

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
FEBRUARY 7, 2017
5:00 P.M.**

ACTION AGENDA

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

Next City Council Ordinance No. 17-01

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Lewis at 5:03 p.m. in the City Council Chambers, 33282 Golden Lantern, Dana Point.

ROLL CALL OF CITY COUNCIL MEMBERS:

Debra Lewis, Mayor
Paul N Wyatt, Mayor Pro Tem
Joseph L. Muller, Council Member
John A. Tomlinson, Council Member
Richard A. Viczorek, Council Member

CLOSED SESSION

City Attorney Munoz indicated that there was a need for Closed Session as follows:

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d1), (5 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (4 cases)

Name of Case: City of Dana Point v. Headlands Reserve LLC, Sanford Edward, et al;
Orange County Superior Court Case No. 30-2016-00872051;

Name of Case: City of Dana Point, et al v Sobertec LLC, et al; Orange County Superior
Court Case No. 30-2016-00859437-CU-MC-CJC;

Name of Case: City of Dana Point, et al v. Capo By the Sea, Inc; Orange County Superior
Court Case No. 30-2016-00859426-CU-MC-CJC

Name of Case: City of Dana Point v. Luminance Health Group, Inc.; Orange County
Superior Court Case No. 30-2016-00890481

Mayor Lewis recessed the meeting into a Closed Session at 5:04 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Lewis reconvened the meeting at 6:24 p.m. All Council Members were present.

STAFF PRESENT: Patrick Munoz, City Attorney; Mike Killebrew, Acting City Manager; Kathy Ward, City Clerk; Mike Rose, Director of Disaster Preparedness; Lt. Russ Chilton; Ursula Luna-Reynosa, Director of Community Development; Mark Denny, Deputy City Manager; Matthew Schneider, Planning Manager; Brian McClure, Deputy Director of Community Services and Parks; Matthew Sinacori, Deputy Director of Public Works and Engineering; Rachel Johnson, Assistant Administrative Analyst; Jeff Rosaler, Parks Manager, Kurth Nelson, Senior Planner; Jackie Littler, Executive Assistant, DyAnne Weamire, Senior Administrative Assistant; and Bobbi Ogan, Deputy City Clerk.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Tomlinson.

INVOCATION

The Invocation was provided by Pastor Jens Christy of Capo Beach Church.

PRESENTATIONS AND PROCLAMATIONS

February Business of the Month – OC Beads

CONSENT CALENDAR

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR.

The motion carried by the following vote:

AYES: Council Member Joseph L. Muller, Council Member John A. Tomlinson, Council Member Richard A. Viczorek, Mayor Pro Tem Paul N Wyatt and Mayor Debra Lewis

NOES: None

ABSENT: None

1. WAIVE THE READING OF ORDINANCES AND APPROVE READING BY TITLE ONLY

APPROVED 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, JANUARY 17, 2017

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, DECEMBER 12, 2016

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF JANUARY 23, 2017

RECEIVED AND FILED.

5. TRAFFIC IMPROVEMENT SUBCOMMITTEE ACTION MINUTES, MEETING OF NOVEMBER 16, 2016

RECEIVED AND FILED.

6. YOUTH BOARD MEETING MINUTES, DECEMBER 1, 2016

RECEIVED AND FILED.

7. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

8. CITY TREASURER'S REPORT, DECEMBER 2016

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF DECEMBER 2016.

9. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

PUBLIC COMMENTS

Penny Maynard
Paul Simonds
Debra Ashby
Andrea Swayne
Lynn Smith
Nadia Starnier
Rick Erkeneff

PUBLIC HEARINGS

There were no Public Hearing Items.

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

10. 2017 WEED ABATEMENT PROGRAM

IT WAS MOVED BY COUNCIL MEMBER TOMLINSON, SECONDED BY MAYOR PRO TEM WYATT, THAT THE CITY COUNCIL ADOPT **RESOLUTION 17-02-07-01** OF THE CITY OF DANA POINT AS FOLLOWS:

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

The motion carried by the following vote:

AYES: Council Member Joseph L. Muller, Council Member John A. Tomlinson, Council Member Richard A. Viczorek, Mayor Pro Tem Paul N Wyatt and Mayor Debra Lewis

NOES: None

ABSENT: None

11. PROFESSIONAL SERVICES AGREEMENTS FOR COASTAL ENGINEERING SERVICES

Council Member Tomlinson recused himself from this item due to a potential conflict of interest. He left the Council Chambers at 7:00 p.m.

