

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
FEBRUARY 19, 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 – 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: City of DP v. Sunshine Group LLC (Seaside Inn), Orange County Superior Court Case No. 30-2017- 00915900

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 6:01 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; Robert Sedita, Director of General Services; 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 Council Member Lewis.

INVOCATION

The Invocation was provided by VFW Chaplain Morrie Hansen.

PRESENTATIONS AND PROCLAMATIONS

VFW Post 9934 Presentation – Patriot Pen Award

Sofia O’Keefe read her essay that won the Patriot Pen award. Wayne Yost, Commander of VFW Post 9934, presented her with a Certificate of Achievement, a check for \$300, and a Medallion of Achievement. Mayor Muller presented her with a Certificate of Recognition on behalf of the City Council.

CONSENT CALENDAR

Item 8 was removed by a member of the public. Item 7 was removed by Council Member Lewis.

IT WAS MOVED BY MAYOR MULLER, SECONDED BY COUNCIL MEMBER VICZOREK, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 7 AND 8.

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, FEBRUARY 5, 2019

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, JANUARY 14, 2019

RECEIVED AND FILED.

4. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

5. CITY TREASURER'S REPORT, JANUARY

RECEIVED AND FILED THE CITY TREASURER'S REPORT, JANUARY 2019.

6. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

7. DANA POINT POLICE SERVICES MONTHLY REPORT

Lieutenant Sheehan provided a staff report and Power Point presentation.

Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER LEWIS, SECONDED BY MAYOR PRO TEM WYATT THAT THE CITY COUNCIL RECEIVE AND FILE THE DANA POINT POLICE SERVICES MONTHLY REPORT.

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

8. DEVELOPMENT UPDATE

Community Development Director Schneider provided a staff report.

Mayor Muller opened Public Comment.

Toni Nelson (Capistrano Beach) spoke of concerns regarding Doheny Village. She requested that City Council speed up the rezoning process, move forward with connectivity, establish funding for lighting, and work with Police Services to enhance public safety.

Mayor Muller closed Public Comment.

Discussion ensued.

IT WAS MOVED BY COUNCIL MAYOR MULLER, SECONDED BY MAYOR PRO TEM WYATT THAT THE CITY COUNCIL RECEIVE AND FILE THE DEVELOPMENT UPDATE.

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

9. DANA POINT FUNICULAR MAINTENANCE AGREEMENT

THE CITY COUNCIL:

- 1) APPROVED AN AGREEMENT (ACTION DOCUMENT A) WITH OUTDOOR ENGINEERS, INCORPORATED FOR ROUTINE MAINTENANCE OF THE DANA POINT FUNICULAR;
- 2) AUTHORIZED THE CITY MANAGER OR HIS DESIGNEE TO SIGN AND ADMINISTER THE SUBJECT CONTRACT AND APPROVE ADDITIONAL PAYMENT IF REQUIRED FOR AS-NEEDED EXTRAORDINARY REPAIRS; AND
- 3) AUTHORIZED THE CITY MANAGER TO PROCESS A SHORT FORM CONTRACT AGREEMENT WITH SPECIALIZED ELEVATOR FOR AS-NEEDED LOCALIZED SUPPORT SERVICES RELATED TO THE FUNICULAR.

10. AWARD OF CONTRACT FOR THE 4TH OF JULY AERIAL FIREWORKS DISPLAY

THE CITY COUNCIL AUTHORIZED THE CITY MANAGER TO EXECUTE A CONTRACT WITH GARDEN STATE FIREWORKS, INC. TO INCLUDE FIREWORKS AND BARGE SERVICES.

PUBLIC COMMENTS

Betty Hill (Capistrano Beach) questioned the accuracy of the City's budget and referenced the letter published in the Dana Point Times by Assistant City Manager Killebrew.

Wayne Yost (Dana Point) read a letter published in the Dana Point Times written by Bev Jorgenson, Dana Point Chamber of Commerce commending the City for receiving a Certificate of Achievement from the Government Finance Officers Association of the United States for 28 consecutive years. He also announced a Flag Ceremony taking place on Friday, February 22nd at 4:00 p.m. at Doheny State Beach.

Carol Kelly (Dana Point) requested that the Parking and Circulation Oversight Task Force reach out to private lot owners for lease options as well as developers for additional parking options. Additionally she asked that the Dana Point Trolley connect to the San Clemente Trolley.

Mayor Muller responded that the Dana Point Trolley and San Clemente Trolley will connect.

Hoyin Ip (Dana Point) spoke regarding trash reduction with suggestions for local restaurants.

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

13. POLICY 302 – APPOINTMENT OF PLANNING COMMISSIONERS AND YOUTH BOARD MEMBERS - COUNCIL MEMBER LEWIS

Mayor Muller opened Public Comment.

