

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
MAY 21, 2019
5:00 P.M.**

MINUTES

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

Next City Council Ordinance No. 19-03

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 5:40 pm)

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (2 cases)

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

Name of Case: Housing is a Human Right v. Dana Point, United States District Court for the Central District of California – Southern Division; Case No. 18-cv-00155 DOCKES

- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (1 case)

- C. 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

Mayor Muller recessed the meeting into a Closed Session at 5:02 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 6:04 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; Matthew Schneider, Director of Community Development; Matthew Sinacori, Director of Public Works and Engineering; Robert Sedita, Director of General Services; and Shayna Sharke, Deputy City Clerk; Staci Hudson, Senior Administrative Assistant

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Richard A. Viczorek.

INVOCATION

The invocation was provided by Orange County Sheriff's Department Chaplain Ray Thompson.

PRESENTATIONS AND PROCLAMATIONS

Dana Point Women's Club Annual Scholarship Award

Mayor Joseph L. Muller and Council Member Debra Lewis presented a Certificate of Recognition to Dana Point Women's Club Scholarship Winners Kristal Stevens, Lauren West, and Kiana Brackenridge.

Certificate of Recognition to Rich Holt

Mayor Joseph L. Muller and Lt. Margie Sheehan presented Rich with a Certificate of Recognition and a gift card as a token of appreciation from the City.

READING OF ORDINANCE TITLES

Shayna Sharke, Deputy City Clerk, read one (1) ordinance title.

CONSENT CALENDAR

Item No. 10 was removed by a member of the Public.

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 NO. 10.

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, MAY 7, 2019

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, APRIL 22, 2019

RECEIVED AND FILED.

4. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

5. CITY TREASURER'S REPORT, APRIL 2019

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

6. CLAIMS AND DEMANDS

RECEIVED AND FILED.

7. DANA POINT POLICE SERVICES MONTHLY REPORT

RECEIVED AND FILED THE DANA POINT POLICE SERVICES MONTHLY REPORT.

8. DEVELOPMENT UPDATE

RECEIVED AND FILED THE DEVELOPMENT UPDATE.

9. EMPLOYEE CONTRIBUTIONS TOWARD UNFUNDED PENSION LIABILITY

ADOPTED RESOLUTION 19-05-21-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING EMPLOYEE CONTRIBUTIONS TOWARD CALPERS UNFUNDED PENSION LIABILITY

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

Mayor Joseph L. Muller opened Public Comment.

Hoiyin Ip (Dana Point) encouraged Council to also consider banning polystyrene coolers and polystyrene on beaches.

Mayor Joseph L. Muller closed Public Comment.

IT WAS MOVED BY MAYOR JOSEPH L. MULLER AND SECONDED BY COUNCIL MEMBER JAMEY M. FEDERICO TO INTRODUCE FOR FIRST READING OF AN **ORDINANCE** ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING SECTIONS 6.46.010 AND 6.46.030 OF THE DANA POINT MUNICIPAL CODE RELATING TO THE BAN ON POLYSTYRENE.

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

Wayne Yost (Dana Point / VFW Post 9934) invited all to attend the Memorial Day Ceremony at 10:00 a.m. on Monday, May 27th, 2019 at Pines Park.

Betty Hill (Dana Point) spoke in opposition of the new formation of the Financial Review Committee and applauded the efforts of the former Committee.

Toni Nelson (Capistrano Beach) provided suggestions to the budget to allocate funds to a Doheny Village Reserve Fund.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

11. FISCAL YEAR 2019-20 AND 2020-21 BUDGET WORKSHOP

City Manager Mark Denny provided a Staff Report.

Mayor Joseph L. Muller opened Public Comment.

Toni Nelson (Capistrano Beach) stated her concerns regarding spending verses income and risks.

Buck Hill (Dana Point) provided suggestions for budget reporting.

Mayor Joseph L. Muller closed Public Comment.

Discussion ensued.

NEW BUSINESS

12. ORANGE COUNTY HOUSING FINANCE TRUST

City Manager Mark Denny provided a brief staff report.

Mayor Joseph L. Muller opened Public Comment.

Toni Nelson (Capistrano Beach) encouraged Council to ensure appropriate safeguards, oversight and transparency within this agreement.

Mayor Joseph L. Muller closed Public Comment.

