

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
JULY 21, 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

### **REVISED SAFETY ALERT (EFFECTIVE AS OF JUNE 2, 2020)**

**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 HAS NOT BEEN PERMITTED TO PHYSICALLY ATTEND DANA POINT CITY COUNCIL MEETINGS SINCE MID MARCH, 2020. AS COVID-19 RELATED RESTRICTIONS EASE, THE PUBLIC WILL NOW 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 FOYER WHICH IS ADJACENT TO THE COUNCIL CHAMBER AND TO ENTER THE CHAMBER TO MAKE PUBLIC COMMENTS. MEMBERS OF THE CITY COUNCIL MAY CONTINUE TO PARTICIPATE IN MEETINGS TELEPHONICALLY IF THEY CHOOSE PURSUANT TO GOVERNOR NEWSOM'S EXECUTIVE ORDER N-29-20. SIMILARLY, MEMBERS OF THE PUBLIC MAY CHOOSE TO PARTICIPATE ELECTRONICALLY BY WATCHING THE MEETING TO WHICH THIS AGENDA APPLIES LIVE ON COX CABLE CHANNEL 855 OR ONLINE ON THE CITY OF DANA POINT YouTube CHANNEL.**

**PUBLIC COMMENT: PUBLIC COMMENT MAY BE PROVIDED IN PERSON, ELECTRONICALLY OR BY MAIL. IF YOU CHOOSE TO ATTEND THE MEETING AND WISH TO DELIVER PUBLIC COMMENT IN PERSON, YOU ARE ENCOURAGED TO WEAR FACE COVERINGS AND MAINTAIN SOCIAL DISTANCING. TEMPERATURE SCREENINGS ARE MANDATORY FOR ALL PERSONS ENTERING CITY HALL. CITY STAFF IN ATTENDANCE AT THE MEETING WILL BE COORDINATING ENTRY TO THE COUNCIL CHAMBERS WHEN PUBLIC COMMENT IS OPEN. THERE WILL BE LIMITED SPACE AT THE COUNCIL MEETING FOR MEMBERS OF THE PUBLIC TO SIT OR STAND TO OBSERVE THE MEETING LIVE FROM THE FOYER ADJACENT TO THE COUNCIL CHAMBER. IF THAT SPACE IS EXCEEDED PERSONS WISHING TO PRESENT PUBLIC COMMENT IN PERSON WILL BE PERMITTED TO LINE UP OUTSIDE AND WILL BE ALLOWED TO SPEAK. AFTER SPEAKING, HOWEVER, THEY WILL BE REQUIRED TO GO BACK OUTSIDE UNLESS ONE**

**OF THE LIMITED SPOTS INSIDE THE FOYER BECOME AVAILABLE. MEMBERS OF THE PUBLIC WILL BE REQUIRED TO FOLLOW STAFF'S DIRECTIONS. ALTERNATIVELY, 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@DANAPPOINT.ORG](mailto:COMMENT@DANAPPOINT.ORG). ALL COMMENTS RECEIVED BY 4:00 PM ON THE DATE OF THE MEETING WILL BE PROVIDED TO THE CITY COUNCIL IN ADVANCE TO ALLOW TIME FOR THE COUNCIL TO READ THEM. TO BE CONSIDERED AS PART OF THE MEETING TO WHICH THIS AGENDA APPLIES, MAILED OR EMAILED COMMENTS MUST BE RECEIVED NO LATER THAN 4:00 P.M. ON THE DAY OF THE MEETING (ALTHOUGH ALL COMMENTS WHENEVER RECEIVED WILL BE SHARED WITH THE COUNCIL.) EMAILS SHOULD INCLUDE "PUBLIC COMMENT" AND THE DATE OF THE MEETING IN THE SUBJECT LINE, AS WELL AS REFERENCE 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:**

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), (3 cases)
- B. 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
- C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION , Government Code § 54957

Title: Annual City Attorney Performance Review

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

## **RECONVENE CITY COUNCIL MEETING**

## **PLEDGE OF ALLEGIANCE**

---

## INVOCATION

## PRESENTATIONS AND PROCLAMATIONS

OCFA Wildfire Prevention Proclamation  
Recognition of VFW Post 9934 Commander Wayne Yost

## 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 16, 2020](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

### 3. **[PLANNING COMMISSION MEETING MINUTES, MAY 27, 2020](#)**

RECOMMENDED ACTION: That the City Council receive and file.

### 4. **[PLANNING COMMISSION MEETING MINUTES, JUNE 22, 2020](#)**

RECOMMENDED ACTION: That the City Council receive and file.

### 5. **[FINANCIAL REVIEW COMMITTEE MEETING MINUTES, JANUARY 28, 2020](#)**

RECOMMENDED ACTION: That the City Council receive and file.

### 6. **[ARTS AND CULTURE COMMISSION MEETING MINUTES, JANUARY 8, 2020](#)**

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, JUNE 2020**

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

11. **DEVELOPMENT UPDATE**

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

12. **LOCAL COASTAL PROGRAM AMENDMENT LCPA19-0003/ZONE TEXT AMENDMENT ZTA19-0003, AMENDING THE DANA POINT HARBOR REVITALIZATION PLAN AND DISTRICT REGULATIONS FOR PLANNING AREA 3**

RECOMMENDED ACTION: That the City Council conduct a second reading and adopt an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA19-0003 AMENDING THE DANA POINT HARBOR REVITALIZATION PLAN AND DISTRICT REGULATIONS FOR PLANNING AREA 3 AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA19-0003 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

13. **APPROVAL OF ORANGE COUNTY OPERATIONAL AREA AGREEMENT**

RECOMMENDED ACTION: That the City Council approve the Orange County Operational Area Agreement of the County of Orange and Political Subdivisions and authorize the Mayor and City Clerk to execute the agreement.