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY MAYOR PRO TEM WYATT, THAT THE CITY COUNCIL AUTHORIZE THE ACTING CITY MANAGER TO EXECUTE A CONSULTANT SERVICES AGREEMENT BY AND BETWEEN THE CITY AND MOFFAT AND NICHOL FOR COASTAL ENGINEERING SERVICES FOR THE COMMUNITY DEVELOPMENT DEPARTMENT WHICH WILL BE REIMBURSED THROUGH DEVELOPER FEES COLLECTED PRIOR TO SERVICES RENDERED.

The motion carried by the following vote:

AYES: Council Member Joseph L. Muller, Council Member Richard A. Viczorek, Mayor Pro Tem Paul N Wyatt and Mayor Debra Lewis

NOES: None

ABSENT: Council Member John A. Tomlinson

IT WAS MOVED BY MAYOR PRO TEM WYATT, SECONDED BY COUNCIL MEMBER MULLER, THAT THE CITY COUNCIL AUTHORIZE THE ACTING CITY MANAGER TO EXECUTE A SEPARATE CONSULTANT SERVICES AGREEMENT BY AND BETWEEN THE CITY AND MOFFAT AND NICHOL FOR COASTAL ENGINEERING SERVICES ASSOCIATED WITH A FEMA STUDY FOR THE COMMUNITY DEVELOPMENT DEPARTMENT.

The motion carried by the following vote:

AYES: Council Member Joseph L. Muller, Council Member Richard A. Viczorek, Mayor Pro Tem Paul N Wyatt and Mayor Debra Lewis

NOES: None

ABSENT: Council Member John A. Tomlinson

Council Member Tomlinson returned to the Council Chambers at 7:12 p.m.

12. CONSULTANT SERVICES AGREEMENT FOR DESIGN OF THE ARTERIAL ROADWAY RESURFACING PROJECT, PACIFIC COAST HIGHWAY FROM NIGUEL ROAD TO GREEN LANTERN

IT WAS MOVED BY MAYOR PRO TEM WYATT, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL APPROVE A CONSULTANT SERVICES AGREEMENT WITH KREUZER CONSULTING GROUP FOR PREPARATION OF THE CONSTRUCTION DOCUMENTS FOR THE ARTERIAL ROADWAY RESURFACING PROJECT, PACIFIC COAST HIGHWAY (PCH) FROM NIGUEL ROAD TO GREEN LANTERN.

The motion carried by the following vote:

AYES: Council Member Joseph L. Muller, Council Member John A. Tomlinson, Council Member Richard A. Viczorek, Mayor Pro Tem Paul N Wyatt and Mayor Debra Lewis

NOES: None

ABSENT: None

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY MAYOR PRO TEM WYATT, THAT THE CITY COUNCIL FUND THE WORK EFFORT FROM CIP #1277 ARTERIAL ROADWAY REHABILITATION AND REPAIRS PER THE FISCAL IMPACT SECTION.

The motion carried by the following vote:

AYES: Council Member Joseph L. Muller, Council Member John A. Tomlinson, Council Member Richard A. Viczorek, Mayor Pro Tem Paul N Wyatt and Mayor Debra Lewis

NOES: None

ABSENT: None

13. PARKS, RECREATION AND OPEN SPACE MASTER PLAN UPDATE

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL DIRECT STAFF TO INITIATE AN UPDATE TO THE 2005 PARKS, RECREATION AND OPEN SPACE MASTER PLAN, THAT MASTER PLAN WILL INCLUDE STATE AND COUNTY PARKS OPEN SPACE INTO THE MASTER PLAN INVENTORY AND FURTHER THAT CITY STAFF WILL WORK WITH COUNTY AND STATE STAFF TO PREVENT A DUPLICATION OF EFFORT AND UNNECESSARY EXPENSE.

The motion carried by the following vote:

AYES: Council Member Joseph L. Muller, Council Member John A. Tomlinson, Council Member Richard A. Viczorek, Mayor Pro Tem Paul N Wyatt and Mayor Debra Lewis

NOES: None

ABSENT: None

IT WAS MOVED BY MAYOR PRO TEM WYATT, SECONDED BY MAYOR LEWIS TO DIRECT STAFF, IF POSSIBLE, TO FIND CONSULTANTS CAPABLE OF USING ON LINE TECHNOLOGY AS PART OF THE PARK UPDATE PROCESS SO THE PUBLIC CAN REVIEW THE PROCESS AS IT OCCURS AND MAKE COMMENTS.

The motion carried by the following vote:

AYES: Council Member Joseph L. Muller, Council Member John A. Tomlinson, Council Member Richard A. Viczorek, Mayor Pro Tem Paul N Wyatt and Mayor Debra Lewis

NOES: None

ABSENT: None

14. ASSOCIATION OF CALIFORNIA CITIES – ORANGE COUNTY MEMBERSHIP

IT WAS MOVED BY MAYOR LEWIS, SECONDED BY MAYOR PRO TEM WYATT, THAT THE CITY COUNCIL POSTPONE VOTE ON JOINING THE ASSOCIATION OF CALIFORNIA CITIES INDEFINITELY AT THIS SESSION BUT IT COULD BE AGENDIZED AS EARLY AS THE NEXT SESSION.

