

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
JUNE 6, 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. 17-04

### **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 (*Absent*)  
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. PUBLIC EMPLOYMENT, Government Code § 54957: Title: City Manager recruitment
- C. 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, et al v. Capo By the Sea, Inc; Orange County Superior  
Court Case No. 30-2016-00859426-CU-MC-CJC

Name of Case: People v. Gary Karns; Local Janitorial & Vacuum Supply Company, Case  
No. 16HM10382

Mayor Lewis recessed the meeting into a Closed Session at 5:03 p.m. pursuant to Government Code Section 54956 et seq.

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

Mayor Lewis reconvened the meeting at 6:17 p.m. All Council Members were present with the exception of Council Member Muller who was absent.

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 Bobbi Ogan, Deputy City Clerk.

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Pro Tem Wyatt.

## **INVOCATION**

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

## **CLOSED SESSION ANNOUNCEMENT**

City Attorney Munoz stated that he had one item to report from Closed Session this evening; the matter of the City of Dana Point vs. Headlands Reserve LLC, Sanford Edward, et al. He reported that the Council had reached a settlement with the Headlands Reserve and Mr. Edward in that litigation and that there would be a press release issued tomorrow that will be available for the public. He added that the settlement agreement is a public record at this point.

## **PRESENTATIONS AND PROCLAMATIONS**

Presentation to Dana Hills High School – Boys Swimming and Diving CIF Champions

## **CONSENT CALENDAR**

IT WAS MOVED BY MAYOR PRO TEM WYATT, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR.

The motion carried by the following vote:

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

NOES: None

ABSENT: Council Member Joseph L. Muller

**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. SPECIAL JOINT MEETING MINUTES, MAY 15, 2017**

APPROVED THE MINUTES.

**3. REGULAR MEETING MINUTES, MAY 16, 2017**

APPROVED THE MINUTES.

**4. SPECIAL MEETING MINUTES, MAY 23, 2017**

APPROVED THE MINUTES.

**5. PLANNING COMMISSION MEETING MINUTES, APRIL 10, 2017**

RECEIVED AND FILED.

**6. PLANNING COMMISSION ACTIONS, MEETING OF MAY 22, 2017**

RECEIVED AND FILED.

**7. YOUTH BOARD MEETING MINUTES, MAY 4, 2017**

RECEIVED AND FILED.

**8. ARTS AND CULTURE COMMISSION MINUTES, MARCH 15, 2017**

RECEIVED AND FILED.

**9. OCEAN WATER QUALITY MEETING MINUTES, MARCH 28, 2017**

RECEIVED AND FILED.

**10. FINANCE REVIEW COMMITTEE MEETING MINUTES, MAY 10, 2017**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

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**12. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**13. MONTHLY FINANCIAL ACTIVITY REPORT, APRIL 2017**

RECEIVED AND FILED THE MONTHLY FINANCIAL ACTIVITY REPORT FOR APRIL 2017.

**14. GOVERNMENT FINANCE OFFICERS ASSOCIATION CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING FOR THE YEAR ENDED JUNE 30, 2016**

RECEIVED AND FILED THE GFOA CERTIFICATE OF ACHIEVEMENT FOR THE YEAR ENDED JUNE 30, 2016.

**15. WATER QUALITY NUISANCE WATER DIVERSION AGREEMENT AND SALT CREEK OZONE TREATMENT FACILITY BACKWASH AGREEMENT AMENDMENT WITH SOUTH COAST WATER DISTRICT**

AUTHORIZED THE CITY MANAGER TO EXECUTE AND PROCESS THE REVISED DANA POINT DIVERSION AGREEMENT, AND EXECUTE AND PROCESS THE SALT CREEK BACKWASH AGREEMENT AMENDMENT #2 WITH SCWD TO ALLOW FLOW FROM STORM DRAINS TO BE DIVERTED TO THE SANITARY SEWER SYSTEM; AND DELEGATED AUTHORITY TO EXTEND FUTURE AMENDMENTS TO DIVERSION OR BACKWASH AGREEMENTS TO THE CITY MANAGER.

**PUBLIC COMMENTS**

Julie Slark  
Joan Smith  
Penny Maynard

**PUBLIC HEARINGS**

**16. PUBLIC HEARING AND DISCUSS A RESOLUTION TO ADOPT THE PROPOSED OPERATING AND CAPITAL IMPROVEMENT BUDGETS FOR FISCAL YEARS 2017-2018 AND 2018-2019; ADOPTION OF A RESOLUTION TO ESTABLISH THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2017-2018; ADOPTION OF A RESOLUTION SUPPORTING RENEWED MEASURE M2 ELIGIBILITY PACKAGE; AUTHORIZE CLOSE OF CURRENTLY BUDGETED CIP PROJECTS IN FISCAL YEAR 2016-2017; AND AUTHORIZE CITY VEHICLE LEASING PROGRAM CONTRACTS**

The City Council agreed to direct staff to identify where eliminations could be made to cut \$600,000 out of the proposed budget.

## **UNFINISHED BUSINESS**

There were no Unfinished Business items.

## **NEW BUSINESS**

### **17. APPROVAL OF A CONTRACT AGREEMENT FOR TRAFFIC SIGNAL MAINTENANCE SERVICES WITH SIEMENS INDUSTRY, INCORPORATED**

IT WAS MOVED BY COUNCIL MEMBER TOMLINSON, SECONDED BY MAYOR PRO TEM WYATT, THAT THE CITY COUNCIL APPROVE A CONTRACT AGREEMENT FOR TRAFFIC SIGNAL MAINTENANCE SERVICES WITH SIEMENS INDUSTRY, INCORPORATED; AUTHORIZE THREE ADDITIONAL TWO (2) YEAR CONTRACT TERM EXTENSION OPTIONS PROVIDED UNIT PRICES REMAIN COMPETITIVE WITH VENDORS PROVIDING SIMILAR SERVICES; AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT.

The motion carried by the following vote:

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

NOES: None

ABSENT: Council Member Joseph L. Muller

## **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, at 7:33 p.m. Mayor Lewis adjourned the meeting to Thursday, June 8, 2017 at 5:30 p.m. for a Closed Session regarding Item B – Public Employment.