

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



TUESDAY
APRIL 3, 2018
5:00 P.M.

MINUTES

TELECONFERENCE

8789 Marsac Avenue, #25, Deer Valley, UT 84060
706 N Canyon, Carlsbad, NM 88220

Next City Council Ordinance No. 18-03

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Viczorek at 5:00 p.m. in the City Council Chambers, 33282 Golden Lantern, Dana Point.

ROLL CALL OF CITY COUNCIL MEMBERS:

Richard A. Viczorek, Mayor
Joseph L. Muller, Mayor Pro Tem (*Teleconferencing*)
Debra Lewis, Council Member (*Teleconferencing*)
John A. Tomlinson, Council Member (*Arrived at 5:02 p.m.*)
Paul N Wyatt, Council Member

CLOSED SESSION

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

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (3 cases)

Mayor Viczorek recessed the meeting into a Closed Session at 5:01 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Viczorek reconvened the meeting at 6:02 p.m. All Council Members were present.

STAFF PRESENT: Mark Denny, City Manager; Patrick Munoz, City Attorney; Mike Killebrew, Assistant City Manager; Kathy Ward, City Clerk; Mike Rose, Director of General Services; Lt. Margie Sheehan;

Matthew Sinacori, Director of Public Works and Engineering; Matthew Schneider, Planning Manager; and Bobbi Ogan, Deputy City Clerk.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that he had no announcement.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Wyatt.

INVOCATION

The Invocation was provided by OCSD Chaplain Jim Davis.

PRESENTATIONS AND PROCLAMATIONS

Deputy of the Year, Dan Merz

Lt. Sheehan shared details of Deputy Merz's background and Mayor Viczorek presented a Certificate of Recognition to Deputy Merz for being selected Deputy of the Year.

CONSENT CALENDAR

IT WAS MOVED BY MAYOR VICZOREK, SECONDED BY MAYOR PRO TEM MULLER, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR.

The motion carried by the following vote:

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

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, MARCH 20, 2018

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, MARCH 12, 2018

RECEIVED AND FILED.

4. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

5. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

6. CITY TREASURER'S REPORT, FEBRUARY 2018

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF FEBRUARY, 2018.

7. ADOPTION OF A RESOLUTION AUTHORIZING AN APPLICATION FOR ADDITIONAL GRANT FUNDS WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR THE 2018 PROJECT "V" CALL FOR PROJECTS

ADOPTED RESOLUTION 18-04-03-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING THE SUBMITTAL OF A GRANT APPLICATION FOR THE DANA POINT TROLLEY AND SPECIAL EVENT SHUTTLE TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE 2018 PROJECT "V" COMMUNITY BASED TRANSIT/CIRCULATORS; and

AUTHORIZED THE MAYOR TO SIGN THE RESOLUTION ON BEHALF OF THE CITY.

8. ADOPTION OF A RESOLUTION APPROVING THE SB-1 PROJECT LIST FOR FY18-19

ADOPTED RESOLUTION 18-04-03-02 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING THE FY 18-19 SB-1 PROJECT LIST TO INCLUDE THE ANNUAL RESIDENTIAL RESURFACING, CURB & GUTTER PROJECT (CIP #1309)

9. SUPPORT OF RESIDENTIAL RECOVERY FACILITY REFORM LEGISLATION

APPROVED THE LETTER OF SUPPORT FOR ASSEMBLY BILL 3162 (FRIEDMAN) AND AUTHORIZE THE MAYOR OR CITY MANAGER TO SUPPORT AMENDMENTS OR OTHER LEGISLATION THAT SEEKS REFORM OF THE RESIDENTIAL RECOVERY FACILITY INDUSTRY.

10. APPEAL BY DANA POINT COMMUNION CENTER OF THE DECISION OF THE BUILDING OFFICIAL DATED MARCH 9, 2018

DELEGATED ITS AUTHORITY TO CONDUCT A HEARING ON THE APPEAL FILED BY THE DANA POINT COMMUNION CENTER TO AN INDEPENDENT HEARING OFFICER AS AUTHORIZED BY THE CITY'S MUNICIPAL CODE.

PUBLIC COMMENTS

Carol Wilson, Capistrano Beach, asked for future agendas to be arranged to allow for public participation.

Wayne Yost, Dana Point, spoke regarding the other cities that were suing the State of California over Proposition 54 and felt that it was time for Dana Point to take a stand on the issue.

Bob Oakley, Dana Point, spoke regarding the recycling center next to Ralphs on Del Prado the noise that the neighboring homes have to endure.

