
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
FEBRUARY 7, 2017**

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:

Present: Mayor Debra Lewis
Mayor Pro Tem Paul N Wyatt
Council Member Joseph L. Muller
Council Member John A. Tomlinson
Council Member Richard A. Viczorek
Absent: None

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.

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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; Mark Sutton, Building Official; 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 Associate Pastor Jens Christy of Capo Beach Church.

PRESENTATIONS AND PROCLAMATIONS

February Business of the Month - OC Beads

Assistant Administrative Analyst Johnson provided a PowerPoint presentation. She reported that Sue Osborne opened her first bead store in 1994 in the San Francisco Bay area and that it was in 2012 when she opened a store in Dana Point. She stated that OC Beads offers classes, tools, beads, and stones. Mayor Lewis thanked Sue Osborne for purchasing a building in Dana Point and keeping her business local after her previous Dana Point location had been demolished and then presented Sue with a Certificate of Recognition for being selected Business of the Month. Heather Johnston presented Sue with a Certificate on behalf of the Chamber of Commerce for her honor as well as a free one year membership to the Chamber.

CONSENT CALENDAR

IT WAS MOVED BY COUNCIL MEMBER JOSEPH L. MULLER, SECONDED BY COUNCIL MEMBER JOHN A. 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

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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.

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PUBLIC COMMENTS

Penny Maynard, Dana Point, spoke of her ideas she felt would help Dana Point grow its economy while connecting residents to their City government and staff which includes Dana Point City Council districts, City Manager bi-weekly e-newsletters, and City Council office hours. And when Dana Point is ready, Dana Point Beach to bring in additional revenue though Transient Occupancy Tax. She mentioned an app that a city in the bay area utilizes where residents can immediately connect with the City and report concerns such as pot holes and fallen trees. She felt that this would be a great for the residents.

Paul Simonds, Southern California Gas Company Public Affairs Manager, commended City staff for the way they work with their team out in the streets. He announced that the 3rd Annual South Orange County Economic Report will be shared at a luncheon on March 10th at Saddleback College and he invited the Council to attend.

Debra Ashby, South Coast Air Quality Management District Public Affairs Officer, introduced herself to the Council. She stated that she could be a resource or a point of contact for the Council.

Andrea Swayne, San Clemente/Event Coordinator for the Dana Point Festival of Whales, reported that the event was quickly approaching on March 4, 5, 11, and 12. She stated that they had received 58 entries for the logo contest and that Festival of Whales merchandise was now available. She invited everyone to visit www.festivalofwhales.com for detailed list of events.

Lynn Smith, Capistrano Beach, felt that the City needed to separate the arts and music commission. She stated that the recently approved public art at Gloria Dei Lutheran Church was not art. She added that the Art in Public Places program needs to be supervised. She felt that she was qualified to be an Arts Commissioner and hoped that the City changes the criteria when choosing Commissioners.

Nadia Starner, Capistrano Beach, spoke regarding the Parks Master Plan. She proposed that City Hall be moved to one of the open spaces in the center of town. She spoke highly of Lynn Smith and her art experience.

Rick Erkeneff, Dana Point/South Coast Water District Director, stated that the Municipal Water District of Orange County officially declared that the drought in our area was over. He congratulated City staff for working hard with the water district to meet the conservation goals. He reported that there would be more opportunities for rebates coming soon.

PUBLIC HEARINGS

There were no Public Hearing items.

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UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

10. 2017 WEED ABATEMENT PROGRAM

Acting City Manager Killebrew provided a staff report.

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.

Acting City Manager Killebrew introduced the item and Director of Community Development Luna-Reynosa provided a staff report.

Staff responded to questions the City Council asked with regard to the types of contracts, insurance and limits of the contracts.

Mayor Lewis opened the Public Comments.

Rick Erkeneff, Dana Point, stated that this would be great data for the City and the State. He reported that the beaches were eroding and that the State and County were armoring their parking lots. He added that it was crucial for the Council to support this item. He felt that the Beach Road area was the only vulnerable area in the City.