14. **SB2 GRANT – HOMELESS OUTREACH SERVICES**

RECOMMENDED ACTION: That the City Council:

- 1) Adopt a resolution to establish a class specification and salary range for the position of Community Outreach Worker.
- 2) Authorize the City Manager to sign a contract with the County of Orange to accept SB2 - Permanent Local Housing Allocation (PLHA) grant funds for homeless outreach services in Dana Point, and subsequent amendments consistent with Supporting Documents A & B.

---

## **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 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.

## **PUBLIC HEARINGS**

### **15. 2020 WEED ABATEMENT PROGRAM**

RECOMMENDED ACTION: That the City Council:

1. Conduct a Public Hearing on the Weed Abatement Cost Report and thereafter, adopt the attached Resolution confirming the cost report and providing for the collection on the regular tax bill entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT,  
CALIFORNIA, CONFIRMING THE COST OF ABATEMENT AND PROVIDING FOR  
THE COLLECTION ON THE REGULAR TAX BILL

2. The City Council authorize the Mayor to sign a Certification of Assessment to the County of Orange regarding special assessments for the 2020-21 Secured Property Tax bill.

## **UNFINISHED BUSINESS**

### **16. UPDATE OF LOCAL EMERGENCY BY DIRECTOR OF EMERGENCY SERVICES CREATED BY COVID19**

RECOMMENDED ACTION: That the City Council receive and file.

17. **SHORT TERM RENTAL SURVEY AND NEXT STEPS FOR SHORT TERM RENTAL PILOT PROGRAM**

RECOMMENDED ACTION: That the City Council:

1. Receive and file the short-term rental (STR) survey report; and
2. Direct staff to proceed with development of the Home Stay STR Pilot Program.

**NEW BUSINESS**

18. **AUTHORIZATION TO ISSUE CITY OF DANA POINT COMMUNITY FACILITIES DISTRICT NO. 2006-1 (CFD 2006-1) 2020 SPECIAL TAX REFUNDING BONDS (Headlands)**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2006-1 OF THE CITY OF DANA POINT AUTHORIZING THE ISSUANCE OF ITS 2020 SPECIAL TAX REFUNDING BONDS, SERIES A IN A PRINCIPAL AMOUNT NOT TO EXCEED SIXTEEN MILLION (\$16,000,000) AND ITS 2020 SPECIAL TAX REFUNDING BONDS, TAXABLE SERIES B IN A PRINCIPAL AMOUNT NOT TO EXCEED TWENTY SEVEN MILLION (\$27,000,000) OR A COMBINED TOTAL OF FORTY-THREE MILLION DOLLARS (\$43,000,000) AND APPROVING CERTAIN DOCUMENTS AND TAKING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH

19. **APPROVAL OF A COST SHARING AND COOPERATIVE AGREEMENT WITH CITY OF SAN JUAN CAPISTRANO FOR THE STONEHILL DRIVE IMPROVEMENTS PROJECT**

RECOMMENDED ACTION: That the City Council 1) approve the attached Cooperative Agreement with the City of San Juan Capistrano; and, 2) authorize the City Manager to sign the Cooperative Agreement.

20. **INITIATION OF A GENERAL PLAN AMENDMENT AND SPECIFIC PLAN DISTRICT, AND PROFESSIONAL SERVICES AGREEMENT FOR CONSULTANT SERVICES TO PREPARE THE VICTORIA BOULEVARD SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT**

RECOMMENDED ACTION: That the City Council:

- 1) Adopt a Resolution initiating a General Plan Amendment and a Specific Plan District for the Victoria Boulevard Apartments at 26126 Victoria Boulevard entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT INITIATING A GENERAL PLAN AMENDMENT AND THE VICTORIA BOULEVARD SPECIFIC PLAN ; and

- 2) Approve and authorize the City Manager to execute the Professional Services Agreement between the City of Dana Point and Michael Baker International for preparation of the Environmental Impact Report for the Victoria Boulevard Specific Plan.

21. **PROPOSED CITY COUNCIL SPONSORED INITIATIVE RE: CANNABIS BUSINESS TAX**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CALLING FOR THE PLACEMENT OF A GENERAL TAX MEASURE ON THE NOVEMBER 3, 2020 GENERAL MUNICIPAL ELECTION BALLOT FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF A PROPOSED ORDINANCE 20-XX ADDING CHAPTER 3.30 TO TITLE 3 OF THE DANA POINT MUNICIPAL CODE, ESTABLISHING A TAX ON CANNABIS BUSINESSES OPERATING WITHIN THE CITY OF DANA POINT; REQUESTING FULL ELECTION SERVICES FROM THE COUNTY OF ORANGE TO CONDUCT SAID ELECTION; AND SETTING RULES AND DEADLINES FOR ARGUMENTS AND REBUTTALS FOR AND AGAINST THE ORDINANCE

**PUBLIC COMMENTS (Continued)**

**STAFF REPORTS**

(City Manager Michael Killebrew)  
(City Attorney Patrick Muñoz)

**ADJOURNMENT**

The next Regular Meeting of the City Council will be September 1, 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 on or before Friday, July 17, 2020, at 5:00 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](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.