

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
JANUARY 15, 2019
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 19-01

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

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

- 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
 16. *City of Dana Point v. Able to Change Recovery, LLC, Crayton Herbert Rosemeyer, Sheye Louise Rosemeyer*, Case No. 30-2018-01009168
 17. *Laguna Beach Sober Living, LLC, and Donna's House, Inc. v. City of Dana Point* (No case number at this time)

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

30TH ANNIVERSARY RECEPTION

REFRESHMENTS WILL BE SERVED – THE PUBLIC IS INVITED.

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

30th Anniversary Proclamation

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, DECEMBER 4, 2018](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, NOVEMBER 26, 2018](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION MINUTES, DECEMBER 3, 2018](#)

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

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

7. [CLAIMS AND DEMANDS](#)

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

8. [MONTHLY FINANCIAL ACTIVITY REPORT FOR OCTOBER & NOVEMBER 2018](#)

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

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

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

10. [DEVELOPMENT UPDATE](#)

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

11. [COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2018](#)

RECOMMENDED ACTION: That the City Council receive and file the Comprehensive Annual Financial Report (“CAFR”) for the year ended June 30, 2018.

12. [CITY COUNCIL ANNUAL MEETING SCHEDULE](#)

RECOMMENDED ACTION: That the City Council approve the 2019 City Council meeting schedule.

13. [AWARD OF CONTRACT FOR THE CONSTRUCTION OF THE ANNUAL SLURRY SEAL FY18/19](#)

RECOMMENDED ACTION: That the City Council:

1) approve award of a contract to American Asphalt South, Incorporated for construction of the Annual Slurry Seal Project FY 18/19, and authorize the City Manager or his designee to sign and administer the subject contract and approve additional payment for change orders, contingencies, management services, and soils and material testing, and construction design support for the Project; and,

2) authorize materials inspection and testing services with GMU Geotechnical, and authorize staff to process the associated Short Form Contract Agreement; and

3) authorize the funding transfer as noted.

14. [RECRUITMENTS FOR THE PLANNING COMMISSION AND TRAFFIC IMPROVEMENT SUBCOMMITTEE](#)

RECOMMENDED ACTION: That the City Council direct Staff to proceed with the recruitment/appointment of Planning Commission members and Traffic Improvement Subcommittee members.

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 agendaized 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-agendaized items may be presented as informational only.

PUBLIC HEARINGS

There are no Public Hearings.

UNFINISHED BUSINESS

There are no Unfinished Business items.

NEW BUSINESS

15. [2018 COMMUNITY SURVEY RESULTS](#)

RECOMMENDED ACTION: That the City Council receive a presentation from FM3 Research on the 2018 Dana Point Community Survey.

16. [LONG TERM FINANCIAL PLAN /BUDGET PRIORITIES – WORK SHOP #1 – FACILITIES & PARKS](#)

RECOMMENDED ACTION: That the City Council discuss this report and provide input to staff in regards to prioritization of facilities improvement projects for the upcoming budget cycle.

17. [ESTABLISH DOHENY VILLAGE PLAN CAPITAL IMPROVEMENTS RESERVE ACCOUNT](#)

RECOMMENDED ACTION: That the City Council discuss and consider directing staff to establish a Doheny Village Plan Capital Improvements Reserve Account in the City's Capital Improvement Fund, and authorize the transfer of previously collected Lantern District Impact Fees to the new Reserve.

18. [RESOLUTION TO AMEND THE MEMBERSHIP, DUTIES AND RESPONSIBILITIES OF THE CITY'S FINANCIAL REVIEW COMMITTEE](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING THE MEMBERSHIP, DUTIES AND RESPONSIBILITIES OF THE FINANCIAL REVIEW COMMITTEE; and

2) that the City Council direct staff to proceed with the recruitment/appointment of the Financial Review Committee public members.

19. CITY COUNCIL APPOINTED REPRESENTATIVES AND CITY COMMISSIONS, COMMITTEES, SUBCOMMITTEES AND TASK FORCES

RECOMMENDED ACTION: That the City Council:

1. Approve appointments of the City Council representatives to outside agencies;
2. Approve appointments to City committees, subcommittees and task forces;
3. Direct staff to take action as deemed appropriate; and
4. Adopt a Resolution (if necessary) entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DESIGNATING AND APPOINTING ITS REPRESENTATIVE TO THE ORANGE COUNTY FIRE AUTHORITY'S BOARD OF DIRECTORS.

20. FM3 DISTRICTING SURVEY RESULTS - COUNCIL MEMBER LEWIS

RECOMMENDED ACTION: That the survey results for FM3 Districting Survey be made public and published on the City's website immediately.

21. OCSD MATRIX STUDY BY 13 CONTRACT CITIES - COUNCIL MEMBER LEWIS

RECOMMENDED ACTION: That Dana Point receive a copy of the OCSD study by Matrix no later than 1/28/19 and that this item be placed on the agenda for the first Council meeting in February to discuss or hear why the report is not available.

22. LEADERSHIP DANA POINT: A CITIZEN'S ACADEMY - COUNCIL MEMBER LEWIS

RECOMMENDED ACTION: That Dana Point host a free multi-week citizen awareness program for residents to learn about city operations and how to participate in civic affairs.

23. LIMITED STREET PARKING - COUNCIL MEMBER LEWIS

RECOMMENDED ACTION: That the City Council discuss the problem of limited street parking, particularly in the Lantern area, exacerbated by single person parking multi cars on the street and parking non-working cars on the street.

24. COUNCIL POLICY 201 – ITEM ON THE AGENDA UPON WHICH A COUNCIL MEMBER WISHES ACTION

RECOMMENDED ACTION: That the City Council discuss Council Policy 201.

PUBLIC COMMENTS (Continued)

STAFF REPORTS

(City Manager Mark Denny)

(City Attorney Patrick Muñoz)

ADJOURNMENT

The next Regular Meeting of the City Council will be February 5, 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, January 8, 2019, 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.