

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
SEPTEMBER 4, 2018
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 18-04

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. UNLICENSED RESIDENTIAL RECOVERY FACILITIES UPDATE
 - a. CONFERENCE WITH LEGAL COUNCIL – EXISTING LITIGATION, Government Code Section 54956.9 (a) (15 cases)
 - 1. *City of Dana Point v. Sobertec LLC*, Superior Court for the State of California, County of Orange, Case No. 30-2016-00859437.
 - 2. *City of Dana Point v. Capo By the Sea*, Superior Court for the State of California, County of Orange, Case No. 30-2016-008594260.
 - 3. *City of Dana Point v. Luminance Health Group, Inc.*, Superior Court for the State of California, County of Orange, Case No. 30-2016-00890481.
 - 4. *City of Dana Point v. Sunshine Behavioral Health, LLC*, Superior Court for the State of California, County of Orange, Case No. 30-2017-00904184.
 - 5. *City v. New Method Wellness, Inc., NMW Beds, LLC, and Pacific View Sober Living LLC*, Orange County Superior Court Case No. 30-2017-00904169.
 - 6. *City of Dana Point v. Donna's House, LLC*, Superior Court for the State of California, County of Orange, Case No. 30-2018-00966527.
 - 7. *City of Dana Point v. Ocean Hills Recovery Inc.*, Superior Court for the State of California, County of Orange, Case No. 30-2018-00966532.

8. *City of Dana Point v. Sovereign Health of California*, Superior Court for the State of California, County of Orange, Case No. 30-2018-00966557.
9. *City of Dana Point v. 12 South Recovery*, Superior Court for the State of California, County of Orange, Case No. 30-2018-00966539.
10. *City of Dana Point v. Mainstream Group, Inc., Snaier Z. Varkel and Francina S. Varkel, Trustees Of The Snaier Z. Varkel And Francina S. Varkel 1999 Trust, Dated March 5, 1999*, Case No. 30-2018-01011128.
11. *City of Dana Point v. Sanctuary House Recovery, Barbara Mullin*, Case No. 30-2018-01011154.
12. *City of Dana Point v. Happy Destiny Foundation, Inc.; JTK Pacific Homes, LLC*, Case No. 30-2018-01011176.
13. *City of Dana Point v. Donna's House, LLC, Michael Marriner, Jr., Katy Marriner, Ralph M. Wright, Jr., Trustee, or His Successor, Under The Ralph M. Wright, Jr. 2017 Family Trust*, Case No. 30-2018-01011653.
14. *City of Dana Point v. New Life Treatment & Addiction Center, Melody Barnett*, Case No. 30-2018-01011481.
15. *City of Dana Point v. Southern California Recovery Center, TML Holdings, LLC*, Case No. 30-2018-01012750

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Daughters of the American Revolution (DAR) Presentation
Volunteers In Police Services (VIPS) Presentation and Recognition

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, JULY 17, 2018](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [SPECIAL MEETING MINUTES, AUGUST 16, 2018](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

4. [PLANNING COMMISSION MEETING MINUTES, JULY 23, 2018](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [ARTS AND CULTURE COMMISSION MINUTES, MAY 16, 2018](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. [OCEAN WATER QUALITY SUBCOMMITTEE MINUTES, MAY 22, 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. [CLAIMS AND DEMANDS](#)

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

9. [CITY TREASURER'S REPORT, JUNE 2018](#)

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

10. [SECOND READING OF AN ORDINANCE OF THE CITY OF DANA POINT AMENDING TITLE 8, BUILDING AND CONSTRUCTION, OF THE MUNICIPAL CODE, TO ADD 1\) SECTION 8.22.019, "EXPEDITING PERMITTING PROCESSING FOR RESIDENTIAL ROOFTOP SOLAR PHOTO VOLTAIC INSTALLATIONS", AND 2\) CHAPTER 8.33 "EXPEDITED ELECTRIC VEHICLE CHARGING STATION PERMITTING"](#)

RECOMMENDED ACTION: That the City Council hold a second reading and adoption of an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING TITLE 8, BUILDING AND CONSTRUCTION, OF THE MUNICIPAL CODE, TO ADD 1) SECTION 8.22.019, "EXPEDITING PERMITTING PROCESSING FOR RESIDENTIAL ROOFTOP SOLAR PHOTO VOLTAIC INSTALLATIONS", AND 2) CHAPTER 8.33, "EXPEDITED ELECTRIC VEHICLE CHARGING STATION PERMITTING".

11. [SECOND READING OF AN ORDINANCE OF THE CITY OF DANA POINT, CALIFORNIA AMENDING DANA POINT MUNICIPAL CODE TITLE 11 \(PEACE, MORALS AND SAFETY\) AND TITLE 13 \(PARKS AND RECREATION FACILITIES\)](#)

RECOMMENDED ACTION: That the City Council ensure compliance with state law and the protection of public health, safety, and general welfare of its residents by holding a second reading and adoption of an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING DANA POINT MUNICIPAL CODE TITLE 11 (PEACE, MORALS AND SAFETY) AND TITLE 13 (PARKS AND RECREATION FACILITIES) TO CLARIFY AND AMEND THE CITY'S REGULATIONS RELATING TO PUBLIC NUISANCES BEHAVIOR.

12. [SECOND READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING CHAPTER 14.01 STREETS AND SIDEWALKS CODE, OF THE MUNICIPAL CODE](#)

RECOMMENDED ACTION: That the City Council hold a second reading and adoption of an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 14.01 STREETS AND SIDEWALKS, OF THE DANA POINT MUNICIPAL CODE.

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.

NEW BUSINESS

13. ARTS AND CULTURE COMMISSION INTERVIEWS

RECOMMENDED ACTION: That the City Council conduct interviews and consider an appointment to fill a vacancy on the Arts and Culture Commission.

14. 2018 – 2019 DANA POINT YOUTH BOARD APPOINTMENTS

RECOMMENDED ACTION: That the City Council appoint seven (7) Board Members and two (2) Members-at-Large to the Dana Point Youth Board.

15. CITY ATTORNEY PERIODIC STATUS REPORT – COUNCIL MEMBER LEWIS

RECOMMENDED ACTION: That the City Council require the City Attorney to submit to the City Council writing periodic Status Reports on all new and ongoing legal matters, both litigation and transactional, beginning September 18, 2018 and thereafter, once every month on the 3rd Tuesday of each and every month in the format of the Status Report Form attached.

PUBLIC HEARINGS

There are no Public Hearings.

UNFINISHED BUSINESS

16. STORY POLE ORDINANCE – COUNCIL MEMBER LEWIS

RECOMMENDED ACTION: That the City Council direct staff to write a Story Pole Ordinance and return it to Council for review and approval by no later than the 3rd Tuesday of October, 2018.

PUBLIC COMMENTS (Continued)

STAFF REPORTS

(City Manager Mark Denny)

(City Attorney Patrick Muñoz)

ADJOURNMENT

The next Regular Meeting of the City Council will be September 18, 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, August 28, 2018, at 5:30 p.m.

KATHY M. WARD, CITY CLERK

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. 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.

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.