

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
MAY 19, 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 City Attorney, Director of Emergency Services, Director of General Services regarding COVID 19
- B. CONFERENCE WITH LABOR NEGOTIATOR, Government Code § 54957.6
- | | |
|--|-----------------------|
| Agency Designated Representatives: | City Manager |
| Unrepresented and Represented Employees: | All positions in City |

Mayor Richard A. Viczorek recessed the meeting into a Closed Session at 5:03 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 6:01 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; Brenda Wisneski, Director of Community Development; Matthew Sinacori, Director of Public Works and Engineering; Robert Sedita, Director General Services; 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.

City Attorney Patrick Munoz requested to pull Item #12 from the Agenda.

READING OF ORDINANCE TITLES

There were no Ordinance Titles.

CONSENT CALENDAR

Council Member Debra Lewis pulled Items 8, 9, and 11 from the 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 WITH THE EXCEPTION OF ITEMS 8, 9, AND 11.

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

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. EMERGENCY MEETING MINUTES, APRIL 30, 2020

APPROVED THE MEETING MINUTES.

3. REGULAR MEETING MINUTES, MAY 5, 2020

APPROVED THE MEETING MINUTES.

4. PLANNING COMMISSION MEETING MINUTES, APRIL 13, 2020

RECEIVED AND FILED.

5. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

6. CLAIMS AND DEMANDS

RECEIVED AND FILED.

7. DANA POINT POLICE SERVICES MONTHLY REPORT

RECEIVED AND FILED THE POLICE SERVICES MONTHLY REPORT.

8. DEVELOPMENT UPDATE

This Item was pulled from the Consent Calendar by Council Member Debra Lewis.

IT WAS MOVED BY MAYOR RICHARD A. VICZOREK, SECONDED BY MAYOR PRO TEM JAMEY M. FEDERICO THAT THE CITY COUNCIL RECEIVE AND FILE THE DEVELOPMENT UPDATE.

Discussion ensued.

THE CITY COUNCIL RECEIVED AND FILED THE DEVELOPMENT UPDATE.

9. ADOPTION OF A RESOLUTION ADDRESSING THE REQUIRED FY20/21 MEASURE M2 ELIGIBILITY SUBMITTAL ITEMS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY

This Item was pulled from the Consent Calendar by Council Member Debra Lewis.

Matthew Sinacori, Director of Public Works and Engineering, provided a staff report.

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

1) **ADOPT RESOLUTION 20-05-19-01 ENTITLED:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONCERNING THE STATUS AND UPDATE OF THE LOCAL SIGNAL SYNCHRONIZATION PLAN FOR THE MEASURE M2 (M2) PROGRAM; AND,

2) APPROVE THE SEVEN YEAR CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FY 2020-21 THROUGH FY 2027-28 AND CERTIFY COMPLIANCE AS REQUIRED BY THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) RENEWED MEASURE M2 (M2) PROGRAM; AND

3) AUTHORIZE STAFF TO FORWARD THE NECESSARY RENEWED MEASURE M2 ELIGIBILITY DOCUMENTATION TO THE OCTA.

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

10. **ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT FY 18/19**

ADOPTED RESOLUTION 20-05-19-02 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PROJECT ENTITLED "ANNUAL ROADWAY RESURFACING PROJECT FY 18/19".

11. **PROFESSIONAL SERVICES AGREEMENT WITH LSA ASSOCIATES, INC. TO CONDUCT ENVIRONMENTAL REVIEW FOR THE DANA POINT HARBOR HOTELS PROJECT**

This Item was pulled from the Consent Calendar by Council Member Debra Lewis.

Brenda Wisneski, Director of Community Development, provided a staff report.

IT WAS MOVED BY MAYOR RICHARD A. VICZOREK, SECONDED BY COUNCIL MEMBER PAUL N WYATT THAT THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO EXECUTE THE PROFESSIONAL SERVICES AGREEMENT WITH LSA ASSOCIATES, INC. TO COMPLETE AN ENVIRONMENTAL IMPACT REPORT FOR THE DANA POINT HARBOR HOTELS PROJECT.

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

PUBLIC COMMENTS

City Clerk Kathy Ward read five (5) Public Comments that were submitted to her via email.

Penny Maynard (Dana Point) stated she supports local business and encouraged the community to wear masks.

Cristine Lindenfelser stated that active use and social distancing is not being practiced or enforced on the beaches.

Jackie Brown (Dana Point) encouraged the City Council to open the City.

Wayne Yost (VWF Post 9934) invited the public to watch a virtual Memorial Day Ceremony on Monday, May 25th at 10AM via the City's YouTube Channel or Cox Channel 855.

Marie S. stated her concerns regarding a potential fiscal crisis within the TCA.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

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

Council Member Debra Lewis thanked the Gelson's grocery store for their mask policy.

Council Member Joseph L. Muller 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 to the City Clerk. He stated that the Orange County Housing Finance Trust approved over 10 million dollars of funding to various affordable and supportive housing projects throughout Orange County to help mitigate the homeless issue. He also added that their budget was approved and the City's contribution to be a member of the trust is under \$5,000, which is lower than planned.

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

PUBLIC HEARINGS

- 12. LOCAL COASTAL PROGRAM AMENDMENT LCPA19-0002/ZONE TEXT AMENDMENT ZTA19-0002 RELATED TO ACCESSORY DWELLING UNITS, JOINT PARKING AND PUBLIC NOTIFICATION**

This Item was pulled from the Agenda at the request of staff.

UNFINISHED BUSINESS

13. FISCAL YEAR 2019-20 BUDGET ADJUSTMENTS DUE TO COVID-19 IMPACTS

City Manager Michael Killebrew provided a Staff Report.

