

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



TUESDAY
JULY 17, 2018
5:00 P.M.

MINUTES

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

Next City Council Ordinance No. 18-04

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 (arrived at 5:01 pm)
Debra Lewis, Council Member
John A. Tomlinson, Council Member (arrived at 5:09 pm)
Paul N Wyatt, Council Member

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (1 case)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (1 case)

Name of Case: Thomas Volkmann v. City of DP, Orange County Superior Court Case No. 30-2017-00914962-CU-EI-CXC

- C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957
Title: City Manager
- D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957
Title: City Attorney

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

RECONVENE CITY COUNCIL MEETING

Mayor Viczorek reconvened the meeting at 6:05 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 Schneider, Acting Director of Community Development; Matthew Sinacori, Director of Public Works and Engineering; Kelly Reenders, Economic Development Manager; Jack Holden, Building Official; Brian McClure, Deputy Community Services Director; and Shayna Sharke, Sr. Admin. Assistant.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz did not have a Closed Session announcement.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Wyatt.

INVOCATION

The Invocation was provided by Morrie Hansen, Chaplain of the VFW Post 9934.

PRESENTATIONS AND PROCLAMATIONS

Special Presentation by VFW Post 9934

Mayor Viczorek invited VFW Post 9934 Commander Wayne Yost and Investigator Dwayne Chappel for the presentation. Commander Yost stated that from 66,000 VFW posts, Investigator Chappel was voted the VFW National Deputy of the Year and presented him with a Certificate of Recognition. This is the second straight year VFW Post 9934 has been selected for this honor. Mayor Viczorek also presented Investigator Chappel with a Certificate of Recognition from the City Council.

READING OF ORDINANCE TITLES

City Clerk Ward read two Ordinance titles listed on the agenda.

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

RECOMMENDED ACTION: That the City Council approve the reading by title only of all ordinances and that further reading of such ordinances be waived.

2. REGULAR MEETING MINUTES, JUNE 19, 2018

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, JUNE 11, 2018

RECEIVED AND FILED.

4. PLANNING COMMISSION MEETING MINUTES, JUNE 25, 2018

RECEIVED AND FILED.

5. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

6. MONTHLY FINANCIAL ACTIVITY REPORT, MAY 2018

RECEIVED AND FILED THE MONTHLY FINANCIAL ACTIVITY REPORT FOR MAY 2018.

7. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

8. DANA POINT POLICE SERVICES MONTHLY REPORT

RECEIVED AND FILED.

9. DEVELOPMENT UPDATE

RECEIVED AND FILED.

10. ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE CROWN VALLEY MEDIAN IMPROVEMENT AND ARTERIAL RESURFACING PROJECT

ADOPTED RESOLUTION 18-07-17-01 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 "CROWN VALLEY MEDIAN IMPROVEMENT AND ARTERIAL RESURFACING PROJECT"

PUBLIC COMMENTS

Jamey Federico, Dana Point, announced that his is running for City Council in District 3.

Mary Grant, San Clemente, from the American Cancer Society, invited the City Council to the July 28th Relay for Life at Jim Johnson Memorial Park from 10:00 a.m. – 8:00 p.m.

Dick Sargent, Laguna Niguel, spoke about a women's water polo facility in Dana Point built with private monies. He also asked the Council to consider bringing the Olympic Torch Relay to Dana Point.

Penny Maynard, Dana Point, spoke about the eight beaches located in Dana Point and her support of Dana Point Beach name and district elections.

Council Member Lewis commented that she heard from Ms. Nelson and she wanted to clarify that Dana Point doesn't own any of the beaches, that they are either County or State beaches.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Lewis stated she had no Council reports to add.

Council Member Tomlinson stated that he would turn in his list of meetings attended to the City Clerk. Council Member Tomlinson stated there were eight Boy Scouts on Friday morning in a Citizenship Class in the Council Chamber. He thanked Lieutenant Sheehan and her staff for their assistance and for the use of the Chamber.

Council Member Wyatt stated that he turned in his list of meetings attended to the City Clerk. He also highlighted the ACC-OC Homeless Task Force meeting he attended on June 27th. United Way has a program called "United to End Homelessness" and their presentation emphasized that there are three major essential components to ending the homeless:

1. Adequate permanent housing
2. Wrap-around support services and a
3. Warm, engaged community.

He mentioned he attended a Homelessness 101 Training session and would like to conduct Homelessness 101 training in Dana Point.

Council Member Wyatt thanked the United Way for kicking off their efforts.

Mayor Pro Tem Muller stated he attended the O. C. Board of Supervisors meeting this morning and spoke regarding the Harbor Revitalization Project. This project started with Supervisor Wilson almost 20 years

ago. He thanked Supervisor Bartlett for her leadership on the P3 and thanked the other Supervisors for realizing the value of the Dana Point Harbor.

Mayor Pro Tem Muller stated that he had asked Mr. Sargent from the Niguel Shores Men's Club to come to speak tonight about the Olympic Torch Relay and hoped we could replicate the Torch Relay again in 2028. Mr. Sargent spent five years preparing for the last torch relay.

