

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
APRIL 17, 2018
5:00 P.M.**

AGENDA

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

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. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (1 case)
- B. CODE ENFORCEMENT UPDATE
 - a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (2 cases)
 - i. City of DP v. Sunshine Group LLC (Seaside Inn), Orange County Superior Court Case No. 30-2017- 00915900
 - ii. Thomas Volkmann v. City of DP, Orange County Superior Court Case No. 30-2017-00914962-CU-EI-CXC
- C. UNLICENSED RESIDENTIAL RECOVERY FACILITIES UPDATE
 - a. CONFERENCE WITH LEGAL COUNCIL – EXISTING LITIGATION, Government Code Section 54956.9 (d)(1) (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

D. 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

VFW Post 9934 Teacher of the Year
Donate Life Month Presentation

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

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, APRIL 3, 2018

RECOMMENDED ACTION: That the City Council approve the minutes.

3. ARTS AND CULTURE SPECIAL MEETING MINUTES, FEBRUARY 7, 2018

RECOMMENDED ACTION: That the City Council receive and file.

4. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECOMMENDED ACTION: That the City Council receive and file.

5. **CLAIMS AND DEMANDS**

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

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

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

7. **DEVELOPMENT UPDATE**

RECOMMENDED ACTION: That the City Council receive and file.

8. **MONTHLY FINANCIAL ACTIVITY REPORT, FEBRUARY 2018**

RECOMMENDED ACTION: That the City Council receive and file the Monthly Financial Activity Report for February 2018.

9. **AMENDMENT TO SOUTHERN CALIFORNIA SOUND, STAGE AND LIGHTING CORPORATION CONTRACT TO ADD A SIXTH CONCERT TO THE 2018 CONCERTS IN THE PARK SERIES**

RECOMMENDED ACTION: That the City Council 1) approve the amendment to the Southern California Sound, Stage and Lighting Corporation Contract to add a sixth concert date for the City of Dana Point Summer Concerts in the Park series and 2) authorize the City Manager to execute the amendment for the stage and sound contract to Southern California Sound, Stage and Lighting Corporation for the added concert on Sunday, July 8, 2018.

10. **AMENDMENT TO CITY COUNCIL POLICY 216, CITY COUNCIL AGENDA FORMAT**

RECOMMENDED ACTION: That the City Council approve the proposed amendment to the City Council Policy 216.

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

11. **FOURTH PUBLIC HEARING TO TAKE INPUT REGARDING POTENTIAL TRANSITION TO BY-DISTRICT ELECTIONS FOR CITY COUNCIL MEMBERS AND CONSIDER DRAFT VOTING DISTRICT MAPS**

RECOMMENDED ACTION: That the City Council receive public comment and discuss the draft voting district maps presented pursuant to Elections Code section 10010(a)(2).

UNFINISHED BUSINESS

There are no Unfinished Business items.

NEW BUSINESS

12. **RESOLUTION OF OPPOSITION OF SB 54**

RECOMMENDED ACTION: That the City Council adopt the attached Resolution supporting the County of Orange's position on and associated litigation related to SB 54 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA TO CONDEMN STATE LAW THAT RESTRICTS LAW ENFORCEMENT AND ENDANGES PUBLIC SAFETY.

13. **LONG TERM FINANCIAL PLAN UPDATE**

RECOMMENDED ACTION: That the City Council receive and file the Long Term Financial Update.

14. **AWARD OF CONTRACT FOR ONLINE FINANCIAL TRANSPARENCY AND BUDGETING SOFTWARE**

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a three-year software services agreement with OpenGov, Inc. (OpenGov) for implementation and maintenance of its Budgeting and Transparency software, with two optional one-year extensions.

15. **BIANNUAL CAMPAIGN CONTRIBUTION AND EXPENDITURE LIMITS ADJUSTMENT**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADJUSTING THE CAMPAIGN CONTRIBUTION AND CAMPAIGN LOAN LIMITS TO REFLECT CHANGES IN THE CONSUMER PRICE INDEX, AS REQUIRED BY SECTION 2.05.058 OF THE DANA POINT MUNICIPAL CODE.

16. SPONSORSHIP AGREEMENT FOR DANA POINT'S 2018 SUMMER CONCERTS

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a sponsorship agreement with Omega Events, Inc. (Doheny Blues Festival), for the 2018 Dana Point's Summer of Music.

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.

ADJOURNMENT

The next Regular Meeting of the City Council will be May 1, 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 Wednesday, April 11, 2018, at 5:30 p.m.

KATHY M. WARD, CITY CLERK

DATE

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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.