

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
SEPTEMBER 3, 2019
5:00 P.M.**

MINUTES

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

Next City Council Ordinance No. 19-04

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 5:02 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 5:03)

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), (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

Mayor Muller recessed the meeting into a Closed Session at 5:03 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 6:15 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; Robert Sedita, Director of General Services; Rachel Johnson, Management Analyst; and Shayna Sharke, Deputy City Clerk

PLEDGE OF ALLEGIANCE

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

INVOCATION

There was no Invocation.

PRESENTATIONS AND PROCLAMATIONS

Certificate of Recognition for Lt. Margie Sheehan
Mayor Joseph L. Muller presented a Certificate of Recognition to Lt. Margie Sheehan.

READING OF ORDINANCE TITLES

City Clerk Ward stated there were no Ordinance titles.

CONSENT CALENDAR

There were no Consent Calendar items.

PUBLIC COMMENTS

Carol Wilson (Dana Point) provided copies of newspapers from 2006 and 2007. She shared the history of the regulation of Sober Living Homes in Dana Point and the steps Costa Mesa has recently taken towards regulation.

Toni Nelson (Capistrano Beach) thanked Lt. Sheehan for her service and welcomed Lt. Monteleone. Additionally she stated concern regarding the coastal trail in Capistrano Beach and encouraged the City Council and residents to sign petition, "Save Out Coastal Trail".

Amy Foell (Dana Point Chamber of Commerce) provided a flyer and invited interested parties to the Chamber's regional Candidate Academy series in October.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

1. ADVOCACY OF CITY POSITIONS – COUNCIL MEMBER LEWIS

Mayor Joseph L. Muller opened Public Comment.

Toni Nelson (Capistrano Beach) referenced a letter to Supervisor Bartlett regarding homelessness and spoke in favor of amending Policy 214.

Mayor Joseph L. Muller closed Public Comment.

IT WAS MOVED BY COUNCIL MEMBER DEBRA LEWIS, SECONDED BY MAYOR PRO TEM PAUL N WYATT, THAT THE CITY COUNCIL ENACT THE DRAFT POLICY 214.

Discussion ensued.

Mayor Joseph L. Muller stopped the roll call vote of the original motion.

A SUBSTITUTE MOTION WAS MADE BY BY MAYOR PRO TEM PAUL N WYATT, SECONDED BY COUNCIL MEMBER JAMEY M. FEDERICO, THAT THE CITY COUNCIL AMEND EXISTING POLICY 214 TO ADD THAT ANY COMMUNICATION FROM THE CITY, NOT REPRESENTING CITY POLICY, SHALL ATTACH DISCLAIMER LANGUAGE TO BE WRITTEN BY THE CITY ATTORNEY; AND UNDER ITEM 3 OF THE POLICY, INCLUDE THAT URGENT COMMUNICATION SHALL INCLUDE A PROMINENT STATEMENT EXPLAINING THAT THE URGENT COMMUNICATION HAS NOT YET BEEN REVIEWED, DISCUSSED OR DEBATED BY THE ENTIRE CITY COUNCIL; HOWEVER, IT WILL BE AGENDIZED AND THE RESULT WILL BE COMMUNICATED.

Discussion ensued.

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

NOES: Council Member Debra Lewis

ABSENT: None

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Jamey M. Federico stated that he turned in his list of meetings attended to the City Clerk. He stated that he attended the Orange County Housing Trust Bylaw Subcommittee meeting and reported that they voted to remove their ability to take on debt and directed staff to find and earmark money for administration of the trust.

Council Member Lewis had no comments.

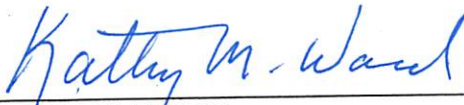
Council Member Richard A. Viczorek stated that he will turn in his list of meetings attended to the City Clerk.

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

Mayor Joseph L. Muller thanked Orange County Fire Authority for their attempts at the recent cliff rescue and stated he turned in his list of meetings.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Muller adjourned the meeting at 7:44 p.m. He announced that the next Regular Meeting of the City Council will be September 17, 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 SEPTEMBER 17, 2019.