Toni Nelson (Capistrano Beach) spoke in favor of changing Policy 302 to appoint Commissioners by District.

Kim Tarantino (Capistrano Beach) spoke in favor of changing Policy 302.

Rick Brown (Dana Point) spoke in favor of changing Policy 302.

Carol Kelly (Dana Point) spoke in favor of changing Policy 302.

Julian Joshua (Dana Point) spoke in favor of changing Policy 302.

Mayor Muller closed Public Comment.

IT WAS MOVED BY COUNCIL MEMBER LEWIS, SECONDED BY MAYOR PRO TEM WYATT, THAT THE CITY COUNCIL AMEND POLICY 302 SO THAT EACH COUNCIL MEMBER NOMINATE A PLANNING COMMISSION APPLICANT FROM THEIR DISTRICT TO BE ELECTED BY COUNCIL MAJORITY.

Discussion ensued.

A SUBSTITUTE MOTION WAS MADE BY MAYOR PRO TEM WYATT, SECONDED BY COUNCIL MEMBER LEWIS, THAT THE COUNCIL DIRECT STAFF TO DRAFT A CHARTER AND APPOINTMENT PROCESS BASED ON COUNCIL'S DISCUSSION TO PRESENT TO COUNCIL FOR CONSIDERATION.

Discussion ensued.

The substitute motion failed by the following vote:

- AYES: Council Member Debra Lewis, and Mayor Pro Tem Paul N Wyatt
NOES: Council Member Jamey M. Federico, Council Member Richard A. Viczorek, and Mayor Joseph L. Muller
ABSENT: None

Mayor Muller responded and suggested that she speak to Bev Jorgenson with the Chamber of Commerce to reach out to the restaurants.

Julian Joshua (Dana Point) asked Council to consider adopting an ordinance regulating group homes of 6 or less residents. He referred to a court case in Costa Mesa where their nondiscriminatory ordinance was upheld.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

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

Public Works Director Sinacori provided a staff report.

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

APPROVE AND ADOPT **RESOLUTION 19-02-19-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING A POLICY ON LIGHTING PUBLIC SPACES FROM PRIVATE PROPERTY

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

NEW BUSINESS

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

Community Development Director Schnieder provided a staff report.

IT WAS MOVED BY MAYOR MULLER, SECONDED BY COUNCIL MEMBER FEDERICO, THAT THE CITY COUNCIL AUTHORIZE AND DIRECT THE CITY MANAGER TO EXECUTE THE FOLLOWING CONTRACTS:

- 1) WC3 FOR PLAN CHECK AND INSPECTION SERVICES
- 2) CSG FOR PLAN CHECK SERVICES

The original motion failed by the following vote.

AYES: Council Member Debra Lewis, and Mayor Pro Tem Paul N Wyatt

NOES: Council Member Jamey M. Federico, Council Member Richard A. Viczorek, and Mayor Joseph L. Muller

ABSENT: None

COUNCIL COMMENTS

Council Member Federico commended staff for their work on Doheny Village and stated that he had met with Mayor Muller and OCTA regarding Doheny Village connectivity.

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

Council Member Lewis stated she had nothing to report.

Mayor Pro Tem Wyatt stated that he was encouraged to learn about the Doheny Village connectivity. He added that he had turned in his list of meetings attended to the City Clerk.

Mayor Muller stated that he had met with Assembly Member Bill Brough regarding public coastal access and the damage at Capistrano Beach. He added that he had turned in his list of meetings attended to the City Clerk.

STAFF REPORTS

City Manager Denny introduced Robert Sedita as the new Director of General Services.

City Attorney Munoz stated he had nothing to report.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Muller adjourned the meeting at 8:25 p.m. He announced that the next Regular Meeting of the City Council will be March 5, 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 MARCH 5, 2019.

Meetings attended since February 5, 2019:

Mayor Joseph L. Muller

02/06/2019 OCTA
02/07/2019 OC Parks
02/11/2019 OCTA
02/13/2019 OCFA
02/14/2019 TCA

Mayor Pro Tem Paul N Wyatt

02/06/2019 Ocean Institute Board of Directors Meeting
02/08/2019 Mayor/Mayor Pro Tem Roundtable with Senator Pat Bates
02/13/2019 Meeting with Dana Point Chamber of Commerce
02/15/2019 Meeting with CUSD Board Member Amy Hanachek
02/15/2019 Conditions of Children in Orange County Forum

Council Member Jamey M. Federico

02/06/2019 OCTA, City Manager, Public Works Director regarding Parking lot on Las Vegas
02/13/2019 Meeting with Residents
02/13/2019 Scott Darnell, Darnell Capital Management

Council Member Debra Lewis

Council Member Richard A. Viczorek

02/14/2019 SJHTCA Board of Directors Meeting
02/14/2019 OCMVCD Board of Trustees Meeting