Mayor Pro Tem Muller also spoke about the possibility of building an Olympic water polo facility in South Orange County which would be built with private money (corporate sponsorships).

Mayor Pro Tem Muller asked the City Council if this item could be agendaized at a future meeting. Council agreed to discuss this at a future Council meeting.

Mayor Pro Tem Muller stated that he would turn in his list of meetings attended to the City Clerk.

Mayor Viczorek reported that he would turn in his list of meetings after the meeting to the City Clerk.

PUBLIC HEARINGS

11. 2018 WEED ABATEMENT PROGRAM

Acting Community Development Director Schneider provided a staff report.

Mayor Viczorek opened the Public Hearing.

There were no Public Comments.

Mayor Viczorek closed the Public Hearing.

IT WAS MOVED BY MAYOR VICZOREK, SECONDED BY MAYOR PRO TEM MULLER THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING ON THE WEED ABATEMENT COST REPORT AND ADOPT **RESOLUTION NO. 18-07-17-02** CONFIRMING THE COST REPORT AND PROVIDING FOR THE COLLECTION ON THE REGULAR TAX BILL ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONFORMING THE COST OF ABATEMENT AND PROVIDING FOR THE COLLECTION ON THE REGULAR TAX BILL.

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. STRATEGIC PLAN UPDATE

City Manager Denny provided a staff report.

Discussion ensued regarding the Strategic Plan, the Community Survey and District Survey. Bev Jorgensen, Executive Director of the Chamber of Commerce, thanked the City Manager and the City Council for the Strategic Plan and stated that the Chamber is looking forward to working with the City to foster a vibrant business climate and enhance the economic vitality of our community.

IT WAS MOVED BY MAYOR VICZOREK, SECONDED BY MAYOR PRO TEM MULLER THAT THE CITY COUNCIL APPROVE THE UPDATE TO THE CITY OF DANA POINT STRATEGIC PLAN.

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. ORDINANCE OF THE CITY COUNCIL OF DANA POINT, CALIFORNIA AMENDING DANA POINT MUNICIPAL CODE TITLE 11 (PEACE, MORALS AND SAFETY) AND TITLE 13 (PARKS AND RECREATION FACILITIES)

City Manager Denny provided a staff report and Economic Development Manager Reenders provided a PowerPoint presentation.

Bev Jorgenson, Dana Point Chamber of Commerce Executive Director, stated that she supports this Ordinance and applauded staff for their efforts.

Mayor Viczorek moved the recommended action, seconded by Council Member Tomlinson.

Discussion ensued.

Mayor Viczorek amended his motion, seconded by Council Member Tomlinson, directing the City Attorney to include the following changes to the first reading of this Ordinance: 1) amend Chapter 11.80.010 Peace, Morals and Safety – Gambling to add any private parking lot; 2) amend Chapter 13.04.215 – Evictions from City Property or City Parks (b) – to add the appropriate language in referencing Orange County Code of Ordinances Section 2-5-20 under Eviction to include due process protections in the Dana Point Municipal Code.

IT WAS MOVED BY MAYOR VICZOREK, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL ENSURE COMPLIANCE WITH STATE LAW AND THE PROTECTION OF PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE OF ITS RESIDENTS BY INTRODUCING FOR FIRST READING OF AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING DANA POINT MUNICIPAL CODE TITLE 11 (PEACE, MORALS AND SAFETY) AND

TITLE 13 (PARKS AND RECREATION FACILITIES) TO CLARIFY AND AMEND THE CITY'S REGULATIONS RELATING TO PUBLIC NUISANCES BEHAVIOR.

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

14. CHAPTER 14.01 STREETS AND SIDEWALKS CODE CLEAN-UP AMENDMENT

City Manager Denny provided a staff report.

IT WAS MOVED BY MAYOR VICZOREK, SECONDED BY COUNCIL MEMBER TOMLINSON THAT THE CITY COUNCIL INTRODUCE AND HOLD A FIRST READING OF AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 14.01 STREETS AND SIDEWALKS OF THE DANA POINT MUNICIPAL CODE.

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

15. AWARD OF CONTRACT FOR THE CONSTRUCTION OF THE ARTERIAL ROADWAY RESURFACING AND PAVEMENT PRESERVATION FY 18/19 PROJECT

Director of Public Works and City Engineer Sinacori provided a staff report.

Discussion ensued.

IT WAS MOVED BY MAYOR VICZOREK, SECONDED BY MAYOR PRO TEM MULLER, THAT THE CITY COUNCIL:

1) APPROVE AWARD OF A CONTRACT TO HARDY AND HARPER, INCORPORATED FOR CONSTRUCTION OF THE ARTERIAL ROADWAY RESURFACING AND PAVEMENT PRESERVATION PROJECT FY 18/19, EXCLUDING BID SCHEDULES B AND C, AND AUTHORIZE THE CITY MANAGER OR HIS DESIGNEE TO SIGN AND ADMINISTER THE SUBJECT CONTRACT AND APPROVE ADDITIONAL PAYMENT FOR CHANGE ORDERS, CONTINGENCIES, MANAGEMENT SERVICES, SOILS AND MATERIAL TESTING, SURVEYING, AND CONSTRUCTION DESIGN SUPPORT FOR THE PROJECT; AND,

- 2) AUTHORIZE MATERIALS INSPECTION AND TESTING SERVICES AND APPROVE THE AGREEMENT FOR CONTRACTOR SERVICES WITH NINYO & MOORE; AND,
- 3) AUTHORIZE SURVEYING SERVICES WITH WESTLAND GROUP AND APPROVE THE SHORT FORM CONTRACT AGREEMENT; AND,
- 4) AUTHORIZE FUNDING TRANSFERS WITHIN THE EXISTING CAPITAL IMPROVEMENT PROGRAM PROJECTS.

