

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
JANUARY 16, 2018
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 18-01

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. CODE ENFORCEMENT UPDATE

- a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (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

- b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, Significant Exposure to Litigation, Government Code § 54956.9 (d)(2) (3 cases)

B. UNLICENSED RESIDENTIAL RECOVERY FACILITIES

- a. CONFERENCE WITH LEGAL COUNCIL – EXISTING LITIGATION, Government Code Section 54956.9 (a) (2 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
- b. CONFERENCE WITH LEGAL COUNCIL – ANTICIPATED LITIGATION, Significant Exposure to Litigation, Government Code Section 54956.9 (d)(2) 7 cases

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

There are no Presentations or 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, DECEMBER 5, 2017](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

3. **[PLANNING COMMISSION MEETING MINUTES, NOVEMBER 27, 2017](#)**

RECOMMENDED ACTION: That the City Council receive and file.

4. **[PLANNING COMMISSION MEETING MINUTES, DECEMBER 11, 2017](#)**

RECOMMENDED ACTION: That the City Council receive and file.

5. **[PLANNING COMMISSION ACTIONS, MEETING OF JANUARY 8, 2018](#)**

RECOMMENDED ACTION: That the City Council receive and file.

6. **[TRAFFIC IMPROVEMENT SUBCOMMITTEE MINUTES, OCTOBER 18, 2017](#)**

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, NOVEMBER 2017**

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer’s Report for the month of November 2017.

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 the update.

12. **COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2017**

RECOMMENDED ACTION: That the City Council receive and file the Comprehensive Annual Financial Report (“CAFR”) for the year ended June 30, 2017.

13. **MONTHLY FINANCIAL ACTIVITY REPORT, NOVEMBER 2017**

RECOMMENDED ACTION: That the City Council receive and file the Monthly Financial Activity Report for November 2017.

14. **SECOND READING FOR THE ZONE TEXT AMENDMENT ZTA17-0001 TO AMEND VARIOUS PORTIONS OF THE ZONING ORDINANCE TO ADDRESS TYPOGRAPHICAL ERRORS, CLARIFY SECTIONS OF THE CODE, AND MODIFICATIONS CONSISTENT WITH RECENT STATE LAW CHANGES, 2017 ZONING CODE CLEANUP**

RECOMMENDED ACTION: That the City Council hold 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 ZTA17-0001 TO MODIFY AND ADD VARIOUS PROVISIONS TO THE ZONING ORDINANCE AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA17-0003 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

15. **SECOND READING AND ADOPTION OF NO SMOKING IN PUBLIC PLACE ORDINANCE**

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 6.40 OF THE DANA POINT MUNICIPAL CODE RELATING TO THE REGULATION AND PROHIBITION OF SMOKING IN THE CITY.

16. **MANAGEMENT OF CITY ATTORNEY (Carried Over from December 5, 2017)**

RECOMMENDED ACTION: That the City Council consider and approve a proposed Policy entitled Management of City Attorney.

17. **CITY COUNCIL ANNUAL MEETING SCHEDULE**

RECOMMENDED ACTION: That the City Council approve the 2018 City Council meeting schedule.

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

18. **2018 SUMMER TROLLEY ROUTE MODIFICATIONS**

RECOMMENDED ACTION: That the City Council receive and provide feedback to City staff on the proposed Trolley route alternatives.

19. **SHORT TERM RENTAL MANAGEMENT APPLICATION (Carried Over from December 5, 2017)**

RECOMMENDED ACTION: That the City Council receive staff's presentation.

20. PUBLIC WORKS REIMBURSABLE GRADING RELATED DEVELOPMENT ENGINEERING PLAN CHECK SERVICES BUDGET

RECOMMENDED ACTION: That the City Council approve a budget increase to cover costs for Public Works Development Engineering plan check services.

21. USER FEE SUBSIDY POLICY (Carried Over from December 5, 2017)

RECOMMENDED ACTION: That the City Council:

- 1) Discuss and adopt the User Fee Subsidy Policy; and
- 2) Receive and file the User Fee Study Report.

NEW BUSINESS

22. CITY COUNCIL APPOINTED REPRESENTATIVES AND CITY COMMISSIONS, COMMITTEES, SUBCOMMITTEES AND TASK FORCES

RECOMMENDED ACTION: That the City Council:

- 1) Approve appointments of City Council representatives to outside agencies;
- 2) Approve appointments to City Committees, Subcommittees and Task Forces; and
- 3) Direct staff to take action as deemed appropriate; and
- 4) Adopt a Resolution entitled:
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DESIGNATING AND APPOINTING ITS REPRESENTATIVE TO THE ORANGE COUNTY FIRE AUTHORITY'S BOARD OF DIRECTORS; and
- 5) Adopt a Resolution entitled:
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING A DANA POINT OCEAN WATER QUALITY SUBCOMMITTEE; and
- 6) Consider Public Member appointment to the Parking and Circulation Oversight Task Force.

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 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.

ADJOURNMENT

The next Regular Meeting of the City Council will be February 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 Tuesday, January 9, 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.