
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
MARCH 21, 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 5:00 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), (1 case)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case) Name of Case: City of Dana Point v. Headlands Reserve LLC, Sanford Edward, et al; Orange County Superior Court Case No. 30-2016-00872051;
- C. PUBLIC EMPLOYMENT, Government Code § 54957: Title: City Manager recruitment

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 6:02 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

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Manager; Matthew Schneider, Planning Manager; Belinda Deines, Senior Planner; Brian McClure, Deputy Director of Community Services and Parks; Matthew Sinacori, Deputy Director of Public Works and Engineering; 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 Muller.

INVOCATION

There was no Invocation provided.

PRESENTATIONS AND PROCLAMATIONS

Deputy of the Year - Deputy Craig Nelson

Lt. Chilton introduced Deputy Nelson. He reported that Deputy Nelson would be retiring at the end of this year after serving the City of Dana Point for 23 years. He added that Deputy Nelson will have been with the department for 32 years when he retires. He stated that Deputy Nelson has been a tremendous mentor to the younger Deputies. Mayor Lewis presented Deputy Nelson with a Certificate of Recognition for being selected Deputy of the Year and Lt. Chilton presented Deputy Nelson with a personalized street sign.

Relay For Life

Rachel Alonzo from Dana Point Relay For Life presented a plaque to the City in appreciation for the continued support the City provides to the organization. She announced that the next relay is scheduled for September 16th beginning 10 a.m. in Lantern Bay Park.

Employee of the Quarter - Sue Steinriede

Mark Denny introduced Sue Steinreide. He stated that Sue has been serving our parks in Dana Point almost as long as the City has been incorporated. He added that Sue had started with the Capistrano Bay Parks and Recreation District and then became a City employee in 1993 when the organization merged. Mayor Lewis presented Sue with a Certificate of Recognition for being named as the Employee of the Quarter.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that the City Council authorized litigation with a property known as Seaside Inn for abatement.

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CONSENT CALENDAR

Mayor Pro Tem Wyatt removed Item 3 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER TOMLINSON, SECONDED BY COUNCIL MEMBER MULLER, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 3.

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

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, MARCH 7, 2017

APPROVED THE MINUTES.

3. OCEAN WATER QUALITY SUBCOMMITTEE ACTION MINUTES, FEBRUARY 24, 2015

Mayor Pro Tem Wyatt removed this item from the Consent Calendar.

Mayor Pro Tem Wyatt stated that the Committee has not met in a long time and that fortunately City staff has continued to do the work. He thanked Lisa Zawaski for her dedicated effort to keep this committee moving.

IT WAS MOVED BY MAYOR PRO TEM PAUL N WYATT, SECONDED BY COUNCIL MEMBER JOHN A. TOMLINSON, THAT THE CITY COUNCIL RECEIVE AND FILE.

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

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NOES: None

4. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

5. CITY TREASURER'S REPORT, FEBRUARY 2017

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF FEBRUARY 2017.

6. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

PUBLIC COMMENTS

Mara James, Laguna Niguel, introduced the Extraordinary Lives Foundation. She stated that May is National Health Awareness Month and invited everyone to attend their event "High 5-A-Thon" and music festival scheduled for Saturday, April 22nd at Dana Hills High School. She added that the event would include entertainment from up and coming youth singers.

Acting City Manager Killebrew stated that staff will include the event on the City Calendar and push it out on social media.

Joanna Adrian, Dana Point, reported that longtime resident Eleanor Orlandella passed away on March 18th. She stated that a private memorial would be held on Sunday.

Penny Maynard, Dana Point, proposed the City provide an E-Newsletter during the construction with advertisement in the newspaper informing people that they could sign up on the City's website to receive periodic updates including specials being advertised for businesses in Town Center/Lantern District. She recommended that this be done in other areas in the future that are impacted by disruptions. She reported that she had recently participated in a webinar regarding the California Public Records Act after the recent California Supreme Court decision for the City of San Jose on how and which public records are to be provided to anyone who asks. She felt that this should be required of anyone who communicates with elected officials or government staff. She stated that she supports the idea of community meetings with the Mayor and City Manager. She suggested that the meetings be held quarterly and relevant staff should attend if there was a particular issue or concern.

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UNFINISHED BUSINESS

7. PLANNING COMMISSION AND TRAFFIC IMPROVEMENT SUBCOMMITTEE INTERVIEWS

City Council interviewed the following for positions on the Planning Commission:

Mary Opel
Maria Elena Banks
Mary Navaro
Luke Boughen
Scott McKhann

Mayor Lewis opened the Public Comments.

