

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
FEBRUARY 7, 2023
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 23-01

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:

Mike Frost, Mayor
Jamey M. Federico, Mayor Pro Tem

John Gabbard, Council Member
Matthew Pagano, Council Member
Michael Villar, Council Member

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (2 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (1 case)

Name of Case: Center for Natural Lands Management v City of Dana Point, Orange County Superior Court Case No: 30-2021-01219668 CU-OR-CJC

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, JANUARY 17, 2023](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [SPECIAL MEETING MINUTES, JANUARY 30, 2023](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

4. [PLANNING COMMISSION MEETING MINUTES, DECEMBER 12, 2022](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [FINANCIAL REVIEW COMMITTEE MEETING MINUTES, OCTOBER 25, 2022](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. [YOUTH BOARD MEETING MINUTES, DECEMBER 15, 2022](#)

RECOMMENDED ACTION: That the City Council receive and file.

7. [CITY TREASURER'S REPORT, DECEMBER 2022](#)

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report, December 2022.

8. [CLAIMS AND DEMANDS](#)

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

9. [QUARTERLY FINANCIAL REPORT, DECEMBER 2022](#)

RECOMMENDED ACTION: That the City Council receive and file the Quarterly Financial Report for the period ended December 31, 2022.

10. [INVESTMENT OF COMMUNITY INVESTMENT ACCOUNT FUNDS](#)

RECOMMENDED ACTION: That the City Council authorize the City Manager to invest \$8.0 million of the available Community Investment Account (CIA) funds in a 2-year Treasury Note maturing in February 2025.

11. [AUDIT CONTRACT EXTENSION](#)

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a contract amendment with Davis Farr, LLC to extend the City's audit services agreement for one year to complete the fiscal year 2023 audit.

12. [APPROVAL OF PROFESSIONAL SERVICES AGREEMENT FOR LOCAL HAZARD MITIGATION PLAN PREPARATION SERVICES WITH JACOB GREEN & ASSOCIATES](#)

RECOMMENDED ACTION: That the City Council:

1. Authorize and approve the City Manager to execute the Professional Services Agreement and future amendments to the Agreement with Jacob Green & Associates to coordinate, facilitate and develop Dana Point's Local Hazard Mitigation Plan, and;

2. Authorize a budget appropriation as outlined in the Fiscal Impact section of this report.

13. STREET SWEEPING AND PARKING ENFORCEMENT PROGRAM

RECOMMENDED ACTION: That the City Council:

- 1) Approve a Consultant Services Agreement with Ameripark, LLC for parking enforcement services and authorize the City Manager or designee to sign the document and make any non-substantive changes on behalf of the City; and
- 2) Receive and file a recommendation from the City Manager to implement an innovative pilot program to deploy the JAPA, Inc. technology on Violet Lantern, and potentially Amber Lantern between Pacific Coast Highway (PCH) and Del Prado to enforce time restricted parking zones more efficiently; and
- 3) Authorize the budget adjustment as outlined in the Fiscal Impact Section of the Report.

14. TENANT LEASE AMENDMENTS WITH THE CONGRESSIONAL DISTRICT OFFICE AND FALCK AMBULANCE

RECOMMENDED ACTION: That the City Council:

3. Approve and authorize the City Manager to execute a two-year lease amendment between the City of Dana Point and the Congressional District Office, and;
4. Approve and authorize the City Manager to execute a lease agreement between the City of Dana Point and Falck Ambulance, with the option to make annual CPI adjustments to the monthly rent, and;
5. Authorize the City Manager to sign future City Hall tenant lease agreements, determine applicable rent rates and make any non-substantive changes hereafter.

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

15. 2023 WEED ABATEMENT PROGRAM

RECOMMENDED ACTION: adopt the attached 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; and,

That the City Council hear any objections regarding weed abatement and thereafter adopt one of the two attached Resolutions as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, OVERRULING OBJECTIONS AND PROCEEDING WITH WEED ABATEMENT; or

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, HEARING NO OBJECTIONS AND PROCEEDING WITH WEED ABATEMENT.

