

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
JUNE 20, 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
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 – INITIATION OF LITIGATION, Government Code § 54956.9 (c), (1 case)
- C. PUBLIC EMPLOYMENT, Government Code § 54957 (b)(1): City Manager Appointment

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 6:27 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 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; Robin Harnish, Accountant, Kate Lasso, Management Analyst, Jeff Rosaler, Parks Manager, and Bobbi Ogan, Deputy City Clerk.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Tomlinson.

INVOCATION

The Invocation was provided by OCFA Chaplain Jeff Hetschel.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz reported that he had two items to report; 1) the City Council authorized initiation of litigation to bring a receivership action in connection with a property located at 33122 Sea Knoll and 2) the Council wanted to inform the public that they had authorized making a proposal to a City Manager candidate and depending on the outcome, there will be a contract on the July 18th agenda.

PRESENTATIONS AND PROCLAMATIONS

Dana Point Artist Barbara Ross – California State Senate Art Contest
Presentation to City of Dana Point – Orange Section APA 2017 Outstanding Planning Award for Urban Design for the Linear Park Project

CONSENT CALENDAR

Council Member Muller removed Item 3 and Mayor Lewis removed Item 11 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 ITEMS 3 AND 11.

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. SPECIAL MEETING MINUTES, JUNE 1, 2017

APPROVED THE MINUTES.

3. REGULAR MEETING MINUTES, JUNE 6, 2017

Council Member Muller removed this item from the Consent Calendar.

IT WAS MOVED BY MAYOR LEWIS, SECONDED BY MAYOR PRO TEM WYATT, THAT THE CITY COUNCIL APPROVE THE MINUTES WITH THE ADDITION OF COUNCIL MEMBER TOMLINSON'S ATTENDANCE AT THE MEMORIAL DAY CEREMONY AND THE LANGUAGE OF THE CLOSED SESSION ANNOUNCEMENT BE AMENDED IF AFTER THE CLERK'S REVIEW OF THE LAST MEETING'S RECORDING WARRANTED AMENDMENT.

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: None

ABSTAIN: Council Member Joseph L. Muller

4. CONTINUED REGULAR MEETING MINUTES, JUNE 8, 2017

APPROVED THE MINUTES.

5. CONTINUED REGULAR MEETING MINUTES, JUNE 13, 2017

APPROVED THE MINUTES.

6. PLANNING COMMISSION MEETING MINUTES, MAY 22, 2017

RECEIVED AND FILED.

7. PLANNING COMMISSION ACTIONS, MEETING OF JUNE 12, 2017

RECEIVED AND FILED.

8. FINANCIAL REVIEW COMMITTEE MEETING MINUTES, MAY 24, 2017

RECEIVED AND FILED.

9. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

10. CITY TREASURER'S REPORT, MAY 2017

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

11. CLAIMS AND DEMANDS

Mayor Lewis 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 CLAIMS AND DEMANDS.

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

Nancy Jenkins
Heather Athan-Pechous
Denise Erkeneff

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER VICZOREK, THAT THE CITY COUNCIL CONSIDER ITEMS 16 AND 19 PRIOR TO ITEM 12.

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

NEW BUSINESS

16. HOTEL DEVELOPMENT UPDATE

19. LANTERN DISTRICT ECONOMIC DEVELOPMENT UPDATE

IT WAS MOVED BY COUNCIL MEMBER TOMLINSON, SECONDED BY MAYOR PRO TEM WYATT, THAT THE CITY COUNCIL RECEIVE AND FILE THE REPORTS FOR BOTH ITEM 16 AND 19.

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 HEARINGS

12. PUBLIC HEARING AND ADOPTION OF A RESOLUTION TO ADOPT THE PROPOSED OPERATING AND CAPITAL IMPROVEMENT BUDGETS FOR FISCAL YEARS 2017-2018 AND 2018-2019; ADOPT A RESOLUTION TO ESTABLISH THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2017-2018; ADOPT A RESOLUTION SUPPORTING RENEWED MEASURE M2 ELIGIBILITY PACKAGE; AND AUTHORIZE CLOSING SPECIFIC EXISTING CIP PROJECTS IN FISCAL YEAR 2016-2017

Council Member Tomlinson recused himself from the discussion of the Quiet Zone funding due to a potential conflict of interest and left the Council Chambers at 8:15 p.m.

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER VICZOREK, THAT THE CITY COUNCIL NOT ELIMINATE THE FUNDING FOR THE QUIET ZONE.