Betty Hill, Capistrano Beach, stated that when interviewing the Planning Commission applicants that she hoped the Council would consider that the Commissioners have a primary responsibility to represent the residents of Dana Point. She added that the public needs to be confident that their interests are being represented. She felt that this selection process offers little or no chance for residents to ask applicants questions and understand their views.

Mayor Lewis closed the Public Comments.

BY A MAJORITY VOTE OF THE CITY COUNCIL, SCOTT MCKHANN WAS RE-APPOINTED TO THE PLANNING COMMISSION.

IT WAS MOVED BY MAYOR DEBRA LEWIS, SECONDED BY COUNCIL MEMBER JOSEPH L. MULLER, TO APPOINT MARY OPEL TO THE PLANNING COMMISSION.

The motion carried by the following vote:

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

NOES: Council Member John A. Tomlinson, and Council Member Richard A. Viczorek

City Attorney Munoz suggested to the Council that if there was any doubt about what they wanted to accomplish and the people that they appointed, now would be the time to talk about it.

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Council Member Muller suggested that for the next vote that the Council only vote for two people for the Traffic Subcommittee and if two people receive a majority then they would be appointed.

Mayor Lewis thanked all of the applicants and encouraged them to apply again or become involved in the community in another way.

Mayor Pro Tem Wyatt thanked the applicants and stated that the City was continually looking for people who can work on task forces for the Council. He encouraged the applicants to stay in touch with the Council.

Mayor Lewis stated that in addition to the interviews, that each Council Member had the full application of each applicant.

City Council interviewed the following for positions on the Traffic Improvement Subcommittee:

Scott Genschaw
Jeff Howell
Jennifer Rosales

THERE WAS A CONSENSUS VOTE OF THE CITY COUNCIL TO RE-APPOINT JEFF HOWELL AND APPOINT JENNIFER ROSALES TO THE TRAFFIC IMPROVEMENT SUBCOMMITTEE.

PUBLIC HEARINGS

- 8. CALIFORNIA COASTAL COMMISSION SUGGESTED MODIFICATIONS TO THE CITY'S APPROVED GENERAL PLAN AMENDMENT GPA16-0001, ZONE TEXT AMENDMENT ZTA16-0001, AND LOCAL COASTAL PROGRAM AMENDMENT LCPA16-0001, TO AMEND THE HEADLANDS DEVELOPMENT AND CONSERVATION PLAN (HDCP), TO ADDRESS PUBLIC ACCESS OVER SPECIFIED ACCESSWAYS IN THE RESIDENTIAL PORTION OF THE HEADLANDS DEVELOPMENT AND CONSERVATION PLAN AND THE USE OF THREE ROPES OR SIMILAR DEVICE**

Acting City Manager Killebrew provided a staff report.

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL CONTINUE THE ITEM TO THE REGULARLY SCHEDULED CITY COUNCIL MEETING OF APRIL 18, 2017, TO ALLOW ADDITIONAL MEETINGS WITH THE HEADLANDS HOMEOWNERS

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ASSOCIATION (HOA), AND OTHER INTERESTED STAKEHOLDERS, PRIOR TO CITY COUNCIL ACTION.

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

UNFINISHED BUSINESS (Continued)

9. DOHENY VILLAGE PLAN UPDATE

Community Development Director Luna-Reynosa provided a staff report.

Mayor Lewis asked if we are discussing parking in respect to Nelson Nygaard or parking in general.

Director Luna-Reynosa replied that it was not specific to Nelson Nygaard.

Mayor Lewis asked why there would not just be one meeting with the stakeholders as opposed to multiple meetings.

Director Luna-Reynosa replied that the first meetings were envisioned for Doctor Willson to adequately prepare for the workshop. She added that Doctor Willson will not be able to meet with all members of the public but will be able to meet with the City Council and the Planning Commission who have heard the concerns of the residents.

Mayor Lewis asked if Doctor Willson felt he could not address questions without having met with the City Council first.

Director Luna-Reynosa replied that the goal was to make the public workshop as productive as possible and it was his recommendation that he be able to engage in dialog with the Planning Commission and City Council.

Mayor Lewis asked why the City needs a consultant, can we not have a staff member facilitate a meeting with the Planning Commission and the Council.

Director Luna-Reynosa replied that staff recommended and supported the previous parking management plan and that there was some discontent with the plan. She felt that someone else needed to be brought in for new ideas.

Mayor Pro Tem Wyatt stated that this was the first time he has seen a summary expense report on this project. He asked if there was a budget set for this project.

