

# CITY OF DANA POINT

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## CITY COUNCIL REGULAR MEETING



TUESDAY  
FEBRUARY 5, 2019  
5:00 P.M.

## MINUTES

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

Next City Council Ordinance No. 19-01

### CALL TO ORDER

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

### ROLL CALL OF CITY COUNCIL MEMBERS:

Joseph L. Muller, Mayor  
Paul N Wyatt, Mayor Pro Tem  
Jamey M. Federico, Council Member  
Debra Lewis, Council Member  
Richard A. Viczorek, Council Member

### CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (1 case)

Name of Case: *Laguna Beach Sober Living, LLC, and Donna's House, Inc. v. City of Dana Point* (No case number at this time)

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

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

### RECESS OF CITY COUNCIL MEETING UNTIL 6:00 P.M.

### RECONVENE CITY COUNCIL MEETING

Mayor Muller reconvened the meeting at 6:00 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; Lieutenant Margie Sheehan; Matthew Schneider, Director of Community Development; Matthew Sinacori, Director of Public Works and Engineering; Brian McClure, Deputy Director of Community Services, Rachel Johnson, Management Analyst, and Shayna Sharke, Deputy City Clerk

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Pro Tem Paul N Wyatt.

## **INVOCATION**

The Invocation was provided by Rabbi Eli Goorevitch from Chabad of Dana Point.

## **CLOSED SESSION ANNOUNCEMENT**

City Attorney Munoz did not have a Closed Session announcement.

## **PRESENTATIONS AND PROCLAMATIONS**

Presentation from Lt. Colonel Rusty Tuten, USMC, Commander Task Force Lion

Lt. Colonel Rusty Tuten, USMC, Commander Task Force Lion, presented the City with the flag he flew on the base he commanded while stationed in Iraq in honor of the City of Dana Point and its citizens.

## **CONSENT CALENDAR**

Item 11 was removed by a member of the public. City Manager Denny stated that the item would be moved to the Agenda for the February 19, 2019 Regular City Council Meeting.

**IT WAS MOVED BY MAYOR PRO TEM WYATT, SECONDED BY COUNCIL MEMBER FEDERICO, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 11.**

The motion carried by the following vote:

**AYES:** Council Member Jamey M. Federico, Council Member Debra Lewis, Council Member Richard A. Viczorek, Mayor Pro Tem Paul N Wyatt, and Mayor Joseph L. Muller  
**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 AND THAT FURTHER READING OF SUCH ORDINANCES BE WAIVED.**

**2. REGULAR MEETING MINUTES, JANUARY 15, 2019**

APPROVED THE MINUTES.

**3. PLANNING COMMISSION MEETING MINUTES, DECEMBER 10, 2018**

RECEIVED AND FILED.

**4. ARTS AND CULTURE COMMISSION MEETING MINUTES, SEPTEMBER 19, 2018**

RECEIVED AND FILED.

**5. ARTS AND CULTURE COMMISSION MEETING MINUTES, NOVEMBER 14, 2018**

RECEIVED AND FILED.

**6. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR**

RECEIVED AND FILED.

**7. CITY TREASURER'S REPORT, DECEMBER 2018**

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

**8. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**9. APPROVAL OF BOTH A COOPERATIVE AGREEMENT C-8-1992 WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR 2018 PROJECT "V" COMMUNITY-BASED TRANSIT/CIRCULATORS GRANT FUNDS AND A CONTRACT AMENDMENT WITH LAZ PARKING CALIFORNIA, LLC TO EXTEND THE SERVICE TERM OF THE DANA POINT TROLLEY PROGRAM**

THE CITY COUNCIL:

- 1) APPROVED THE COOPERATIVE AGREEMENT WITH ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT AND;
- 2) APPROVED A SECOND AMENDMENT WITH LAZ PARKING CALIFORNIA, LLC, PREVIOUSLY KNOWN AS PROFESSIONAL PARKING, INCORPORATED TO EXTEND THE TROLLEY SERVICES YEARS AND;
- 3) AUTHORIZED THE CITY MANAGER TO SIGN THE SECOND AMENDMENT; AND (4) AUTHORIZE THE USE OF COASTAL TRANSIT FUNDS AND AB2766 FUNDS FOR THE CITY'S PORTION OF FUNDING FOR THE DANA POINT TROLLEY PROGRAM.