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 8:47 p.m.

IT WAS MOVED BY COUNCIL MEMBER VICZOREK, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL ACCEPT THE PROPOSED REDUCTIONS TO THE BUDGET ITEMS AS PROPOSED BY STAFF WITH THE EXCEPTION OF THE STATE OF THE

CITY WHERE THERE WILL BE A BUDGET OF \$5,000 AND THE FUNDING FOR THE RELAY FOR LIFE WILL REMAIN.

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

Mayor Lewis recessed the meeting at 10:39 p.m. and reconvened the meeting at 10:49 p.m.

IT WAS MOVED BY COUNCIL MEMBER TOMLINSON, SECONDED BY COUNCIL MEMBER MULLER, THAT THE CITY COUNCIL ADOPT **RESOLUTION 17-06-20-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADOPTING AN OPERATING AND CAPITAL IMPROVEMENT BUDGET FOR THE CITY OF DANA POINT FOR FISCAL YEARS 2017-2018 AND 2018-2019.

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, THAT THE CITY COUNCIL ADOPT **RESOLUTION 17-06-20-02** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2017-2018.

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 ADOPT **RESOLUTION 17-06-20-03** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADOPTING THE SEVEN YEAR CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2017-18 THROUGH FISCAL YEAR 2023-24 AND CERTIFYING COMPLIANCE AS REQUIRED BY THE OCTA RENEWED MEASURE M (M2) PROGRAM.

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 LEWIS, SECONDED BY COUNCIL MEMBER MULLER, THAT THE CITY COUNCIL ADOPT NECESSARY RENEWED MEASURE M2 ELIGIBILITY DOCUMENTATION TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA).

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 MAYOR PRO TEM WYATT, THAT THE CITY COUNCIL AUTHORIZE CLOSING OF SPECIFIC, EXISTING CIP PROJECTS BY AMENDING THE FISCAL YEAR 2016-2017 (FY17) BUDGET.

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

CITY COUNCIL DIRECTED THE FINANCIAL REVIEW COMMITTEE TO CONDUCT FURTHER RESEARCH AND ANALYSIS ON THE CITY VEHICLE LEASING PROGRAM CONTRACTS WITH ENTERPRISE FM TRUST, INC. AND ENTERPRISE FLEET MANAGEMENT, INC; AND

EVALUATE CITY ATTORNEY'S COSTS, COMPARE LEGAL COSTS AND THE LEGAL SERVICES MODEL WITH THE NEIGHBORING CITIES, AND PREPARE RECOMMENDATIONS INCLUDING A POSSIBILITY OF RECRUITING A FULL-TIME IN-HOUSE COUNSEL.

UNFINISHED BUSINESS

13. ARTS AND CULTURE COMMISSION INTERVIEWS

IT WAS MOVED BY MAYOR LEWIS, SECONDED BY MAYOR PRO TEM WYATT, THAT THE CITY COUNCIL APPOINT ANTHONY SMALL AND JANIE RAUB TO FILL THE TWO EXPIRING TERMS ON 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

14. DOHENY VILLAGE PLAN UPDATE

IT WAS MOVED BY COUNCIL MEMBER TOMLINSON, SECONDED BY COUNCIL MEMBER MULLER, 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

NEW BUSINESS (Continued)

15. PRESENTATION FROM CHIEF CHILTON REGARDING HOMELESS ON HILLSIDES AND NEIGHBORHOODS

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

17. 2017 COMMUNITY SURVEY

IT WAS MOVED BY COUNCIL MEMBER TOMLINSON, SECONDED BY MAYOR PRO TEM WYATT, THAT THE CITY COUNCIL APPROVE A CONTRACT AGREEMENT WITH FM3 FOR A 2017 COMMUNITY SURVEY.

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 COUNCIL MEMBER MULLER, THAT THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT.

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. CITY COUNCIL ATTENDANCE AT CITY COMMISSION/COMMITTEE/BOARD MEETINGS

DUE TO THE LATE HOUR, THE CITY COUNCIL CONTINUED THIS ITEM TO THE REGULAR MEETING OF JULY 18, 2017.

19. CONSIDERATION OF EMPLOYMENT CONTRACT FOR CITY MANAGER

THERE WAS NO ACTION TAKEN ON THIS ITEM.

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 1:21 a.m. and announced that the next Regular Meeting of the City Council will be July 18, 2017, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.