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Acting City Manager Killebrew replied that this project started as a hot button issue and staff was directed to start quickly. He stated that it was not unheard of for these types of projects to take a meandering path. He stated that costs being incurred now were not anticipated. He added that the project was being budgeted as the Council makes decisions.

Mayor Pro Tem Wyatt stated that his concern is that when budgets are approved contract by contract they are harder to manage. He added that it would be reasonable as the Council is working through the budget to set aside money now. He also would like to see some way to track and provide visibility on the project.

Acting City Manager Killebrew stated that he agreed and that the contract would have been ready tonight with LLG but staff was only trying to see what the interest was from the Council in moving forward.

Mayor Pro Tem Wyatt stated that the plan as proposed was not possible but there were other things that could be done. He added that he also learned that it would be relatively expensive and time consuming to work through the process. He was concerned that if the plan was dependent on the road change that it would be a very high risk. He stated that before the Council spends more money on this, see if changes to the road could be done.

Acting City Manager Killebrew replied that in sitting through the detailed updates by Opticos that the same question had been discussed and it was stated that the road diet roundabouts would be great additions, but not a make or break in the success of the Doheny Village.

Director Luna-Reynosa clarified that the scenario with two roundabouts was not desirable under the current conditions which is the build out under the current General Plan and a much higher trip generator. She stated that it would not be certain until the new trip generation was completed after Nelson Nygaard completes their traffic impact analysis and that information would be plugged into the model.

Mayor Lewis asked if this was the process we would go through to address the parking issue citywide.

Director Luna-Reynosa replied that it was her recommendation that the City hire an expert in parking to be able to make recommendations to the policy makers.

Mayor Lewis asked if Council could look at various ways of solving the problem that may not be considered at this time.

Director Luna-Reynosa replied yes and that any ideas that the Council has now can be shared with the consultant. She stated that items that come up during the meeting itself he could follow up afterwards.

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Mayor Lewis stated that she did not know anything about Richard Willson and asked how he was chosen.

Director Luna-Reynosa replied that he spoke at the California American Planning Association annual conference that a staff member had attended. She stated that she liked that he was an academic and professor at Cal State Pomona.

Mayor Lewis asked if anyone else was considered.

Director Luna-Reynosa replied that staff did not solicit proposals.

Mayor Lewis asked if Doctor Willson had any particular specialty such as Form Based Code or is it parking in general.

Director Luna-Reynosa replied not she was intimately familiar with him. She stated that he has done some work in other cities and he has authored books on parking.

Mayor Lewis asked if anyone has spoken to Laguna Beach.

Director Luna-Reynosa replied one of our Senior Planners had worked in Laguna Beach when he did a project there.

Mayor Pro Tem Wyatt felt that the City Council needed to clear up issues before spending more money on this project.

IT WAS MOVED BY MAYOR PRO TEM WYATT, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL RECEIVE AND FILE THE 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

Mayor Pro Tem Wyatt stated that this was a \$15,000 agreement with Doctor Willson and he would agree with Director Luna-Reynosa that a different viewpoint would be worth it. Mayor Lewis asked staff to confirm that the parking forum with Dr. Willson would address parking solutions on a city-wide basis, not just limit the discussion to parking at Doheny Village. Director Luna-Reynosa affirmed that the discussion would address parking solutions on a city-wide basis.

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IT WAS MOVED BY MAYOR PRO TEM WYATT, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL DIRECT STAFF TO PREPARE AN AGREEMENT WITH RICHARD WILLSON TRANSPORTATION CONSULTANT TO FACILITATE THE PARKING STUDY SESSION MEETINGS.

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

Mayor Pro Tem Wyatt made a motion to delay spending money on the traffic study until a broader budget had been created for the street work itself. He recommended separating this out from the rest of the Doheny Village Plan. He stated that in his opinion the process of re-doing Doheny Park Road will be a long process to do all of the steps necessary. He felt that a delay until the next fiscal year was a small amount of time. Mayor Lewis seconded the motion.

Acting City Manager Killebrew stated that staff would need the data from LLG to begin the discussions with OCTA and Caltrans.

Deputy City Manager Denny added that there would be some pre-work that LLG would need to do. He stated that they will rely on information from Nelson Nygaard which will be ready in about twelve weeks. He added that LLG would take that information and prepare the applications to Caltrans and OCTA for the roundabout and MPAH discussion. He stated that assuming both are approved, Council could decide to engage in the design process and ultimately the construction process.

Council Member Tomlinson asked if this contract would be in preparation to see if we can get approval from OCTA and the County.