**10. 2019 SPECIAL EVENTS CALENDAR**

THE CITY COUNCIL:

- 1) APPROVED THE 2019 SPECIAL EVENT CALENDAR FOR 2019 AND THE RECOMMENDED VENUES AND;
- 2) AUTHORIZED THE CITY MANAGER TO EXECUTE TWO CONTRACTS WITH SOUTHERN CALIFORNIA SOUND STAGE & LIGHTING CORPORATION FOR A) FESTIVAL OF WHALES CONCERT AND B) CONCERTS IN THE PARK.

**11. ADOPTION OF A RESOLUTION OF THE DANA POINT CITY COUNCIL ESTABLISHING A POLICY ON LIGHTING PUBLIC SPACES FROM PRIVATE PROPERTY**

CITY MANAGER DENNY MOVED THE ITEM TO THE FEBRUARY 19, 2019 CITY COUNCIL MEETING.

Toni Nelson, Dana Point, was not available to speak on this item, but left correspondence for Council review.

**12. QUARTERLY FINANCIAL REPORT, DECEMBER 2018**

RECEIVED AND FILED THE QUARTERLY FINANCIAL REPORT, DECEMBER 2018.

**PUBLIC COMMENTS**

Wayne Yost (Dana Point) commended the City Council for concluding the Closed Session period promptly and reconvening the meeting at 6:00 p.m. for the past year. He added that some items should be handled separately from City Council Meetings.

Juan Gonzales (So Cal Gas) complimented staff and announced possible future legislation for the Council's information.

**COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED**

Council Member Federico stated that he attended a meeting with the Director of the California Animal Services Authority and the League of California Cities New Council Member Academy.

Council Member Lewis responded to Mr. Yost's public comment, stating that the Council is prevented from business discussion outside of the public meetings due to the Brown Act. She announced that Congressman Levin will have a staffed office at the Dana Point City Hall building. She added that she has met with him regarding San Onofre waste, beach erosion, and residential recovery facilities.

Council Member Viczorek stated that he had turned in his list of meetings attended to the City Clerk.

Mayor Pro Tem Wyatt stated that he participated in the countywide Homelessness Point-In-Time count and acknowledged Kelly Reenders (Economic Development Manager) and Rachel Johnson (Management Analyst) for their participation.

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

## **PUBLIC HEARINGS**

There were no Public Hearings.

## **UNFINISHED BUSINESS**

### **13. LONG TERM FINANCIAL PLAN / BUDGET PRIORITIES – WORKSHOP FACILITIES PROJECT PRIORITIES & BUDGET PROCESS UPDATE**

City Manager Denny provided a brief overview of the discussion from the previous meeting.

City Clerk Ward distributed a document provided by Toni Nelson (Dana Point).

Council Member Federico requested to remove item 13B from the list of items for CIP Subcommittee review.

Brief discussion ensued.

**Mayor Muller paused the discussion on this item to continue the Presentations and Proclamations.**

## **PRESENTATIONS AND PROCLAMATIONS (Continued)**

### **OCTA Presentation**

Supervisor Lisa Bartlett presented a check for \$5,107,544 to fund Project V, the trolley Community Circulator Programs through Measure M. She stated that 90% of the cost of the trolley is funded through OCTA and only 10% remains with the City.

### **Mayor Muller reopened Council discussion on Item 13.**

Discussion ensued.

Council Member Viczorek requested to add a community pool and a large active park to the list for CIP Subcommittee Review.

Discussion ensued.

**IT WAS MOVED BY MAYOR MULLER, SECONDED BY COUNCIL MEMBER FEDERICO, THAT ITEMS C THROUGH G BE REMOVED FROM THE LIST OF ITEMS FOR CIP SUBCOMMITTEE REVIEW.**

Discussion ensued.

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AN AMENDED MOTION WAS MADE BY MAYOR MULLER, ACCEPTED BY COUNCIL MEMBER FEDERICO, THAT ITEMS D THROUGH G BE REMOVED FROM THE LIST OF ITEMS FOR CIP SUBCOMMITTEE REVIEW.

Discussion ensued.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

Discussion ensued.

## **NEW BUSINESS**

### **14. STRATEGIC PLAN PREVIEW – PERFORMANCE MEASURES**

City Manager Denny provided a Power Point Presentation.

Discussion ensued.

Mayor Muller asked staff to look at revenues and actual costs in the Harbor.

