
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
FEBRUARY 21, 2017**

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:

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

Absent: None

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.

RECONVENE CITY COUNCIL MEETING - CALL TO ORDER

Mayor Lewis reconvened the meeting at 6:20 p.m. All Council Members were present.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
FEBRUARY 21, 2017**

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

Dana Hills High School Principal Jason Allemann introduced District Teacher of the Year Rob Harris. Mayor Lewis presented Rob Harris with a Certificate of Recognition for being named Teacher of the Year.

VFW Reserve Firefighter of the Year

Council Member Viczorek introduced Reserve Firefighter/EMT Jason Smigel. VFW Senior Vice-Commander Wayne Yost and Bill Manes presented Jason Smigel with a Certificate and a check for being selected the VFW Reserve Firefighter of the Year. Council Member Viczorek presented Jason with a Certificate of Recognition on behalf of the City Council for his honor. It was reported that Jason won the VFW District Award and came in second place in the state.

VFW Firefighter of the Year

Council Member Viczorek introduced OCFA Captain Justin Neville. Bill Manes presented Captain Neville with a Certificate and a check for being selected the VFW Firefighter of the Year. Council Member Viczorek presented Captain Neville with a Certificate of Recognition on behalf of the City Council for his honor. It was reported that Captain Neville won the VFW District Award and came in second place in the state.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
FEBRUARY 21, 2017**

VFW Law Enforcement Officer of the Year

Council Member Viczorek introduced Deputy Zachariah Scott. Bill Manes presented Deputy Scott with a Certificate and a check for being selected the VFW Law Enforcement Officer of the Year. Council Member Viczorek presented a Certificate of Recognition to Deputy Scott on behalf of the City Council for his honor. It was reported that not only was Deputy Scott the VFW District winner, but he had also won the State and was currently in the running for the National designation.

CONSENT CALENDAR

IT WAS MOVED BY COUNCIL MEMBER JOSEPH L. MULLER, SECONDED BY COUNCIL MEMBER RICHARD A. 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

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.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
FEBRUARY 21, 2017**

6. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

7. CITY TREASURER'S REPORT, JANUARY 2017

RECEIVE 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, San Clemente, spoke of Measure M that had been proposed by Capistrano Unified School District. She stated that CUSDWatch was founded as a subscription service so that the cities, the County and local elected leaders could be informed about CUSD Board and staff actions without having to spend staff time and resources.

Dan Daley, Dana Point, spoke of Alzheimer's of Orange County and the programs and services that they were offering to the residents of Orange County. He stated that if anyone knew of someone suffering from memory loss to please call the help line 1-844-helpalz or visit their website at www.alzoc.org.

Stephen Wontrobski, Mission Viejo, spoke of the letter he submitted to the City on February 10th. He stated that he was concerned that if the City of Irvine leaves OCFA that the system would collapse and reported that in January the City Council had voted to investigate leaving the OCFA. He added that no one was being held accountable over the rising costs for service. He stated that if the OCFA collapses that all of the cities would be expected to pay the unfunded pension liability at OCERS. He recommended that all the cities join together to determine what steps should be taken.

Council Member Muller stated that Mr. Wontrobski brings up a good point regarding the unfunded pension liabilities that OCFA currently carries. He added that the issue of Irvine leaving was being studied right now and agreed that we need to figure out what the true cost is for service. He included that the JPA states that the unfunded liabilities stay with the JPA and would not be transferred to the cities, but anticipated that it would be challenged.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
FEBRUARY 21, 2017**

PUBLIC HEARINGS

There were no Public Hearing items.

UNFINISHED BUSINESS

9. DOHENY VILLAGE PLAN UPDATE

Acting City Manager Killebrew introduced the item and Community Development Director Luna-Reynosa provided a staff report.

Mayor Lewis asked if there was any progress in her request for a public forum to learn about the proposed form based code.

Director of Community Development Luna-Reynosa replied that it would be good if Council were to direct staff to set up the forums with Opticos which would be an increased scope of work for them. She stated that if Council prefers someone else to provide those meetings that staff would need to solicit proposals.

Mayor Lewis asked if there were any members of staff who was versed in the form based code for a community outreach rather than paying Opticos or someone else.

