

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
APRIL 18, 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. 17-02

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 5:02 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 (Arrived at 5:15 p.m.)
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;

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 6:26 p.m. All Council Members were present.

STAFF PRESENT: Patrick Munoz, City Attorney; Mike Killebrew, Acting City Manager; Kathy Ward, City Clerk; Aaron Rosen, Emergency Services Coordinator; 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; Kelly Reenders, Economic Development Manager; Mark Sutton, Building Official; Rachel Johnson, Assistant Administrative Analyst; Jackie Littler, Executive Assistant, DyAnne Weamire, Senior Administrative Assistant; Bobbi Ogan, Deputy City Clerk; 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 Mayor Pro Tem Paul N. Wyatt.

INVOCATION

The Invocation was provided by Associate Pastor Jens Christy of Capo Beach Church.

PRESENTATIONS AND PROCLAMATIONS

Business of the Month – Girl in the Curl
Donate Life Month – Dick Veale

Mayor Lewis moved Item 23 to Presentations and Proclamations.

23. RECOGNITION OF LANTERN VILLAGE ASSOCIATION 25TH ANNIVERSARY

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER VICZOREK, THAT THE CITY COUNCIL CONSIDER RECOGNIZING THE 25TH ANNIVERSARY OF THE ESTABLISHMENT OF THE LANTERN VILLAGE ASSOCIATION BY PLACEMENT OF A DECORATIVE PLAQUE AT LA PLAZA PARK AND THAT THE ASSOCIATION WORK WITH CITY STAFF ON THE LANGUAGE FOR THE PLAQUE.

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

CONSENT CALENDAR

Mayor Lewis removed Item 10 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY VICZOREK, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 10.

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 21, 2017

APPROVED THE MINUTES.

3. SPECIAL MEETING MINUTES, MARCH 29, 2017

APPROVED THE MINUTES.

4. PLANNING COMMISSION MEETING MINUTES, FEBRUARY 27, 2017

RECEIVED AND FILED.

5. PLANNING COMMISSION MEETING MINUTES, MARCH 27, 2017

RECEIVED AND FILED.

6. PLANNING COMMISSION ACTIONS, MEETING OF APRIL 10, 2017

RECEIVED AND FILED.

7. OCEAN WATER QUALITY SUBCOMMITTEE MINUTES, FEBRUARY 28, 2017

RECEIVED AND FILED.

8. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

9. CITY TREASURER'S REPORT, MARCH 2017

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

10. CLAIMS AND DEMANDS

Mayor Lewis removed this item from the Consent Calendar.

IT WAS MOVED BY MAYOR PRO TEM WYATT, SECONDED BY COUNCIL MEMBER MULLER, 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

PUBLIC COMMENTS

Stephen Wontrobski
Paula Becker
Robbie Roberson
Pete Hammer
Carol Wilson
Penny Maynard
Susan Hinman
Dana Yarger
Brad Fowler

PUBLIC HEARINGS

11. **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 (HDCP), 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 VICZOREK, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL ADOPT **RESOLUTION 17-04-18-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REGARDING GENERAL PLAN AMENDMENT GPA16-0001 AND LOCAL COASTAL PROGRAM AMENDMENT LCPA16-0001 TO AMEND LAND USE POLICY 5.31 AND REQUESTING CERTIFICATION OF LOCAL COASTAL PROGRAM AMENDMENT LCPA16-0001 BY THE CALIFORNIA COASTAL COMMISSION; AND

INTRODUCE FOR FIRST READING AN ORDINANCE 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

UNFINISHED BUSINESS

12. **DOHENY VILLAGE PLAN UPDATE**

IT WAS MOVED BY COUNCIL MEMBER TOMLINSON, SECONDED BY COUNCIL MEMBER VICZOREK, THAT THE CITY COUNCIL RECEIVE AND FILE THIS 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

13. 2017 ABATEMENT PROGRAM, AUTHORIZATION TO ABATE WEEDS

IT WAS MOVED BY COUNCIL MEMBER TOMLINSON, SECONDED BY COUNCIL MEMBER VICZOREK, THAT THE CITY COUNCIL HEAR ANY OBJECTIONS REGARDING WEED ABATEMENT AND THAT THE CITY COUNCIL ADOPT **RESOLUTION 17-04-18-02** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, HEARING NO OBJECTIONS AND PROCEEDING WITH WEED ABATEMENT.