Chad Kurthy, Rancho Santa Margarita, spoke regarding the Board of Directors attempting to decrease the daily staffing from 24 hour shifts to 12 hour shifts.

Paul Merritt, Laguna Beach, spoke of the recent removal of 22 mature trees on Pacific Coast Highway and felt that their removal was a violation of the specific plan.

Kathy Joshua, Dana Point, spoke regarding the general conduct at the Council meetings.

Ross Teasley, Dana Point, spoke regarding the proposed districting and the general distrust in the City.

Julian Joshua, Dana Point, spoke regarding the by-district elections.

Alan Bell, Capistrano Beach, spoke regarding the by-district elections.

Mark Zanides, Dana Point, spoke regarding the order of the agenda and felt that Item 15 should be moved up in the order.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Tomlinson asked for an item to be added to the next agenda regarding Proposition 54.

Council Member Wyatt stated that he had turned in his list of meetings to the City Clerk. He provided a summary of the last homeless task force meeting.

Council Member Lewis responded to comments made regarding districting and read the following statements into the record:

"Every decision carries some risk. Rushing to the "safe harbor" risks enmity and unwanted political ramifications. Good advice is rational, well reasoned and balanced. It presents all options and quantifies various risks. Instilling fear without quantifying incremental risk does no good service. In fact, it does harm.

147 California cities elect At-large Mayors. Palmdale and Anaheim listed in the staff report elect At-large Mayors. A lengthy quote in the staff report from Rancho Cucamonga case claims the matter is unsettled. The case settled. Rancho Cucamonga is electing an At-large Mayor.

Let's explore all of the options in a neutral fashion and stop the fear tactics."

Mayor Pro Tem Muller responded to the comments made regarding OCFA 911 dispatchers and their contract. He provided the background of the labor negotiations and stated that if anyone had any questions they should contact the OCFA Communication and Public Affairs Battalion Chief, Marc Stone at 714-573-6028 or email at marcstone@ocfa.org. He stated that he would turn in his list of meetings attended to the City Clerk.

Mayor Viczorek stated that he had turned in his list of meetings to the City Clerk. He responded to comments regarding the ordering of items on the agenda and explained that Item 15 was placed on the agenda after he had already approved it. He added that it was his intention when he received the agenda packet to hear both items together.

PUBLIC HEARINGS

- 11. THIRD PUBLIC HEARING TO TAKE INPUT REGARDING POTENTIAL TRANSITION TO BY-DISTRICT ELECTIONS FOR CITY COUNCIL MEMBERS AND CONSIDER DRAFT VOTING DISTRICT MAPS; AND**
- 15. COUNCIL MEMBER LEWIS: AT-LARGE OR DISTRICT ELECTIONS, FORUMS, WORKSHOPS, STUDIES, OUTREACH, PRESENTATIONS**

Mayor Viczorek stated that both Items 11 and 15 would be taken together.

City Attorney Munoz provided a staff report for Item 11 and Robert McEntire from NDC provided a PowerPoint presentation.

Brief discussion ensued.

Council Member Lewis provided a staff report for Item 15.

Mayor Viczorek opened the Public Hearing.

Sandie Iverson, Capistrano Beach, spoke regarding the need to keep communities intact.

Carol Wilson, Capistrano Beach, spoke in opposition of the districting. She stated that she did not care for any of the maps except maybe the Pine map.

Alan Bell, Capistrano Beach, spoke regarding the maps that divide Capistrano Beach.

Toni Nelson, Capistrano Beach, spoke regarding the history of Capistrano Beach and felt that the area should not be divided.

Karen Lloreda, San Clemente, spoke regarding the history of Dana Point's incorporation. She recommended that the City move forward and hold more public meetings for real discussion.

Karen Ezell, Capistrano Beach, asked if there was any proof regarding racially polarized voting. She stated that she would support four districts with an at-large Mayor similar to the Pine map.

Michael Kay, Capistrano Beach, spoke regarding districting and the impact it could have on the November election.

Lenger Markus, Capistrano Beach, spoke regarding districting and the Council's fiduciary duty to the City.

Bob Oakley, Dana Point, stated that his community objected to the Tan and Oak maps as they would isolate their community of Lantern Bay Villas.

Barbara Wilson, Dana Point, spoke regarding district voting and the residents need for answers. She did not understand the maps that split Capistrano Beach. She stated that she supported workshops on this issue.