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

16. APPROVAL OF A SECOND AMENDMENT TO CONTRACT WITH WEST COAST ARBORISTS, INC. FOR TREE MAINTENANCE

Director of General Services Rose provided a staff report.

Discussion ensued.

IT WAS MOVED BY MAYOR VICZOREK, SECONDED BY MAYOR PRO TEM MULLER THAT THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO THE CONTRACT AGREEMENT WITH WEST COAST ARBORISTS, INC., FOR ANNUAL TREE MAINTENANCE SERVICES.

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

17. CONSIDERATION OF CITY MANAGER BONUS

City Attorney Munoz provided a staff report.

Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER TOMLINSON, SECONDED BY MAYOR PRO TEM MULLER, THAT THE CITY COUNCIL APPROVE A BONUS FOR THE CITY MANAGER PER SECTION 8(C) OF HIS EMPLOYMENT AGREEMENT.

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

PUBLIC COMMENTS (Continued)

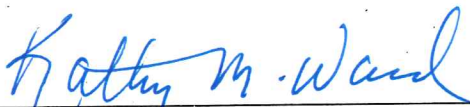
STAFF REPORTS

City Manager Denny thanked the Council for the kind words and stated it is an honor and pleasure to be the City Manager. He demonstrated the new OpenGov software on the City's website. Staff will also add a number of metrics to this software in the near future. He also mentioned that a new Service Request application was also added to the website and the new Public Records Request online software will be added soon.

City Attorney Munoz stated that last week there was a ruling in one of the unlicensed residential recovery home cases, the New Method Wellness case, which will result in a judgment in three homes being shut down in the future. These homes were a residential component of a daytime treatment facility which needed to be licensed and were not licensed, therefore operating illegally.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Viczorek adjourned the meeting at 7:47p.m. and announced that the next Regular Meeting of the City Council will be September 4, 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 SEPTEMBER 4, 2018.

Meetings attended since June 19, 2018:

Mayor Richard A. Viczorek

6/21/18 OCMVCD Board of Trustees
7/15/18 Fish for Life Welcome Aboard

Mayor Pro Tem Joseph L. Muller

6/20/18 OCFA
6/27/18 SOCEC State of the County
7/11/18 OCFA
7/11/18 Fire Station 61 – Grand Opening
7/11/18 Residents Meeting
7/13/18 OC Parks

Council Member Paul N Wyatt

06/20/2018 Dana Point Historical Society Scholarship Fiesta
06/27/2018 ACC-OC Homeless Task Force Meeting
06/27/2018 State of the County Luncheon
06/27/2018 San Onofre Nuclear Generator Station Community Engagement Panel
06/29/2018 Short-term Rental Site Visits
07/02/2018 Dana Point Harbor Advisory Board Meeting
07/09/2018 Pedego Ribbon Cutting
07/10/2018 United Way OC Homelessness 101 Training
07/17/2018 Dana Point Water Quality Subcommittee Meeting

ACC-OC Homeless Task Force Meeting Report

I'd like to thank ACC-OC for taking a leading role in the effort to eliminate the necessity of homelessness in Orange County.

I'd also like to acknowledge the United Way OC's "United to End Homelessness" initiative. It was their presentation to the Task Force that caught my attention.

It is becoming well understood that three major components are essential to ending homelessness:

1. Permanent Housing
2. Wrap-around support services
3. Warm, engaged community

Currently, the housing-first model with wrap-around services is gaining attention and money. It might not be moving as fast as we would like but I'm convinced that these two components will come together and over the next five years dramatically reduce the number of homeless.

Component 3 – warm, engaged community is not being addressed because it cannot be bought with money and it is not a five-year commitment. Ensuring that the homeless are surrounded by people that care about them, offer them true friendship, and make them feel that they matter requires genuine personal compassion. And, this genuine, personal compassion needs to be offered virtually from the first encounter through their entire life.

The United Way's presentation outlined their program to address this third component. Their program tools include a Faith Committee to engage the faith-based organizations, a community survey to gain an

understanding of a communities' current perception, and Homelessness 101 Training to provide a data-validated profile of the homeless in a community. Acknowledging the need and putting tools in place to address it is a great beginning.

Subsequent to the Task Force meeting, I took the Homelessness 101 Training which used Orange County as the community. It is my intent to work with the United Way to tailor their data to Dana Point and conduct Homelessness 101 training for our community.

We have engaged and concerned residents and faith-based institutions. Providing them leadership, tools and knowledge on how they can be part of the solution is the next step.

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