Director Luna-Reynosa replied that it was a specialty area, but felt staff could provide surface level answers.

Mayor Lewis stated that she was not looking for theory of the form based codes but if City is to implement and enforce the form based codes, city should be sufficiently familiar with the prospective codes and how form based codes' permissive uses differ in application from zoning's restrictive use approach. Mayor Lewis felt that there was a need for a first level of meeting by staff to explain these codes and their application in Doheny Village to the public.

Acting City Manager Killebrew suggested that a summary level document could be created and distributed as opposed to holding a forum.

Council Member Muller asked how many charrette sessions have been held.

Director Luna-Reynosa replied that there was one, four day charrette as well as three community meetings and some smaller group meetings.

Council Member Muller stated that the outreach has been provided and we cannot force people to attend. He added that he likes the idea of a handout and putting it on the website.

Council Member Muller asked staff if it was in engaged with Caltrans regarding the road diet.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
FEBRUARY 21, 2017**

Deputy City Manager Denny replied that staff was preparing a memo to answer the questions Council had at the last meeting before moving forward.

Mayor Lewis stated that she had attended many of the meetings that were an overview of the plan, and were not specific to form based codes. Mayor Lewis stated that the people she had talked with about form based codes did not understand their application to Doheny Village in particular.

Mayor Pro Tem Wyatt felt that there was still some opportunity to communicate further to gain understanding. He did not support waiting until new Planning Commissioners were seated to hold the joint meeting.

Mayor Lewis opened the Public Comments.

Toni Nelson, Capistrano Beach/Capo Cares, felt that the community understands the plan conceptually but there was a gap in information when it comes to form based coding. She asked for no more delays and for staff to get rolling on Doheny Village. She agreed that there should be another community meeting to understand what the form based code really means.

Director Luna-Reynosa provided an overview of how a form based code does regulate land use and stated that it could protect neighborhoods from commercial activity.

Mayor Lewis closed the Public Comments.

Council Member Muller asked if the Council would have Opticos do the presentation or staff.

Mayor Lewis replied that her suggestion was to start with staff.

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

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
FEBRUARY 21, 2017**

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

Acting City Manager Killebrew introduced the item and Deputy City Manager Denny provided a staff report.

Mayor Lewis opened the Public Comments.

Buck Hill, Capistrano Beach, felt that there should be a series of choices for the Council to choose from.

Toni Nelson, Capistrano Beach/Capo Cares, spoke of the trees located in the medians and asked why we would remove healthy trees. She questioned the amount of money being spent on this project. She stated that her other issue was whether we want to be a City that matches the landscaping of Town Center. She asked the City Council to take a step back and think about this more.

Mayor Lewis closed the Public Comments.

Mayor Lewis asked staff to speak to the questions that were raised by the speakers.

Acting City Manager Killebrew stated that the drought and the State restrictions on watering brought this project to the forefront. He added that reclaimed water was not in South Coast Water District's near term plans so staff moved forward with drought tolerant as a concept. He stated that section of Crown Valley is slated for major rehabilitation work in the next couple of years and that part of what staff has been doing city-wide with the road rehabilitation projects is to improve the curb along the medians. He added that the eucalyptus trees were not indigenous to California and root pruning them was not a safe option.

Deputy City Manager Denny added that staff had gone down the path of not an exact match of the PCH medians, but if Council so directed staff could revisit this and come up with different options. He stated that there was time to do this.

Mayor Lewis asked if this has to be decided or done now.

Deputy City Manager Denny replied that the planned construction is this time next year, so there was time for staff to bring back some palette alternatives and costs at the second meeting in March.

Mayor Pro Tem Wyatt stated that it would be worthwhile for the Council to break the costs down and alternatives for each of those areas.

Deputy City Manager Denny replied that staff could break it down and present it to Council.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
FEBRUARY 21, 2017**

Council Member Viczorek asked what response was received from the residents that were notified for this project.

Deputy City Manager Denny replied that one resident attended the Traffic Subcommittee meeting and was supportive of the need to remove the trees after listening to the presentation.

Council Member Tomlinson asked how the project came to be over one million dollars.

Acting City Manager Killebrew replied that the initial project was specific to anticipating that we would have access to reclaimed water and then also the other change was including the changes to the curbs.