Deputy City Manager Denny replied that was correct.

Council Member Viczorek asked if the Council does not go forward with this, what happens if the Council does not approve this.

Deputy City Manager Denny replied that in order to do the road diet, approval from OCTA has to be received. He stated that the roundabout at the exit of west bound PCH requires Caltrans approval.

Mayor Pro Tem Wyatt stated that the cost of doing the work on the road has not been set up and felt that it would take a number of years to save.

Council Member Muller asked how long Nelson Nygaard needs to provide information.

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Deputy City Manager Denny replied three months.

Council Member Muller stated that he was okay with waiting three months but not indefinitely. He asked how long it would take to get this contract ready.

Deputy City Manager Denny replied that the City has an existing contract with LLG so this would be a task order that could be brought to Council.

Council Member Muller asked if this was something LLG was waiting on.

Deputy City Manager Denny replied that they were prepared to do the work when the Council gives the approval.

Council Member Muller stated that he would like to amend that motion to bring the contract back in three months.

Director Luna-Reynosa stated if the traffic impact analysis was completed sooner, perhaps the motion could be that the results be brought back at that time with information relative to a budget and consideration of the LLG contract.

Council Member Muller stated that he was okay with bringing it back at that point. He agreed that Council needs to get an idea about the budget.

Council Member Tomlinson seconded Council Member Muller's amended motion.

Mayor Lewis stated that she could not support that amendment because she did not agree with spending \$82,900 more on a contract before Council is even sure it is a plan they want to do.

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER TOMLINSON, DIRECT STAFF TO RETURN TO COUNCIL WITH THE LINSOTT, LAW AND GREENSPAN ("LLG") CONTRACT FOR CONSIDERATION AFTER THE COMPLETION OF THE TRAFFIC IMPACT ANALYSIS BY NELSON NYGAARD.

The motion carried by the following vote:

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

NOES: Mayor Debra Lewis

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IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL POSTPONE THE AGREEMENT WITH LINSOTT, LAW AND GREENSPAN ("LLG") TO CONDUCT A TRAFFIC IMPACT ANALYSIS (TIA) OF THE DOHENY PARK ROAD DIET AND ROUNDABOUT PROJECT UNTIL NELSON NYGAARD RETURNS WITH THEIR TRAFFIC IMPACT ANALYSIS.

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

NOES: Mayor Debra Lewis

10. CONSIDERATION OF THE CONCEPTUAL DESIGN FOR THE MEDIANS ON CROWN VALLEY BETWEEN SEVEN SEAS DRIVE AND CAMINO DEL AVION

Deputy City Manager Denny provided staff report.

Council Member Tomlinson stated that it seems that the difference between Alternative A and Alternative B was the number of plants.

Deputy City Manager Denny replied that Alternative A was a modification of the recommended alternative and Alternative B was a completely different approach.

Mayor Lewis asked if the work was not scheduled to be done until summer of 2018.
Deputy City Manager Denny replied yes.

Mayor Lewis stated that what is being proposed is the resurfacing of the road on Crown Valley and asked what the issue was with the curbs.

Deputy City Manager Denny replied that the curbs do not meet standards that exist for public roadways and curbs and that there was a concern for potential liability.

Mayor Lewis asked what liability the City was looking at.

Deputy City Manager Denny replied that if an accident occurs and the curb is not at a standard height and does not slow down or redirect a vehicle, the City could be potentially liable.

Mayor Lewis stated if the Council were to put this decision off for some period of time we are still looking at something that is not to be completed until next year.

Deputy City Manager Denny replied that was correct.

Council Member Viczorek made a motion to move the recommended action. Council Member Muller seconded the motion.

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Council Member Tomlinson stated that Alternative B was not something that would be the best fit and that Alternative A was not too different from the recommended action.

Mayor Pro Tem Wyatt asked if the budget for this project has been approved.

Deputy City Manager Denny replied yes.

Mayor Lewis stated that while the budget has been approved, Council has had to increase several budget items recently. She added that it would be her desire to wait until the budget in June to see what money was available for improvement projects.

IT WAS MOVED BY COUNCIL MEMBER VICZOREK, SECONDED BY COUNCIL MEMBER MULLER, THAT THE CITY COUNCIL APPROVE THE RECOMMENDED CONCEPTUAL DESIGN FOR THE CROWN VALLEY MEDIANS AND DIRECT STAFF TO PROCEED WITH THE PREPARATION OF CONSTRUCTION DOCUMENTS FOR THE CROWN VALLEY MEDIAN DROUGHT CONVERSION PROJECT.

