

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
AUGUST 15, 2017
4:00 P.M.**

MINUTES

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

Next City Council Ordinance No. 17-04

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 4:07 p.m. in the City Council Chambers, 33282 Golden Lantern, Dana Point.

ROLL CALL OF CITY COUNCIL MEMBERS:

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

CLOSED SESSION

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

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957

Title: City Manager (setting goals and objectives)

B. CODE ENFORCEMENT UPDATE

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Gov. Code §54956.9(d)(1) (3 cases)
2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Gov. Code §54956.9(a) (6 cases):
 - i. City of DP v. Karns, Case No. 16HM10382
 - ii. City of DP v. Pickering, Case No. 16HM10192
 - iii. Volkmann v. City of DP, OC Superior Case No. 30-2017-00914962-CU-EI-CXC
 - iv. City of DP v. The Sunshine Group LLC, Case No. OCSC Case No. 30-2017-00915900
 - v. City of DP v. George R. Grant, Case No. 17HM00268

vi. City of DP v. David Stevens; Diane Stevens; Oakbrook Landscape & Construction,
Case No. 17HM01407

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

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

D. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d1), (2 cases)

Mayor Lewis recessed the meeting into a Closed Session at 4:10 p.m. pursuant to Government Code Section 54956 et seq

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Lewis reconvened the meeting at 6:05 p.m. All Council Members were present.

STAFF PRESENT: Mark Denny, City Manager; Patrick Munoz, City Attorney; Kathy Ward, City Clerk; Mike Rose, Director of Emergency Services; Lt. Russ Chilton; Ursula Luna-Reynosa, Director of Community Development; Matthew Sinacori, Director of Public Works and Engineering; Matthew Schneider, Planning Manager; Brian McClure, Deputy Director of Community Services and Parks; Mark Sutton, Building Official; Belinda Deines, Senior Planner, John Ciampa, Senior Planner, Rachel Johnson, Assistant Administrative Analyst; and Bobbi Ogan, Deputy City Clerk.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Tomlinson.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated he had no reportable items.

INVOCATION

There was no Invocation provided.

PRESENTATIONS AND PROCLAMATIONS

There were no Presentations or Proclamations.

CONSENT CALENDAR

Council Members Tomlinson and Viczorek stated that they would need to register an abstention for Item 2 as they were not present at that meeting.

A member of the public removed Item 12 and staff removed Item 14 from the 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 WITH THE EXCEPTION OF ITEMS 12 AND 14.

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. SPECIAL MEETING MINUTES, JULY 12, 2017

APPROVED THE MINUTES.

3. REGULAR MEETING MINUTES, JULY 18, 2017

APPROVED THE MINUTES.

4. PLANNING COMMISSION MEETING MINUTES, JULY 10, 2017

RECEIVED AND FILED.

5. PLANNING COMMISSION ACTIONS, MEETING OF JULY 24, 2017

RECEIVED AND FILED.

6. FINANCIAL REVIEW COMMITTEE MINUTES, JUNE 13, 2017

RECEIVED AND FILED.

7. TRAFFIC IMPROVEMENT SUBCOMMITTEE MEETING MINUTES, APRIL 19, 2017

RECEIVED AND FILED.

8. ARTS AND CULTURE COMMISSION MEETING MINUTES, MAY 17, 2017

RECEIVED AND FILED.

9. OCEAN WATER QUALITY MEETING MINUTES, JUNE 27, 2017

RECEIVED AND FILED.

10. HOMELESS TASK FORCE MEETING MINUTES, OCTOBER 4, 2016

RECEIVED AND FILED.

11. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

12. CITY TREASURER'S REPORT, JUNE 2017

A member of the public removed this item from the Consent Calendar.

Buck Hill, Capistrano Beach, spoke of the City's cash balance.

Brief discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL RECEIVE AND FILE THE CITY TREASURER'S REPORT FOR THE MONTH OF JUNE 2017.