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Mayor Lewis closed the Public Comments.

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

Deputy City Manager Denny provided staff report.

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

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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

Acting City Manager Killebrew provided an introduction and Deputy City Manager
Denny provided a staff report.

Council Member Viczorek asked staff to walk him through a 20 year document that
is meant to be updated every 5-7 years and why it was set up that way.

Deputy City Manager Denny replied that as the staff report noted that there
have been additional facilities added and that the idea is to keep the plan
fresh and updated.

Council Member Viczorek asked during this process if revisions were made, would
it be considered a new document with a 20 year vision or would it become a new
document.

Deputy City Manager Denny replied that Staff would be updating the existing
document.

Council Member Viczorek asked how many of the priorities in the 2005 plan have
been implemented.

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Deputy City Manager Denny replied that the addition of seven new facilities was a vision realized for the City and felt that the City has made great progress which makes this a good time to check in to see how we are doing and if any directional changes were needed.

Council Member Viczorek asked what exactly was the Council voting on tonight. Deputy City Manager Denny replied that there would be no funding committed tonight, only to allow staff to start the process. He stated that during the budget adoption staff would include the costs for the funding of the update.

Mayor Pro Tem Wyatt asked if staff would start looking for a consultant. Deputy City Manager Denny replied yes.

Mayor Lewis asked if staff was just asking for initiation of the process and no funding.

Deputy City Manager Denny replied yes.

Council Member Muller asked if staff has a mechanism to work with County and State Parks so there would be no duplication of efforts.

Deputy City Manager Denny replied that there was nothing formal in that regard but felt that it was a good idea for inclusion in the update of this plan; a collaboration of the entities.

Council Member Muller asked if we would be the first City to try to create this mechanism.

Deputy City Manager Denny replied yes.

Council Member Muller asked what the timeframe would be to develop something like that.

Deputy City Manager Denny replied that for a fully vetted public process it would take 12-13 months and that it would allow time to sit down with County and State Parks. He reported that there was a formal MOU for collaboration of Strand Vista Park and that there was a great deal of interest to see the MOU expanded to include all joint interests throughout the City.

Mayor Lewis opened the Public Comments.

Rick Erkeneff, Dana Point, spoke of the top priorities listed in the current master plan and stated that the City needs to update the list. He added that he would like for the bullet point referencing the acquisition of the water district property be removed.

Mayor Lewis closed the Public Comments.

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Council Member Muller stated that he would make a motion as recommended with the addition that staff creates a mechanism to work with County and State Parks to prevent a duplication of effort to provide a better product at an economical price. Council Member Tomlinson seconded the motion.

Mayor Pro Tem Wyatt stated that he would like to make a revision to the motion to include directing Staff to include services provided by State and County Parks in the master plan.

Council Member Viczorek asked what the difference was between the motions.

Council Member Muller replied that there was no difference, just different wording.

Council Member Viczorek asked Mr. Denny that after hearing the amendment, was that going to change what Staff would do.

Deputy City Manager Denny replied that Staff anticipates a better inventory of the City's parks in the update and that update would include the inventory of State and County facilities.

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

Mayor Pro Tem Wyatt stated that when staff is preparing the proposal for a consultant that it should include the requirement that the documents be available for review on line for the public to review and provide comments.

Acting City Manager recommended that Staff make that something the City would desire as opposed to a requirement. He felt that it would limit the number of proposers if it were a requirement.

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Mayor Pro Tem Wyatt stated that he would like to direct the staff if possible to find consultants capable of using technology to review the draft document on line as the process occurs. Mayor Lewis seconded.

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

Acting City Manager Killebrew provided a staff report.

Mayor Lewis stated that she had put this item on the agenda and has since learned that it would cost the City \$10,000. She added that she has also learned that there was at least one other group she would like to explore before committing this kind of money to join. She made a motion to indefinitely postpone voting on joining the Association of California Cities until further time when she has information on the other group that she would be interested in putting before the Council. Mayor Pro Tem Wyatt seconded the motion.

