

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
FEBRUARY 21, 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. 17-01

### **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 – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d1), (3 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case)

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

- C. PUBLIC EMPLOYMENT, Government Code § 54957: Title: City Manager recruitment
- D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957

Title: City Attorney

Mayor Lewis recessed the meeting into a Closed Session at 5:02 p.m. pursuant to Government Code Section 54956 et seq.

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## **RECONVENE CITY COUNCIL MEETING – CALL TO ORDER**

Mayor Lewis reconvened the meeting at 6:20 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 Disaster Preparedness; 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; Sherry Murphy, Recreation Manager; Jackie Littler, Executive Assistant, DyAnne Weamire, Senior Administrative Assistant; and Bobbi Ogan, Deputy City Clerk.

## **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 Muller.

## **INVOCATION**

The Invocation was provided by Chaplain Maurice Hansen of VFW Post 9934.

## **PRESENTATIONS AND PROCLAMATIONS**

Capistrano Unified School District High School Teacher of the Year  
VFW Law Enforcement Officer of the Year  
VFW Firefighter of the Year  
VFW Reserve Firefighter of the Year

## **CONSENT CALENDAR**

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER VICZOREK, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR.

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

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**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, FEBRUARY 7, 2017**

APPROVED THE MINUTES.

**3. PLANNING COMMISSION MEETING MINUTES, JANUARY 23, 2017**

RECEIVED AND FILED.

**4. PLANNING COMMISSION ACTIONS, MEETING OF FEBRUARY 13, 2017**

RECEIVED AND FILED.

**5. ARTS AND CULTURE COMMISSION MEETING MINUTES, OCTOBER 19, 2016**

RECEIVED AND FILED.

**6. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR**

RECEIVED AND FILED.

**7. CITY TREASURER'S REPORT, JANUARY 2017**

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF JANUARY, 2017

**8. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**PUBLIC COMMENTS**

Dawn Urbanek  
Dan Daley  
Stephen Wontrobski

**PUBLIC HEARINGS**

There were no Public Hearing items.

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## UNFINISHED BUSINESS

### 9. DOHENY VILLAGE PLAN UPDATE

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL RECEIVE AND FILE THE REPORT.

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

### 10. CONSIDERATION OF THE CONCEPTUAL DESIGN FOR THE MEDIANS ON CROWN VALLEY BETWEEN SEVEN SEAS DRIVE AND CAMINO DEL AVION

IT WAS MOVED BY MAYOR PRO TEM WYATT, SECONDED BY MAYOR LEWIS, THAT THE CITY COUNCIL POSTPONE THIS ITEM TO THE CITY COUNCIL MEETING OF MARCH 21 AND DIRECT STAFF TO RETURN WITH A BREAKDOWN OF VARIOUS COMPONENTS AND AN ALTERNATE TO THE PALM TREE LANDSCAPING.

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

### 11. APPROVAL FOR CITY TO PARTICIPATE IN THE CONCERNED COASTAL COMMUNITIES COALITION

IT WAS MOVED BY MAYOR LEWIS, SECONDED BY MAYOR PRO TEM WYATT, THAT THE CITY COUNCIL APPROVE OF THE CITY JOINING THE COALITION AND APPOINT THE MAYOR (OR MAYOR PRO TEM IN HER ABSENCE) TO PARTICIPATE IN REGULARLY HELD MEETINGS OF THE COALITION.

The motion failed by the following vote:

AYES: Mayor Pro Tem Paul N Wyatt and Mayor Debra Lewis

NOES: Council Member Joseph L. Muller, Council Member John A. Tomlinson, and Council Member Richard A. Viczorek

ABSENT: None

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## NEW BUSINESS

### 12. COUNCIL DISCUSSION AND ADOPTION OF CITY PURCHASING POLICY AS PROPOSED BY MAYOR LEWIS

IT WAS MOVED BY MAYOR LEWIS, SECONDED BY MAYOR PRO TEM WYATT, THAT THE CITY COUNCIL POSTPONE ITEM 12 ADOPTION OF A CITY PURCHASING POLICY TO THE CITY COUNCIL MEETING OF MARCH 21 TO ALLOW HER TO REDRAFT THE POLICY FOR COUNCIL CONSIDERATION.

The motion carried by the following vote:

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

NOES: Council Member John A. Tomlinson

ABSENT: None

### 13. 2017 SPECIAL EVENTS CALENDAR

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL APPROVE THE SPECIAL EVENT CALENDAR FOR 2017 AND THE RECOMMENDED VENUES.

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

IT WAS MOVED BY MAYOR PRO TEM WYATT, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO EXECUTE THE THREE SEPARATE STAGE AND SOUND CONTRACTS TO SOUTHERN CALIFORNIA SOUND STAGE AND LIGHTING CORPORATION FOR THE FESTIVAL OF WHALES CONCERT, DANA POINT SUMMER CONCERT SERIES AND RELAY FOR LIFE.

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. AMENDMENT OF CONSULTANT SERVICES AGREEMENT BY AND BETWEEN THE CITY AND VCA CODE GROUP**

IT WAS MOVED MAYOR PRO TEM WYATT, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL AUTHORIZE THE ACTING CITY MANAGER TO EXECUTE AN AMENDMENT (THE "FIRST AMENDMENT") TO THE AGREEMENT FOR TO CONSULTANT SERVICES BY AND BETWEEN THE CITY OF DANA POINT AND VCA CODE GROUP, INC.

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

**15. REPORT ON OFFER OF DEDICATION OF APN 691-192-15**

Council Member Tomlinson recused himself from this item due to a potential conflict of interest. He left the Council Chambers at 8:48 p.m.

IT WAS MOVED BY COUNCIL MEMBER VICZOREK, SECONDED BY MAYOR PRO TEM WYATT, THAT THE CITY COUNCIL REJECT THE OFFER OF DEDICATION, DATED JANUARY 10, 2017, OF THE SLOPED PROPERTY APN 691-192-15, BY LEE SENG TEE AND BETTY WU-LEE 2008 DYNASTY TRUST NO. 1, NO. 2 AND NO. 3.

The motion carried by the following vote:

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

NOES: None

ABSENT: Council Member John A. Tomlinson

Council Member Tomlinson returned to the Council Chambers at 8:51 p.m.

**16. FINANCIAL REVIEW COMMITTEE MEMBER DESIGNATION AND UPDATE**

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL RECEIVE AND FILE THE NAME OF A CITY COUNCIL MEMBER APPOINTEE TO THE FINANCIAL REVIEW COMMITTEE.

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 8:58 p.m. and announced that the next Regular Meeting of the City Council will be March 7, 2017, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.