

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
MARCH 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), (1 case)
- 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

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 6:02 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; Belinda Deines, Senior Planner; Kelly Reenders, Economic Development Manager; Jackie Littler, Executive Assistant, DyAnne Weamire, Senior Administrative Assistant; and Bobbi Ogan, Deputy City Clerk.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Muller.

INVOCATION

There was no Invocation provided.

PRESENTATIONS AND PROCLAMATIONS

Deputy of the Year – Craig Nelson
American Cancer Society – Relay for Life
Employee of the Quarter – Sue Steinriede

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz reported that the City Council authorized litigation with a property known as Seaside Inn for abatement.

CONSENT CALENDAR

Mayor Pro Tem Wyatt removed Item 3 from the 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 3.

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, MARCH 7, 2017

APPROVED THE MINUTES.

3. OCEAN WATER QUALITY SUBCOMMITTEE ACTION MINUTES, FEBRUARY 24, 2015

Mayor Pro Tem Wyatt removed this item from the Consent Calendar.

IT WAS MOVED BY MAYOR PRO TEM WYATT, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL RECEIVE AND FILE.

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

4. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

5. CITY TREASURER'S REPORT, FEBRUARY 2017

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF FEBRUARY 2017.

6. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

PUBLIC COMMENTS

Mara James
Joanna Adrian
Penny Maynard

UNFINISHED BUSINESS

7. PLANNING COMMISSION AND TRAFFIC IMPROVEMENT SUBCOMMITTEE INTERVIEWS

BY A MAJORITY VOTE OF THE CITY COUNCIL, SCOTT MCKHANN WAS RE-APPOINTED TO THE PLANNING COMMISSION.

IT WAS MOVED BY MAYOR LEWIS, SECONDED BY COUNCIL MEMBER MULLER, TO APPOINT MARY OPEL TO THE PLANNING 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

THERE WAS A CONSENSUS VOTE OF THE CITY COUNCIL TO RE-APPOINT JEFF HOWELL AND APPOINT JENNIFER ROSALES TO THE TRAFFIC IMPROVEMENT SUBCOMMITTEE.

PUBLIC HEARINGS

8. CALIFORNIA COASTAL COMMISSION SUGGESTED MODIFICATIONS TO THE CITY'S APPROVED GENERAL PLAN AMENDMENT GPA16-0001, ZONE TEXT AMENDMENT ZTA16-0001, AND LOCAL COASTAL PROGRAM AMENDMENT LCPA16-0001, 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 DEVICE

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL CONTINUE THE ITEM TO THE REGULARLY SCHEDULED CITY COUNCIL MEETING OF APRIL 18, 2017, TO ALLOW ADDITIONAL MEETINGS WITH THE HEADLANDS HOMEOWNERS ASSOCIATION (HOA), AND OTHER INTERESTED STAKEHOLDERS, PRIOR TO CITY COUNCIL ACTION.

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

UNFINISHED BUSINESS (Continued)

9. DOHENY VILLAGE PLAN UPDATE

IT WAS MOVED BY MAYOR PRO TEM WYATT, 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

IT WAS MOVED BY MAYOR PRO TEM WYATT, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL DIRECT STAFF TO PREPARE AN AGREEMENT WITH RICHARD WILLSON TRANSPORTATION CONSULTANT TO FACILITATE THE PARKING STUDY SESSION MEETINGS.

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 COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER TOMLINSON, DIRECT STAFF TO RETURN TO COUNCIL WITH THE LINSCOTT, LAW AND GREENSPAN ("LLG") CONTRACT FOR CONSIDERATION AFTER THE COMPLETION OF THE TRAFFIC IMPACT ANALYSIS BY NELSON NYGAARD.

The motion carried by the following vote:

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

NOES: Mayor Debra Lewis

ABSENT: None

IT WAS MOVED BY MAYOR PRO TEM WYATT, SECONDED BY MAYOR LEWIS, THAT THE CITY COUNCIL POSTPONE THE AGREEMENT WITH LINSCOTT, LAW AND GREENSPAN ("LLG") TO CONDUCT A TRAFFIC IMPACT ANALYSIS (TIA) OF THE DOHENY PARK ROAD DIET AND ROUNDABOUT PROJECT UNTIL NELSON NYGAARD RETURNS WITH THEIR TRAFFIC IMPACT ANALYSIS.

The motion carried by the following vote:

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

NOES: Mayor Debra Lewis

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 COUNCIL MEMBER VICZOREK, SECONDED BY COUNCIL MEMBER MULLER, THAT THE CITY COUNCIL APPROVE THE RECOMMENDED CONCEPTUAL DESIGN FOR THE CROWN VALLEY MEDIANS AND DIRECT STAFF TO PROCEED WITH THE PREPARATION OF CONSTRUCTION DOCUMENTS FOR THE CROWN VALLEY MEDIAN DROUGHT CONVERSION PROJECT.

The motion carried by the following vote:

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

NOES: Mayor Debra Lewis

ABSENT: None

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

MAYOR LEWIS WITHDREW THIS ITEM AND NO ACTION WAS TAKEN BY THE CITY COUNCIL.

