

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



TUESDAY
APRIL 7, 2020
5:00 P.M.

MINUTES

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

Next City Council Ordinance No. 20-02

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Richard A. Viczorek at 5:01 p.m. in the City Council Chambers, 33282 Golden Lantern, Dana Point.

ROLL CALL OF CITY COUNCIL MEMBERS:

Richard A. Viczorek, Mayor
Jamey M. Federico, Mayor Pro Tem (Teleconference)
Debra Lewis, Council Member (Teleconference)
Joseph L. Muller, Council Member (Teleconference)
Paul N Wyatt, Council Member (Teleconference)

CLOSED SESSION

- A. THREAT TO PUBLIC SERVICES OR FACILITIES – Government Code § 54957 (a):
Consultation with Director of Emergency Services, City Attorney, Director of General Services regarding COVID-19.

Mayor Richard A. Viczorek recessed the meeting into a Closed Session at 5:02 p.m. pursuant to Government Code Section 54957.

RECESS OF CITY COUNCIL MEETING UNTIL 6:00 P.M.

RECONVENE CITY COUNCIL MEETING

Mayor Richard A. Viczorek reconvened the meeting at 6:03 p.m. All Council Members were present (with all but Mayor Viczorek present via teleconference).

STAFF PRESENT: Michael Killebrew, City Manager; Kelly Reenders, Acting Assistant City Manager; Patrick Munoz, City Attorney; Kathy Ward, City Clerk; and Jaimie To, Management Analyst.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Richard A. Viczorek.

INVOCATION

There was no Invocation.

PRESENTATIONS AND PROCLAMATIONS

There were no Presentations or Proclamations.

READING OF ORDINANCE TITLES

There were no Ordinance Titles.

CONSENT CALENDAR

IT WAS MOVED BY MAYOR RICHARD A. VICZOREK SECONDED BY COUNCIL MEMBER PAUL N WYATT THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR.

The motion carried by the following vote:

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

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 ADJOURNED MEETING MINUTES, MARCH 31, 2020**
APPROVED THE MEETING MINUTES.
3. **MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR**
RECEIVED AND FILED.
4. **CITY TREASURER'S REPORT, FEBRUARY 2020**
RECEIVED AND FILED THE CITY TREASURER'S REPORT, FEBRUARY 2020.

5. CLAIMS AND DEMANDS

RECEIVED AND FILED.

PUBLIC COMMENTS

City Clerk Ward stated that she received seven (7) emails titled "Stop Deployment of Wireless During Quarantine" requesting that the City enact an emergency moratorium on small cells and other wireless infrastructure permit processes and deployment until the COVID-19 emergency is over submitted by:

Heather Kimbley (Dana Point)
Dr. Daniel Kimbley (Dana Point)
Amy Kenney (Dana Point)
JoQueta Handy (Dana Point)
Jody Reis (Dana Point)
Christine Russell (Dana Point)
Stacy Day (Dana Point)

Michelle Shumacher requested City Council support in reducing the tax placed on Orange County residents by the Transportation Corridor Authority (TCA).

Pete van Nuys (Orange County Bicycle Coalition) spoke against the TCA's current operations.

Keith Johannes (Dana Point Historical Society) requested that the City Council consider the Seaside Inn as a historic resource and take the steps towards its preservation.

Hoyin Ip (Dana Point) provided suggestions on how to help restaurants in Dana Point.

Dennis Cramer (Dana Point) spoke in favor of allowing permitted Short Term Rentals during the COVID-19 emergency.

Jonah Mechanic requested that the policy regarding Short Term Rentals during the COVID-19 emergency be the same as all hotel and motel policies.

Laurie Beylik spoke of the adjustments she has made to her Short Term Rental policy during the COVID-19 emergency and requested not to have mandates placed upon their operations that are not also placed upon the City's hotels and resorts.

Miriam Rupke spoke of the cleaning procedures in place at the Short Term Rentals that she manages and requested that the City Council allow their continued operation.

Christy Cornwall (Mission Hospital) requested that the City Council issue a city-wide moratorium on evictions to residential tenants unable to pay because of COVID-19 related financial hardships.

Richard Gardner requested that the City Council study and report the financial impacts due to COVID-19 and consider contract and project updates.

Steph Sierra asked the City Council to consider fining those that are not complying with social distancing rules.

Donna Mendoza Fetta (Dana Point) requested that City Council continue to monitor pedestrian traffic and parking on Santa Clara Avenue.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Paul N Wyatt stated that he has turned in his list of meetings attended to the City Clerk.

