

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
MARCH 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. 18-03

### **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)
  
- B. CODE ENFORCEMENT UPDATE
  - a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (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) (2 cases)
  
- C. UNLICENSED RESIDENTIAL RECOVERY FACILITIES UPDATE
  - a. CONFERENCE WITH LEGAL COUNCIL – EXISTING LITIGATION, Government Code Section 54956.9 (d)(1) (6 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

- iii. City of Dana Point v. 12 South Recovery; Marie Fike, LLC. Orange County Superior Court Case No. 30-2018-09666539
- iv. City Of Dana Point v. Sovereign Health, Orange County Superior Court Case No. 30-2018-0966557
- v. City Of Dana Point v. Donna's House, LLC, Orange County Superior Court Case No. 30-2018-09666527
- vi. City Of Dana Point v. Ocean Hills Recovery, Inc., Orange County Superior Court Case No. 30-2018-09666532

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

## **RECONVENE CITY COUNCIL MEETING**

## **PLEDGE OF ALLEGIANCE**

## **INVOCATION**

## **PRESENTATIONS AND 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, MARCH 6, 2018](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

### **3. [ADJOURNED REGULAR MEETING STRATEGIC PLAN WORKSHOP MINUTES, FEBRUARY 28, 2018](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

### **4. [PLANNING COMMISSION MEETING MINUTES, FEBRUARY 26, 2018](#)**

RECOMMENDED ACTION: That the City Council receive and file.

### **5. [OCEAN WATER QUALITY SUBCOMMITTEE MINUTES, SEPTEMBER 26, 2017](#)**

RECOMMENDED ACTION: That the City Council receive and file.

6. [OCEAN WATER QUALITY SUBCOMMITTEE MINUTES, NOVEMBER 14, 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. [MONTHLY FINANCIAL ACTIVITY REPORT, JANUARY 2018](#)

RECOMMENDED ACTION: That the City Council receive and file the Monthly Financial Activity Report for January 2018.

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 report.

12. [ANNUAL HOUSING ELEMENT PROGRESS REPORT](#)

RECOMMENDED ACTION: That the City Council receive and file the Annual Housing Element Progress report for 2017.

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.

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## PUBLIC HEARINGS

13. [PUBLIC HEARING TO TAKE INPUT REGARDING POTENTIAL TRANSITION TO BY-DISTRICT ELECTIONS FOR CITY COUNCIL MEMBERS](#)

RECOMMENDED ACTION: That the City Council receive and discuss public input regarding the composition of the City's yet to be formed voting districts pursuant to Elections Code section 10010(a)(1), and provide further direction to the City's demographer.

## UNFINISHED BUSINESS

14. [SHORT-TERM RENTAL COUNCIL AD HOC COMMITTEE](#)

RECOMMENDED ACTION: That the City Council consider appointing an ad hoc committee to work with staff on the development of updates to the municipal code regarding the regulation of short-term rentals.

## NEW BUSINESS

15. [DOHENY VILLAGE PLAN UPDATE](#)

RECOMMENDED ACTION: That the City Council:

1. Receive and file the Doheny Village Plan Update report;
2. Adopt "guiding principles" for the Doheny Village Plan Update project;
3. Direct staff to:
  - a. Continue meeting with the Doheny Village Merchants Association as a working group and prepare a Draft Zoning Code Update for City Council review;
  - b. Prepare a Zone Text Amendment for inclusion in the 2018 Zoning Ordinance cleanup project to streamline existing, nonconforming property regulations and provide more flexibility for Village property owners to invest in updating and improving their properties;
  - c. Prepare a beautification plan; and
  - d. Suspend work authorized by the Council for the Doheny Village Plan Update EIR contract.

## PUBLIC COMMENTS (Continued)

## STAFF REPORTS

(City Manager Mark Denny)

(City Attorney Patrick Muñoz)

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## 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.

## ADJOURNMENT

The next Regular Meeting of the City Council will be April 3, 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, March 13, 2018, at 5:30 p.m.

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KATHY M. WARD, CITY CLERK

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DATE

Subscriptions to receive City Council Agendas on a regular basis are available through the City Clerk's Office. Agendas are also available on the City's website at [www.danapoint.org](http://www.danapoint.org). In addition, Agenda related materials (including materials, if any, provided to the City Council after the Agenda was posted) may be reviewed in the office of the City Clerk during regular business hours or on the website at [www.danapoint.org](http://www.danapoint.org).

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.