The motion carried by the following vote:

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

NOES: Mayor Debra Lewis

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

Acting City Manager Killebrew introduced the item.

Mayor Lewis stated that having listened to the Council previously, she was still of the position that the City needs a policy to review contracts after a certain period of time and send them out for formal or informal bidding process. She added that she was particularly concerned that professional service contracts do not have a formal or informal bid process. She reported that the County was changing their policy from 5 to 3 years for contract review. She stated that she was sensing that the Council was not willing to change its opinion at this time. She added that at some point she may want to bring this item back to the Council to adopt a policy.

Council Member Muller questioned how the purchasing policy was handled.

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City Attorney Munoz stated that his interpretation was that the Mayor was withdrawing the item.

NEW BUSINESS

12. ADOPTION OF AN URGENCY ORDINANCE AND FIRST READING OF AN ORDINANCE READOPTING PORTIONS OF THE DANA POINT MUNICIPAL CODE AND REAUTHORIZING THE COLLECTION OF A FEE TO SUPPORT PUBLIC, EDUCATION, AND GOVERNMENTAL ("PEG") CHANNEL FACILITIES WITHIN THE CITY'S JURISDICTION

Acting City Manager Killebrew provided staff report.

Council Member Viczorek asked if this was for the Cox TV channel and what exactly does this channel show.

Acting City Manager Killebrew replied yes and that the channel airs everything from pet adoptions to special events.

Council Member Viczorek asked if the City communicates that information in any other way.

Acting City Manager Killebrew replied that the City has many channels that staff can push out information on including internet streaming video, Facebook, Twitter, and NextDoor.

Council Member Viczorek asked if staff had any information on how many people actually watch this channel.

Acting City Manager Killebrew replied that he did not have that information with him.

Council Member Viczorek asked what the fee was on the resident's cable bill and how many Cox customers did the City have.

Acting City Manager Killebrew replied that it is 1% charged by the cable provider. He stated that he did not have the number of customers, but knew that the number was declining.

Mayor Pro Tem Wyatt made a motion to adopt the Urgency Ordinance; Council Member Tomlinson seconded.

Council Member Tomlinson stated that he knows people that watch the Council meetings on cable. He felt that it provides a valuable public service and that it was important for transparency that they see it.

Mayor Lewis agreed with Council Member Tomlinson that it provided a public service.

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Council Member Viczorek stated that he would not vote in favor of this because the information was available on the computer. He added that he could not justify a fee on our citizens as he felt that it was not justifiable.

Council Member Muller asked where the other five percent goes.

Acting City Manager Killebrew replied that was our franchise fee revenue and it was used for General Fund purposes.

Council Member Muller asked how the five percent works.

Acting City Manager Killebrew replied that the City receives it automatically.

Council Member Muller stated that he was leaning to vote no, but felt that this was important for community and transparency.

IT WAS MOVED BY MAYOR PRO TEM WYATT, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL ADOPT URGENCY ORDINANCE 17-01 ENTITLED:

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, READOPTING SECTION 5.36.020 of CHAPTER 5.36 OF TITLE 5 OF THE DANA POINT MUNICIPAL CODE ENTITLED "STATE VIDEO FRANCHISE FEES" RELATING TO STATE FRANCHISES FOR CABLE COMMUNICATIONS; AND REAUTHORIZING A FEE TO SUPPORT PUBLIC, EDUCATION, AND GOVERNMENTAL ("PEG") CHANNEL FACILITIES WITHIN THE CITY'S JURISDICTION.

The motion carried by the following vote:

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

NOES: Council Member Richard A. Viczorek

Council Member Viczorek asked for clarification; voting on this was something that the Council has to do since it had passed.

City Attorney Munoz replied that as a practical matter yes. He stated that the Urgency Ordinance would take effect immediately and the backup Ordinance has to be introduced and a second reading held before it becomes effective. He stated that the Urgency Ordinance was filling the gap and the permanent Ordinance was what the Council was taking action on now.

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IT WAS MOVED BY COUNCIL MEMBER TOMLINSON, SECONDED BY MAYOR PRO TEM WYATT, THAT THE CITY COUNCIL CONDUCT THE FIRST READING OF ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, READOPTING SECTION 5.36.020 of CHAPTER 5.36 OF TITLE 5 OF THE DANA POINT MUNICIPAL CODE ENTITLED "STATE VIDEO FRANCHISE FEES" RELATING TO STATE FRANCHISES FOR CABLE COMMUNICATIONS; AND REAUTHORIZING A FEE TO SUPPORT PUBLIC, EDUCATION, AND GOVERNMENTAL ("PEG") CHANNEL FACILITIES WITHIN THE CITY'S JURISDICTION.

