

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



TUESDAY
MAY 7, 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 (Arrived at 5:57 p.m.)

CLOSED SESSION

- A. 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 6:00 p.m. All Council Members were present.

STAFF PRESENT: Mark Denny, City Manager; Patrick Munoz, City Attorney; Mike Killebrew, Assistant City Manager; Lieutenant Margie Sheehan; Kathy Ward, City Clerk; Matthew Schneider, Director of Community Development; Matthew Sinacori, Director of Public Works and Engineering; Robert Sedita,

Director of General Services; Kelly Reenders, Economic Development Manager, and Shayna Sharke, Deputy City Clerk

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Debra Lewis.

INVOCATION

The invocation was provided by Jens Christy, Associate Pastor of Capo Beach Church.

PRESENTATIONS AND PROCLAMATIONS

Boys and Girls Club of Capistrano Valley – Youth of the Year

Mayor Joseph L. Muller introduced James Littlejohn, Executive Director of the Boys and Girls Club, and presented Shaleen Mathur with a Certificate of Recognition.

READING OF ORDINANCE TITLES

Kathy Ward, City Clerk, read two (2) ordinance titles:

CONSENT CALENDAR

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.

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 16, 2019

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, MARCH 25, 2019

RECEIVED AND FILED.

4. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

5. CITY TREASURER'S REPORT, MARCH 2019

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

6. DANA POINT POLICE SERVICES MONTHLY REPORT

RECEIVED AND FILED THE DANA POINT POLICE SERVICES MONTHLY REPORT.

7. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

8. 4TH AMENDMENT TO OCFA JOINT POWERS AUTHORITY AGREEMENT

ADOPTED RESOLUTION 19-05-07-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA APPROVING THE FOURTH AMENDMENT TO THE ORANGE COUNTY FIRE AUTHORITY AMENDED JOINT POWERS AUTHORITY AGREEMENT, AND AUTHORIZE ITS EXECUTION.

PUBLIC COMMENTS

Joe Masi (City of Middletown, New York) stated his appreciation for the City's operations.

PUBLIC HEARINGS

There were no Public Hearings.

NEW BUSINESS

9. SECOND READINGS OF SIDEWALK AND STREET VENDING ORDINANCES, AND PUBLIC HEARING

Mayor Joseph L. Muller opened the Public Hearing at 6:17 p.m.

Hoyin Ip (Dana Point) provided suggestions for vendor signage.

Mayor Joseph L. Muller closed the Public Hearing at 6:20 p.m.

IT WAS MOVED BY MAYOR JOSEPH L. MULLER AND SECONDED BY MAYOR PRO TEM PAUL N WYATT THAT THE CITY COUNCIL:

- 1) HOLD A SECOND READING AND ADOPT ORDINANCE 19-02 ENTITLED:

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA
ADDING CHAPTER 5.03 TO THE DANA POINT MUNICIPAL CODE; AND*

2) HOLD A SECOND READING OF THE AMENDMENTS TO THE DANA POINT MUNICIPAL CODE TITLE 5.02 REGULATION OF STREET VENDORS ACTIVITIES; AND

3) CONDUCT A PUBLIC HEARING; AND ADOPT **RESOLUTION 19-05-07-02** ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA,
ESTABLISHING AN APPLICATION FEE FOR SIDEWALK VENDING.*

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

10. ORDINANCE OF THE CITY COUNCIL OF DANA POINT, CALIFORNIA AMENDING DANA POINT MUNICIPAL CODE CHAPTER 6.46 (EXPANDED POLYSTYRENE FOOD SERVICE WARE)

City Manager Mark Denny provided a staff report.

Discussion ensued.

Mayor Joseph L. Muller opened Public Comment:

Hoyin Ip (Dana Point) spoke in favor of the Ordinance amendments and offered further suggestions.

Mayor Joseph L. Muller closed Public Comment.

Discussion ensued.

It was moved by Mayor Joseph L. Muller that the item be tabled and directed City Attorney Munoz to add additional language regarding premises to the Ordinance.

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

11. ORANGE COUNTY SHERIFF'S DEPARTMENT CONTRACT FOR FY20

City Manager Mark Denny provided a staff report.

Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER JAMEY M. FEDERICO, SECONDED BY MAYOR JOSEPH L. MULLER, THAT THE CITY COUNCIL APPROVE THE LAW ENFORCEMENT SERVICES AGREEMENT WITH THE ORANGE COUNTY SHERIFF'S DEPARTMENT FOR LAW ENFORCEMENT SERVICES FOR FISCAL YEAR 2019-20 (FY20) AND AUTHORIZED THE CITY MANAGER TO EXECUTE AMENDMENTS TO THE AGREEMENT IN AN AMOUNT NOT TO EXCEED THE RELATED COUNCIL APPROVED BUDGET.

Discussion ensued.

A SUBSTITUTE MOTION WAS MADE BY COUNCIL MEMBER DEBRA LEWIS, SECONDED BY MAYOR PRO TEM PAUL N WYATT TO WAIT UNTIL THE TOTAL COST OF PERSONNEL IS AVAILABLE BEFORE VOTING ON APPROVAL.

Discussion ensued.

The substitute motion failed by the following vote:

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

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

ABSENT: None

Discussion ensued.

The original motion carried by the following vote:

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

NOES: Council Member Debra Lewis

ABSENT: None

UNFINISHED BUSINESS

12. FISCAL YEARS 2019-20 AND 2020-21 BUDGET WORKSHOP

City Manager Mark Denny provided a Power Point Presentation and introduced the Budget Workshop.

Assistant City Manager and Director of Administrative Services Mike Killebrew continued the slideshow and provided a staff report.

Mayor Joseph L. Muller opened Public Comment.

Buck Hill (Dana Point) provided suggestions and distributed a hand out with talking points.