Ardyce Kehiayan, Dana Point, spoke regarding the districting and how it would create division and disenfranchise voters.

Judy Reising, Capistrano Beach, felt that the proposed maps did not represent their area and that there were not enough facts to make a decision tonight.

Julian Joshua, Dana Point, stated that there was no way to split Dana Point without causing issues and that he was not in favor of districting.

Buck Hill, Capistrano Beach, felt that there has not been enough done to encourage community involvement in this issue. He added that open meeting were needed where the questions could be asked.

Amy Hanacek, Capistrano Beach, encouraged the Council to follow Council Member Lewis' suggestions for workshops. She stated that if need be, she would support an at-large Mayor.

Richard Thompson, Dana Point, felt that the district elections would not solve the problem of uneven representation.

Michelle Baca, Dana Point, felt that the City needed to take its time in making decisions regarding the district elections.

Mark Zanides, Dana Point, felt that the Council was being misled on this subject and that it would be important to have an at-large Mayor.

Nadia Starner, Capistrano Beach, stated that she was opposed to districting and that the dismantling of the communities would only create larger walls. She asked for more communication with the public.

Steve Stewart, Dana Point, felt that the City was rushing this issue and that a negotiation similar to Mission Viejo should be pursued.

Lawrence Robinson, Capistrano Beach, stated that he would like to ensure that Capistrano Beach was not split to maintain its identity and that four districts with an at-large Mayor would be appropriate.

Karl Williams, Dana Point, spoke regarding the proposed districting and asked the Council to think about the citizens.

Bev Jorgensen, Executive Director of the Dana Point Chamber of Commerce, stated that they supported one public forum outside of the Council meetings to discuss the proposed districting.

Mayor Viczorek closed the Public Comments.

Discussion ensued.

Council Member Wyatt made a motion to set dates for one if not two public forums, Council Member Lewis seconded the motion.

Discussion ensued.

Mayor Pro Tem Muller made a substitute motion for the next four Council meetings to be used as open forums. The motion died for a lack of a second.

IT WAS MOVED BY COUNCIL MEMBER WYATT, SECONDED BY COUNCIL MEMBER LEWIS, THAT THE CITY COUNCIL SET DATES FOR TWO PUBLIC WORKSHOPS, WITH ONE OF THE WORKSHOPS BEING HELD AT R.H. DANA ELEMENTARY WITH AN INTERPRETER.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

UNFINISHED BUSINESS

12. 2018 WEED ABATEMENT PROGRAM, AUTHORIZATION TO ABATE WEEDS

Planning Manager Schneider provided a staff report.

Mayor Viczorek opened the Public Comments.

Birgit Burgess, Dana Point, spoke regarding the process of informing residents about the upcoming abatement.

Mayor Viczorek closed the Public Comments.

Brief discussion ensued.

IT WAS MOVED BY MAYOR VICZOREK, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE City COUNCIL HEAR ANY OBJECTIONS REGARDING WEED ABATEMENT AND THEREAFTER ADOPT **RESOLUTION 18-04-03-03** FOLLOWS:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, OVERRULING OBJECTIONS AND PROCEEDING WITH WEED ABATEMENT.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

NEW BUSINESS

13. MID-FISCAL YEAR 2017-18 BUDGET STATUS REPORT

Assistant City Manager Killebrew provided a staff report.

Discussion ensued.

IT WAS MOVED BY MAYOR VICZOREK, SECONDED BY MAYOR PRO TEM MULLER, THAT THE CITY COUNCIL RECEIVE AND FILE THE FISCAL YEAR 2017-18 BUDGET STATUS REPORT AND AUTHORIZE THE BUDGET AMENDMENTS DETAILED WITHIN THIS REPORT.

The motion carried by the following vote:

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

NOES: Council Member Debra Lewis

ABSENT: None

14. PROFESSIONAL SERVICES AGREEMENT FOR PUBLIC RELATIONS AND COMMUNITY ENGAGEMENT SERVICES

City Manager Denny provided a staff report.

Mayor Viczorek opened the Public Comments.

Bev Jorgensen, Executive Director of the Chamber of Commerce, stated that the Chamber supported the City contracting for public relations services.

Barbara Wilson, Dana Point, asked the Council to reconsider hiring a full time person and to explore options to use interns.

Mayor Viczorek closed the Public Comments.

Brief discussion ensued.