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

13. SUBMITTAL OF SOUTH ORANGE COUNTY WATER QUALITY IMPROVEMENT PLAN AND ADOPTION AND SUBMITTAL OF THE UPDATED LOCAL IMPLEMENTATION PLAN FOR THE STORMWATER/WATER QUALITY PROGRAM

Deputy City Manager Denny provided staff report.

Mayor Pro Tem Wyatt reported that he had attended the South Orange County Watershed Management Area Executive meeting where he received the background on what the City was required to do. He stated that he appreciates the work that the City's Public Works Department have done; especially Lisa Zawaski on preparing these reports and getting them out on time. He added that the requirements being mandated on the City will not go away and they could possibly cost the City more in the future to stay in compliance.

Mayor Lewis asked if this was something that all cities have to approve.
Deputy City Manager Denny replied yes.

Council Member Muller asked if the Council does not approve this and the City was out of compliance, would the City face significant fines.
Deputy City Manager Denny replied that was a possibility.

City Attorney Munoz stated that the City of San Diego was sued for millions of dollars recently for being out of compliance.

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IT WAS MOVED BY COUNCIL MEMBER TOMLINSON, SECONDED BY COUNCIL MEMBER MULLER, THAT THE CITY COUNCIL ADOPT **RESOLUTION 17-03-21-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF THE CITY PORTIONS OF THE SOUTH ORANGE COUNTY WATER QUALITY IMPROVEMENT PLAN (WQIP) AND ADOPTING AND AUTHORIZING THE SUBMITTAL OF THE UPDATED DANA POINT LOCAL IMPLEMENTATION PLAN (LIP), THE CITY'S WATER QUALITY IMPLEMENTATION DOCUMENT THAT MEETS THE REQUIREMENTS OF THE SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD MUNICIPAL NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT, R9-2013-0001 AS AMENDED BY R9-2015-0001 AND R9-2015-0100; AND AUTHORIZING MINOR UPDATES CONSISTENT WITH NPDES PERMIT REQUIREMENTS.

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

IT WAS MOVED BY COUNCIL MEMBER TOMLINSON, SECONDED BY MAYOR PRO TEM WYATT, THAT THE CITY COUNCIL FIND THAT THE ACTIONS PROPOSED FOR APPROVAL IN RESOLUTION NO. 17-03-21-01 ARE NOT SUBJECT TO, OR ARE OTHERWISE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER THE CEQA GUIDELINES AND DIRECT STAFF TO FILE A NOTICE OF EXEMPTION (NOE) WITH THE ORANGE COUNTY CLERK IN ACCORDANCE WITH 14 CCR 15062.

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

14. ANNUAL HOUSING ELEMENT PROGRESS REPORT

Director Luna-Reynosa introduced Senior Planner Deines who provided a staff report and PowerPoint presentation.

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Council Member Muller asked staff if the density bonuses and reduced parking requirements discussed in the presentation were covered in the Governor's budget for "Buy Right" housing.

Senior Planner Deines replied that the City has an Ordinance that enforces density bonus law which is subject to Planning Commission or City Council approval versus the Governor's "Buy Right" which was proposing less discretionary action.

Mayor Pro Tem Wyatt asked what effort was being made to find ways to meet the goals.

Director Luna-Reynosa replied that a discussion was held recently that as part of a work program and priorities for the Planning Division; staff will be dedicating time and resources in the next four years to start making movement towards these goals. She stated that the efforts that have been made to date are outlined in the staff report but it was really on the housing production side which the City's control over that process was very limited because we do not own land.

Mayor Pro Tem Wyatt stated that he was concerned that things that would be beneficial like the Doheny Village Plan could have an impact on the mobile home park which would take the City backwards. He added that it would be important for the City to understand all of the implications.

IT WAS MOVED BY MAYOR PRO TEM WYATT, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL RECEIVE AND FILE THE ANNUAL HOUSING ELEMENT PROGRESS REPORT FOR 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

15. ESTABLISH MONTHLY COMMUNITY MEETINGS WITH MAYOR AND CITY MANAGER

Mayor Lewis provided her reason for bringing this item to Council.

Council Member Tomlinson asked if this program would continue with future Mayors.

Mayor Lewis replied that it would be at that Mayor's discretion.

Mayor Lewis asked if this item required approval of the City Council.

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Acting City Manager Killebrew replied that the reason staff wanted to bring this item to Council was because it would require staff time. He stated that creating a program and directing staff efforts is generally at the purview of the City Council to provide direction.

