

# CITY OF DANA POINT

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**CITY COUNCIL  
REGULAR  
MEETING**



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**TUESDAY  
APRIL 3, 2018  
5:00 P.M.**

## **AGENDA**

### **TELECONFERENCE**

8789 Marsac Avenue, #25, Deer Valley, UT 84060  
706 N Canyon, Carlsbad, NM 88220

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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), (3 cases)

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

### **RECONVENE CITY COUNCIL MEETING**

### **PLEDGE OF ALLEGIANCE**

### **INVOCATION**

### **PRESENTATIONS AND PROCLAMATIONS**

Deputy of the Year, Dan Merz

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## 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, MARCH 20, 2018**

RECOMMENDED ACTION: That the City Council approve the minutes.

3. **PLANNING COMMISSION MEETING MINUTES, MARCH 12, 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. **CITY TREASURER'S REPORT, FEBRUARY 2018**

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

7. **ADOPTION OF A RESOLUTION AUTHORIZING AN APPLICATION FOR ADDITIONAL GRANT FUNDS WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR THE 2018 PROJECT "V" CALL FOR PROJECTS**

RECOMMENDED ACTION: That the City Council 1) adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING THE SUBMITTAL OF A GRANT APPLICATION FOR THE DANA POINT TROLLEY AND SPECIAL EVENT SHUTTLE TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE 2018 PROJECT "V" COMMUNITY BASED TRANSIT/CIRCULATORS; and

2) Authorize the Mayor to sign the Resolution on behalf of the City.

**8. ADOPTION OF A RESOLUTION APPROVING THE SB-1 PROJECT LIST FOR FY18-19**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING THE FY 18-19 SB-1 PROJECT LIST TO INCLUDE THE ANNUAL RESIDENTIAL RESURFACING, CURB & GUTTER PROJECT (CIP #1309)

**9. SUPPORT OF RESIDENTIAL RECOVERY FACILITY REFORM LEGISLATION**

RECOMMENDED ACTION: That the City Council approve the letter of support for Assembly Bill 3162 (Friedman) and authorize the Mayor or City Manager to support amendments or other legislation that seeks reform of the residential recovery facility industry.

**10. APPEAL BY DANA POINT COMMUNION CENTER OF THE DECISION OF THE BUILDING OFFICIAL DATED MARCH 9, 2018**

RECOMMENDED ACTION: That the City Council delegate its authority to conduct a hearing on the appeal filed by the Dana Point Communion Center to an independent hearing officer as authorized by the City's Municipal Code.

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. THIRD 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 (Attachment A) pursuant to Elections Code section 10010(a)(2).

It is further recommended that the Council consider eliminating any draft maps that it no longer wishes to consider adopting, as well as determining the number of districts the Council will ultimately adopt.

## UNFINISHED BUSINESS

### 12. 2018 WEED ABATEMENT PROGRAM, AUTHORIZATION TO ABATE WEEDS

RECOMMENDED ACTION: That the City Council hear any objections regarding weed abatement and thereafter adopt one of the two attached Resolutions as follows:

- 1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, OVERRULING OBJECTIONS AND PROCEEDING WITH WEED ABATEMENT; or
- 2) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, HEARING NO OBJECTIONS AND PROCEEDING WITH WEED ABATEMENT.

## NEW BUSINESS

### 13. MID-FISCAL YEAR 2017-18 BUDGET STATUS REPORT

RECOMMENDED ACTION: That the City Council receive and file the Fiscal year 2017-18 Budget Status Report and authorize the budget amendments detailed within this report.

### 14. PROFESSIONAL SERVICES AGREEMENT FOR PUBLIC RELATIONS AND COMMUNITY ENGAGEMENT SERVICES

RECOMMENDED ACTION: That the City Council authorize and direct the City Manager to execute a Professional Services Agreement for public relations and communications services with Katie Wagner Social Media, Inc. for a period of one year, with an optional one year extension.

### 15. COUNCIL MEMBER LEWIS: AT-LARGE OR DISTRICT ELECTIONS, FORUMS, WORKSHOPS, STUDIES, OUTREACH, PRESENTATIONS

RECOMMENDED ACTION: That the City Council:

1. Set one or more dates for public forums/workshops after Easter, devoted solely to At-Large or District Election subject matter in the evening(s) or weekend(s) to enable the greatest number of residents the ability to attend;
2. Invite Mission Viejo City Attorney or other representative to give presentation at either Council public hearing or Forums/workshops to explain their approach, reasons why, steps being taken and risk assessment;
3. Decide whether or not to conduct study to determine whether or not Dana Point is racially polarized; and
4. Agree on outreach for Forum/workshop/public hearings including City website, social media, DP Times large ad and other suggested avenues to ensure as many residents as possible learn about it, including in English and Spanish.

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## **PUBLIC COMMENTS (Continued)**

### **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.

#### **16. MAYOR VICZOREK: RECEIVE STAFF REPORT ON STATUS OF HOMELESS TASK FORCE WORK PLAN**

### **STAFF REPORTS**

(City Manager Mark Denny)

(City Attorney Patrick Muñoz)

### **ADJOURNMENT**

The next Regular Meeting of the City Council will be April 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, March 28, 2018, 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.