Mayor Lewis asked if the City were to wait on this project would there be a possibility of using reclaimed water.

Acting City Manager Killebrew replied that the City will be able to plug into reclaimed water and are installing the purple pipe for future use.

Pro Tem Wyatt asked if Rick Erkeneff could respond on behalf of the water district.

Rick Erkeneff, Dana Point/SCWD, stated that there were no plans to bring recycled water to Crown Valley. He added that the capacity of the system is just about maxed out.

Council Member Tomlinson asked if it was possible to put in the main portions of the reclaimed purple pipe.

Deputy City Manager Denny replied yes. He stated that there will be either a connection at PCH or at the other end of 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

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
FEBRUARY 21, 2017**

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

Acting City Manager Killebrew provided a staff report.

Mayor Lewis opened the Public Comments.

Toni Nelson, Capistrano Beach/Capo Cares, stated that she supports the City's participation in the Concerned Cities Coastal Coalition. She felt that it would benefit the City to be a member and that sister cities share more than borders but issues that are unique to coastal cities as well.

Betty Hill, Capistrano Beach, urged the Council in joining the Concerned Cities Coastal Coalition. She stated that Dana Point issues do not necessarily conform to the majority other cities in Orange County. She felt that the Coalition would have more influence even at the County level.

Mayor Lewis closed the Public Comments.

Mayor Lewis provided comments on the Coalition meeting that she had attended. She stated that Laguna Beach, Huntington Beach, Seal Beach, Oceanside, Del Mar, Encinitas and Carlsbad had sent representatives to the meeting in addition to a representative from Darrell Issa's office discussing HR 474, a representative from Lisa Bartlett's office and a representative of the Association of California Cities – Orange County. The Coalition in its meeting stated that it partners with many such elected officials and groups as part of its process. She stated that she supports joining the group as these are people that the City would work together with anyway so if it could be in a forum where it is organized and addressing issues as a group, the City could benefit from that.

Council Member Muller stated that he was not in favor of this proposal. He added that this group was founded by a lobby group, Townsend Group which is out of a lobbyist's office. He felt that this was not an organization built out of the best interest of cities. He stated that the League of Cities has a group that does the same exact thing with Coastal Commissioners sitting on it so that would be the best way to have access to the Coastal Commission. He felt that it would be a duplication of effort and stated that he did not see the merit in joining. He added that the City has an opportunity to engage the League.

Mayor Lewis replied that the ACC-OC and the League of Cities are also lobbying groups but when you like what they are lobbying for, they are viewed as advocacy groups.

Council Member Tomlinson asked if the City was required to join at this time in order to continue to attend the meetings.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
FEBRUARY 21, 2017**

Mayor Lewis replied that she did not know if there was a requirement but at some point we could not continue to attend. She stated that she would like to join and have Dana Point take a lead in the agenda and move this group towards resolution and sharing resources.

Council Member Viczorek stated that in comparing the agenda from September to February there has been no change in the issues. He felt that there was no benefit in joining. He added that he would like to know what the real value of this group was as there are only four cities that have joined this organization. He stated that he was not supportive of Dana Point joining.

Council Member Tomlinson asked who the Townsend Public Affairs Group was as he was not familiar with them.

Acting City Manager Killebrew replied that they are a lobbying firm that represents quite a few cities and agencies in the state.

Mayor Lewis stated she saw this was a way to share resources, information, and work through problems as a group. She added that there are complicated issues and she expects to see the same issues on the agenda. Mayor Lewis noted that short term rentals and other items have been on the city council's agenda repeatedly so that by that metric, the city council has not succeeded either. These issues are complex and take a great deal of time.

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

NEW BUSINESS

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

Acting City Manager Killebrew provided a staff report including a review of a flow chart that staff uses when processing contracts.

Mayor Lewis asked about contracts that go to Council for approval.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
FEBRUARY 21, 2017**

Acting City Manager Killebrew replied that regardless of the contract, if the amount is over \$100,000, the contract goes to City Council for approval. He added that if it is a public works project which is maintaining the City's assets and it is under \$100,000 there are certain procedures staff follows for the bidding procedures. He stated that the Code does not require formal bidding for professional services.