IT WAS MOVED BY COUNCIL MEMBER FEDERICO, SECONDED BY MAYOR MULLER TO DIRECT STAFF TO START RESEARCH AND DISCUSSION FOR THE POST OFFICE AS A POSSIBLE P3 PROJECT.

Discussion ensued.

COUNCIL MEMBER FEDERICO WITHDREW HIS MOTION DUE TO A CONFLICT OF INTEREST.

IT WAS MOVED BY MAYOR MULLER, SECONDED BY COUNCIL MEMBER VICZOREK TO DIRECT STAFF TO WORK WITH THE POST OFFICE TO DEVELOP A P3 PLAN.

Mayor Pro Tem Wyatt recused himself due to a conflict of interest.

Mayor Pro Tem Wyatt and Council Member Federico left the Council Chambers at 7:43 p.m.

Discussion ensued.

Council Member Federico and Mayor Pro Tem Wyatt re-entered Council Chambers at 7:48 p.m.

The motion carried by the following vote:

AYES: Council Member Richard A. Viczorek, Mayor Joseph L. Muller

NOES: Council Member Debra Lewis

ABSENT: None

Council Member Federico and Mayor Pro Tem Wyatt recused themselves from voting.

Discussion ensued.

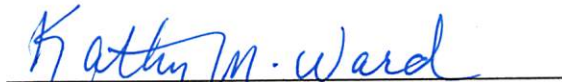
## STAFF REPORTS

City Manager Denny thanked staff for their work on the Strategic Plan.

City Attorney Munoz had nothing to report.

## ADJOURNMENT

There being no further business before the City Council at this session, Mayor Muller adjourned the meeting at 7:52. He announced that the next Regular Meeting of the City Council will be February 19, 2019, 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 FEBRUARY 19, 2019.

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**Meetings attended since January 16, 2019:**

**Mayor Joseph L. Muller**

01/16/2019 OCFA  
01/16/2019 California Consultants  
01/17/2019 South Orange County Mayors  
01/17/2019 Songs Update  
01/17/2019 Mark Darnell  
01/18/2019 League of Cities  
01/23/2019 TCA  
01/24/2019 TCA  
01/24/2019 OCFA  
01/25/2019 Coffee Chat  
01/28/2019 OCTA  
01/29/2019 Meeting with Residents  
01/30/2019 Parking Task Force  
02/04/2019 OCTA  
02/05/2019 OCFA

**Mayor Pro Tem Paul N Wyatt**

01/16/2019 Scot Darnell of Capital Management and Kiley Stevenson of Singerman Real Estate regarding development of lots at corner of PCH and Harbor Dr  
01/17/2019 Homeless Point-in-Time Field Surveyor Training  
01/18/2019 OC Public Library Advisory Board Meeting  
01/18/2019 Visit Dana Point Launch of Brand, Strategy and Logo  
01/23/2019 Field Surveyor for OC Homelessness Point-in-Time Count  
01/25/2019 South OC Economic Coalition – Meet the New Elected Officials  
01/25/2019 View Ordinance Discussion with Council Member Lewis, City Manager Denny, Community Development Director Schneider  
01/30/2019 Capistrano Unified School District Briefing with Superintendent Vital  
01/31/2019 ACC-OC, County of Orange Panels on Homelessness Services Update; Housing Funding Strategy  
02/01/2019 Dana Point Chamber of Commerce Installation Dinner

**Council Member Jamey M. Federico**

01/21/2019 Coastal Animal Services Authority  
01/30/2019 League of California Cities – New Council Member Academy

**Council Member Debra Lewis**

01/17/2019 Meeting with Dana Point Residents  
01/18/2019 Meeting with Dana Point Residents  
01/18/2019 Visit Dana Point Brand Launch  
01/21/2019 Meeting with Dana Point Residents  
01/22/2019 Association of California Cities – OC (ACC-OC)



- 01/25/2019 City Manager and Staff Re: Private View Ordinance
- 01/27/2019 – 01/29/2019 Congressman Levin and Cisneros, Staff for Congressman Lowenthal
- 02/01/2019 Chamber Installation Dinner
- 02/04/2019 Congressman Mike Levin

**Council Member Richard A. Viczorek**

- 01/17/2019 OCMVCD Board of Trustees Meeting
- 01/18/2019 VDP Destination Brand Launch
- 02/01/2019 Chamber of Commerce Annual Meeting & Board Installation