IT WAS MOVED BY MAYOR VICZOREK, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL AUTHORIZE AND DIRECT THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT FOR PUBLIC RELATIONS AND COMMUNICATIONS SERVICES WITH KATIE WAGNER SOCIAL MEDIA, INC. FOR A PERIOD OF ONE YEAR, WITH AN OPTIONAL ONE YEAR EXTENSION.

The motion carried by the following vote:

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

NOES: Council Member Debra Lewis and Council Member Paul N Wyatt

ABSENT: None

15. COUNCIL MEMBER LEWIS: AT-LARGE OR DISTRICT ELECTIONS, FORUMS, WORKSHOPS, STUDIES, OUTREACH, PRESENTATIONS

THIS ITEM WAS HEARD WITH ITEM 11 PREVIOUSLY IN THE MEETING.

PUBLIC COMMENTS (Continued)

There were no additional Public Comments received.

Mayor Viczorek moved the Council Reports section to be heard after Public Comments.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

THIS ITEM WAS MOVED UP IN THE ORDER OF AGENDA AND WAS HEARD AFTER PUBLIC COMMENTS.

16. MAYOR VICZOREK: RECEIVE STAFF REPORT ON STATUS OF HOMELESS TASK FORCE WORK PLAN

City Manager Denny stated that the draft Community Work Plan was now available for the community to review and provide comments on the City's website. He added that the Task Force meets one more time at the end of April and then present the work plan to the Council in May.

STAFF REPORTS

City Attorney Munoz reported that the cities had met with Judge Carter today regarding the on-going litigation involving clearing the homeless from the Santa Ana River. He felt that it was positive discussion in working towards possible regional solutions for at least emergency shelter if not long term solutions.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Viczorek adjourned the meeting at 10:33 p.m. and announced that the next Regular Meeting of the City Council will be April 17, 2018, 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 17, 2018

Meetings attended since March 20, 2018:

Mayor Richard A. Viczorek

March 23 Lt. Russ Chilton, OCSD, Retirement Barbeque
March 28 5th Marines Vietnam War Memorial Welcome Barbeque
April 3 Santa Ana Riverbed Homeless Encampment Lawsuit Status Conference

Mayor Pro Tem Joseph L. Muller

March 21 OCFA
March 22 TCA
OCFA
March 26 Strands HOA
5th Marine Change of Command
March 28 5th Marine Vietnam Memorial BBQ

Council Member Debra Lewis

March 22 Meeting with a resident
March 23 Russ Chilton Retirement Lunch
March 24 Women's History Month Breakfast
March 26 5th Marine Support Group Dinner
March 28 5th Marine Vietnam Memorial & BBQ
City Presentation - Sea Level Rise
March 29 Bill Curly, City Atty. Mission Viejo -Telephone Conference

Council Member John A. Tomlinson

March 22 OCCOG General Assembly

Council Member Paul N Wyatt

March 21 South OC Watershed Management Area Integrated Regional Water Management Plan
2018 Update Workshop
March 22 San Onofre Nuclear Powerplant Decommissioning Community Engagement Panel
March 23 Lt. Chilton's Retirement Celebration
March 26 Bev Jorgensen, Executive Director, Chamber of Commerce
Dana Point Homeless Task Force
Dana Point Planning Commission – Green Lantern Projects Work Shop
March 28 5th Marines Vietnam War Memorial Welcome Barbeque

Homeless Task Force March 26, 2018 Meeting Report

I am pleased to report that at the March 26 Homeless Task Force Meeting, the Task Force voted to bring the "Community Work Plan to Address Homelessness" to the City Council for consideration.

As you know, in Aug 2017, the Task Force at my director and Council's concurrence was dissolved and reconstituted with the defined purpose of bringing a plan to the City Council to address homelessness in

Dana Point. Specifically, the stated purpose was: "By working jointly with our neighboring cities, the County of Orange, and other engaged public agencies, and working through non-profit organizations that provide services to the homeless, create a sustainable, measurable program to eliminate the necessity of in the Dana Point regional area". Taking input from the Task Force, the City staff drafted and revised a work plan to meeting this purpose. On March 26th, agreement was reached that with minor revisions, the Work Plan is ready for review by the City Council.

With the actions already suggested by the Task Force and adopted by the City, Dana Point is prepared to respond to the directions coming from the Santa Ana court room of Judge Carter. I especially want to acknowledge the work done by Kelly Reenders to support the task force, create the Work Plan, and work with our Care Coordinators, Mercy House and FAM, and with our Faith Based Leaders to get homeless services underway.

I look forward to taking the Council's feedback and subsequently the publics' feedback to back to the Task Force to help finalize the Work Plan.