Council Member Tomlinson asked if the City had been a member before.

Acting City Manager Killebrew replied yes.

Council Member Tomlinson asked how many years were we a member.

Acting City Manager Killebrew replied about four years.

Council Member Tomlinson asked what the reason for withdrawal was.

Acting City Manager replied that a reason was not stated in the minutes.

Council Member Muller stated he was curious what other group the Mayor was looking at.

Mayor Lewis replied that she was looking at Concerned California Coastal Cities (Communities) which is currently in the process of coming together. She stated that one of her considerations is that this group was concerned with coastal cities which

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would be more relevant to Dana Point rather than concerns brought by all Orange County cities.

Council Member Muller asked if the Mayor was aware that Concerned California Coastal Cities (Communities) was brought to Council before and it was voted down and whether she was aware that the League of Cities has basically this same committee of cities all up and down the coast that have basically the same issues which have appeared on the agendas for Concerned California Coastal Cities (Communities).

Mayor Lewis replied yes. She felt that the League group contained cities that were too large whereas this group would be a localized group that have our similar issues. She added that networking would be easier and a great way to pool resources.

Council Member Muller felt that there was no value in joining another committee rather than using the League of Cities who is doing the same thing. He stated that the League can create a smaller committee.

Mayor Lewis opened the public comments.

Heather Stratman, CEO, ACCOC, stated that one of the benefits of ACCOC is that they provide the ability for Orange County cities to form working groups and subcommittees and not much different from the other group. She added that they have the expertise to bring those coalitions together.

Council Member Muller asked Ms. Stratman if they have had any success in lobbying the County on different issues and if they have what were they.

Heather Stratman replied that they have been lobbying the County of Orange on a flood control easement issue. She stated that a recent success had to do with the Air Quality Management Plan which was released in mid-2016 that had identified that not only would the Regional Air Water Quality Control Board have authority of the Cities MS-4 permits but AQMD would also have a second oversight and authority over those permits. She added that ACCOC fought that very hard and were able to have the requirement removed from the draft AQMP.

Council Member Viczorek asked how ACCOC differs from the League of Cities.

Heather Stratman replied that the League of California Cities represents 482 cities across the state of California and they would not come in and be on the forefront of our homelessness issues, nor would they be providing education to the elected officials the implementation and implications of Prop 64. She stated that ACCOC provides this support on the ground here in Orange County which is specific to our needs here locally. She added that the League of California Cities was a great organization but they have

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to keep a wide membership base happy and do not get into the specific local issues.

Council Member Viczorek asked if Heather had heard of the Concerned California Coastal Cities (Communities) and whether the same cities were in your organization.

Heather Stratman replied that there are probably several of them.

Council Member Viczorek asked how the ACCOC organization works.

Heather Stratman replied that it is membership driven and the ACCOC facilitates and collaborates around the issues. She stated that the policies and priorities come from the membership and are endorsed by the Board of Directors.

Mayor Lewis closed the Public Comments.

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

Acting City Manager Killebrew provided a staff report.

Mayor Lewis made a motion to approve the Resolution. Mayor Pro Tem Wyatt seconded the motion.

Council Member Tomlinson asked how the Council determined that the appointees were full time residents.

City Attorney Munoz replied that it was up to Council as to what you want this to mean.

Council Member Tomlinson asked how we prove this, because with other appointments we have applications that they are required to complete. He stated

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that we know nothing about these people and we are proposing that they review sensitive financial documents.

City Clerk Ward added that on the applications for other committees that the requirement is that each appointee be 18 years of age and a registered voter.

Mayor Lewis stated that when the Council approved this at the last meeting a specific item in the motion was that each Council Member was to make their own choice and that it was not required to have approval of the Council and that the member served at the pleasure of that Council Member but no longer than the term of that Council Member.

Council Member Tomlinson stated that he was not saying he wanted to vote on them, just that he wanted know more about their background.

