

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
MAY 15, 2018
5:00 P.M.**

MINUTES

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

Next City Council Ordinance No. 18-03

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Viczorek at 5:00 p.m. in the City Council Chambers, 33282 Golden Lantern, Dana Point.

ROLL CALL OF CITY COUNCIL MEMBERS:

Richard A. Viczorek, Mayor
Joseph L. Muller, Mayor Pro Tem
Debra Lewis, Council Member
John A. Tomlinson, Council Member (*Arrived at 5:08 p.m.*)
Paul N Wyatt, 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), (1 case)

Name of Case: Bertha v. City of Dana Point, et al., Superior Court Case No. 30-2017-00932275

- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (2 cases: CVRA; City of Santa Ana – Homeless Issue)

Mayor Viczorek 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 Viczorek reconvened the meeting at 6:05 p.m. All Council Members were present.

STAFF PRESENT: Mark Denny, City Manager; Patrick Munoz, City Attorney; Mike Killebrew, Assistant City Manager; Bobbi Ogan, Deputy City Clerk; Ursula Luna-Reynosa, Director of Community Development; Rachel Johnson, Assistant Administrative Analyst; Lt. Margie Sheehan; Matthew Sinacori, Director of Public Works and Engineering; Matthew Schneider, Planning Manager; Brian McClure, Deputy Community Services Director, Kate Lasso, Management Analyst; and Shayna Sharke, Senior Administrative Assistant.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz reported that in the matter of Bertha v. the City of Dana Point, the City Council ratified a settlement agreement and that the agreement was on file in the City Clerk’s Office.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Lewis.

INVOCATION

The Invocation was provided by Deacon Mike Stock from St. Edwards the Confessor Catholic Church.

PRESENTATIONS AND PROCLAMATIONS

Older Americans Month
Mayor Viczorek presented a Proclamation to Renee Cortez of the Dana Point Senior Center in recognition of Older Americans Month.

READING OF ORDINANCE TITLES

Deputy City Clerk Ogan read the Ordinance title listed on the agenda.

CONSENT CALENDAR

Members of the public removed Items 7 and 12, Staff removed Item 9, and Council Member Muller removed Item 11.

IT WAS MOVED BY COUNCIL MEMBER TOMLINSON, SECONDED BY MAYOR PRO TEM MULLER, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 7, 9, 11, AND 12.

The motion carried by the following vote:

- AYES: Council Member Debra Lewis, Council Member John A. Tomlinson, Council Member Paul N Wyatt, Mayor Pro Tem Joseph L. Muller, and Mayor Richard A. Viczorek
- 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. DANA POINT COMMUNITY WORKSHOP MINUTES, APRIL 25, 2018

APPROVED THE MINUTES.

3. REGULAR MEETING MINUTES, MAY 1, 2018

APPROVED THE MINUTES.

4. PLANNING COMMISSION MEETING MINUTES, APRIL 23, 2018

RECEIVED AND FILED.

5. OCEAN WATER QUALITY SUBCOMMITTEE MEETING MINUTES, FEBRUARY 27, 2018

RECEIVED AND FILED.

6. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

7. CLAIMS AND DEMANDS

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

Mayor Viczorek opened the Public Comments.

Eva O'Keefe, San Clemente (Coalition to Save SC), spoke regarding the payment of fees to the Transportation Corridor Agencies.

Michelle Schumacher, San Clemente (Not My Toll Road), spoke regarding the collection of development fees for the Transportation Corridor Agency.

Mayor Viczorek closed the Public Comments.

Brief discussion ensued.

Council Member Lewis provided documents pertaining to the Transportation Corridor Agencies. The documents are on file in the City Clerk's Office.

IT WAS MOVED BY MAYOR VICZOREK, SECONDED BY MAYOR PRO TEM MULLER, THAT THE RECEIVED AND FILED THE CLAIMS AND DEMANDS.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

8. QUARTERLY FINANCIAL REPORT, MARCH 2018

RECEIVED AND FILED THE CITY FINANCIAL REPORT AND MANAGEMENT DISCUSSION FOR THE QUARTER ENDED MARCH 31, 2018.

9. DANA POINT POLICE SERVICES MONTHLY REPORT

Staff had removed this item from the Consent Calendar.

Lt. Sheehan provided a PowerPoint presentation.

Brief discussion ensued.

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

The motion carried by the following vote:

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

NOES: None

ABSENT: None

10. DEVELOPMENT UPDATE

RECEIVED AND FILED.

11. GOVERNMENT FINANCE OFFICERS ASSOCIATION CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING FOR THE YEAR ENDED JUNE 30, 2017

Mayor Pro Tem Muller had removed this item from the Consent Calendar.

Brief discussion ensued.

IT WAS MOVED BY MAYOR VICZOREK, SECONDED BY MAYOR PRO TEM MULLER, THAT THE CITY COUNCIL RECEIVE AND FILE THE GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA) CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING FOR THE YEAR ENDED JUNE 30, 2017.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

12. SECOND READING AND ADOPTION OF AN ORDINANCE ADOPTING TRANSITION TO BY-DISTRICT ELECTIONS FOR CITY COUNCIL MEMBERS

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

Mayor Viczorek opened the Public Comments.

Nancy Leonard, Dana Point, spoke regarding the adoption of the Ordinance and how it would affect the voters.

Nancy Jenkins, Dana Point, thanked the City Council for their hard work on this issue.

Patricia Short, Dana Point, commended the City Council on the number of districts chosen and the sequencing.

Mayor Viczorek closed the Public Comments.

Discussion ensued.

