

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



TUESDAY
APRIL 16, 2019
5:00 P.M.

MINUTES

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

Next City Council Ordinance No. 19-02

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. UNLICENSED RESIDENTIAL RECOVERY FACILITIES UPDATE
- a. CONFERENCE WITH LEGAL COUNCIL – EXISTING LITIGATION, Government Code Section 54956.9 (a) (3 cases)
 1. City of Dana Point v. Donna's House, LLC, Superior Court for the State of California, County of Orange, Case No. 30-2018-00966527
 2. City of Dana Point v. Donna's House, LLC, Michael Marriner, Jr., Katy Marriner, Ralph M. Wright, Jr., Trustee, or His Successor, Under The Ralph M. Wright, Jr. 2017 Family Trust, Case No. 30-2018-01011653
 3. City of Dana Point v. Southern California Recovery Center, TML Holdings, LLC, Case No. 30-2018-01012750
- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, Significant Exposure to Litigation, Government Code § 54956.9 (d)(2) (1 case)

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; Matthew Schneider, Director of Community Development; Matthew Sinacori, Director of Public Works and Engineering; Robert Sedita, Director of General Services; Jeff Rosaler, Staff Member, 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 VFW Post 9934 Chaplain Morrie Hansen.

PRESENTATIONS AND PROCLAMATIONS

City of Dana Point's 30th Anniversary

Senator Patricia Bates and Assemblyman Bill Brough presented a proclamation to the City for the City of Dana Point's 30th Anniversary on behalf of the California Legislature.

Chairwoman Lisa Bartlett, Orange County Board of Supervisors, also presented a proclamation to the City for the City of Dana Point's 30th Anniversary. She also congratulated Mayor Pro Tem Wyatt on his appointment to the County of Orange Commission to End Homelessness.

Dana Point Police Services Deputy of the Year

Lieutenant Margie Sheehan presented Deputy Kevin Reinhardt with a Certificate of Recognition.

Council Member Jamey M. Federico recognized two interpreters from Afghanistan who were in attendance.

READING OF ORDINANCE TITLES

There were no Ordinance Titles.

CONSENT CALENDAR

Item #10 was removed by the Public. Item #8 was removed by Council Member Debra Lewis.

IT WAS MOVED BY MAYOR JOSEPH L. MULLER, SECONDED BY COUNCIL MEMBER RICHARD A VICZOREK, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 10 AND ITEM 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, APRIL 2, 2019

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, MARCH 25, 2019

THIS ITEM WAS REMOVED/WITHDRAWN AS THE PLANNING COMMISSION MEETING ON 4/8 WAS CANCELLED.

4. ARTS AND CULTURE COMMISSION MEETING MINUTES, JANUARY 23, 2019

RECEIVED AND FILED.

5. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

6. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

☪ **7. DANA POINT POLICE SERVICES MONTHLY REPORT**

RECEIVED AND FILED THE DANA POINT POLICE SERVICES MONTHLY REPORT.

8. DEVELOPMENT UPDATE

Management Analyst Rachel Johnson provided a demonstration of the Dana Point Development Pipeline page through the danapoint.org website.

Discussion ensued.

THE CITY COUNCIL RECEIVED AND FILED THE DEVELOPMENT UPDATE.

9. COST RECOVERY FOR NUISANCE ABATEMENT AT 34466 AND 34468 VIA VERDE

ADOPTED RESOLUTION 19-04-16-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE COST OF NUISANCE ABATEMENT AT 34466 AND 34468 VIA VERDE.

10. 2019 WEED ABATEMENT PROGRAM

Mayor Muller opened Public Comment.

Hoiyin Ip (Dana Point) provided suggestions for empty lots.

Mayor Muller closed Public Comment.

IT WAS MOVED BY MAYOR PRO TEM PAUL N WYATT, SECONDED BY COUNCIL MEMBER RICHARD A VICZOREK, THAT THE CITY COUNCIL ADOPT RESOLUTION 19-04-16-02 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DECLARING WEEDS A PUBLIC NUISANCE AND INITIATING ABATEMENT PROCEEDINGS.

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

PUBLIC COMMENTS

There were no Public Comments.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

11. CODE ENFORCEMENT OPERATIONS AND STRATEGIC PLAN

Staff Member Jeff Rosaler provided a Power Point presentation.

IT WAS MOVED BY MAYOR JOSEPH L. MULLER AND SECONDED BY COUNCIL MEMBER JAMEY M. FEDERICO, THAT THE CITY COUNCIL RECEIVE AND FILE THE CODE ENFORCEMENT OPERATIONS AND STRATEGIC PLAN AND ADOPT **RESOLUTION 19-04-16-03** ASSIGNING HEARING OFFICERS FOR THE CITY OF DANA POINT ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DESIGNATING DATA TICKET TO ASSIGN HEARING OFFICERS FOR NUISANCE ABATEMENT PROCEEDINGS, ADMINISTRATION CITATION HEARINGS AND BUILDING PERMIT APPEALS DURING FISCAL YEARS 2020 AND 2021.