NEW BUSINESS

12. ADOPTION OF AN URGENCY ORDINANCE AND FIRST READING OF AN ORDINANCE READOPTING PORTIONS OF THE DANA POINT MUNICIPAL CODE AND REAUTHORIZING THE COLLECTION OF A FEE TO SUPPORT PUBLIC, EDUCATION, AND GOVERNMENTAL (“PEG”) CHANNEL FACILITIES WITHIN THE CITY’S JURISDICTION

IT WAS MOVED BY MAYOR PRO TEM WYATT, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL ADOPT URGENCY **ORDINANCE 17-01** ENTITLED:

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, READOPTING SECTION 5.36.020 of CHAPTER 5.36 OF TITLE 5 OF THE DANA POINT MUNICIPAL CODE ENTITLED “STATE VIDEO FRANCHISE FEES” RELATING TO STATE FRANCHISES FOR CABLE COMMUNICATIONS; AND REAUTHORIZING A FEE TO SUPPORT PUBLIC, EDUCATION, AND GOVERNMENTAL (“PEG”) CHANNEL FACILITIES WITHIN THE CITY’S JURISDICTION.

The motion carried by the following vote:

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

NOES: Council Member Richard A. Viczorek

ABSENT: None

IT WAS MOVED BY COUNCIL MEMBER TOMLINSON, SECONDED BY MAYOR PRO TEM WYATT, THAT THE CITY COUNCIL CONDUCT THE FIRST READING OF ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, READOPTING SECTION 5.36.020 OF CHAPTER 5.36 OF TITLE 5 OF THE DANA POINT MUNICIPAL CODE ENTITLED "STATE VIDEO FRANCHISE FEES" RELATING TO STATE FRANCHISES FOR CABLE COMMUNICATIONS; AND REAUTHORIZING A FEE TO SUPPORT PUBLIC, EDUCATION, AND GOVERNMENTAL ("PEG") CHANNEL FACILITIES WITHIN THE CITY'S JURISDICTION.

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. SUBMITTAL OF SOUTH ORANGE COUNTY WATER QUALITY IMPROVEMENT PLAN AND ADOPTION AND SUBMITTAL OF THE UPDATED LOCAL IMPLEMENTATION PLAN FOR THE STORMWATER/WATER QUALITY PROGRAM

IT WAS MOVED BY COUNCIL MEMBER TOMLINSON, SECONDED BY COUNCIL MEMBER MULLER, THAT THE CITY COUNCIL ADOPT **RESOLUTION 17-03-21-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF THE CITY PORTIONS OF THE SOUTH ORANGE COUNTY WATER QUALITY IMPROVEMENT PLAN (WQIP) AND ADOPTING AND AUTHORIZING THE SUBMITTAL OF THE UPDATED DANA POINT LOCAL IMPLEMENTATION PLAN (LIP), THE CITY'S WATER QUALITY IMPLEMENTATION DOCUMENT THAT MEETS THE REQUIREMENTS OF THE SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD MUNICIPAL NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT, R9-2013-0001 AS AMENDED BY R9-2015-0001 AND R9-2015-0100; AND AUTHORIZING MINOR UPDATES CONSISTENT WITH NPDES PERMIT REQUIREMENTS.

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 COUNCIL MEMBER TOMLINSON, SECONDED BY MAYOR PRO TEM WYATT, THAT THE CITY COUNCIL FIND THAT THE ACTIONS PROPOSED FOR APPROVAL IN RESOLUTION NO. 17-03-21-01 ARE NOT SUBJECT TO, OR ARE OTHERWISE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER THE CEQA GUIDELINES AND DIRECT STAFF TO FILE A NOTICE OF EXEMPTION (NOE) WITH THE ORANGE COUNTY CLERK IN ACCORDANCE WITH 14 CCR 15062.

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. ANNUAL HOUSING ELEMENT PROGRESS REPORT

IT WAS MOVED BY MAYOR PRO TEM WYATT, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL RECEIVE AND FILE THE ANNUAL HOUSING ELEMENT PROGRESS REPORT FOR 2016.

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. ESTABLISH MONTHLY COMMUNITY MEETINGS WITH MAYOR AND CITY MANAGER

THERE WAS NO ACTION TAKEN ON THIS ITEM AS IT WAS DETERMINED THAT THE MAYOR OR ANY COUNCIL MEMBER COULD MEET WITH THE PUBLIC IF THEY CHOSE TO DO SO.

16. ESTABLISH NEIGHBORHOOD WATCH MEETINGS WITH MAYOR

IT WAS MOVED BY MAYOR PRO TEM WYATT, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL DIRECT LT. CHILTON TO REACH OUT TO THE DANA POINT NEIGHBORHOOD WATCH BLOCK CAPTAINS TO COORDINATE A DATE AND TIME FOR A MEETING WITH THE MAYOR.

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

PUBLIC COMMENTS (Continued)

There were no additional Public Comments received.

STAFF REPORTS

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

IT WAS MOVED BY MAYOR LEWIS, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL CANCEL THE COUNCIL MEETING SCHEDULED FOR APRIL 4, 2017.

The motion carried by the following vote:

AYES: Council Member John A. Tomlinson, Mayor Pro Tem Paul N Wyatt and Mayor Debra Lewis
NOES: Council Member Joseph L. Muller and Council Member Richard A. Viczorek
ABSENT: None

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Lewis adjourned the meeting at 9:57 p.m. and announced that the next Regular Meeting of the City Council will be April 18, 2017, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.