16. APPEAL OF THE PLANNING COMMISSION'S DECEMBER 12, 2022 DECISION TO DENY COASTAL DEVELOPMENT PERMIT CDP22-0017 AND CONDITIONAL USE PERMIT CUP22-0007: A REQUEST FOR THE ADDITION AND REMODEL OF AN EXISTING ONE (1) STORY, SINGLE-FAMILY DWELLING, WHICH INCLUDES THE CONSTRUCTION OF A SECOND STORY, ONE (1) BEDROOM, TWO (2) BATH, 743 SQUARE FOOT, SECOND DWELLING UNIT (REFERRED TO AS AN "ACCESSORY DWELLING UNIT (ADU)" PER GOVERNMENT CODE SECTION 65852.2) AND AN EXPANSION OF THE EXISTING TWO (2) CAR GARAGE TO ACCOMMODATE THREE (3) VEHICLES, LOCATED WITHIN THE CITY'S COASTAL ZONE, AT 432 MONARCH BAY DRIVE

RECOMMENDED ACTION: That the City Council adopt the resolution denying the appeal and sustaining the Planning Commission's decision to deny Coastal Development Permit CDP22-0017 and Conditional Use Permit CUP22-0007 for the addition and remodel of an existing one (1) story, single-family dwelling, which includes the construction of a second story, one (1) bedroom, two (2) bath, 743 square foot, second dwelling unit (referred to as an "accessory dwelling unit (ADU)" per government code section 65852.2) and an expansion of the existing two (2) car garage to accommodate three (3) vehicles, located within the City's Coastal Zone, at 432 Monarch Bay Drive.

17. RESOLUTION ADOPTING SHORT-TERM RENTAL PERMIT AND PERMIT RENEWAL FEES

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING SHORT-TERM RENTAL PERMIT AND PERMIT RENEWAL FEES

UNFINISHED BUSINESS

18. [UPDATE AND IMPLEMENTATION OF COASTAL DEVELOPMENT PERMIT FOR SHORT-TERM RENTALS IN THE COASTAL ZONE; ADOPTION OF URGENCY ORDINANCE – AMENDMENT TO MUNICIPAL CODE SECTION 5.38 \(SHORT-TERM RENTAL PERMITS\) AND FINDINGS OF EXEMPTION FROM CEQA RELATED TO SAME; PROVIDE DIRECTION REGARDING PROPOSED PROCESS FOR REVIEW AND ISSUANCE OF SHORT-TERM RENTAL PERMITS](#)

RECOMMENDED ACTION: That the City Council:

1. Authorize the City Manager to sign the Short-Term Rental (STR) Program Coastal Development Permit (CDP) Acknowledgement to accept the conditions required by the California Coastal Commission and begin implementation of the CDP.
2. Adopt an urgency ordinance amending Section 5.38 of the Municipal Code to create STR Permit requirements, and establish regulations for short-term rentals outside of the Coastal Zone, including findings of exemption from CEQA, entitled:

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 5.38 OF THE DANA POINT MUNICIPAL CODE RELATED TO BUSINESS REGULATIONS FOR SHORT-TERM RENTALS

3. Review and provide direction, if needed, for the proposed process to review STR Permit applications and issue STR Permits.

NEW BUSINESS

19. [AMENDMENT OF DANA POINT MUNICIPAL CODE TITLE 12](#)

RECOMMENDED ACTION: That the City Council receive, direct, discuss and advise on the proposed changes to Title 12 (Vehicles and Traffic) of the Dana Point Municipal Code as part of the comprehensive review of the City's Municipal Code

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 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.

STAFF REPORTS

(City Manager Michael Killebrew)

(City Attorney Patrick Muñoz)

ADJOURNMENT

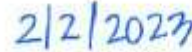
The next Regular Meeting of the City Council will be February 21, 2023, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

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, February 2, 2023, at 5:30 p.m.



SHAYNA SHARKE, 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.