

# CITY OF DANA POINT

## CITY COUNCIL REGULAR MEETING



TUESDAY  
OCTOBER 17, 2017  
5:00 P.M.

## MINUTES

Location: City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point, California 92629

Next City Council Ordinance No. 17-06

### 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 5:19 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 (*Absent*)  
Joseph L. Muller, Council Member (*Arrived at 5:45 p.m.*)  
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 – EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (3 cases)
1. City of Dana Point v. New Method Wellness, Inc., OCSC Case No. 30-2017-00904169
  2. City of Dana Point v. Casa Bella Sober Living, LLC, OCSC Case No. 30-2017-0942131
  3. City of Dana Point v. Pacific Palms Recovery, OCSC Case No. 30-2017-00942429

City Attorney Munoz stated for the Public's information, the City Attorney's Office is pursuing the following unlicensed sober living homes:

22748 Calle Juanita; 26832 Calle Hermosa; 35086 Camino Capistrano; 34448 Camino El Molino; 34742 Camino Capistrano; 25071 La Cresta and 25235 Perch in Dana Point.

### B. CODE ENFORCEMENT UPDATE

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (4 cases)
  - i. City of DP v. Karns, Orange County Superior Court Case No. 16HM10382

- ii. City of DP v. Seaside Inn, Orange County Superior Court Case No. 30-2017-00915900
- iii. Thomas Volkmann v. City of DP, Orange County Superior Court Case No. 30-2017-00914962-CU-EI-CXC
- iv. City of DP v. Pickering, Orange County Superior Court Case No. 16HM10192

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, Government Code § 54956.9 (d)(2) (3 cases)

C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, Government Code § 54956.9 (d)(2), (1 case)

City Attorney Munoz stated that this item will not be discussed, and will move forward to the next meeting on November 7, 2017.

Mayor Lewis recessed the meeting into a Closed Session at 5:23 p.m. pursuant to Government Code Section 54956 et seq.

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

Mayor Lewis reconvened the meeting at 6:13 p.m. All Council Members were present.

STAFF PRESENT: Mark Denny, City Manager; Patrick Munoz, City Attorney; Mike Killebrew, Assistant City Manager; Kathy Ward, City Clerk; Mike Rose, Director of General Services; Lt. Russ Chilton, Chief of Police; Ursula Luna-Reynosa, Director of Community Development; Matthew Sinacori, Director of Public Works and Engineering; Matthew Schneider, Planning Manager; Kelly Reenders, Economic Development Manager; and Bobbi Ogan, Deputy City Clerk.

## **CLOSED SESSION ANNOUNCEMENT**

City Attorney Munoz announced that he had nothing to report.

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Tomlinson.

## **INVOCATION**

The Invocation was provided by VFW Post 9934 Chaplain Morrie Hansen.

## **PRESENTATIONS AND PROCLAMATIONS**

Presentation - VFW Teacher of the Year – Ray Woods

Marcia Keel, VFW presented a certificate to Ray Woods. Post, District and State Level awardee. Council Member Viczorek presented a Certificate of Recognition to Ray Woods.

Presentation – Maria Del Carmen Calvo

Barbara Johannes Dana Point Historical Society provided an introduction of Mary Del Carmen Calvo. Jo Johnson also provided comments. Mayor Lewis presented Mary with a Certificate of Recognition for her life, her work and for choosing Dana Point as her city.

**CONSENT CALENDAR**

Council Member Muller removed Item 7 and a member of staff removed Item 13 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 7 AND 13.

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 Debra Lewis

NOES: None

ABSENT: Mayor Pro Tem Paul N Wyatt

**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, OCTOBER 3, 2017**

APPROVED THE MINUTES.

**3. PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 25, 2017**

RECEIVED AND FILED.

**4. PLANNING COMMISSION ACTIONS, MEETING OF OCTOBER 9, 2017**

RECEIVED AND FILED.

**5. YOUTH BOARD MEETING MINUTES, SEPTEMBER 21, 2017**

RECEIVED AND FILED.