Council Member Viczorek asked if the Council would rely upon the investment policy to tell the Committee what they are supposed to do.

Acting City Manager replied that was not the intent of the motion but it was his understanding that anything that was financial for the City would be what the Committee would review.

Council Member Viczorek stated that they will need rules on what constitutes a quorum, how often would they meet; there are details missing, He added that Council agreed in principle but now need to hammer out the details. He questioned whether there was enough time for staff to get this done.

Acting City Manager Killebrew replied that he envisioned that he would meet with the Committee, ask them to vote on a chair, and would make recommendations on documents. He stated that they would have a discussion on what the group wants to review.

Council Member Viczorek stated that he was worried they would show up and not know what to do.

Mayor Lewis stated that her intent was these are the experts and it was up to them to determine what the best way to conduct the mission of the oversight committee. She added that she was counting on these people to provide recommendations for the Council to make financial decisions.

Mayor Pro Tem Wyatt stated that the Council could set an objective of the first meeting to create a charter and bring it back for the first report on how they organized and what their goals were.

Mayor Lewis stated that the committee has no authority to do anything. She added that they will bring information to Council in a report if they feel that this Council needs to hear.

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Council Member Tomlinson stated that he agreed in concept and agreed with the Mayor Pro Tem's comments regarding the first meeting.

Council Member Muller felt that the City Council needed to provide ground rules for the committee so they know what is expected of them.

Mayor Lewis stated that in her opinion these are experts chosen by each of the Council. She did not feel that the Council should tell a financial committee what to do, that is why they have been selected. She added that they will decide amongst themselves what they need to do their job.

Council Member Muller stated that this Resolution does not say that. He felt that there was more to be defined procedurally than what is listed in the Resolution.

Mayor Lewis opened the Public Comments.

Denise Erkeneff, Dana Point, felt that this was a great idea and she was confident that each Council Member has chosen a very respectable representative. She stated that she would expect the Form 700s be completed.

Mayor Lewis closed the Public Comments.

Council Member Viczorek felt that he needed more detail. He stated that he would not vote for this tonight. He suggested directing staff to return to Council with a document for their consideration.

Mayor Lewis recommended that they leave the mission up to the Committee and the Council give them the approval and authority to do that tonight.

Mayor Pro Tem Wyatt suggested that the Council move ahead and set the outcome of the first meeting to include a charter and a method to function as a group.

Council Member Tomlinson stated that he agreed with Mayor Pro Tem's comments that the Committee return to the Council with their plan for approval.

Mayor Lewis asked if there was an amendment to approve the Resolution with the inclusion that the first meeting be held no later than February 28 to create their mission and procedures.

Council Member Tomlinson replied with the proviso that the Committee return to the Council for approval, he has no problem with the members appointed tonight but felt that they need direction.

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Mayor Lewis made an amendment to her motion that the Council approve the Resolution with the addition that the first meeting of the Finance Review Committee be no later than February 28, 2017 and at its first meeting, the Committee create their mission and procedures which will be brought back to Council for approval. Mayor Pro Tem Wyatt seconded the motion.

Council Member Viczorek stated that he supports that idea but felt that it would be cleaner for the Council to direct that tonight and bring back at the next Council meeting a Resolution which would include the founding document. He added that he would make that a substitute motion.

Council Member Tomlinson stated that he was still unclear.

Council Member Viczorek stated that the Committee would meet and create their mission and the Council could adopt everything at once.

Mayor Lewis felt that the Resolution did what Council Member Viczorek was proposing that the Council authorize the members meet with the City Manager by February 28 to bring back their procedures and their mission for the Council's approval on March 7.

Council Member Viczorek made a motion for five members to meet with staff to create the founding document that directs the purpose of the Committee and rules they will operate by; bring back to the Council meeting March 7 for approval. Council Member Muller seconded the motion.

