIP) for FY 2022-23 through FY 2028-29 and certify compliance, as required by the Orange County Transportation Authority (OCTA), with the Renewed Measure M2 (M2); and
- 2.) Authorize Staff to forward the necessary Renewed Measure M2 eligibility documentation to the OCTA.

11. **ADOPTION OF A RESOLUTION APPROVING THE SENATE BILL 1 (SB-1) PROJECT LIST FOR FISCAL YEAR 22/23**

RECOMMENDED ACTION: That the City Council:

1.) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY OF DANA POINT, CALIFORNIA ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 22-23 FUNDED BY SENATE BILL 1 (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 FY22-23; and

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

12. **ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE ANNUAL RESIDENTIAL ROADWAY RESURFACING PROJECT FY 20/21**

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

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 RESIDENTIAL ROADWAY RESURFACING PROJECT FY 20/21”

13. **WEST COAST ARBORIST CONTRACT AMENDMENT EXTENSION AND BUDGET INCREASE IN FY2023**

RECOMMENDED ACTION: That the City Council authorize the City Manager to:

1.) Execute a Second Amendment to the Contract Agreement with West Coast Arborists, Inc. for an additional one-year term to begin July 1, 2022 – June 30, 2023 for annual tree maintenance services; and

2.) Approve the budget adjustment included in the Fiscal Impact Section of the report.

14. **CONTRACT AMENDMENT FOR CITY-WIDE CUSTODIAL SERVICES**

RECOMMENDED ACTION: That that City Council authorize the City Manager to execute an amended contract to increase the System4 of Southern California (System4) Contract by \$18,243 to fund City-wide cleaning services for the remainder of FY22 and to extend the original contract term one year beginning July 1, 2022 and ending June 30, 2023.

15. **PROFESSIONAL SERVICES AGREEMENT FOR PUBLIC RELATIONS AND COMMUNICATIONS SERVICES**

RECOMMENDED ACTION: That the City Council authorize and direct the City Manager to execute a Professional Services Agreement for public relations and communications services with Spaulding Thompson and Associates for a period of one year, with two optional one-year extensions with a not-to-exceed amount as described in the fiscal impact section.

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## **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.

## **PUBLIC HEARINGS**

### **16. [AN APPEAL OF PLANNING COMMISSION APPROVAL FOR COASTAL DEVELOPMENT PERMIT CDP22-0010 TO ESTABLISH A SHORT-TERM RENTAL PROGRAM](#)**

RECOMMENDED ACTION: That the City Council deny the appeal and uphold the Planning Commission's approval of Coastal Development Permit CDP22-0010 and adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION APPROVAL OF COASTAL DEVELOPMENT PERMIT CDP22-0010 TO ESTABLISH A SHORT-TERM RENTAL PROGRAM TO REGULATE THE PERMITTING AND OPERATION OF SHORT-TERM RENTALS IN THE CITY

## **UNFINISHED BUSINESS**

## **NEW BUSINESS**

### **17. [LANTERN BAY PARK PUBLIC ART INSTALLATION ON STAIRWAY](#)**

RECOMMENDED ACTION: That the City Council:

- 1.) Establish a new Capital Improvement Program (CIP) Project entitled "Lantern Bay Park Stairway Art Project"; and
- 2.) Authorize Staff to proceed with the construction and installation of public art at Lantern Bay Park on the prominent stairway from Golden Lantern and Dana Point Harbor Drive; and

- 3.) Authorize the City Manager and/or designee to issue a Standard Agreement commissioning artist Mia Tavonatti to construct and install the public art; and
- 4.) Approve the budget adjustments listed in the Fiscal Impact section.

**18. [CALLING FOR A GENERAL MUNICIPAL ELECTION ON NOVEMBER 8, 2022 TO FILL THREE CITY COUNCIL SEATS FOR DISTRICTS 1, 2, AND 3](#)**

RECOMMENDED ACTION: That the City Council adopt the following Resolutions entitled:

- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES; and
- B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2022 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE; and
- C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES' STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022.

## **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 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.

## **STAFF REPORTS**

(City Manager Michael Killebrew)

(City Attorney Patrick Muñoz)

## **ADJOURNMENT**

The next Regular Meeting of the City Council will be July 19, 2022, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

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## CERTIFICATION

I, Shayna Sharke, 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, and Dana Point Library by Thursday, June 16, 2022, at 5:30 p.m.

  
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SHAYNA SHARKE, CITY CLERK

6/16/2022  
\_\_\_\_\_  
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.