

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
SEPTEMBER 18, 2018
5:00 P.M.**

MINUTES

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

Next City Council Ordinance No. 18-07

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
Debra Lewis, Council Member
John A. Tomlinson, Council Member (arrived at 5:07 p.m.)
Paul N Wyatt, Council Member

CLOSED SESSION

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957
Title: City Attorney

Deputy City Attorney Farrell requested that an urgency item, 11a, be added to the Agenda.

IT WAS MOVED BY MAYOR PRO TEM MULLER, SECONDED BY COUNCIL MEMBER WYATT TO ADD URGENCY ITEM 11A TO THE AGENDA.

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

NOES: None

ABSENT: Council Member John A. Tomlinson

Mayor Viczorek recessed the meeting into a Closed Session at 5:03 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING

Mayor Viczorek reconvened the meeting at 6:04 p.m. All Council Members were present.

STAFF PRESENT: Mark Denny, City Manager; Jennifer Farrell, Deputy 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; Brian McClure, Deputy Community Services Director; Sean Nicholas, Senior Planner; and Shayna Sharke, Deputy City Clerk

CLOSED SESSION ANNOUNCEMENT

Deputy City Attorney Farrell 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

California Surfing Day

Senator Patricia Bates shared the history of the surfing culture in Dana Point and presented a Resolution to Mayor Viczorek declaring September 20th as California Surfing Day.

National Community Service Award

Earl Fulk presented the 2018 National Community Service Award to Commander Wayne Yost for VFW Post 9934. Commander Yost thanked the community, the city, and law enforcement for their support.

READING OF ORDINANCE TITLES

City Clerk Ward read one Ordinance title 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

Council Member Tomlinson announced his abstention from Item #11a only.

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, SEPTEMBER 4, 2018

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, AUGUST 13, 2018

RECEIVED AND FILED.

4. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

5. CITY TREASURER'S REPORT, JULY

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR JULY, 2018.

6. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

7. DANA POINT POLICE SERVICES MONTHLY REPORT

RECEIVED AND FILED.

8. DEVELOPMENT UPDATE

RECEIVED AND FILED.

9. AMENDMENT TO THE CITY'S CONFLICT OF INTEREST CODE

ADOPTED RESOLUTION 18-09-18-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING THE CITY'S CONFLICT OF INTEREST CODE.

10. ADOPTION OF A RESOLUTION ACCEPTING THE UPDATED 2018 SOUTH ORANGE COUNTY INTEGRATED REGIONAL WATERSHED MANAGEMENT PLAN

ADOPTED RESOLUTION 18-09-18-02 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ACCEPTING THE 2018 SOUTH ORANGE COUNTY INTEGRATED WATERSHED MANAGEMENT PLAN.

11. NATIONAL ARTS AND HUMANITIES MONTH – OCTOBER 2018

ADOPTED RESOLUTION 18-09-18-03 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DECLARING OCTOBER 2018 AS NATIONAL ARTS AND HUMANITIES MONTH.

11a. REQUEST FOR THE CITY COUNCIL TO APPOINT A HEARING OFFICER TO CONSIDER PUBLIC NUISANCE ABATEMENT PROCEEDINGS RELATED TO AN ACTIVE CODE ENFORCEMENT CASE AT 34466 AND 34468 VIA VERDE

ADOPTED RESOLUTION 18-09-18-04 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DESIGNATING DAVE KIFF AS THE HEARING OFFICER FOR THE NUISANCE ABATEMENT PROCEEDING RE 34466 AND 34468 VIA VERDE

PUBLIC COMMENTS

Bev Jorgenson, Dana Point Chamber of Commerce, invited all to the Lantern District Car Show on September 23rd and promoted the new kid's zone.

Daniel Ritz, Dana Point Times, introduced a new column to the Dana Point Times featuring Anthony Small of the Arts & Culture Commission discussing arts and its intersection in modern government.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Tomlinson stated that he attended the CASA quarterly meeting.

Council Member Wyatt stated that he turned in his list to the City Clerk. He added that he was involved in the Tall Ships Festival, which had an all-time high attendance rate, and attended an Ocean Institute Board meeting.

Council Member Lewis stated that she turned in her list to the City Clerk. She thanked the OCFA for the 9/11 memorial.

