

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
FEBRUARY 20, 2018
5:00 P.M.**

AGENDA

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

TELECONFERENCE

Best Western Plus Coeur d'Alene Inn, 506 West Appleway Avenue, Room 144, Coeur d'Alene, Idaho 83814

Next City Council Ordinance No. 18-03

CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS:

Richard A. Viczorek, Mayor
Joseph L. Muller, Mayor Pro Tem
Debra Lewis, Council Member
John A. Tomlinson, Council Member
Paul N Wyatt, Council Member

CLOSED SESSION

- A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957
Title: City Attorney
- B. UNLICENSED RESIDENTIAL RECOVERY FACILITIES UPDATE
 - a. CONFERENCE WITH LEGAL COUNCIL – EXISTING LITIGATION, Government Code Section 54956.9 (a) (6 cases)
 - i. City v. New Method Wellness, Inc., NMW Beds, LLC, and Pacific View Sober Living LLC, Orange County Superior Court Case No. 30-2017-00904169
 - ii. City v. Capo by the Sea, LLC, Orange County Superior Court Case No. 30-2016-00859426
 - iii. City of Dana Point v. 12 South Recovery; Marie Fike, LLC. Orange County Superior Court Case No. 30-2018-09666539
 - iv. City Of Dana Point v. Sovereign Health, Orange County Superior Court Case No. 30-2018-0966557
 - v. City Of Dana Point v. Donna's House, LLC, Orange County Superior Court Case No. 30-2018-09666527
 - vi. City Of Dana Point v. Ocean Hills Recovery, Inc., Orange County Superior Court Case No. 30-2018-09666532

- C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d1), (1 case)

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

VFW Post 9934 Firefighter of the Year
VFW Post 9934 Reserve Firefighter of the Year
VFW Post 9934 Deputy of the Year

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 on the Consent Calendar and that further reading of such ordinances be waived.

2. [REGULAR MEETING MINUTES, FEBRUARY 6, 2018](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [SPECIAL MEETING STRATEGIC PLAN WORKSHOP MINUTES, JANUARY 31, 2018](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

4. [PLANNING COMMISSION MEETING MINUTES, JANUARY 22, 2018](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [YOUTH BOARD MEETING MINUTES, DECEMBER 7, 2017](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. [YOUTH BOARD MEETING MINUTES, JANUARY 11, 2018](#)

RECOMMENDED ACTION: That the City Council receive and file.

7. [ARTS & CULTURE COMMISSION MINUTES, SEPTEMBER 20, 2017](#)

RECOMMENDED ACTION: That the City Council receive and file.

8. [ARTS & CULTURE COMMISSION MINUTES, NOVEMBER 15, 2017](#)

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

10. [CLAIMS AND DEMANDS](#)

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

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

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

12. [ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION OF THE ANNUAL SLURRY SEAL PROGRAM FY 17/18](#)

RECOMMENDED ACTION: That the City Council 1) 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 SLURRY SEA PROJECT FY 17/18", and

2) authorize all remaining funds in the Annual Slurry Seal Project FY 17/18 to be transferred to the Capital Improvement Program fund balance.

13. [2018 WEED ABATEMENT PROGRAM](#)

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

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

14. [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 Sate Fireworks, Inc. to include fireworks and barge services.

15. QUARTERLY FINANCIAL REPORT, DECEMBER 2017

RECOMMENDED ACTION: That the City Council receive and file the City Financial Report and Management Discussion for the quarter ended December 31, 2017.

16. DEVELOPMENT UPDATE

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

17. CITY TREASURER'S REPORTS

RECOMMENDED ACTION: That the City Council receive and file the revised City Treasurer's Reports for the months of July 2017 through December 2017.

18. AWARD OF CONTRACT FOR CITY-WIDE CUSTODIAL SERVICES

RECOMMENDED ACTION: That the City Council:

- 1) Award a contract to System4 Southern California, Inc. for daily cleaning and custodial services at all City Facilities; and
- 2) Authorize the City Manager to execute the contract including the option of four, one year extensions.

19. ADOPTION OF A RESOLUTION DESIGNATING CITY'S AGENT FOR FEDERAL AND STATE FINANCIAL ASSISTANCE

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA,
DESIGNATING CITY'S AGENT FOR FEDERAL AND STATE FINANCIAL ASSISTANCE.

At this time, the City Clerk will read the title(s) of the ordinance(s) listed on the agenda.

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 fifteen 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

There are no Public Hearings.

UNFINISHED BUSINESS

There are no Unfinished Business items.

NEW BUSINESS

20. COUNCIL MEMBER LEWIS AND WYATT: CITY ATTORNEY CONTRACT

RECOMMENDED ACTION: That the City Council:

- 1) Issue Requests for Proposal from licensed California lawyers and law firms to act as the City's contract City Attorney; and
- 2) Obtain proposals from licensed California attorneys to act as Dana Point's City Attorney and/or establish and staff a City Attorney department. City Attorney would be an at-will position and hired by the City Council the same as the City Manager Position.

21. COUNCIL MEMBER LEWIS: WRITTEN REPORT FORM PURSUANT TO COUNCIL POLICY NO. 227

RECOMMENDED ACTION: That the City Council:

- 1) Review, discuss and adopt City Attorney Written Report to City Council.

22. COUNCIL MEMBER JOHN A. TOMLINSON: FINANCIAL REVIEW COMMITTEE CHARTER DISCUSSION

RECOMMENDED ACTION: That the City Council place an item on the March 6th, 2018, City Council agenda to review and possibly amend the City's Financial Review Committee Charter as established by Resolution 17-03-07-01.

23. POTENTIAL TRANSFER TO BY-DISTRICT CITY COUNCIL ELECTIONS

RECOMMENDED ACTION: That the City Council 1) hold a public meeting to adopt a Resolution of Intention pursuant to Election Code section 10010(e)(3)(A), to consider the transition from an at-large to district-based elections entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, EXPRESSING THE CITY COUNCIL'S INTENTION, PURSUANT TO ELECTIONS CODE SECTION 10010(e)(3)(A), TO INITIATE PROCEDURES FOR ESTABLISHING AND IMPLEMENTING BY-DISTRICT ELECTIONS FOR CITY COUNCIL MEMBERS.

24. COUNCIL MEMBER LEWIS: ROBERT'S RULES OF ORDER

RECOMMENDED ACTION: That the City Council clarify that Robert's Rules of Order apply to City Council meetings and agree upon Webster's New World Robert's Rules of Order Simplified and Applied as a source of reference.

PUBLIC COMMENTS (Continued)

STAFF REPORTS

(City Manager Mark Denny)

(City Attorney Patrick Muñoz)

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.

- 25. COUNCILMEMBER LEWIS: RECEIVE STAFF REPORT ON STATUS OF CITY OPEN DATA/OPEN GOVERNMENT INITIATIVE**
- 26. MAYOR VICZOREK: RECEIVE STAFF REPORT ON STATUS OF HOMELESS TASK FORCE WORK PLAN**
- 27. MAYOR PRO TEM MULLER: DISCUSS SHORT TERM RENTALS**

ADJOURNMENT

The next Regular Meeting of the City Council will be March 6, 2018, 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 Thursday, February 15, 2018, at 5:30 p.m.

KATHY M. WARD, CITY CLERK

DATE

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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.