**6. ARTS AND CULTURE COMMISSION MEETING MINUTES, JULY 19, 2017**

RECEIVED AND FILED.

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**7. FINANCIAL REVIEW COMMITTEE MEETING MINUTES, AUGUST 29, 2017**

Council Member Muller removed this item from the Consent Calendar.

Brief discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER MULLER, 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, and Mayor Debra Lewis

NOES: None

ABSENT: Mayor Pro Tem Paul N Wyatt

**8. JOINT CITY COUNCIL AND FINANCIAL REVIEW COMMITTEE WORKSHOP MEETING MINUTES, SEPTEMBER 12, 2017**

RECEIVED AND FILED.

**9. OCEAN WATER QUALITY ACTION MINUTES, JULY 25, 2017**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

**11. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**12. MONTHLY FINANCIAL ACTIVITY REPORT, AUGUST 2017**

RECEIVED AND FILED THE MONTHLY ACTIVITY REPORT FOR AUGUST 2017.

**13. DANA POINT POLICE SERVICES MONTHLY REPORT**

A member of staff removed this item from the Consent Calendar.

Lt. Chilton provided a PowerPoint presentation.

Brief discussion ensued.

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, and Mayor Debra Lewis

NOES: None

ABSENT: Mayor Pro Tem Paul N Wyatt

**14. CANCELLATION OF THE NOVEMBER 21 CITY COUNCIL MEETING**

CANCELLED THE NOVEMBER 21<sup>ST</sup> CITY COUNCIL MEETING.

**PUBLIC COMMENTS**

Gerlind Kennedy, Dana Point, spoke of short term rental permits and of her not realizing that she needed one to rent her home.

Karalee Darnell, Yorba Linda, introduced herself at the City's new Government Affairs representative for Southern California Edison.

**PUBLIC HEARINGS**

**15. TEFRA PUBLIC HEARING REGARDING CONDUIT FINANCING FOR THE CARITAS CORPORATION, 33951 SILVER LANTERN**

Economic Development Manager Reenders provided a staff report.

Mayor Lewis opened the Public Hearing.

Randy Redwitz, The Caritas Corporation, introduced himself, described Caritas Corporation's mission, and explained their financing.

City Council asked questions of the applicant which were responded to by Randy Redwitz, Dawn Price of the Friendship Shelter, and Lee McCormick of California Municipal Finance Corporation

Mayor Lewis closed the Public Hearing.

Brief discussion ensued.

IT WAS MOVED BY MAYOR LEWIS, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING AND ADOPT **RESOLUTION 17-10-17-01** ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING, AUTHORIZING AND DIRECTING EXECUTION OF A JOINT EXERCISE OF POWERS AGREEMENT RELATING TO THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY AND APPROVING THE ISSUANCE OF REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$67,500,000 BY THE CALIFORNIA MUNICIPAL*

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*FINANCE AUTHORITY FOR THE PURPOSE OF FINANCING AND REFINANCING THE ACQUISITION AND IMPROVEMENT OF MOBILE HOME PARKS AND OTHER LOW-INCOME MULTIFAMILY HOUSING FACILITIES BY THE CARITAS CORPORATION, CARITAS ACQUISITIONS I, LLC, AND CARITAS SILVER LANTERN, LLC, AND CERTAIN OTHER MATTERS RELATING THERETO.*

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 Debra Lewis

NOES: None

ABSENT: Mayor Pro Tem Paul N Wyatt

## **UNFINISHED BUSINESS**

### **16. DEVELOPMENT UPDATE**

Director Luna-Reynosa provided a staff report.

Brief discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER VICZOREK, THAT THE CITY COUNCIL RECEIVE AND FILE THE UPDATE.

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 Debra Lewis

NOES: None

ABSENT: Mayor Pro Tem Paul N Wyatt

## **NEW BUSINESS**

### **17. STORY POLE ORDINANCE (Continued from the regular City Council Meeting of October 3, 2017)**

Mayor Lewis provided background on the item.