IT WAS MOVED BY COUNCIL MEMBER RICHARD A. VICZOREK SECONDED BY JAMEY M. FEDERICO, THAT THE CITY COUNCIL ADOPT RESOLUTION 19-05-21-02 ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA,
RELATING TO THE JOINT EXERCISE OF POWERS FOR AND MEMBERSHIP IN THE
ORANGE COUNTY HOUSING FINANCE TRUST*

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

13. COUNCIL POLICY 119 – SUBMITTAL OF PUBLIC COMMENT MATERIAL AT CITY COUNCIL MEETINGS – COUNCIL MEMBER LEWIS

IT WAS MOVED BY MAYOR PRO TEM PAUL N WYATT SECONDED BY COUNCIL MEMBER DEBRA LEWIS, THAT THE CITY COUNCIL APPROVE COUNCIL POLICY 119 ENABLING VISUAL PRESENTATIONS BY MEMBERS OF THE PUBLIC TO THE CITY COUNCIL AT CITY COUNCIL MEETINGS

Discussion ensued.

Mayor Joseph L. Muller opened Public Comment.

Toni Nelson (Capistrano Beach) spoke in favor of the Policy.

Mayor Joseph L. Muller closed Public Comment.

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 Member Jamey M. Federico stated that he will turn in his list of meetings attended to the City Clerk.

Council Member Debra Lewis stated that she has turned in her list of meetings attended to the City Clerk.

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

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

Mayor Joseph L. Muller stated that he will turn in his list of meetings attended to the City Clerk. He also stated that he attended a ceremony for the late Mayor of San Clemente, Steven Swartz and expressed his condolences.

STAFF REPORTS

City Manager Mark Denny congratulated staff member, Alicia West, as her daughter was one of the recipients of the Women's Club scholarship. He also invited all to attend the Memorial Day Ceremony on Monday, May 27th, 2019 at 10:00 a.m. at Pines Park.

City Attorney Patrick Munoz reported that the Seaside Inn property is for sale with some prospects. He added that building and remediation plans are approved.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Muller adjourned the meeting at 8:24 p.m. in memory of Steven Swartz, San Clemente Mayor. He announced that the next Regular Meeting of the City Council will be June 4, 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 JUNE 4, 2019.

Meetings attended since May 8, 2019:

Mayor Joseph L. Muller

05/08/2019 OCFA
05/13/2019 OCTA
05/15/2019 OCFA
05/15/2019 TCA
05/19/2019 ICSC
05/20/2019 ICSC
05/21/2019 Steve Swartz Memorial

Mayor Pro Tem Paul N Wyatt

05/08/2019 Marshall Moncrief, Executive Director Mental Health Clinical Institute, Providence St. Joseph Health re: Orange County Commission to End Homelessness Data Ad Hoc Working Group
05/09/2019 Niguel Shores Women's Club
05/10/2019 Dan Young, Orange County Commission to End Homelessness Housing Ad Hoc Working Group
05/14/2019 Be Well OC Working Group Update Meeting
05/14/2019 Progressives of South Orange County talk on San Onofre Nuclear Generating Station Decommissioning
05/15/2019 Dana Point Harbor Time Capsule Committee Meeting
05/16/2019 Jonny Westom, Visit Dana Point, Status Update
05/16/2019 Orange County Public Libraries Advisory Board Meeting
05/17/2019 Dana Point Coffee Chat on Dana Point Whale Watching Capital of the World
05/17/2019 Dawn Price, Executive Director, Friendship Shelter, re: Permanent Supportive Housing Model
05/18/2019 Doheny Blues Festival, Ribbon Cutting for Music Preserves

Council Member Jamey M. Federico

05/10/2019 Council Member Lewis re: Supplemental Material for Public Comment
05/18/2019 Sergio Farias, SJC City Council
05/18/2019 Dana Point Yacht Club Opening Day
05/18/2019 Dana Point Youth Baseball Championship Game
05/20/2019 Meeting with Residents

Council Member Debra Lewis

05/10/2019 Residents
05/10/2019 Council Member Federico – Supplemental Materials at Public Comment Policy
05/17/2019 City Manager
05/19/2019 OC Elected Women
05/20/2019 Residents

Council Member Richard A. Viczorek

05/16/2019 OCMVCD Board of Trustees Meeting