

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



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

ACTION AGENDA

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

Next City Council Ordinance No. 17-06

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Lewis at 5:19 p.m. in the City Council Chambers, 33282 Golden Lantern, Dana Point.

ROLL CALL OF CITY COUNCIL MEMBERS:

Debra Lewis, Mayor
Paul N Wyatt, Mayor Pro Tem (*Absent*)
Joseph L. Muller, Council Member (*Arrived at 5:45 p.m.*)
John A. Tomlinson, Council Member
Richard A. Viczorek, Council Member

CLOSED SESSION

City Attorney Munoz indicated that there was a need for Closed Session as follows:

- 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

City Attorney Munoz stated for the Public's information, the City Attorney's Office is pursuing the following unlicensed sober living homes:

22748 Calle Juanita; 26832 Calle Hermosa; 35086 Camino Capistrano; 34448 Camino El Molino; 34742 Camino Capistrano; 25071 La Cresta and 25235 Perch in Dana Point.

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. Thomas Volkmann v. City of DP, 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)

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

City Attorney Munoz stated that this item will not be discussed, and will move forward to the next meeting on November 7, 2017.

Mayor Lewis recessed the meeting into a Closed Session at 5:23 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Lewis reconvened the meeting at 6:13 p.m. All Council Members were present.

STAFF PRESENT: Mark Denny, City Manager; Patrick Munoz, City Attorney; Mike Killebrew, Assistant City Manager; Kathy Ward, City Clerk; Mike Rose, Director of General Services; Lt. Russ Chilton, Chief of Police; Ursula Luna-Reynosa, Director of Community Development; Matthew Sinacori, Director of Public Works and Engineering; Matthew Schneider, Planning Manager; Kelly Reenders, Economic Development Manager; and Bobbi Ogan, Deputy City Clerk.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz announced that he had nothing to report.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Tomlinson.

INVOCATION

The Invocation was provided by VFW Post 9934 Chaplain Morrie Hansen.

PRESENTATIONS AND PROCLAMATIONS

Presentation - VFW Teacher of the Year – Ray Woods

Presentation – Maria Del Carmen Calvo

CONSENT CALENDAR

Council Member Muller removed Item 7 and a member of staff removed Item 13 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 7 AND 13.

The motion carried by the following vote:

AYES: Council Member Joseph L. Muller, Council Member John A. Tomlinson, Council Member Richard A. Viczorek, and Mayor Debra Lewis

NOES: None

ABSENT: Mayor Pro Tem Paul N Wyatt

1. WAIVE THE READING OF ORDINANCES AND APPROVE READING BY TITLE ONLY

APPROVED 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

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 25, 2017

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF OCTOBER 9, 2017

RECEIVED AND FILED.

5. YOUTH BOARD MEETING MINUTES, SEPTEMBER 21, 2017

RECEIVED AND FILED.

6. ARTS AND CULTURE COMMISSION MEETING MINUTES, JULY 19, 2017

RECEIVED AND FILED.

7. FINANCIAL REVIEW COMMITTEE MEETING MINUTES, AUGUST 29, 2017

Council Member Muller removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL RECEIVE AND FILE.

The motion carried by the following vote:

AYES: Council Member Joseph L. Muller, Council Member John A. Tomlinson, Council Member Richard A. Viczorek, and Mayor Debra Lewis

NOES: None

ABSENT: Mayor Pro Tem Paul N Wyatt

8. JOINT CITY COUNCIL AND FINANCIAL REVIEW COMMITTEE WORKSHOP MEETING MINUTES, SEPTEMBER 12, 2017

RECEIVED AND FILED.

9. OCEAN WATER QUALITY ACTION MINUTES, JULY 25, 2017

RECEIVED AND FILED.

10. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

11. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

12. MONTHLY FINANCIAL ACTIVITY REPORT, AUGUST 2017

RECEIVED AND FILED THE MONTHLY ACTIVITY REPORT FOR AUGUST 2017.

13. DANA POINT POLICE SERVICES MONTHLY REPORT

A member of staff removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER TOMLINSON, SECONDED BY COUNCIL MEMBER MULLER, THAT THE CITY COUNCIL RECEIVE AND FILE THIS REPORT.

The motion carried by the following vote:

AYES: Council Member Joseph L. Muller, Council Member John A. Tomlinson, Council Member Richard A. Viczorek, and Mayor Debra Lewis

NOES: None

ABSENT: Mayor Pro Tem Paul N Wyatt

14. CANCELLATION OF THE NOVEMBER 21 CITY COUNCIL MEETING

CANCELLED THE NOVEMBER 21ST CITY COUNCIL MEETING.

PUBLIC COMMENTS

Gerlind Kennedy
Karalee Darnell

PUBLIC HEARINGS

15. TEFRA PUBLIC HEARING REGARDING CONDUIT FINANCING FOR THE CARITAS CORPORATION, 33951 SILVER LANTERN

IT WAS MOVED BY MAYOR LEWIS, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING AND ADOPT **RESOLUTION 17-10-17-01** 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.

The motion carried by the following vote:

AYES: Council Member Joseph L. Muller, Council Member John A. Tomlinson, Council Member Richard A. Viczorek, and Mayor Debra Lewis

NOES: None

ABSENT: Mayor Pro Tem Paul N Wyatt

UNFINISHED BUSINESS

16. DEVELOPMENT UPDATE

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER VICZOREK, THAT THE CITY COUNCIL RECEIVE AND FILE THE UPDATE.

The motion carried by the following vote:

AYES: Council Member Joseph L. Muller, Council Member John A. Tomlinson, Council Member Richard A. Viczorek, and Mayor Debra Lewis

NOES: None

ABSENT: Mayor Pro Tem Paul N Wyatt

NEW BUSINESS

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

DIRECTED STAFF TO TAKE THE PROPOSED ORDINANCE WITH THE AMENDMENTS AS OUTLINED BY COUNCIL TO THE PLANNING COMMISSION FOR REVIEW AND RECOMMENDATION.

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)

DIRECTED STAFF TO RETURN TO COUNCIL WITH A REPORT NEXT SPRING WITH RECOMMENDATIONS FOR DELIVERING OPEN DATA, ALONG WITH THE COSTS, BUDGETS, AND BENEFITS OF EACH PLATFORM.

19. PURCHASE OF POLICE MOTORCYCLE

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER VICZOREK, THAT THE CITY COUNCIL AUTHORIZE THE PURCHASE OF A POLICE MOTORCYCLE.

The motion carried by the following vote:

AYES: Council Member Joseph L. Muller, Council Member John A. Tomlinson, Council Member Richard A. Viczorek, and Mayor Debra Lewis

NOES: None

ABSENT: Mayor Pro Tem Paul N Wyatt

PUBLIC COMMENTS (Continued)

There were no additional Public Comments received.

STAFF REPORTS

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Lewis adjourned the meeting at 8:26 p.m. and announced that 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.