Mayor Lewis stated that the City Manager was to be a part of this because she felt that people may ask questions that she may not have the answers to.

Mayor Lewis made a motion for the City Council to approve community meetings between the Mayor, City Manager, and resident groups. Mayor Pro Tem Wyatt seconded the motion.

Council Member Viczorek asked staff what they envisioned and how much staff time would be needed.

Acting City Manager Killebrew replied that if it entailed visiting the senior homes it would be simple but if it involves coordinating a community meeting it would depend on the scope and scale.

Council Member Viczorek asked what staff was working on now.

Acting City Manager replied that staff was currently working on everything from the City budget to running the City in general.

Council Member Viczorek asked if staff was concerned that it would involve other staff time, not just the City Manager.

Acting City Manager Killebrew replied that it would depend on the topics and whether staff expertise was needed to support. He stated that if the topic were public safety, then he would have to involve the Sheriff's Department or development projects it would be the Community Development Department.

Council Member Viczorek asked Lt. Chilton how he envisioned using his resources to support this idea.

Lt. Chilton replied that it would depend on the topic.

Council Member Viczorek asked where the meetings were going to be held, and the cost to hold them.

Acting City Manager Killebrew replied that if it was a community meeting, then the Council Chambers, the gym, or a room at the Community Center depending on the number of people.

Council Member Viczorek stated that Council could meet with who they want and asked why this item requires City Council approval.

Acting City Manager Killebrew replied that it could require City resources. He stated that it has been the practice that if there was a new

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program and it would expend City resources, staff has asked for the Council's permission.

Mayor Lewis stated that she envisioned going out and talking with community groups at their location. She felt that the City Manager should attend as he could provide information that she does not have.

Acting City Manager Killebrew replied that he misunderstood and that if any one of the Council wanted to invite him to go meet with a group of people he was always available and would not consider that as a program. He stated that if it required advertising the meeting or coordination of the meeting, then that would be a program.

Council Member Muller stated that he would recommend that the Mayor go out and have meetings instead of creating a program.

Council Member Tomlinson stated that he was hesitant to approve a program that would be monthly and that it seemed too much.

City Attorney Munoz stated that he was envisioning ads in the paper and those are the types of things staff would need Council approval for. He added that there was no need for approval to meet with community groups.

Mayor Lewis asked if she wanted to advertise on Facebook would she need Council approval.

City Attorney Munoz replied that as long as she was not using City resources.

Mayor Lewis asked if everyone was okay for her to invite the City Manager to attend with her.

THERE WAS NO ACTION TAKEN ON THIS ITEM AS IT WAS DETERMINED THAT THE MAYOR OR ANY COUNCIL MEMBER COULD MEET WITH THE PUBLIC IF THEY CHOSE TO DO SO.

16. ESTABLISH NEIGHBORHOOD WATCH MEETINGS WITH MAYOR

Mayor Lewis provided her reason for bring this item to Council.

Lt. Chilton stated that the list for Neighborhood Watch Block Captains and program was managed by his office. He added that if the Mayor wants to meet with block captains that can be facilitated but he would not feel comfortable turning over the list of block captains. He felt that there could be potential damage to the program because the expectation is that information is controlled.

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Mayor Lewis stated that she would like the meetings to be more systematic and become a more cohesive group.

Lt. Chilton replied that the Neighborhood Watch Program has changed over the years, everyone now connects electronically. He felt that there were other ways to accomplish her goal.

Mayor Lewis stated that she was not asking for the list that she was asking to work together to schedule these meetings.

Lt. Chilton stated that his staff could see if there was interest to meet with the Mayor but he thought it should be open to all Council Members if they wanted to attend.

City Attorney Munoz stated that if there was a quorum of the Council it would be a Brown Act meeting and would need to be noticed.

Lt. Chilton stated that he would direct staff to reach out to the block captains to see if anyone was interested in hosting a meet and greet at their home.

Council Member Muller asked why not post something on Facebook about meeting with any Council Member.

Acting City Manager Killebrew stated that staff could put together a communication and provide contact information for each of the Council Members.

Mayor Lewis made a motion that Lt. Chilton direct staff to reach out to the Block Captains to coordinate a meeting with a time, date, and place. Mayor Pro Tem Wyatt provided a second to the motion.

Council Member Viczorek asked Lt. Chilton if this was a program that he runs, was he feeling this needs to be fixed in any way.

Lt. Chilton replied that he was not having problems. He stated that he has never been approached from elected officials before as it was not a program that elected officials get involved with. He added that if there was a problem with crime they would come to him or his department.