City Attorney Munoz stated that the committee had been created at the last meeting. We know who the individual appointees are and that the hang up is whether the Resolution should be adopted now or at a later date which is not a legal requirement to allow the Committee to meet. He added that the Council does not need to adopt a Resolution to create the Committee, the Resolution was meant to encapsulate what the Council's action was at the last meeting. He stated that the Committee is subject to the Brown Act so there will be some challenges in the future to provide documents 10 days in advance of the meetings.

Mayor Lewis stated that she thought that the adoption of the Resolution was required. She added that her point was that the Committee meet by February 28th so there was a timeframe.

City Attorney Munoz clarified that there would need to be a Resolution adopted in order to make a complete amendment to the prior Resolutions of how the Finance Review Committee works.

THERE WAS A CONSENSUS OF THE CITY COUNCIL TO DIRECT THE DESIGNATED COMMITTEE MEMBERS TO MEET WITH STAFF, FOR THE

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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

Acting City Manager Killebrew provided a staff report.

Pete Hammer, introduced Steve Colwell, who provided information on the monument. He stated that they had started working on the memorial three years ago and that they had identified 2,706 marines and sailors who died in Vietnam. He added that the names and ranks were to be included on the memorial and that the memorial fits in the footprint that the Marine Corps has provided them. He reported that they have received \$170,000 in donations as of today and will need another \$130,000 to begin manufacturing. He stated that the City's support would help them reach their goals.

Council Member Viczorek thanked Mr. Colwell and Mr. Hammer for their effort and work they have put into this. He stated that he was happy that the City of Dana Point was able to assist in this effort. He added that there was no memorial for Vietnam and thanked the gentlemen for their service.

Council Member Tomlinson stated that he shares Council Member Viczorek's comments and thanked the gentlemen for their service.

Mayor Lewis stated that she was around when Veterans came home and she was appalled at their treatment. She encouraged everyone to visit the Vietnam Memorial in Washington.

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

Acting City Manager Killebrew provided a staff report.

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Mayor Lewis opened the Public Comments.

Stephen Wontrobski, Mission Viejo, spoke of the recommendations he had made to the City Manager last year in regards to possible cost savings on the Sheriff contract. He recommended that the City hold a roundtable of City Managers, request that the League of Cities supply you with all of the information they have on the 480 cities in California that have adopted reductions in Police service costs, and negotiate the contract as a group.

Mayor Lewis closed the Public Comments.

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

Community Development Director Luna-Reynosa provided a staff report.

Mayor Lewis opened the Public Comments.

Cindy Fleming, Dana Point, stated that she was very encouraged to see this item on the agenda tonight. She asked the Council to direct staff to hold this workshop and as many others as needed. She suggested that staff provide everyone in attendance real data forecasts from CalTrans, OCTA and other transportation agencies.

Mayor Lewis closed the Public Comments.

Council Member Tomlinson made a motion to move the recommended action. Mayor Pro Tem Wyatt seconded the motion.

Council Member Muller felt that the City did not take the plan that we had far enough. He stated that the City needs to plan accordingly so that we do not create

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the hotspots that we have now. He added that he wants to take this a step further and incorporate the Doheny Village Plan at the same time. He stated that he would amend the motion to include the Doheny Village Plan. Mayor Pro Tem Wyatt seconded the motion.

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

Mayor Lewis provided a staff report.

Council Member Muller felt it was a good idea to review the proposed policy and receive comments.

Acting City Manager Killebrew encouraged people to review the City's existing Municipal Code Sections 3.12 and 3.13 which lays out the rules in which the City does operate when it comes to purchasing.

Council Member Tomlinson asked how the Sheriff's Department contract was handled.

Acting City Manager Killebrew replied that under our current Municipal Code, contracts with the County are not subject to the bidding process.

Mayor Lewis stated that the intent is to have a review mechanism that is automatic.

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.

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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

There were no additional Public Comments received.

STAFF REPORTS

Deputy City Manager Denny provided an update on the concerns of traffic related issues on Santa Clara received at the last meeting. He reported that staff did set devices out to collect data on speed and volumes on Santa Clara and the adjacent cross streets. He added that they were currently analyzing the data and the ideas for bulb outs. He stated that staff would be putting together a memo in response to the issues for Council and the Acting City Manager.