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. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

14. DANA POINT POLICE SERVICES MONTHLY REPORT

A member of the staff removed this item from the Consent Calendar.

City Manager Denny introduced the item and Chief of Police Services Chilton provided a PowerPoint presentation.

Brief discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL RECEIVE AND FILE 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

15. NATIONAL ARTS & HUMANITIES MONTH – OCTOBER 2017

DECLARED OCTOBER 2017 AS NATIONAL ARTS AND HUMANITIES MONTH AND ADOPTED **RESOLUTION 17-08-15-01** DECLARING OCTOBER 2017 AS NATIONAL ARTS AND HUMANITIES MONTH ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT CALIFORNIA, DECLARING OCTOBER 2017 AS NATIONAL ARTS & HUMANITIES MONTH.

16. ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT FY16/17

ADOPTED **RESOLUTION 17-08-15-02** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PROJECT ENTITLED "ANNUAL ROADWAY RESURFACING PROJECT FY 16/17"; and

AUTHORIZED ALL REMAINING FUNDS IN THE ANNUAL ROADWAY RESURFACING PROJECT FY 16/17 TO BE TRANSFERRED TO THE CAPITAL IMPROVEMENT PROGRAM FUND BALANCE.

PUBLIC COMMENTS

Tom Miller, Dana Point, spoke regarding ocean view obstructions.

Hillery Royer, Dana Point, spoke of view obstruction.

Nancy Jenkins, Dana Point, announced the upcoming "British Invasion" concert on Sunday at Sea Terrace Park and provided the details.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

17. DEVELOPMENT UPDATE

Director Luna-Reynosa provided a staff report and demonstrated the new Economic Development microsite.

There were no requests to speak on this item.

IT WAS MOVED BY COUNCIL MEMBER TOMLINSON, SECONDED BY MAYOR PRO TEM WYATT, 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

ABSENT: None

NEW BUSINESS

18. 2017-2018 DANA POINT YOUTH BOARD APPOINTMENTS

Assistant Administrative Analyst Johnson provided a staff report.

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL APPOINT THIRTEEN (13) BOARD MEMBERS.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

IT WAS MOVED BY MAYOR PRO TEM WYATT, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL APPOINT FOUR (4) MEMBERS-AT-LARGE TO THE DANA POINT YOUTH BOARD.

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. REPORT OF CITYWIDE PARKING: PARKING SUPPLY AND MANAGEMENT OPTIONS FOR DANA POINT

Senior Planner Deines introduced the item and Doctor Willson provided an overview of his report including a PowerPoint presentation.

Doctor Willson answered questions of Council.

Mayor Lewis opened the Public Comments.

Therese Bovee, Dana Point, disagreed with some of the recommendations of the report and stated that she did not want the City to approve anything.

Cindy Fleming, Dana Point, spoke of the volume of cars increasing in the future and felt that the only way areas would develop was to create parking areas.

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 CITYWIDE PARKING 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

There was discussion amongst the Council and staff with regard to preferential parking districts in the Coastal Zone.

DIRECTED STAFF TO RETURN TO THE FIRST CITY COUNCIL MEETING IN OCTOBER WITH EITHER A RESOLUTION CREATING A NEW COMMITTEE OR OTHER IDEAS IDENTIFIED AFTER FURTHER STUDY.

20. DISCUSSION OF THE CITY'S RECORDS RETENTION SCHEDULE FOR RECORDED VIDEOS AND FORMAT OF CITY MINUTES

City Clerk Ward provided a staff report.

Brief discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY MAYOR PRO TEM WYATT, THAT THE CITY COUNCIL MODIFY THE CITY'S RECORDS RETENTION SCHEDULE FOR RECORDED VIDEOS FROM THREE YEARS TO PERMANENT RETENTION.

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 LEWIS DIRECTED STAFF TO MAKE ALL VIDEOS PUBLIC.