Mayor Joseph L. Muller closed Public Comment.

Discussion ensued.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

13. VISUAL PRESENTATION BY PUBLIC AT COUNCIL MEETING – COUNCIL MEMBER LEWIS

Council Member Debra Lewis provided a staff report.

Mayor Joseph L. Muller opened Public Comment.

Hoyin Ip (Dana Point) spoke in favor of visual presentations.

Mayor Joseph L. Muller closed Public Comment.

Discussion ensued.

IT WAS MOVED BY MAYOR PRO TEM PAUL N WYATT, SECONDED BY MAYOR JOSEPH L. MULLER, THAT THE CITY COUNCIL TABLE THE ITEM IN ORDER FOR COUNCIL MEMBER JAMEY M. FEDERICO AND COUNCIL MEMBER DEBRA LEWIS TO REVIEW FURTHER.

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. DISCLOSURE OF GIFTS, PAYMENTS AND PROMISED PAYMENTS – COUNCIL MEMBER LEWIS

Council Member Debra Lewis provided a staff report.

Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER JAMEY M. FEDERICO, SECONDED BY MAYOR JOSEPH L. MULLER, TO DIRECT STAFF TO LINK COUNCIL MEMBER EXPENSE REPORTS AND FAIR POLITICAL PRACTICES REPORTING ON THEIR INDIVIDUAL PAGES ON THE DANAPPOINT.ORG WEBSITE STARTING WITH THIS YEAR'S EXPENSES.

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 Member Jamey M. Federico stated that he attended the SCAG General Assembly and Regional Conference. He added that he turned in his list of meetings attended to the City Clerk.

Council Member Debra Lewis stated that she turned in her list of meetings attended to the City Clerk and added that she attended the SONGS Task Force Meeting with Congressman Levin.

Council Member Richard A. Viczorek stated that he had nothing to report.

Mayor Pro Tem Paul N Wyatt stated that he turned in his list of meetings attended and stated that he attended the Orange County Commission to End Homelessness and discussed the Point-In-Time Count results. He also attended the Orange County Public Libraries Advisor Board meeting and discussed their budget.

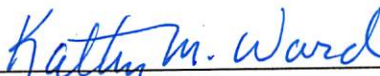
Mayor Joseph L. Muller stated that he attended the OC Secure Schools meeting and discussed an app that was presented as an option for schools. OCFA held a press conference with Cal Fire regarding the upcoming fire year and the benefits of fuel mods around your home. He also reminded everyone to have their evacuation kits ready.

STAFF REPORTS

There were no Staff reports from City Manager Denny or City Attorney Munoz.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Muller adjourned the meeting in the memory of past Director of the 5th Marines Regiment Support Group, Brud Letourneau at 10:02 p.m. He announced that the next Regular Meeting of the City Council will be May 21, 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 21, 2019.

Meetings attended since April 17, 2019:

Mayor Joseph L. Muller

04/17/2019 OCFA
04/18/2019 South Orange County Mayors Breakfast
04/18/2019 Chamber of Commerce
04/22/2019 OCTA
04/23/2019 OCTA
04/24/2019 TCA
04/25/2019 TCA
04/25/2019 OCFA
04/26/2019 California Wine Festival
04/27/2019 Woody Festival
04/29/2019 Dana Point Times
04/30/2019 South County Mayor's Breakfast
04/30/2019 Ribbon Cutting Lightning Fit
05/01/2019 Secure OC Schools
05/06/2019 OCTA
05/07/2019 Niguel Shores Men's Club
05/07/2019 OCFA

Mayor Pro Tem Paul N Wyatt

04/18/2019 South Orange County Association of Mayors Breakfast
04/24/2019 United Way of Orange County Homelessness 101 Presentation
04/25/2019 Orange County Public Libraries Advisor Board Meeting
04/30/2019 South Orange County Cities Meeting Regarding Homelessness
04/30/2019 Lightning Fit Ribbon Cutting
05/01/2019 Orange County Commission to End Homelessness Meeting
05/02/2019 Heather Stratman Regarding AB563
05/04/2019 Lara Ferguson, San Clemente City Councilmember Regarding Homelessness

On 4/24/2019, the 2019 Point-in-Time Count of the homeless in Orange County was made public. On 4/30/2019, Mayor Muller, City Manager Denny and I attended a meeting of South Orange County Cities, hosted by Orange County Supervisor Lisa Bartlett to review the Count numbers and discuss the implications. On 05/01/2019, I participated in the Orange County Commission to End Homelessness where the Point-in-Time Count results were discussed in detail again. Both meetings communicated: (1) this is a count of the homeless at a point in time to measure the work yet to be done, but does not assess nor measure the work that has already been done, and (2) homelessness is a regional problem that must be solved at the regional level and although the count does break the results down by cities, it does not score city achievement.

On 4/25/2019, I participated in the Orange County Public Libraries Advisor Board review of the proposed FY2019-2020 budget. With projected revenue of \$60,525,743, proposed budget expenses of \$60,439,478 and the Irvine Set-aside of \$4,504,463, they will need to move \$3,913,735 from the FBU to cover the proposed budget. The FBU balance will drop to \$28,041,161 so there is not panic but there is agreement that this must be addressed with a plan to balance future budgets.

Council Member Jamey M. Federico

05/01/2019 SCAG General Assembly and Regional Conference

Council Member Debra Lewis

04/18/2019 Chamber Mixer
04/25/2019 Congressman Levin's SONGS Task Force
04/26/2019 City Manager
05/01/2019 Residents
05/02/2019 Dana Point Woman's Club
05/03/2019 STR Subcommittee
05/07/2019 City Manager, Assistant City Manager

Council Member Richard A. Viczorek

04/18/2019 OCMVCD Board of Trustees Meeting