

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
MAY 2, 2017
5:00 P.M.**

ACTION AGENDA

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

Next City Council Ordinance No. 17-03

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Lewis at 5:00 p.m. in the City Council Chambers, 33282 Golden Lantern, Dana Point.

ROLL CALL OF CITY COUNCIL MEMBERS:

Debra Lewis, Mayor
Paul N Wyatt, Mayor Pro Tem
Joseph L. Muller, Council Member
John A. Tomlinson, Council Member
Richard A. Viczorek, Council Member

CLOSED SESSION

City Attorney Munoz indicated that there was a need for Closed Session as follows:

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (3 cases)

Name of Case: City of Dana Point v. Headlands Reserve LLC, Sanford Edward, et al;
Orange County Superior Court Case No. 30-2016-00872051;

Name of Case: City of Dana Point v. The Sunshine Group LLC, et al; Orange County
Superior Court Case No. 30-2017-00915900-CU-PT-CJC (Seaside Inn Property)

Name of Case: Thomas Volkmann v. City of Dana Point; Orange County Superior Court
Case No. 30-2017-00914962-CU-EI-CXC

Mayor Lewis recessed the meeting into a Closed Session at 5:01 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING

Mayor Lewis reconvened the meeting at 6:23 p.m. All Council Members were present.

STAFF PRESENT: Patrick Munoz, City Attorney; Mike Killebrew, Acting City Manager; Kathy Ward, City Clerk; Mike Rose, Director of Emergency Services; Lt. Russ Chilton; Ursula Luna-Reynosa, Director of Community Development; Mark Denny, Deputy City Manager; Matthew Schneider, Planning Manager; Brian McClure, Deputy Director of Community Services and Parks; Matthew Sinacori, Deputy Director of Public Works and Engineering; Mark Sutton, Building Official; Jackie Littler, Executive Assistant; DyAnne Weamire, Senior Administrative Assistant; and Gail Enriquez, City Clerk Specialist.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that he had nothing to report.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Tomlinson.

INVOCATION

The Invocation was provided by VFW Chaplain Morrie Hansen.

PRESENTATIONS AND PROCLAMATIONS

Volunteer of the Quarter - Skip Wehan
Annual Orange County Human Relations Report – Bill Woods
FW State Law Enforcement Office of the Year - Deputy Zachariah Scott

CONSENT CALENDAR

IT WAS MOVED BY COUNCIL MEMBER TOMLINSON, SECONDED BY COUNCIL MEMBER MULLER, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 2.

The motion carried by the following vote:

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

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 ON THE CONSENT CALENDAR AND THAT FURTHER READING OF SUCH ORDINANCES BE WAIVED.

2. REGULAR MEETING MINUTES, APRIL 18, 2017

Council Member Muller removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL APPROVE THE MINUTES AS AMENDED.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

3. SPECIAL MEETING MINUTES, APRIL 20, 2017

APPROVED THE MINUTES.

4. ARTS AND CULTURE MEETING MINUTES, JANUARY 18, 2017

RECEIVED AND FILED.

5. TRAFFIC IMPROVEMENT SUBCOMMITTEE MINUTES, JANUARY 18, 2017

RECEIVED AND FILED.

6. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

7. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

8. MONTHLY FINANCIAL ACTIVITY REPORT, FEBRUARY 2017

RECEIVED AND FILED THE MONTHLY FINANCIAL ACTIVITY REPORT, FEBRUARY 2017.

PUBLIC COMMENTS

Penny Maynard
Carol Wilson

Nancy Jenkins
Emmanuel Downes

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

9. BUDGET STATUS UPDATE

IT WAS MOVED BY MAYOR PRO TEM WYATT, SECONDED BY COUNCIL MEMBER TOMLINSON THAT THE CITY COUNCIL RECEIVE AND FILE THE BUDGET STATUS UPDATE FROM THE ACTING CITY MANAGER TO INITIATE THE FY 18-19 BUDGET ADOPTION PROCESS FOLLOWING THE DEADLINES SET BY THE FY 18-19 BUDGET CALENDAR AND THE BUDGET PRINCIPLES INCLUDED HEREIN.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

NEW BUSINESS

10. RENEWAL OF PROFESSIONAL SERVICES CONTRACT FOR INFORMATION TECHNOLOGY SERVICES

This item was removed by Staff and will be heard on May 16, 2017.

11. QUARTERLY FINANCIAL REPORT, MARCH, 2017

IT WAS MOVED BY MAYOR PRO TEM WYATT, SECONDED BY COUNCIL MEMBER MULLER, THAT THE CITY COUNCIL RECEIVE AND FILE THE CITY FINANCIAL REPORT AND MANAGEMENT DISCUSSION FOR THE NINE MONTHS ENDED MARCH 31, 2017.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

12. SECOND READING FOR CALIFORNIA COASTAL COMMISSION SUGGESTED MODIFICATIONS TO THE CITY'S APPROVED ZONE TEXT AMENDMENT ZTA16-0001; TO AMEND THE HEADLANDS DEVELOPMENT AND CONSERVATION PLAN (HDGP), TO ADDRESS PUBLIC ACCESS OVER SPECIFIED ACCESSWAYS IN THE RESIDENTIAL PORTION OF THE HEADLANDS DEVELOPMENT AND CONSERVATION PLAN AND THE USE OF THREE ROPES OR SIMILAR DEVICES

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL HOLD SECOND READING AND ADOPT **ORDINANCE 17-03** ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA16-0001 TO AMEND THE HEADLANDS DEVELOPMENT AND CONSERVATION PLAN; SECTION 4.0 TO ADDRESS PUBLIC ACCESS OVER SPECIFIED ACCESS WAYS IN THE RESIDENTIAL PORTION OF THE HEADLANDS AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA16-0001 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

13. LICENSING AGREEMENT AMENDMENT #13 WITH DIGITAL MAP PRODUCTS FOR PROPERTY INFORMATION UPDATES AND GIS SERVICES

IT WAS MOVED BY MAYOR PRO TEM WYATT, SECONDED BY COUNCIL MEMBER TOMLINSON THAT THE CITY COUNCIL AUTHORIZE THE CITY MANAGER GO EXECUTE THE LICENSING AGREEMENT AMENDMENT #13 WITH DIGITAL MAP PRODUCTS AND THE CITY OF DANA POINT FOR PROPERTY INFORMATION UPDATES AND GIS SOFTWARE AND SERVICES.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

14. MAYOR'S REQUEST - NO SMOKING OR VAPING ORDINANCE IN PUBLIC PLACES

IT WAS MOVED BY MAYOR LEWIS, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL DIRECT STAFF TO INVESTIGATE, ADVISE AND WHERE APPROPRIATE, QUANTIFY FOR COUNCIL THE RISKS AND BENEFITS OF PROHIBITING

SMOKING OR VAPING IN PUBLIC PLACES FROM THE CITY'S, RESIDENTS' AND BUSINESSES' PERSPECTIVE AND PROVIDE COUNCIL WITH A HIGH LEVEL ROAD MAP, INCLUDING A SCIENTIFIC RESIDENT SURVEY, OF HOW TO IMPLEMENT AN ORDINANCE.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

PUBLIC COMMENTS (Continued)

There were no additional Public Comments received.

STAFF REPORTS

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Lewis adjourned the meeting at 8:06 p.m. and announced that the next Regular Meeting of the City Council will be May 16, 2017, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.