Mayor Lewis opened the Public Comments.

Susan Hinman, Dana Point, stated that contracts that have been approved that have gone beyond five years is bad business.

Carol Kelly, Dana Point, read a letter from Maria (Marla) Miller General Manager of Niguel Shores Community Association and Steve Stewart, former Niguel Shores President of the Board of Directors and former Niguel Shores CFO. She stated that they support the idea of bidding significant contracts every five years and certain instances put vendor contracts out for bid every three years. She added that their reasons were as follows: 1. provides competitive pricing and quality services, 2. going out to bid is a wakeup call to vendors, and 3. a new bidder may bring a new technology to the process of familiar work.

Mayor Lewis corrected the record and stated that the name of the Niguel Shores General Manager was Marla Miller, not Maria Miller.

Mayor Lewis closed the Public Comments.

Acting City Manager Killebrew clarified that staff does obtain quotes for everything over \$5,000, over \$35,000 formal bids are obtained and brought to Council for general purchases. He added that for the public works projects, informal bids are obtained for contracts between \$25,000 and \$100,000.

Mayor Lewis stated that the professional service contracts do not go through that same process. She added that her thought was since the Council was a policy making board that she would like to see a policy implemented and can conform to what the City already does. She stated that it would provide the ability to compare and get the best value for our dollar.

Council Member Tomlinson asked for staff to elaborate on the need for additional staff time that was mentioned in the presentation.

Acting City Manager Killebrew replied that if we were talking about the draft policy that was included in the staff report he felt that a couple of staff members would have to be added to bring together the details for the requests for proposals and to evaluate the responses received. He stated that the way the policy was being framed tonight was narrower and the level of effort required by staff to accomplish this would be significantly reduced.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
FEBRUARY 21, 2017**

Mayor Lewis began to make a motion that the Council approve a policy that would apply to all contracts between the City of Dana Point and third party vendors (not W-2 employees that have contracts) under \$35,000 would exempt those from any informal or formal bidding process, and contracts between \$35,000 and \$100,000 would be put out for informal bid.

Acting City Manager Killebrew asked the Mayor to speak to each section separately. He explained that there were certain services that going out for bid every five years would not be practical such as utilities, pension system, Public Employee Retirement System, and joint power authorities that the City were members of. He stated that contracts with other government agencies are exempt.

Mayor Lewis recommended that she would make a motion to postpone Item 12 to a time certain being the next City Council meeting where she would re-draft a purchasing policy based on the input from staff and at that time determine whether it was a policy the Council would want to adopt or not. Mayor Pro Tem Wyatt seconded the motion.

Council Member Muller felt that we have not looked at how other municipalities handle this or the County in particular and stated that we need a better understanding. He added that when he spoke to Supervisor Bartlett, that she had issues with their policy and that they were trying to change it. He recommended longer than a week to understand what this policy was going to do and how it would affect the City. He felt that this was a solution without a problem.

Mayor Lewis asked Council Member Muller how long he felt he needed to do his research.

Council Member Muller replied one month.

Council Member Tomlinson stated that he did not see a system that was broken and asked staff where the problem was.

Acting City Manager replied they have not identified any problem. He stated that the rules that are in place are appropriate for a city of this size based on his experience.

Council Member Muller asked how many contracts were we talking about that this policy would affect.

Acting City Manager Killebrew replied that he ran a report sorted by dollar amount and that we were down to legal services that would be affected given last year's expenditures.

Council Member Muller clarified that a policy would be created to handle two contracts.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
FEBRUARY 21, 2017**

Mayor Lewis replied that it was just a policy and because it would not affect many contracts that the policy would do no harm.

Council Member Muller stated that the County exempts all of their legal contracts and we were talking about a contract that other agencies exempt.

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

Deputy City Manager Denny provided a staff report. He stated that there was a date correction required for the Sabroso event which is now planned for April 8th, not April 22nd.

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

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:

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
FEBRUARY 21, 2017**

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

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

Acting City Manager Killebrew provided a staff report.

Council Member Tomlinson asked as an example of how this contract applies to our procedures and how it came before the City Council.