IT WAS MOVED BY MAYOR PRO TEM WYATT, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL APPROVE A NEW COUNCIL POLICY REGARDING FORMAT OF CITY MINUTES.

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

21. PROFESSIONAL SERVICES AGREEMENTS FOR SUPPLEMENTAL PLAN CHECK, COUNTER, INSPECTION AND CODE ENFORCEMENT SERVICES

Director Luna-Reynosa provided a staff report.

Discussion between Council and staff ensued.

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL AUTHORIZE AND DIRECT THE CITY MANAGER TO EXECUTE THE FOLLOWING CONTRACTS AND DIRECTED STAFF TO CREATE AN "ON CALL" LIST FOR FUTURE NEEDS:

1. VCA/The Code Group for Plan Check Services
2. Melad & Associates for Plan Check Services
3. VCA/The Code for Personnel Services – Permit Technician
4. Melad & Associates for Personnel Services – Senior Building Inspector and/or Building Inspector
5. VCA/The Code Group for Personnel Services – Code Enforcement Officer

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

22. APPROVAL OF A CONSULTANT SERVICES AGREEMENT WITH AMEC FOSTER WHEELER, ENVIRONMENTAL AND INFRASTRUCTURE, INC. FOR AS-NEEDED TECHNICAL WATER QUALITY PROGRAM / SPECIAL PROJECT IMPLEMENTATION SERVICES

Director Sinacori provided a staff report.

Brief discussion ensued.

IT WAS MOVED BY MAYOR PRO TEM WYATT, SECONDED BY COUNCIL MEMBER MULLER, THAT THE CITY COUNCIL APPROVE A CONSULTANT SERVICES AGREEMENT WITH AMEC FOSTER WHEELER, ENVIRONMENTAL AND INFRASTRUCTURE, INC. FOR "AS-NEEDED TECHNICAL WATER QUALITY PROGRAM/SPECIAL PROJECT IMPLEMENTATION SERVICES" IN ORDER TO COMPLY WITH THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES), ALSO KNOWN AS MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4), STORM WATER 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

ABSENT: None

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER VICZOREK THAT THE CITY COUNCIL AUTHORIZE THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE CONTRACT.

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 Lewis recessed the meeting at 8:55 p.m. and reconvened the meeting at 9:00 p.m.

23. APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT BY AND BETWEEN THE CITY OF DANA POINT AND DUDEK

Senior Planner Ciampa provided a staff report.

Mayor Lewis opened the Public Comments.

Richard Gardner, Capistrano Beach, suggested the City partner with South Coast Water District, the County, and State Parks to ensure an accurate study is performed.

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 CITY MANAGER TO EXECUTE THE PROFESSIONAL SERVICES AGREEMENT BY AND BETWEEN THE CITY OF DANA POINT AND DUDEK TO COMPLETE A SEA LEVEL RISE STUDY AND LOCAL COASTAL PROGRAM AMENDMENT (LCPA), AND AUTHORIZE THE CITY MANAGER TO EXTEND THE TERM, IF NECESSARY, TO JUNE 30, 2018.

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

24. ADOPTION OF A RESOLUTION OF THE DANA POINT CITY COUNCIL AMENDING AND REINSTATING THE POLICY RELATING TO THE ACCEPTANCE AND DEDICATION OF EQUIPMENT

City Manager Denny provided a staff report.

Brief discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER VICZOREK, SECONDED BY COUNCIL MEMBER TOMLINSON THAT THE CITY COUNCIL AMEND THE POLICY TO ALLOW REQUESTS FROM ALL RESIDENTS OR NON-RESIDENTS WITH REVIEW OF THE APPLICATION BY THE CITY MANAGER AND THE PRESIDENT OF THE HISTORICAL SOCIETY AS WELL AS ADOPT **RESOLUTION 17-08-15-03** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING AND REINSTATING A SECTION OF THE SUSPENDED POLICY RELATING TO THE ACCEPTANCE AND DEDICATION OF EQUIPMENT.