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

14. FINANCIAL REVIEW COMMITTEE MINUTES, MARCH 27, 2017

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

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. BUDGET – STATUS UPDATE AND CITY COUNCIL REVIEW

ACTING CITY MANAGER INFORMED THE CITY COUNCIL ON STATUS OF FY 2018/2019 BUDGET.

Mayor Lewis recessed the meeting at 9:58 p.m.

Mayor Lewis reconvened the meeting at 10:04 p.m.

16. ANNUAL REVIEW OF THE INVESTMENT POLICY

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY VICZOREK, THAT THE CITY COUNCIL APPROVE THE CITY'S STATEMENT OF SAFEKEEPING AND INVESTMENT OF PUBLIC FUNDS POLICY ("INVESTMENT POLICY").

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

17. AWARD OF CONTRACT FOR THE 4TH OF JULY AERIAL FIREWORKS DISPLAY

IT WAS MOVED BY MAYOR LEWIS, SECONDED BY TOMLINSON, THAT THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT WITH PYRO ENGINEERING, INC. FOR THE 2017 DANA POINT JULY 4TH FIREWORKS DISPLAY.

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

18. RECRUITMENT FOR THE ARTS AND CULTURE COMMISSION

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER VICZOREK, THAT THE CITY COUNCIL DIRECT STAFF TO PROCEED WITH THE RECRUITMENT FOR THE ARTS AND CULTURE 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

19. AMENDMENT TO AGREEMENT WITH SOUTH COAST WATER DISTRICT FOR THE OPERATION AND MAINTENANCE OF THE SALT CREEK OZONE TREATMENT FACILITY

IT WAS MOVED BY COUNCIL MEMBER VICZOREK, SECONDED BY COUNCIL MEMBER MULLER, THAT THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO PROCESS AND SIGN THE SIXTH AMENDMENT TO THE AGREEMENT WITH SOUTH COAST WATER DISTRICT (SCWD) FOR THE OPERATION AND MAINTENANCE OF THE SALT CREEK OZONE TREATMENT FACILITY AND AUTHORIZE THE CITY MANAGER, WHEN PROCESSING THE AMENDMENT, TO ACCEPT ANY NON-SUBSTANTIVE CHANGES UNTIL 2025.

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

20. DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT/VISIT DANA POINT QUARTERLY REPORT FOR JANUARY – MARCH 2017

IT WAS MOVED BY COUNCIL MEMBER TOMLINSON, SECONDED BY MAYOR PRO TEM WYATT, 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

21. SECOND READING AND ADOPTION 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 COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL HOLD SECOND READING AND ADOPT **ORDINANCE 17-02** 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

22. MEETING BETWEEN MAYORS AND CITY MANAGERS OF SAN CLEMENTE, SAN JUAN CAPISTRANO AND DANA POINT

IT WAS MOVED BY MAYOR PRO TEM WYATT, SECONDED BY MAYOR LEWIS, THAT THE CITY COUNCIL ACCEPT THE CITY OF SAN CLEMENTE'S INVITATION TO FORM A TRI-CITY COMMITTEE OF THE CITIES OF DANA POINT, SAN CLEMENTE AND SAN JUAN CAPISTRANO TO MEET REGULARLY TO DISCUSS ISSUES OF MUTUAL CONCERN AND SELECT THE MAYOR AND ONE MEMBER OF THE CITY COUNCIL TO BE THE DANA POINT REPRESENTATIVES TO THE TRI-CITY COMMITTEE.

The motion carried 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, Council Member Richard A. Viczorek

ABSENT: None

23. RECOGNITION OF LANTERN VILLAGE ASSOCIATION 25TH ANNIVERSARY

Mayor Lewis moved this item to Presentations and Proclamations.

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 10:45 p.m. and announced that the next Special/Regular Meeting of the City Council will be April 20, 2017/May 2, 2017, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

