

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
JUNE 19, 2018
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 18-04

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. UNLICENSED RESIDENTIAL RECOVERY FACILITIES UPDATE
 - a. CONFERENCE WITH LEGAL COUNCIL – EXISTING LITIGATION, Government Code Section 54956.9 (a) (9 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
 - vii. City of Dana Point v. Sobertec LLC, Orange County Superior Court Case No. 30-2016-00859437
 - viii. City of Dana Point v. Luminance Health Group, Inc., Orange County Superior Court Case No. 30-2016-00890481

- ix. City of Dana Point v. Sunshine Behavioral Health, LLC, Orange County Superior Court Case No. 30-2017-00904184
- b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2) (1 case)
- C. CONFERENCE WITH LABOR NEGOTIATOR, Government Code § 54957.6

Agency Designated Representatives: City Manager
Unrepresented and Represented Employees: All positions in City
- D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957

Title: City Manager

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Presentation by Tony Rackauckas, District Attorney

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, JUNE 5, 2018](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, MAY 14, 2018](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION MEETING MINUTES, MAY 31, 2018](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [OCEAN WATER QUALITY SUBCOMMITTEE MEETING MINUTES, APRIL 24, 2018](#)

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

7. [CITY TREASURER'S REPORT, MAY 2018](#)

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of May 2018.

8. [CLAIMS AND DEMANDS](#)

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

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

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

10. [DEVELOPMENT UPDATE](#)

RECOMMENDED ACTION: That the City Council receive and file

11. [CANCELLATION OF JULY 3, 2018 CITY COUNCIL MEETING](#)

RECOMMENDED ACTION: That the City Council cancel the July 3rd City Council meeting.

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.

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.

PUBLIC HEARINGS

12. UPDATED USER FEE SCHEDULE

RECOMMENDED ACTION: That the City Council conduct a Public Hearing related to user fees and adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING AN UPDATED SCHEDULE OF SERVICE FEE CHARGES, AND RESCINDING RESOLUTIONS 98-01-13-05 AND 05-07-13-09.

UNFINISHED BUSINESS

13. UPDATED STRATEGIC PLAN AND FINANCIAL POLICIES, CAPITAL IMPROVEMENT PROGRAM, AND FY19 BUDGET ADJUSTMENTS; AND RESOLUTION ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2018-19

RECOMMENDED ACTION:

That the City Council:

- A. Approve in concept City's updated Strategic Plan and direct City Manager to work with Council to finalize objectives and measures ([Item #13.1](#));
- B. Approve Financial Policies ([Item #13.2](#));
- C. Approve Personnel Action ([Item #13.3](#));
- D. Approve Adoption of the Seven Year Capital Improvement Program for FY2018-19 Through FY2024-25 and Certify Compliance as Required by the OCTA Renewed Measure M (M2) Program ([Item #13.4](#)); and
- E. Authorize staff to forward the necessary Renewed Measure M2 eligibility documentation to the Orange County Transportation Authority (OCTA) ([Item #13.4](#));
- F. Councilmember Lewis: Establish City Council Capital Improvement Program Sub-Committee to review and prioritize CIP for future City Council Consideration ([Item #13.5](#)).
- G. Approve Fiscal Year 2018-19 Budget Adjustments ([Item #13.6](#));
- H. Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2018-2019 ([Item #13.6](#)).

NEW BUSINESS

14. **CALLING FOR A GENERAL MUNICIPAL ELECTION ON NOVEMBER 6, 2018 TO FILL THREE CITY COUNCIL SEATS IN 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 6, 2018 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 6, 2018 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE 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 6, 2018.

15. **INTRODUCTION OF AN ORDINANCE OF THE CITY OF DANA POINT AMENDING TITLE 8, BUILDING AND CONSTRUCTION, OF THE MUNICIPAL CODE, TO ADD 1) SECTION 8.22.019, "EXPEDITING PERMITTING PROCESSING FOR RESIDENTIAL ROOFTOP SOLAR PHOTO VOLTAIC INSTALLATIONS", AND 2) CHAPTER 8.33 "EXPEDITED ELECTRIC VEHICLE CHARGING STATION PERMITTING".**

RECOMMENDED ACTION: That the City Council introduce and hold a first reading of an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING TITLE 8, BUILDING AND CONSTRUCTION, OF THE MUNICIPAL CODE, TO ADD 1) SECTION 8.22.019, "EXPEDITING PERMITTING PROCESSING FOR RESIDENTIAL ROOFTOP SOLAR PHOTO VOLTAIC INSTALLATIONS", AND 2) CHAPTER 8.33, "EXPEDITED ELECTRIC VEHICLE CHARGING STATION PERMITTING".

16. **PROFESSIONAL SERVICES AGREEMENTS FOR SUPPLEMENTAL PLAN CHECK, COUNTER, INSPECTION AND CODE ENFORCEMENT SERVICES**

RECOMMENDED ACTION: That the City Council authorize and direct the City Manager to execute the following contracts:

- 1. VCA/the Code Group for Plan Check Services;
- 2. Melad & associates for Plan Check Services; and
- 3. Melad & Associates for Personnel Services – Senior Building Inspector and/or Building Inspector.

17. **RESOLUTION TO AMEND THE ARTS AND CULTURE COMMISSION TO INCLUDE EX-OFFICIO MEMBERS**

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, AMENDING THE MEMBERSHIP OF THE ARTS AND CULTURE COMMISSION.

PUBLIC COMMENTS (Continued)

STAFF REPORTS

(City Manager Mark Denny)

(City Attorney Patrick Muñoz)

ADJOURNMENT

The next Regular Meeting of the City Council will be July 17, 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, June 13, 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.