

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
OCTOBER 17, 2017  
5:00 P.M.**

## **AGENDA**

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

Next City Council Ordinance No. 17-06

### **CALL TO ORDER**

### **ROLL CALL OF CITY COUNCIL MEMBERS:**

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

### **CLOSED SESSION**

#### **A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (3 cases)**

1. City of Dana Point v. New Method Wellness, Inc., OCSC Case No. 30-2017-00904169
2. City of Dana Point v. Casa Bella Sober Living, LLC, OCSC Case No. 30-2017-0942131
3. City of Dana Point v. Pacific Palms Recovery, OCSC Case No. 30-2017-00942429

#### **B. CODE ENFORCEMENT UPDATE**

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (4 cases)
  - i. City of DP v. Karns, Orange County Superior Court Case No. 16HM10382
  - ii. City of DP v. Seaside Inn, Orange County Superior Court Case No. 30-2017-00915900
  - iii. City of DP v. Thomas Volkmann, Orange County Superior Court Case No. 30-2017-00914962-CU-EI-CXC
  - iv. City of DP v. Pickering, Orange County Superior Court Case No. 16HM10192
2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, Government Code § 54956.9 (d)(2) (3 cases)

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C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, Government Code § 54956.9 (d)(2), (1 case)

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

**RECONVENE CITY COUNCIL MEETING**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**PRESENTATIONS AND PROCLAMATIONS**

Presentation - VFW Teacher of the Year – Ray Woods  
Presentation – Maria Del Carmen Calvo

**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, OCTOBER 3, 2017](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

**3. [PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 25, 2017](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**4. [PLANNING COMMISSION ACTIONS, MEETING OF OCTOBER 9, 2017](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**5. [YOUTH BOARD MEETING MINUTES, SEPTEMBER 21, 2017](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**6. [ARTS AND CULTURE COMMISSION MEETING MINUTES, JULY 19, 2017](#)**

RECOMMENDED ACTION: That the City Council receive and file.

7. [FINANCIAL REVIEW COMMITTEE MEETING MINUTES, AUGUST 29, 2017](#)

RECOMMENDED ACTION: That the City Council receive and file.

8. [JOINT CITY COUNCIL AND FINANCIAL REVIEW COMMITTEE WORKSHOP MEETING MINUTES, SEPTEMBER 12, 2017](#)

RECOMMENDED ACTION: That the City Council receive and file.

9. [OCEAN WATER QUALITY ACTION MINUTES, JULY 25, 2017](#)

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

11. [CLAIMS AND DEMANDS](#)

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

12. [MONTHLY FINANCIAL ACTIVITY REPORT, AUGUST 2017](#)

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

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

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

14. [CANCELLATION OF THE NOVEMBER 21 CITY COUNCIL MEETING](#)

RECOMMENDED ACTION: That the City Council cancel the November 21<sup>st</sup> 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.

## **PUBLIC HEARINGS**

### **15. [TEFRA PUBLIC HEARING REGARDING CONDUIT FINANCING FOR THE CARITAS CORPORATION, 33951 SILVER LANTERN](#)**

RECOMMENDED ACTION: That the City Council:

- 1) Conduct the Public Hearing under the requirements of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and the Internal Revenue Code of 1986, as amended (the "Code") for conduit financing for all or a portion of the acquisition and improvement of the 17 unit apartment complex known as the Silver Lantern Apartments ("Project") located at 33951 Silver Lantern; and
- 2) Adopt the Resolution approving, authorizing and directing the execution of a Joint Powers Agreement (JPA) relating to the California Municipal Finance Authority (CMFA) and approving the issuance of the bonds by CMFA for The Caritas Corporation, a California nonprofit public benefit corporation and an organization described in Section 501(c) (3) of the Internal Revenue Code of 1986, to provide for the financing of all or a portion of the Project. Adoption is solely for the purposes of satisfying the requirements of TEFRA, the Code and the California Government Code Section 6500 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING, AUTHORIZING AND DIRECTING EXECUTION OF A JOINT EXERCISE OF POWERS AGREEMENT RELATING TO THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY AND APPROVING THE ISSUANCE OF REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$67,500,000 BY THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY FOR THE PURPOSE OF FINANCING AND REFINANCING THE ACQUISITION AND IMPROVEMENT OF MOBILE HOME PARKS AND OTHER LOW-INCOME MULTIFAMILY HOUSING FACILITIES BY THE CARITAS CORPORATION, CARITAS ACQUISITIONS I, LLC, AND CARITAS SILVER LANTERN, LLC, AND CERTAIN OTHER MATTERS RELATING THERETO

## **UNFINISHED BUSINESS**

### **16. [DEVELOPMENT UPDATE](#)**

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

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## NEW BUSINESS

17. [STORY POLE ORDINANCE \(Continued from the regular City Council Meeting of October 3, 2017\)](#)

RECOMMENDED ACTION: That the City Council:

- 1) Consider a proposed amendment to Dana Point Municipal Code requiring the use of staking (“story poles”) for development projects; and
- 2) Discuss the proposed ordinance and provide direction to staff to prepare a final version for first reading at the next regular City Council meeting.

18. [OPEN DATA POLICY AND ESTABLISHMENT OF COUNCIL SUBCOMMITTEE TO OVERSEE PROGRESS AND IMPLEMENTATION \(Continued from the regular City Council Meeting of October 3, 2017\)](#)

RECOMMENDED ACTION: That the City Council:

- 1) Consider the proposed City of Dana Point Open Data Policy; and
- 2) Establish a City Council Subcommittee to oversee progress and implementation of the Open Data Policy.

19. [PURCHASE OF POLICE MOTORCYCLE](#)

RECOMMENDED ACTION: That the City Council authorizes the purchase of a police motorcycle.

## 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 agenized 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-agenized items may be presented as informational only.

## ADJOURNMENT

The next Regular Meeting of the City Council will be November 7, 2017, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

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## 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, October 10, 2017, at 5:30 p.m.

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KATHY M. WARD, CITY CLERK

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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.