Mayor Lewis asked if stop signs were also being considered.

Deputy City Manager Denny replied that stop signs were part of the analysis being conducted currently.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Muller stated that during the last rainstorms that the firefighters were amazing. He reported that the fire department was helping clear drains for homeowners as well as performing rescues. He added that he would turn in his list of meetings attended to the City Clerk.

Mayor Pro Tem Wyatt stated that he had turned in his list of meetings attended to the City Clerk. He asked the City Clerk to distribute the written report on the South Orange County Management Area Executive Committee Meeting to the other Council Members and to Mr. Rose. He stated that there are some technology requirements from the State on collecting and reporting data.

Council Member Tomlinson stated that he would turn in his list of meetings attended to the City Clerk.

Council Member Viczorek reported that he had attended his first meeting of the Mosquito and Vector Control District where a presentation was provided stating that West Nile Virus should go down because of the amount of water we have received. He stated that he would turn in his list of meetings attended to the City Clerk.

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Mayor Lewis reported that she had turned in her list of meetings attended. She added that she has been meeting with the Mayors of the nearby cities.

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.



KATHY M. WARD
CITY CLERK

APPROVED AT THE MEETING OF FEBRUARY 21, 2017

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Meetings attended since January 21, 2017:

Mayor Debra Lewis

January 18-20	League of Cities training
January 23	Susan Hinman Resident, Dana Point
January 24	Kerry Ferguson, Mayor San Juan Capistrano
January 25	Kathy Ward, Mayor San Clemente
January 26	Heather Stratman, Association of California Cities – Orange County
January 27	5 th Marine, Dining Out Banquet
	Jason Chek and Jeffrey Allen, Raintree Partners
	City Selection Committee
January 31	Donna Kalez, Dana Wharf Sports Fishing
	Jeff Corless, TCA
February 1	Cindy Fleming, Architect/Parking
	Kelli Gallion, SCE/San Onofre
	Manuel C. Carmargo, Jr., Southern California Edison
February 3	Mayors' Roundtable, CUSD

Mayor Pro Tem Paul N Wyatt

January 18-20	League of Cities New Mayor & Council Members Academy, Sacramento, CA
January 25	Dana Point Historical Society dinner, Dana Point, CA
January 26	Linear Park Ground Breaking, Dana Point, CA
	Ocean Institute Executive Board Meeting, Dana Point, CA
	Dana Point Chamber of Commerce Installation Dinner, Dana Point, CA
January 27	South Orange County Economic Coalition, Laguna Hills, CA
	Fifth Marine Regiment Dining Out, Camp Pendleton, CA
January 31	Meeting with Barbara Daly of TCA and Jeff Corless of Venture Strategic, Dana Point, CA
	Meeting with Donna Kalez from Dana Wharf Sportfishing
February 1	San Onofre tour and briefing, Camp Pendleton, CA
	Cindy Fleming, Architectural Guild of South Orange County, Dana Point, CA
February 2	South Orange County Watershed Management Area Executive Meeting
February 3	CUSD – Mayors Roundtable, Dana Point, CA
February 4	Al Sanchez & John Alpay, Dana Point, CA

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Council Member Joseph L. Muller

January 19	League of Cities
January 25	Curt Pringle
January 26	Ground Breaking Linear Park OCFA
January 31	Dave Neish City Selection
February 2	OC Parks
February 3	CUSD

Council Member John A. Tomlinson

January 26	Linear Park Ground Breaking
January 27	Fifth Marine Regiment Dining Out Banquet

Council Member Richard A. Viczorek

January 19	Orange County Mosquito and Vector Control Board Trustees Meeting
January 26	South Cove Project Groundbreaking Chamber of Commerce Installation Dinner
January 27	TCA Orientation
February 3	Coffee Importers Ribbon Cutting