

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
NOVEMBER 20, 2018
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 18-09

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. CONFERENCE WITH LABOR NEGOTIATOR, Government Code § 54957.6

Agency Designated Representatives: City Manager
Unrepresented and Represented Employees: All positions in City

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

Name of Case: City v. New Method Wellness, Inc., NMW Beds, LLC, and Pacific View Sober Living LLC, Orange County Superior Court Case No. 30-2017-00904169

Name of Case: City of DP v. Sunshine Group LLC (Seaside Inn), Orange County Superior Court Case No. 30-2017- 00915900

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

READING OF ORDINANCE TITLES

At this time, the City Clerk will read the title(s) of the ordinance(s) listed on the agenda.

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 and that further reading of such ordinances be waived.

2. **[REGULAR MEETING MINUTES, OCTOBER 16, 2018](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

3. **[PLANNING COMMISSION MEETING MINUTES, OCTOBER 8, 2018](#)**

RECOMMENDED ACTION: That the City Council receive and file.

4. **[YOUTH BOARD MEETING MINUTES, OCTOBER 4, 2018](#)**

RECOMMENDED ACTION: That the City Council receive and file.

5. **[YOUTH BOARD MEETING MINUTES, OCTOBER 18, 2018](#)**

RECOMMENDED ACTION: That the City Council receive and file.

6. **[OCEAN WATER QUALITY SUBCOMMITTEE MINUTES, JULY 17, 2018](#)**

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, SEPTEMBER 2018

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

9. MONTHLY FINANCIAL ACTIVITY REPORT, AUGUST 2108

RECOMMENDED ACTION: That the City Council receive and file.

10. CLAIMS AND DEMANDS

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

11. DANA POINT POLICE SERVICES MONTHLY REPORT

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

12. DEVELOPMENT UPDATE

RECOMMENDED ACTION: That the City Council receive and file.

13. SPONSORSHIP AGREEMENT FOR DANA POINT'S 2019 SUMMER CONCERTS

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a sponsorship agreement with Omega Events, Inc. (Doheny Blues Festival), for the Dana Point Summer of Music.

14. MERCY HOUSE CONTRACT

RECOMMENDED ACTION: That the City Council approve the contract with Mercy House for homeless outreach activities for a period of one year, with an optional one year extension and authorize the City Manager to make non-substantive changes.

15. ADOPTION OF A RESOLUTION OF THE CITY COUNCIL APPROVING THE MEASURE M (M2) EXPENDITURE REPORT FOR FY 2017-2018

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 RENEWED MEASURE M (M2) EXPENDITURE REPORT FOR FISCAL YEAR 2017-2018; and

2) authorize the Mayor to sign the Resolution on behalf of the City; and

3) direct staff to submit the adopted Resolution and M2 Expenditure Report for Fiscal Year 2017-2018 for the City of Dana Point to the Orange County Transportation Authority (OCTA) to maintain eligibility in the Measure M (M2) program.

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

16. [DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT ANNUAL RENEWAL FOR 2019](#)

RECOMMENDED ACTION: That the City Council:

- 1) Conduct a Public Hearing; and
- 2) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE 2018 ANNUAL REPORT AND DECLARING THE INTENTION OF THE CITY COUNCIL TO CONTINUE THE PROGRAM AND ASSESSMENTS FOR THE 2019 CALENDAR YEAR FOR THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID); and

- 3) Authorize an amendment to the Tourism Business Improvement District Fund (07) to increase the expenditure budget by \$750,000 which will allow for the transfer of some of the TBID assessments collected in prior years to Visit Dana Point.

UNFINISHED BUSINESS

There are no Unfinished Business items.

NEW BUSINESS

There are no new business items.

PUBLIC COMMENTS (Continued)

STAFF REPORTS

(City Manager Mark Denny)

(City Attorney Patrick Muñoz)

ADJOURNMENT

The next Regular Meeting of the City Council will be December 4, 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, November 14, 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.