Acting City Manager Killebrew replied that this would be considered a consultant service contract and staff went out and received quotes from various consulting firms to see what their hourly rates were for different levels of staffing. He stated that staff was looking for specific skill sets.

Director Luna-Reynosa added that on plan check services in particular it was based on a percentage of what the City collects and all of the firms receive the same percentage. She stated hourly rates might be differ if an inspector is needed. She added that in this case, a request for proposal would not sense for that particular component.

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.

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.

City Attorney Munoz provided a staff report. City Attorney Munoz concluded that the proposed dedicated property was a slope and represented liability to the city.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
FEBRUARY 21, 2017**

Council Member Viczorek asked if the property has been sold to a third party.
City Attorney Munoz replied not that he was aware.

Council Member Viczorek asked if there had been any discussion with the attorney.
City Attorney Munoz replied that he did not talk to him.

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

Acting City Manager Killebrew provided a staff report.

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

PUBLIC COMMENTS

There were no additional Public Comments received.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
FEBRUARY 21, 2017**

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Muller thanked the Orange County Fire Authority for their service. He reported that they had received 635 calls for service on Friday which was 75% above a normal day. He stated that he would turn in his list of meetings attended to the City Clerk.

Mayor Pro Tem Wyatt stated that he had turned in his list of meetings attended to the City Clerk.

Council Member Tomlinson stated that he would turn in his list of meetings attended to the City Clerk.

Council Member Viczorek reported that he had attended an Orange County Mosquito and Vector Control Board of Trustees meeting where they presented a list of cities that were considered high risk for mosquitos and Dana Point was not on the list. He stated that it was important for property owners to clear any standing water to keep mosquitos from breeding. He added that he would turn in his list of meetings attended to the City Clerk.

Mayor Lewis stated that she would turn in her list of meetings attended to the City Clerk.

STAFF REPORTS

City Attorney Munoz stated that there have been some developments on sober living litigation. He reported that Beachside Recovery on Santa Clara which we are in current litigation with because of existing CUP violations have now had their license reduced to six people. He added that there are two new cases on file; one involving New Method Wellness which has three properties and Sunshine Behavioral Health which has one property in Capistrano Beach. He stated that these are similar to prior lawsuits that these are not licensed homes and they should be so they are being pursued for operating in a manner that is inconsistent with the licensing laws.

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.



KATHY M. WARD
CITY CLERK

APPROVED AT THE MEETING OF MARCH 7, 2017

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
FEBRUARY 21, 2017**

Meetings attended since February 7, 2017:

Mayor Debra Lewis

- February 8 Amy Hanacek, Capistrano Unified School District
- February 9 Harbor Association Monthly Meeting
Concerned Coastal Communities Coalition
- February 15 Sean Keliholokai, Visit Dana Point
Toni Nelson, Capo Cares
- February 21 FAM – Homeless Services

Paul N Wyatt, Mayor Pro Tem

- February 9 Dana Point Harbor Association Monthly Meeting, Dana Point, CA
SONGS CEP Briefing, Dana Point, CA
Francis Spivy-Weber Retirement Reception, Costa Mesa, CA
- February 13 Headlands Mediation, Corona Del Mar, CA
- February 15 Mel Chamber, Chairman, Ocean Institute, Dana Point, CA
Jim Samuels, Sean Keliholokai, Visit Dana Point, Dana Point, CA
Toni Nelson, Capo Cares and City Staff regarding code enforcement, Dana Point, CA
- February 16 World Day of Prayer Breakfast, Irvine, CA
SONGS CEP Meeting, Dana Point, CA
- February 17 OC Fire Authority Best & Bravest Awards Dinner, Irvine, CA
- February 20 Steven Swartz, San Clemente City Councilmember, San Clemente, CA
- February 21 Mary Perdue, Family Assistance Ministries, San Clemente, CA

Council Member Joseph L. Muller

- February 8 Orange County Fire Authority
- February 9 Transportation Corridor Agency
- February 16 Transportation Corridor Agency
Art Sanchez
OCFA Best & Bravest Awards Dinner

Council Member Richard A. Viczorek

- February 9 SJHTCA Board of Directors Meeting
- February 9 OCMVCD Board of Trustees Meeting
- February 17 OCFA Best & Bravest Awards Dinner