Discussion ensued.

DIRECTED STAFF TO TAKE THE PROPOSED ORDINANCE WITH THE AMENDMENTS AS OUTLINED BY COUNCIL TO THE PLANNING COMMISSION FOR REVIEW AND RECOMMENDATION.

**18. OPEN DATA POLICY AND ESTABLISHMENT OF COUNCIL SUBCOMMITTEE TO OVERSEE PROGRESS AND IMPLEMENTATION (Continued from the regular City Council Meeting of October 3, 2017)**

Mayor Lewis provided background on the item.

Discussion ensued.

DIRECTED STAFF TO RETURN TO COUNCIL WITH A REPORT NEXT SPRING WITH RECOMMENDATIONS FOR DELIVERING OPEN DATA, ALONG WITH THE COSTS, BUDGETS, AND BENEFITS OF EACH PLATFORM.

**19. PURCHASE OF POLICE MOTORCYCLE**

Assistant City Manager Killebrew provided a staff report.

Brief discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY COUNCIL MEMBER VICZOREK, THAT THE CITY COUNCIL AUTHORIZE THE PURCHASE OF A POLICE MOTORCYCLE.

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 Debra Lewis

NOES: None

ABSENT: Mayor Pro Tem Paul N Wyatt

**PUBLIC COMMENTS (Continued)**

There were no additional Public Comments received.

**STAFF REPORTS**

There were no Staff Report.

**COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED**

Council Member Muller reported that he was afforded the opportunity to tour the Canyon Fire 2 sites to see what the firefighters were doing to protect the areas. He learned that wind driven fires made it easy for OCFA to deploy their assets because the fire burns in a straight line, but the fires start acting strangely when they get big and create their own thunderstorm. He thanked OCFA for the tour. He stated that for those that wanted to know why the 241 was shut down for so long; that fire retardant was used to fight the fire and had gotten on the roadway. He added that the retardant is very slick if it gets wet and that it takes a special process to clean it. He stated that he would turn in his list of meetings attended to the City Clerk.

Mayor Lewis agreed that firefighters do amazing work. She announced that she was at the Board of Supervisor's meeting today and reported that they had voted 5-0 to approve the Dana Point Partners LLC's bid to revitalize the Harbor. She thanked Supervisor Lisa Bartlett for everything she had done to shepherd this project through. She stated that she had already turned in her list of meetings attended.

Council Member Viczorek stated that he had already turned in his list of meetings attended to the City Clerk.

## **ADJOURNMENT**

There being no further business before the City Council at this session, Mayor Lewis adjourned the meeting at 8:26 p.m. and announced that the next Regular Meeting of the City Council will be November 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 NOVEMBER 7, 2017



Meetings attended since October 3, 2017:

**Mayor Debra Lewis**

October 4 Mayors Ferguson, Iseman, Foley and Ward - meeting  
October 6 Bev Jorgensen - Dana Point Chamber  
October 10 Board Meeting - Ocean Institute  
October 11 Dick Sargent - Sponsorships  
October 12 Laurie Girand, Walt Hanselmann – Residential Recovery Facilities  
Doheny Village Merchants’ Association Meeting  
October 13 Dana Point Chamber and various businesses  
Jesse Ben-Ron from Sharon Quirk-Silva’s office, Mayors Costa Mesa, Huntington  
Beach and Fullerton, Letitia Clark, Council Member Tustin, and Costa Mesa City  
Manager  
Kelsey Brewer – Association of California Cities – Orange County  
October 14 Various – Regatta HOA Meeting  
October 16 Various - Homeowners’ Meeting  
October 17 Board of Supervisors Meeting

**Council Member Joseph L. Muller**

October 5 OC Parks  
October 10 Meeting with local charity  
October 11 OCFA  
October 12 TCA  
OCFA  
Chamber of Commerce  
Meeting with residents  
October 16 TCA

**Council Member Richard A. Viczorek**

October 12 SJHTCA Board of Directors Meeting