

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
MARCH 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 5:00 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 discussion and stated that there was also a need to add an additional item to Existing Litigation Government Code § 54956.9 (a).

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY MAYOR PRO TEM WYATT, THAT THE CITY COUNCIL ADD CITY OF DANA POINT V. HEADLANDS RESERVE LLC, SANFORD EDWARD, ET AL (ORANGE COUNTY SUPERIOR COURT CASE NO. 30-2016-00872051) TO THE EXISTING LITIGATION DISCUSSION.

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

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (3 cases)

Name of Case: People v. Pickering; Orange County Superior Court Case No. 16HM10192;

Name of Case: People v. Karns; Orange County Superior Court Case No. 16HM10382

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

Mayor Lewis recessed the meeting into a Closed Session at 5:02 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Lewis reconvened the meeting at 6:09 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; Mark Sutton, Building Official; Rachel Johnson, Assistant Administrative Analyst; 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 Mayor Pro Tem Wyatt.

INVOCATION

The Invocation was provided by Pastor David Mattson of Gloria Dei Lutheran Church.

PRESENTATIONS AND PROCLAMATIONS

Business of the Month – UPS Store
Boys & Girls Clubs of Capistrano Valley Youth of the Year
Boys & Girls Clubs of Capistrano Valley 25th Anniversary

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, FEBRUARY 21, 2017

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, FEBRUARY 13, 2017

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF FEBRUARY 27, 2017

RECEIVED AND FILED.

5. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

6. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

7. MONTHLY FINANCIAL ACTIVITY REPORT, JANUARY 2017

RECEIVED AND FILED THE MONTHLY FINANCIAL ACTIVITY REPORT FOR JANUARY 2017.

PUBLIC COMMENTS

Sima Aziz
Penny Maynard
Hoiyin

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

8. RESOLUTION TO AMEND THE PURPOSE AND PROCEDURES OF THE CITY'S FINANCIAL REVIEW COMMITTEE

IT WAS MOVED BY COUNCIL MEMBER VICZOREK, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL ACCEPT THE FINANCIAL REVIEW COMMITTEE CHARTER WITH THE FOLLOWING AMENDMENTS:

PARAGRAPH 2E AND 3 AT THE END OF THE FIRST SENTENCE ADD THE FOLLOWING LANGUAGE "THIS COMMITTEE IS SERVING AS A WATCHDOG COMMITTEE NOT A POLICY MAKING COMMITTEE".

PARAGRAPH 6 UNDER ACCESS AND LIMITATIONS ADD THE FOLLOWING LANGUAGE TO THE END OF THE SENTENCE "ACCESS TO SUCH DOCUMENTS AND INFORMATION REQUIRES A MAJORITY VOTE OF THE FINANCE REVIEW COMMITTEE".

PARAGRAPH 12 STRIKE OUT MONTHLY AND SUBSTITUTE WITH QUARTERLY AND ADD THE PHRASE AT THE END OF THE FIRST SENTENCE "UNLESS A MAJORITY OF THE FINANCIAL REVIEW COMMITTEE VOTES TO MEET MORE OFTEN".

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 TOMLINSON, SECONDED BY COUNCIL MEMBER MULLER, THAT THE CITY COUNCIL APPROVE AND ADOPT **RESOLUTION 17-03-07-01** WITH THE FINANCIAL REVIEW COMMITTEE CHARTER AS AMENDED ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING THE PURPOSE AND PROCEDURES OF THE CITY'S FINANCIAL REVIEW COMMITTEE.

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

9. CITY MANAGER RECRUITMENT STATUS REPORT

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER VICZOREK, THAT THE CITY COUNCIL RECEIVE AND FILE THE STATUS REPORT.

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

10. OVERVIEW OF THE CITY'S MEMBERSHIP IN THE LEAGUE OF CALIFORNIA CITIES

IT WAS MOVED BY COUNCIL MEMBER VICZOREK, SECONDED BY COUNCIL MEMBER MULLER, THAT THE CITY COUNCIL RECEIVE AND FILE THE OVERVIEW OF THE CITY'S MEMBERSHIP IN THE LEAGUE OF CALIFORNIA CITIES.

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. MID-FISCAL YEAR 2016-17 BUDGET STATUS REPORT

IT WAS MOVED BY COUNCIL MEMBER TOMLINSON, SECONDED BY MAYOR PRO TEM WYATT, THAT THE CITY COUNCIL RECEIVE AND FILE THE FISCAL YEAR 2016-17 BUDGET STATUS REPORT AND AUTHORIZE THE BUDGET AMENDMENTS DETAILED WITHIN THIS REPORT.

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

12. EMERGENCY DEMOLITION AND ABATEMENT OF THE DANA POINT HARBOR INN LOCATED AT 25325 DANA POINT HARBOR DRIVE

IT WAS MOVED BY COUNCIL MEMBER TOMLINSON, SECONDED BY MAYOR PRO TEM WYATT, THAT THE CITY COUNCIL RATIFY THE CONTRACT ASSOCIATED WITH THE EXECUTION OF THE EMERGENCY HAZARD ABATEMENT ORDER FOR THE SUBSTANDARD/DANGEROUS BUILDING ISSUED FOR THE DANA POINT HARBOR INN PROPERTY, LOCATED AT 25325 DANA POINT HARBOR DRIVE IN DANA POINT (LANTERN DISTRICT).

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. ESTABLISH MAYOR OFFICE HOURS AT CITY HALL

IT WAS MOVED BY MAYOR LEWIS, SECONDED BY MAYOR PRO TEM WYATT, THAT THE CITY COUNCIL ALLOW THE MAYOR AND ANY OTHER COUNCIL MEMBER TO ESTABLISH OFFICE HOURS AT CITY HALL AND DIRECT STAFF TO IDENTIFY A POINT OF CONTACT FOR THE MAYOR AND OTHER CITY COUNCIL MEMBERS TO COORDINATE SCHEDULING MEETINGS AS WELL AS NOTIFY THE PUBLIC OF THEIR AVAILABILITY.

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 Public 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 9:50 p.m. and announced that the next Regular Meeting of the City Council will be March 21, 2017, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.