

CITY OF DANA POINT

CITY COUNCIL EMERGENCY MEETING



THURSDAY
APRIL 30, 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 Emergency Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Richard A. Viczorek at 5:00 p.m. in the City Council Chambers, 33282 Golden Lantern, Suite 210, 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

City Attorney Patrick Munoz stated that based on the Governor's issuing of an order closing all beaches in Orange County, protests and large gatherings may present a significant strain on public facilities., therefore meeting the criteria for an Emergency Situation as defined in the Brown Act as "an activity that significantly impairs public health, safety or both."

IT WAS MOVED BY MAYOR RICHARD A. VICZOREK, SECONDED BY MAYOR PRO TEM JAMEY M. FEDERICO THAT THE CITY COUNCIL DETERMINED AN EMERGENCY SITUATION NECESSITATING THE NEED FOR AN EMERGENCY MEETING

Discussion ensued.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

- A. CONSIDERATION OF HOLDING CLOSED SESSION: Government Code Section 54956.5(c)

City Attorney Patrick Munoz presented the item titles to discuss in Closed Session:

- B. THREAT TO PUBLIC FACILITIES AND SERVICES, Government Code § 54957: Confer with City Manager, Chief of Police and City Attorney regarding Potential Consequences of Governor's Order to Close Beaches In Orange County
- C. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Government Code § 54956.9 (c), 1 case
Unrepresented and Represented Employees: All positions in City

IT WAS MOVED BY MAYOR RICHARD A. VICZOREK, SECONDED BY COUNCIL MEMBER PAUL N WYATT THAT THE CITY COUNCIL HOLD A CLOSED SESSION

Discussion ensued.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

Mayor Richard A. Viczorek recessed the meeting into a Closed Session at 5:16 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 6:02 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; Lt. Kirsten Monteleone, Chief of Police Services; Robert Sedita, Director of General Services; Kathy Ward, City Clerk; and Jaimie To, Management Analyst.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENTS

There were no Public Comments.

NEW BUSINESS

GOVERNOR NEWSOM'S ORDER TO CLOSE ALL BEACHES IN ORANGE COUNTY

City Attorney Patrick Munoz provided a report.

Mayor Richard A. Viczorek opened Public Comment.

City Clerk Kathy Ward read four (4) Public Comments that were submitted to her via email.

Kyros Chakur urged the City to sue Governor Newsome for his order.

Ken Ky (2 emails submitted) urged the City not to keep beaches open.

S. Cooper asked for guidance on what actions residents can take to prevent multiple families from picnicking on lawns.

Mayor Richard A. Viczorek closed Public Comment.

Discussion ensued.

RECESS OF CITY COUNCIL MEETING TO CLOSED SESSION AT 6:17 P.M.

RECONVENE CITY COUNCIL MEETING AT 7:52 P.M.

Mayor Richard A. Viczorek reconvened the meeting and reopened Public Comment.

City Clerk Kathy Ward read three (3) Public Comments that were submitted to her via email.

Sylvia Nuttall urged the City Council to keep beaches open.

Talia Smith (Dana Point) urged the City Council to keep beaches open.

KWreidling urged the City Council to keep beaches open.

Mayor Richard A. Viczorek closed Public Comment.

City Attorney Patrick Munoz provided a report from Closed Session stating that Council voted to participate in litigation to be filed 5/1/2020 seeking a temporary restraining order against the Governor for the order to shut down beaches in Orange County only. The motion was made by Council Member Debra Lewis, seconded by Council Member Paul N Wyatt. The vote was 4-1, with Council Member Debra Lewis dissenting.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Richard A. Viczorek adjourned the meeting at 7:58 p.m. He announced that the next Regular Meeting of the City Council will be May 5, 2020, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

Shayna Link for:

KATHY M. WARD
CITY CLERK

APPROVED AT THE MEETING OF MAY 19, 2020.