Council Member Debra Lewis expressed her disagreement with the City allowing the Farmer's Market to operate during the stay at home order. She thanked grocery store and other essential service workers for going to work and supporting the community. Additionally she stated that the Seaside Inn needs to be secured with new fencing and the City should take that responsibility if the receiver does not.

Council Member Joseph L. Muller announced that CEO of TCA, Mike Kraman has announced his retirement and wished him luck. Additionally he stated that he believes testing is key to the COVID-19 issue to gather data and stated that OCFA has finger print tests to utilize with their firefighters. He also stated that he has turned in his list of meetings attended to the City Clerk.

Mayor Pro Tem Jamey M. Federico stated that he has turned in his list of meetings attended to the City Clerk. Additionally he stated that he has attended the Farmer's Market and reported that social distancing guidelines are being strictly followed and public safety measures are in place. He also stated that the Animal Shelter remains open by appointment for those considering adopting a new pet.

Mayor Richard A. Viczorek stated that he has nothing to report and no meetings to turn in. He welcomed Michael Killebrew as the new City Manager and thanked him for a seamless transition.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

City Manager Michael Killebrew provided a staff report.

6. ADOPT A RESOLUTION RATIFYING AMENDMENT 2 TO THE PROCLAMATION DECLARING THE EXISTENCE OF A LOCAL EMERGENCY

IT WAS MOVED BY MAYOR RICHARD A. VICZOREK, SECONDED BY COUNCIL MEMBER PAUL N WYATT THAT THE CITY COUNCIL ADOPT RESOLUTION 20-04-07-01 ENTITLED:

AMENDMENT 2 TO: PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY BY THE DIRECTOR OF EMERGENCY SERVICES

Discussion ensued.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

NEW BUSINESS

7. MID-FISCAL YEAR 2019-20 BUDGET STATUS REPORT

City Manager Michael Killebrew provided a Power Point presentation.

Mayor Richard A. Viczorek opened public comment.

City Clerk Kathy Ward read one (1) submitted to her via email.

Toni Nelson (Capistrano Beach) stated her concerns regarding reporting of the item.

Mayor Richard A. Viczorek closed public comment.

A MOTION WAS MADE BY MAYOR RICHARD A. VICZOREK, SECONDED BY COUNCIL MEMBER JOSEPH L. MULLER THAT THE CITY COUNCIL RECEIVE AND FILE THE MID-FISCAL YEAR 2019-20 BUDGET STATUS REPORT AND AUTHORIZE THE BUDGET AMENDMENTS DETAILED WITHIN THE REPORT.

A SUBSITUTE MOTION WAS MADE BY COUNCIL MEMBER DEBRA LEWIS, SECONDED BY COUNCIL MEMBER PAUL N WYATT THAT THE CITY COUNCIL CONTINUE THIS ITEM TO THE REGULAR CITY COUNCIL MEETING OF APRIL 21, 2020.

Discussion ensued.

The substitute motion failed by the following vote:

AYES: Council Member Debra Lewis

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

ABSENT: None

The original motion carried by the following vote:

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

NOES: Council Member Debra Lewis

ABSENT: None

STAFF REPORTS

City Manager Michael Killebrew reported that the Ocean Institute's Brig *Pilgrim* was not salvageable and is being dismantled. He added that the Rotary District 5320 volunteers built 30,000 face shields throughout five sites, including the Dana Point Community Center. Their efforts will continue this coming weekend. He also thanked Kelly Reenders, Acting Assistant City Manager, and the Dana Point Chamber of Commerce for the banner signs thanking essential workers.

City Attorney Patrick Munoz stated that he wanted to clarify for the public that the Closed Session item on the agenda titled "Threat to Public Services or Facilities" is regarding COVID-19 and provides the Council with the opportunity to discuss the threat posed to public services and facilities posed by the current pandemic in Closed Session.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Richard A. Viczorek adjourned the meeting at 8:50 p.m. He announced that the next Regular Meeting of the City Council will be April 21, 2020, 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 APRIL 21, 2020.

Meetings attended since April 1, 2020:

Mayor Pro Tem Jamey M. Federico

04/02/2020 OC Mayors Teleconference
04/03/2020 CASA Board Meeting
04/04/2020 Phone Calls with Residents
04/04/2020 Farmers Market Organizers
04/06/2020 Phone Calls with Residents

Council Member Joseph L. Muller

Meetings attended since March 18, 2020:

03/23/2020 OCTA
03/24/2020 TCA
03/23/2020 TCA
03/26/2020 OCFA
04/01/2020 TCA
04/06/2020 OCFA
04/06/2020 OCTA

Council Member Paul N Wyatt

04/03/2020 Livi Kerszenbaum, Orange County United Way, regarding Impact Hub program