Council Member Viczorek asked if any of the captains ever asked to meet with Council Members.

Lt. Chilton replied no.

Council Member Viczorek asked if a motion was needed for this because of staff time.

City Attorney Munoz replied that this felt different than the last item. He stated that meeting with a designated group through the Sheriff's department just felt like the Council should approve it.

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Lt. Chilton added that the history of program has been with the Chief of Police and not elected officials so this was something that was out of the ordinary.

Council Member Viczorek asked if it was being targeted directly by Council Members that he was worried that it would have a negative impact on the program.

Lt. Chilton replied that there was a potential for politicizing.

Mayor Lewis stated that she would prefer to target the specific captains rather than putting out something on Facebook in hopes that Block Captains see the invitation.

City Attorney Munoz stated that having members of the public interrupt during Council discussion has come up a couple of times and felt that a policy needs to be created. He added that every Mayor handles it differently.

Mayor Lewis stated that she would make it clear at the next meeting.

IT WAS MOVED BY MAYOR PRO TEM WYATT, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL DIRECT LT. CHILTON TO REACH OUT TO THE DANA POINT NEIGHBORHOOD WATCH BLOCK CAPTAINS TO COORDINATE A DATE AND TIME FOR A MEETING WITH THE MAYOR.

The motion failed by the following vote:

AYES: Mayor Pro Tem Paul N Wyatt and Mayor Debra Lewis

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

PUBLIC COMMENTS

There were no additional Public Comments received.

STAFF REPORTS

Acting City Manager Killebrew thanked staff for all of their efforts for the Festival of Whales events.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

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

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

Mayor Lewis reported that she and Council Member Tomlinson would be out of town for the next City Council meeting and that she was asked to bring this up during her comments.

Acting City Manager Killebrew stated that it was to allow the Council to have a discussion on whether or not to hold the next regularly scheduled meeting since both the Mayor and Council Member Tomlinson would be absent.

IT WAS MOVED BY MAYOR DEBRA LEWIS, SECONDED BY COUNCIL MEMBER JOHN A. TOMLINSON, CANCEL APRIL 4 MEETING.

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

Council Member Muller stated that he was voting no because Council could take care of housekeeping items.

Mayor Lewis reported that the Symphony was holding a concert on March 25th and encouraged everyone to attend. She stated that she would turn in her list of meetings attended to the City Clerk.

Mayor Pro Tem Wyatt stated that he had already turned in his list of meetings attended to the City Clerk.

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

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Lewis adjourned the meeting at 9:57 p.m. and announced that the next Regular Meeting of the City Council will be April 18, 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 APRIL 18, 2017

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Meetings attended since March 7, 2017:

Mayor Debra Lewis

March 8	Opticos – Doheny Village Briefing
March 9	Harbor Merchants' Association Meeting
March 10	South Orange County Economic Coalition
March 14	Kim Tilly, Mitz Arayama, Heather Johnson – Dana Point Chamber of Commerce Speaker at Progressives South Orange County on SONGS
March 15	Jim Samuels, Sean K – Laguna Cliffs Marriott, Visit Dana Point Capo Cares, City Officials on Code Enforcement
March 17	Chamber of Commerce Ribbon Cutting
March 20	Kirsten Vital, CUSD Meeting, San Juan Capistrano, CA
March 21	Fire Station 29 Lunch

Mayor Pro Tem Paul N Wyatt

March 8	Doheny Village Plan Briefing with Opticos, NelsonNygaard
March 9	ACC-OC Homelessness, South Orange County Work Session, Mission Viejo, CA
March 10	UCI Public Policy Making Academy, Irvine, CA
March 11	Festival of Whales, Cardboard Boat judge Festival of Whales, Clam Chowder Cook-off judge
March 14	Dana Point Chamber of Commerce meeting Ocean Institute Executive Board meeting
March 15	Visit Dana Point meeting Capo Cares Code Enforcement meeting
March 16	Homelessness Task Force Introduction meeting
March 17	UCI Public Policy Making Academy, Irvine, CA
March 20	Kirsten Vital, CUSD Meeting, San Juan Capistrano, CA
March 20	Marilyn Thoms, Manager, South OC Watershed Management Area Ocean Institute Executive Board meeting

Council Member Richard A. Viczorek

March 9	SJHTCA Board of Directors Meeting
March 16	OCMVCD Board of Trustees Meeting

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Council Member Joseph L. Muller

March 8	OCFA
March 9	TCA
March 13	Buck and Betty Hill
March 15	CPA
March 16	TCA