The motion carried by the following vote:

AYES: Council Member John A. Tomlinson, Mayor Pro Tem Paul N Wyatt, and Mayor Debra Lewis

NOES: Council Member Joseph L. Muller and Council Member Richard A. Viczorek

ABSENT: None

15. RESOLUTION TO AMEND THE MEMBER SELECTION PROCESS AND PURPOSE OF THE CITY'S FINANCE REVIEW COMMITTEE AND DESIGNATED COMMITTEE MEMBERS

THERE WAS A CONSENSUS OF THE CITY COUNCIL TO DIRECT THE DESIGNATED COMMITTEE MEMBERS TO MEET WITH STAFF, FOR THE COMMITTEE TO DECIDE UPON THEIR PROCEDURES AND THEIR MISSION AND RETURN TO THE CITY COUNCIL ON MARCH 7TH FOR APPROVAL.

16. 5TH MARINES VIETNAM WAR MEMORIAL

IT WAS MOVED BY COUNCIL MEMBER VICZOREK, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL AUTHORIZE A DONATION TO THE DANA POINT 5TH MARINE REGIMENT SUPPORT GROUP TO CONTRIBUTE TO THE COMMISSION OF A VIETNAM WAR MEMORIAL MONUMENT HONORING OUR FALLEN MARINES AND SAILORS.

The motion carried by the following vote:

AYES: Council Member Joseph L. Muller, Council Member John A. Tomlinson, Council Member Richard A. Viczorek, Mayor Pro Tem Paul N Wyatt and Mayor Debra Lewis

NOES: None

ABSENT: None

17. QUARTERLY FINANCIAL REPORT, DECEMBER 2016

IT WAS MOVED BY COUNCIL MEMBER TOMLINSON, SECONDED BY MAYOR PRO TEM WYATT, THAT THE CITY COUNCIL RECEIVE AND FILE THE CITY FINANCIAL REPORT AND MANAGEMENT DISCUSSION FOR THE SIX MONTHS ENDED DECEMBER 31, 2016.

The motion carried by the following vote:

AYES: Council Member Joseph L. Muller, Council Member John A. Tomlinson, Council Member Richard A. Viczorek, Mayor Pro Tem Paul N Wyatt and Mayor Debra Lewis

NOES: None

ABSENT: None

18. CITY COUNCIL CONSIDERATION TO DIRECT STAFF TO HOLD A JOINT WORKSHOP WITH CITY COUNCIL AND PLANNING COMMISSION TO DISCUSS TOWN CENTER/LANTERN DISTRICT PARKING POLICIES

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY MAYOR PRO TEM WYATT, THAT THE CITY COUNCIL DIRECT STAFF TO HOLD A JOINT WORKSHOP WITH THE CITY COUNCIL AND PLANNING COMMISSION TO DISCUSS APPROPRIATE PARKING POLICIES FOR THE CITY OF DANA POINT AND SPECIFICALLY THE TOWN CENTER/LANTERN DISTRICT AND DOHENY VILLAGE.

The motion carried by the following vote:

AYES: Council Member Joseph L. Muller, Council Member John A. Tomlinson, Council Member Richard A. Viczorek, Mayor Pro Tem Paul N Wyatt and Mayor Debra Lewis

NOES: None

ABSENT: None

19. COUNCIL DISCUSSION AND ADOPTION OF CITY PURCHASING POLICY AS PROPOSED BY MAYOR LEWIS

IT WAS MOVED BY MAYOR LEWIS, SECONDED BY MAYOR PRO TEM WYATT, THAT THE CITY COUNCIL DIRECT THE CITY COUNCIL, PUBLIC AND STAFF TO REVIEW THE PROPOSED POLICY AND PROVIDE COMMENTS ON FEBURARY 21, 2017 AT WHICH TIME IT WILL BE DETERMINED WHETHER IT IS A POLICY THAT THE CITY COUNCIL WILL ADOPT FOR THE CITY.

The motion carried by the following vote:

AYES: Council Member Joseph L. Muller, Council Member John A. Tomlinson, Council Member Richard A. Viczorek, Mayor Pro Tem Paul N Wyatt and Mayor Debra Lewis

NOES: None

ABSENT: None

PUBLIC COMMENTS (Continued)

There were no additional comments received.

STAFF REPORTS

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Lewis adjourned the meeting at 9:40 p.m. in memory of Robert Moore who served for many years on the South Coast Water District Board and announced that the next Regular Meeting of the City Council will be February 21, 2017, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.