The motion carried by the following vote:

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

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

ABSENT: None

25. RESOLUTION FOR HOMELESS TASK FORCE

City Manager Denny provided a staff report.

There were no requests to speak on this item.

Mayor Pro Tem Wyatt reported on the last task force meeting.

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER VICZOREK THAT THE CITY COUNCIL RECEIVE AND PROVIDE INPUT ON THE DRAFT RESOLUTION FOR THE HOMELESS TASK FORCE; DIRECT STAFF TO SOLICIT INPUT ON THE DRAFT RESOLUTION FROM THE EXISTING HOMELESS TASK FORCE AT ITS MEETING SCHEDULED FOR AUGUST 30, 2017; AND DIRECT STAFF TO BRING THE RESOLUTION BACK TO THE CITY COUNCIL FOR APPROVAL AT THE REGULAR MEETING OF SEPTEMBER 19, 2017.

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

City Manager Denny thanked staff for the hard work on the agenda items tonight as well as to remind everyone of the Concert in the Park on Sunday that the City's Arts and Culture Commission has worked so hard on. He also mentioned a special event at Dana Hills High School on August 25th, which is a ribbon cutting for the Culinary Arts Lab. The lab is a partnership between the City, the school district and all of the hospitality providers in Dana Point to train young people on serving in the hospitality industry.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Mayor Pro Tem Wyatt stated that he had turned in his list of meetings attended. He spoke of the meeting he had with Heather Stratman of the ACC-OC regarding their homeless task force.

Council Member Tomlinson stated that he had nothing to report.

Council Member Viczorek stated that he had nothing to report.

Mayor Lewis stated she would turn in her list of meetings attended to the City Clerk.

CLOSED SESSION (Continued)

Mayor Lewis adjourned the meeting to Closed Session at 9:52 p.m. in memory of Colene Schwandt who passed away on July 25 at the age of 88. She reported that Colene served on the Dana Point Cultural Commission in the early 1990's. Colene was a professional soloist and much of what she did in life centered around music and that she was an organizer of the Dana Point Lawn Chair and Picnic Society which was a precursor to the Concerts in the Park.

She announced that the next Regular Meeting of the City Council will be September 19, 2017, at 5:00 p.m. in the Dana Point Community Center located at 34052 Del Obispo, Dana Point, California.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Lewis reconvened the meeting at 10:25 p.m. All Council Members were present.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Lewis adjourned the meeting at 10:25 p.m.



BOBBI A. OGAN
DEPUTY CITY CLERK

APPROVED AT THE MEETING OF SEPTEMBER 19, 2017

Meetings attended since July 18, 2017:

Mayor Debra Lewis

July 19 Mayors Office Hours
Lantern Village Association - Ribbon Cutting and Taco Fest
July 21 Eva O'Keefe No Toll Road
August 10 Doheny Village Merchants' Association

Mayor Pro Tem Paul N Wyatt

July 19 Lantern Village Association plaque unveiling at La Plaza Park
Lantern Village Association Annual Taco Fest
July 20 South Orange County Association of Mayors
Dana Point Chamber of Commerce Mixer
July 25 City of Dana Point Ocean Water Quality Subcommittee meeting
July 26 City of Dana Point Homeless Task Force meeting
July 27 OCTA Mayors Forum
July 28 South OC Economic Coalition – Homelessness forum
August 3 Heather Stratman, ACC-OC, Cost of Homelessness discussion
South OC Watershed Management Area Executive meeting
Doheny Village Merchants Association meeting
August 15 Niguel Shores Men's Club – Issa presentation
Ocean Institute Board Retreat

Council Member Joseph L. Muller

July 26 TCA
July 27 OCFA
August 9 OCFA

Council Member Richard A. Viczorek

July 19 CA JPIA Board of Directors Meeting
July 20 OCMVCD Board of Trustees Meeting
August 17 SJHTCA Board of Directors Meeting