Meetings attended since July 16, 2019:

Mayor Joseph L. Muller

07/17/2019 OCFA
07/22/2019 OCTA
07/24/2019 TCA
07/25/2019 TCA
07/25/2019 OCFA
08/05/2019 Assembly Member Quirk-Silva, Homelessness
08/05/2019 CHOC
08/06/2019 OCTA
08/06/2019 Tri-Cities Homeless Discussion
08/08/2019 TCA
08/09/2019 OCFA, Big Dig
08/09/2019 ACC-OC
08/12/2019 OCTA
08/13/2019 Resident Meeting
08/14/2019 OCFA
08/19/2019 OCFA
08/19/2019 DPHP Community Meeting
08/21/2019 TCA
08/22/2019 OCFA
08/23/2019 SOCEC, School Bond Presentation
08/27/2019 Resident Meeting
08/28/2019 Lunch with TCA Chair
08/29/2019 South OC Mayors Meeting with Supervisor Bartlett
08/29/2019 Ribbon Cutting for Union Bank

Mayor Pro Tem Paul N Wyatt

07/17/2019 Orange County Commission to End Homelessness Meeting
07/17/2019 Ribbon Cutting for Killer Beauty
07/23/2019 Dana Point Water Quality Subcommittee Meeting
07/25/2019 Family Promise Phone Meeting
07/29/2019 Dana Point City Council Closed Session Meeting
08/01/2019 Margie Wakeham, Families Forward Executive Director
08/05/2019 Assemblymember Sharon Quirk-Silva Housing Roundtable
08/05/2019 George Search, Kelsey Brewer, Jamboree Housing
08/06/2019 Larry Haynes, Mercy House Executive Director
08/06/2019 Orange County Commission to End Homelessness Data Ad Hoc Group Meeting
08/07/2019 Heather Stratman
08/08/2019 Scott Lawson, HomeAid Executive Director
08/08/2019 South Orange County Watershed Management Area Executive Board Meeting
08/09/2019 Barry Ross, Marshall Moncrief, Providence/St. Joe's Mental Health
08/10/2019 Edie Housley
08/12/2019 Orange County Commission to End Homelessness Meeting

08/13/2019 Dana Point Short-Term Rentals Subcommittee Meeting
08/16/2019 Dawn Price, Friendship Shelter Executive Director
08/19/2019 Elaine Gennoway, Laguna Niguel Councilmember re: OC Public Library Strategy
08/19/2019 Dana Point Harbor Revitalization Public Feedback Forum
08/21/2019 Dana Point Harbor Time Capsule Planning Meeting
08/22/2019 Paul Léon, Illumination Foundation CEO Phone Meeting
08/22/2019 San Onofre Nuclear Generation Station Community Engagement Panel Meeting
08/27/2019 Matt West, Orange City Manager, Jim Palmer, City of Hope for
Tour of Tustin Emergency Shelter
08/28/2019 Jim Samuels, Laguna Cliffs Marriott
08/28/2019 Tiffany Pang, Outreach Grid CEO
08/29/2019 Sara May, Homelessness Policy Advisor on Supervisor Lisa Bartlett's staff
08/29/2019 Ribbon Cutting, Union Bank of California

Council Member Jamey M. Federico

08/06/2019 San Juan Capistrano & San Clemente Regarding Homeless Lawsuit
08/07/2019 OCHFT Bylaws Subcommittee
08/08/2019 Kim Cholodenko, CASA
08/11/2019 Concert in the Park
08/15/2019 Chamber of Commerce
08/17/2019 CASA Clear the Shelter Event
08/18/2019 DP5MRSG Concert in the Park
08/21/2019 Meeting with Residents re various issues
08/21/2019 Aug 21 Visit Dana Point TBID
08/24/2019 Barks and Brews, Pet Project Foundation
08/25/2019 Redo Market
08/28/2019 Meeting with Residents Re: Short Term Rentals
08/29/2019 Rick Erkeneff Re: SCWD
08/29/2019 Meeting with Resident Re: Various Issues
08/30/2019 OCHFT Board Meeting
08/30/2019 Mayor Pro Tem Wyatt Re: Policy 214
09/03/2019 Jake Vollebregt Re: Moulton Niguel Water District

Council Member Richard A. Viczorek

08/19/2019 SJHTCA Board of Directors Meeting
08/15/2019 OCMVCD Board of Trustees Meeting