Mayor Pro Tem Muller also thanked OCFA and added that he spoke at the 9/11 ceremony and stated that he will turn in his list of meetings to the City Clerk.

Mayor Viczorek stated that he turned in his list to the City Clerk.

PUBLIC HEARINGS

12. 2018 ZONING ORDINANCE CLEAN UP (LOCAL COASTAL PROGRAM AMENDMENT LCPA18-0001 / ZONE TEXT AMENDMENT ZTA18-0001)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING LOCAL COASTAL PROGRAM AMENDMENT LCPA18-0001 AND SUBMISSION OF ZTA18-0001 AS LOCAL COASTAL PROGRAM AMENDMENT LCPA18-0001 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION; and

2. Introduce for first reading of an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA18-0001 TO MODIFY AN ADD VARIOUS PROVISIONS TO THE ZONING ORDINANCE AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA18-0001 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

Senior Planner Sean Nicholas provided a staff report.

Senior Planner Nicholas and Acting Community Development Director Schneider answered questions of the Council Members.

Mayor Viczorek opened the Public Hearing.

Bev Jorgenson, Dana Point Chamber of Commerce, stated that the Chamber supports the proposed updates regarding beer distillery and wine manufacturing, Doheny Village code updates, decomposed granite lots, and streamlined approval of sign programs.

Mayor Viczorek closed the Public Hearing.

IT WAS MOVED BY MAYOR VICZOREK, SECONDED BY COUNCIL MEMBER WYATT THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING AND 1) ADOPT THE FOLLOWING **RESOLUTION 18-09-18-05** APPROVING AND REQUESTING CERTIFICATION OF LCPA18-0001 FROM THE CALIFORNIA COASTAL COMMISSION:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING LOCAL COASTAL PROGRAM AMENDMENT LCPA18-0001 AND SUBMISSION OF ZTA18-0001 AS LOCAL COASTAL PROGRAM AMENDMENT LCPA18-0001 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION; and

INTRODUCE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA18-0001 TO MODIFY AN ADD VARIOUS PROVISIONS TO THE ZONING ORDINANCE AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA18-0001 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

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

There were no Unfinished Business items.

NEW BUSINESS

There were no New Business items.

PUBLIC COMMENTS (Continued)

STAFF REPORTS

City Manager Denny announced that the Dana Point Surf Club would be celebrating Surfing Day early with the Boys and Girls Club on September 19th at Doheny State Beach. He also announced that Wayne Yost will lead meetings addressing homelessness and the City will be providing meeting space and staff support.

Deputy City Attorney Farrell had nothing to report.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Viczorek adjourned the meeting at 7:07 p.m. and announced that the next Regular Meeting of the City Council will be October 2, 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 OCTOBER 2, 2018.

Meetings attended since September 4, 2018:

Mayor Richard A. Viczorek

09/11/2018 9/11 Memorial Ceremony – Fire Station 29
09/14/2018 League of California Cities Annual Business Meeting
09/17/2018 DAR Constitution Day Celebration – Mission San Juan Capistrano

Mayor Pro Tem Joseph L. Muller

09/07/2018 SDG&E Mission Control
09/11/2018 OCFA 9/11 Ceremony
09/12/2018 OCFA
09/12/2018 League of Cities
09/13/2018 League of Cities
09/14/2018 League of Cities
09/17/2018 Healthy at Home

Council Member John A. Tomlinson

09/17/2018 CASA Quarterly Meeting

Council Member Debra Lewis

09/06/2018 Dana Point Women's Club
09/07/2018 Meeting Re: San Onofre
09/11/2018 Orange County Fire Authority 9/11 Memorial
09/12/2018 Meeting with residents
09/13/2018 Niguel Shores Women's Club
09/17/2018 R.H. Dana

Council Member Paul N Wyatt

09/06/2018 Dana Point Women's Club Luncheon
09/07/2018 Ocean Institute Tall Ships Festival VIP Party
09/11/2018 Orange County Fire Authority 9-11 Memorial Service
09/12/2018 ACC-OC Homelessness Task Force Meeting
09/12/2018 Ocean Institute Board Meeting
09/13/2018 League of California Cities Annual Conference
09/14/2018 League of California Cities Annual Conference