

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
APRIL 16, 2019
5:00 P.M.**

REVISED AGENDA

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

Next City Council Ordinance No. 19-02

CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS:

Joseph L. Muller, Mayor
Paul N Wyatt, Mayor Pro Tem
Jamey M. Federico, Council Member
Debra Lewis, Council Member
Richard A. Viczorek, Council Member

CLOSED SESSION

- A. UNLICENSED RESIDENTIAL RECOVERY FACILITIES UPDATE
 - a. CONFERENCE WITH LEGAL COUNCIL – EXISTING LITIGATION, Government Code Section 54956.9 (a) (3 cases)
 - 1. City of Dana Point v. Donna's House, LLC, Superior Court for the State of California, County of Orange, Case No. 30-2018-00966527
 - 2. 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
 - 3. City of Dana Point v. Southern California Recovery Center, TML Holdings, LLC, Case No. 30-2018-01012750
- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, Significant Exposure to Litigation, Government Code § 54956.9 (d)(2) (1 case)

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

30th Anniversary Proclamation
OCSD Deputy of the Year
VFW Post 9934 Deputy of the Year

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, APRIL 2, 2019](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, MARCH 25, 2019](#)

This item is removed/withdrawn as the Planning Commission meeting on 4/8 was cancelled.

4. [ARTS AND CULTURE COMMISSION MEETING MINUTES, JANUARY 23, 2019](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. [CLAIMS AND DEMANDS](#)

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

7. [DANA POINT POLICE SERVICES MONTHLY REPORT](#)

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

8. [DEVELOPMENT UPDATE](#)

RECOMMENDED ACTION: That the City Council receive and file.

9. [COST RECOVERY FOR NUISANCE ABATEMENT AT 34466 AND 34468 VIA VERDE](#)

RECOMMENDED ACTION: That the City Council adopt the Resolution of the City of Dana Point entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE COST OF NUISANCE ABATEMENT AT 34466 AND 34468 VIA VERDE.

10. [2019 WEED ABATEMENT PROGRAM](#)

RECOMMENDED ACTION: That the City Council adopt the attached Resolution of the City of Dana Point entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DECLARING WEEDS A PUBLIC NUISANCE AND INITIATING ABATEMENT PROCEEDINGS.

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

There are no Public Hearings

UNFINISHED BUSINESS

There are no Unfinished Business items.

NEW BUSINESS

11. [CODE ENFORCEMENT OPERATIONS AND STRATEGIC PLAN](#)

RECOMMENDED ACTION: That the City Council receive and file the Code Enforcement Operations and Strategic Plan and adopt the attached Resolution assigning Data Ticket to assign Administrative Hearing Officers for the City of Dana Point entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DESIGNATING DATA TICKET TO ASSIGN HEARING OFFICERS FOR NUISANCE ABATEMENT PROCEEDINGS, ADMINISTRATION CITATION HEARINGS AND BUILDING PERMIT APPEALS DURING FISCAL YEARS 2020 AND 2021.

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

RECOMMENDED ACTION: That the City Council appoint a new Council Member to the vacant position in the Ad Hoc Committee to work with Mayor Pro Tem Wyatt and staff on the development of updates to the Municipal Code regarding the regulation of short-term rentals.

13. [PROFESSIONAL SERVICES CONTRACT FOR INFORMATION TECHNOLOGY SERVICES](#)

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a contract with the City of Brea (BreaIT) for contract information technology support services for a one year term, with an optional, additional one year extension.

14. [CONTRACT AWARD FOR TREE MAINTENANCE SERVICES](#)

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a two (2) year contract with an option for three (3) one-year extensions, with West Coast Arborists, Inc. for tree maintenance services.

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.

STAFF REPORTS

(City Manager Mark Denny)

(City Attorney Patrick Muñoz)

ADJOURNMENT

The next Regular Meeting of the City Council will be May 7, 2019, 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, April 9, 2019, 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.