City Clerk Kathy Ward read two (2) Public Comments that were submitted to her via email.

Toni Nelson (Capistrano Beach) wrote regarding her concerns with the budget.

Joe Jaeger (Monarch Beach) wrote regarding his concerns with the budget.

IT WAS MOVED BY MAYOR RICHARD A. VICZOREK, SECONDED BY COUNCIL MEMBER JOSEPH L. MULLER THAT THE CITY COUNCIL RECEIVE AND FILE THE REPORT, AND AUTHORIZE THE BUDGET AMENDMENTS DETAILED THEREIN.

Discussion ensued.

Council Member Debra Lewis left the meeting at 7:57 p.m.

Mayor Richard A. Viczorek called for a brief recess at 7:57 p.m.

Mayor Richard A. Viczorek reconvened the meeting at 8:02 p.m.

Discussion ensued.

The 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: None

ABSENT: Council Member Debra Lewis

NEW BUSINESS

14. INITIATION OF A GENERAL PLAN AMENDMENT, PROFESSIONAL SERVICES AGREEMENT FOR CONSULTANT SERVICES, AND AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO UPDATE THE 2021-2029 HOUSING ELEMENT AND SAFETY ELEMENT

Brenda Wisneski, Director of Community Development, provided a staff report and clarified the revised recommended action as was distributed to Council and posted on the City website earlier in the evening.

IT WAS MOVED BY MAYOR RICHARD A. VICZOREK, SECONDED BY MAYOR PRO TEM JAMEY M. FEDERICO THAT CITY COUNCIL:

- 1) DIRECT STAFF TO INITIATE A GENERAL PLAN AMENDMENT TO UPDATE THE 2021-2029 HOUSING ELEMENT AND SAFETY ELEMENT IN COMPLIANCE WITH STATE LAW; AND

- 2) APPROVE AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF DANA POINT AND PLACEWORKS FOR PREPARATION OF THE HOUSING ELEMENT AND SAFETY ELEMENT UPDATES WITH ASSOCIATED ENVIRONMENTAL REVIEW; AND
- 3) AUTHORIZE A BUDGET APPROPRIATION FROM THE GENERAL PLAN UPDATE RESERVE FUND; AND
- 4) ADOPT **RESOLUTION 20-05-19-03** AUTHORIZING THE APPLICATION FOR GRANT FUNDS FROM THE STATE OF CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) LOCAL EARLY ACTION PLANNING GRANT PROGRAM (LEAP) GRANTS PROGRAM ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING APPLICATION FOR, AND RECEIPT OF, LOCAL GOVERNMENT PLANNING SUPPORT GRANT PROGRAM FUNDS; AND

- 5) AUTHORIZE THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS TO APPLY FOR THE GRANT, AND IF AWARDED, ACCEPT AND ADMINISTER THE GRANT.

Discussion ensued.

The 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: None

ABSENT: Council Member Debra Lewis

15. ADOPT A RESOLUTION RATIFYING AMENDMENT 3 TO THE PROCLAMATION DECLARING THE EXISTENCE OF A LOCAL EMERGENCY

City Manager Michael Killebrew provided a staff report and reported that a revised version was distributed to Council and posted on the City website earlier in the evening.

IT WAS MOVED BY MAYOR RICHARD A. VICZOREK, SECONDED BY COUNCIL MEMBER PAUL N WYATT THAT CITY COUNCIL ADOPT **RESOLUTION 20-05-19-04** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDMENT 3 TO: PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY BY THE DIRECTOR OF EMERGENCY SERVICES

Discussion ensued and Council Member Joseph L. Muller presented the Chamber of Commerce "Pointing You in the Right Direction" slideshow.

The 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: None

ABSENT: Council Member Debra Lewis

NEW BUSINESS

There was no New Business.

STAFF REPORTS

City Manager Michael Killebrew announced the VFW Post 9934 Memorial Day Virtual Ceremony that will be broadcasted to the public. More information can be found on the City website.

City Attorney Patrick Munoz stated he had nothing to report.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Richard A. Viczorek adjourned the meeting at 9:02 p.m. He announced that the next Regular Meeting of the City Council will be June 2, 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 JUNE 2, 2020.

Meetings attended since May 6, 2020:

Mayor Richard A. Viczorek

- 05/14/2020 SJHTCA Board of Directors Meeting
- 05/19/2020 OCMVCD Budget Workshop

Mayor Pro Tem Jamey M. Federico

- 05/06/2020 Orange County Housing Finance Trust
- 05/07/2020 ACC-OC Installation
- 05/07/2020 OC Mayors' Meeting
- 05/08/2020 Orange County Conference Call
- 05/09/2020 Farmer's Market (official visit)
- 05/14/2020 OC Mayors' Meeting
- 05/15/2020 Orange County Conference Call
- 05/16/2020 Farmer's Market (official visit)

Council Member Joseph L. Muller

- 05/07/2020 OCFA
- 05/11/2020 OCTA
- 05/13/2020 OCTA
- 05/13/2020 OCFA
- 05/14/2020 TCA
- 05/18/2020 OC Parks
- 05/18/2020 Senator Bates

Council Member Paul N Wyatt

- 05/12/2020 South Orange County Economic Coalition 2020 Economic Report
- 05/13/2020 Ocean Institute Task Force
- 05/14/2020 Ariel Hyatt, Habitat for Humanity regarding Data Integration for Homeless Services
- 05/18/2020 211 Orange County, 211 San Diego County for Community Information Exchange San Diego System Demonstration
- 05/18/2020 Marshall Moncrief, CEO BeWell OC, Karin Linkins COO BeWell OC regarding digital navigation system for behavioral health services