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

12. SHORT-TERM RENTAL AD HOC COMMITTEE

City Manager Mark Denny provided a brief staff report.

Mayor Pro Tem Paul N Wyatt nominated Council Member Debra Lewis.

No further nominations were made.

WITH COUNCIL CONSENSUS, COUNCIL MEMBER LEWIS ACCEPTED THE APPOINTMENT TO THE SHORT-TERM RENTAL AD HOC COMMITTEE.

13. PROFESSIONAL SERVICES CONTRACT FOR INFORMATION TECHNOLOGY SERVICES

Director of General Services Robert Sedita provided a brief staff report.

Discussion ensued.

IT WAS MOVED BY MAYOR JOSEPH L. MULLER, SECONDED BY MAYOR PRO TEM PAUL N WYATT, THAT THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE CITY OF BREA (BREAT) FOR CONTRACT INFORMATION TECHNOLOGY SUPPORT SERVICES FOR A ONE YEAR TERM, WITH AN ASSESSMENT OF THE BUDGET/EVALUATION AND GO OUT TO BID THE CONTRACT FOR THE FOLLOWING YEAR.

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

14. CONTRACT AWARD FOR TREE MAINTENANCE SERVICES

Director of General Services Robert Sedita provided a staff report.

Discussion ensued.

IT WAS MOVED BY MAYOR JOSEPH L. MULLER, SECONDED BY COUNCIL MEMBER JAMEY M. FEDERICO, THAT THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO EXECUTE A TWO (2) YEAR CONTRACT WITH AN OPTION FOR THREE (3) ONE-YEAR EXTENSIONS, WITH WEST COAST ARBORISTS, INC. FOR TREE MAINTENANCE SERVICES.

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

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Federico stated that he turned in his list of meetings attended to the City Clerk. He reported on his meeting with CASA and stated that an amendment to the JPA Agreement will be brought before the Council in the near future.

Council Member Lewis stated that she attended a TCA meeting and reported on her observations including the items discussed and decided upon, board member behavior, public speakers and presentations, audience behavior, and board member compensation.

Council Member Richard A. Viczorek stated that he attended the San Joaquin Hills TCA Board Meeting. He reported on the motion made by San Clemente Directors and discussed regarding an audit of the TCA. Council Member Viczorek stated that the original motion made by San Clemente Directors was voted down by the Board.

Mayor Pro Tem Paul N Wyatt stated that he turned in his list of meetings attended to the City Clerk.

Mayor Joseph L. Muller expanded on the TCA motion and decision made. He added that the City of Irvine and City of Garden Grove accepted the OCFA settlement agreement. He will turn in his list of meetings.

STAFF REPORTS

There were no Staff Reports.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Muller adjourned the meeting in the memory of long-time resident, Helen Pierce at 7:54 p.m. He announced that the next Regular Meeting of the City Council will be May 7, 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 MAY 7, 2019.

Meetings attended since April 3, 2019:

Mayor Joseph L. Muller

04/03/2019 OCTA
04/03/2019 League of Cities
04/04/2019 Toll Brothers
04/08/2019 OCTA
04/10/2019 OCFA
04/11/2019 TCA
04/12/2019 OCFA

Mayor Pro Tem Paul N Wyatt

04/04/2019 Susan Price, Orange County Director of Care Coordination
04/05/2019 Dana Point Symphony
04/09/2019 Laura Blasingham, Senior Branch Manager of Dana Point Library
04/09/2019 Hoiyin Ip, Sierra Club
04/10/2019 Capistrano Unified School District Mayor's Roundtable
04/10/2019 Hillery Royer
04/10/2019 Pastor Brenda Bos, San Clemente Christ Lutheran Church
04/11/2019 League of California Cities Legislative Update Webinar
04/11/2019 Orange County Sheriff Department Medals of Valor Awards
04/11/2019 Dana Hills High School Taste of Dana Point
04/12/2019 Orange County Commission to End Homelessness Briefing
04/13/2019 American Association of University Women Meeting on Homelessness
04/13/2019 Association of Women Sailors/Ocean Institute Dana Point Harbor Trash Cleanup

Council Member Jamey M. Federico

04/05/2019 Meeting with residents
04/10/2019 GenNext OC Quarterly Program
04/10/2019 Meeting with residents re: LVA
04/11/2019 OCSD Medal of Valor Awards
04/11/2019 Chamber of Commerce State of South OC
04/12/2019 OCCOG General Assembly
04/15/2019 CASA Quarterly Board Meeting
04/15/2019 Meeting with Residents

Council Member Debra Lewis

04/03/2019 State of the City Video
04/04/2019 Dana Point Women's Club
04/09/2019 Advocates for Responsible Treatment
04/10/2019 Congressman Levin's Office
04/11/2019 TCA
04/12/2019 Resident meeting
04/15/2019 City Manager
04/16/2019 Congressional, State, and Local Elected Officials

Council Member Rick Viczorek

4/11/2019 SJTCA Meeting