IT WAS MOVED BY MAYOR VICZOREK, SECONDED BY MAYOR PRO TEM MULLER, THAT THE CITY COUNCIL CONDUCT A SECOND READING, AND ADOPT ORDINANCE NO. 18-03, ADOPTING A FIVE-DISTRICT, BY-DISTRICT ELECTION SYSTEM AND ELECTION SEQUENCE FOR THE CITY COUNCIL ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ESTABLISHING AND IMPLEMENTING BY-DISTRICT ELECTIONS (GOV. CODE § 34886 & ELEC. CODE §10010).

The motion carried by the following vote:

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

NOES: Council Member Debra Lewis

ABSENT: None

PUBLIC COMMENTS

Nancy Jenkins, Dana Point, reported that there were three restaurants in the City that were promoting Jazz and Blues in support of the upcoming Doheny Blues Festival.

Juan Gonzalez, Anaheim, introduced himself as the City's Local Public Affairs Manager for Southern California Gas Company. He encouraged residents to call 8-1-1 before doing any home improvements or any digging and (800) 427-2200 for gas related emergencies or safety issues.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Tomlinson stated that he would turn in his list of meetings attended to the City Clerk.

Council Member Wyatt stated that he had turned in his list of meetings attended to the City Clerk. He reported that he and City Manager Denny had met with Undersheriff Don Barnes to review different ways that their services could be provided.

Council Member Lewis stated that she had attended the community meeting regarding the project at St. Edwards Church. She reported that she had also presented her draft Ordinance regarding story poles to the Planning Commission on Monday.

Mayor Pro Tem Muller reported that there had been an explosion earlier in the day at a building in Aliso Viejo which had killed one person and three other injuries. He thanked the first responders for their actions in these situations. He stated that he had turned in his list of meetings attended to the City Clerk.

Mayor Viczorek stated that he had turned in his list of meetings to the City Clerk.

13A. COUNCIL MEMBER LEWIS: RECEIVE STAFF REPORT ON STATUS OF COMMUNITY SURVEY REGARDING DISTRICTING

City Manager Denny provided a report on the status of a community survey.

Discussion ensued.

13. MAYOR VICZOREK: RECEIVE STAFF REPORT ON STATUS OF HOMELESS TASK FORCE WORK PLAN

Economic Development Manager Reenders provided a report of the status of the work plan. City Manager Denny also provided comments.

Brief discussion ensued.

PUBLIC HEARINGS

There were no Public Hearing Items.

UNFINISHED BUSINESS

14. BUDGET WORKSHOP

1. Draft Financial Policies (Carried over from the meeting of May 1, 2018)

Assistant City Manager Killebrew provided a PowerPoint presentation.

Mayor Viczorek opened the Public Comments.

Joe Jaeger, Dana Point, shared his concerns with the City's long term financial plan and proposed financial policies.

Mayor Viczorek closed the Public Comments.

Discussion ensued including providing comments to staff on the drafts of City financial policies covering: Long-Term Financial Plan, Operating Budget, Reserves, Infrastructure Asset Management and Facilities Asset Management.

2. Draft User Fee Schedule and User Fee Subsidy Recommendations

Assistant City Manager Killebrew provided a staff report.

Discussion ensued.

Council Member Lewis made a motion for full cost recovery, seconded by Council Member Wyatt.

A substitute motion was made by Mayor Pro Tem Muller to phase the increase of fees over a three year time period, seconded by Council Member Tomlinson.

Discussion ensued.

IT WAS MOVED BY MAYOR PRO TEM MULLER, SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL INCREASE THE FEES OVER A THREE YEAR TIME PERIOD.

The motion carried by the following vote:

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

NOES: Council Member Debra Lewis and Council Member Paul N Wyatt

ABSENT: None

NEW BUSINESS

15. AWARD OF CONTRACT FOR AUDIT SERVICES

Assistant City Manager Killebrew provided a staff report.

IT WAS MOVED BY COUNCIL MEMBER TOMLINSON, SECONDED BY MAYOR PRO TEM MULLER, THAT THE CITY COUNCIL AWARD A CONTRACT FOR AUDIT SERVICES TO THE ACCOUNTING FIRM DAVIS FARR LLP, COVERING THE FISCAL YEARS ENDING JUNE 30, 2018, 2019, AND 2020, WITH THE OPTION TO EXTEND THE AGREEMENT FOR TWO, ONE (1) YEAR EXTENSIONS AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT ON THE CITY'S BEHALF.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

16. ORANGE COUNTY SHERIFF'S DEPARTMENT CONTRACT FOR FY19

City Manager Denny provided a staff report.

Discussion ensued.

Brian Wait, OCSD, spoke regarding policing models.

IT WAS MOVED BY COUNCIL MEMBER TOMLINSON, SECONDED BY MAYOR PRO TEM MULLER, THAT THE CITY COUNCIL APPROVE THE LAW ENFORCEMENT SERVICES AGREEMENT WITH THE COUNTY OF ORANGE FOR LAW ENFORCEMENT SERVICES FOR THE 2018-19 FISCAL YEAR AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT.

The motion carried by the following vote:

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

NOES: Council Member Debra Lewis, and Council Member Paul N Wyatt

ABSENT: None

PUBLIC COMMENTS (Continued)

There were no additional Public Comments received.

STAFF REPORTS

There were no Staff Reports provided.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Viczorek adjourned the meeting at 10:17 p.m. and announced that the next Regular Meeting of the City Council will be June 5, 2018, 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 JUNE 5, 2018

Meetings attended since May 1, 2018:

Mayor Richard A. Viczorek

May 9 SJHTCA Joint Operations & Finance Committee meeting
May 10 SOCAM meeting
SJHTCA Board of Trustees meeting

Mayor Pro Tem Joseph L. Muller

May 9 TCA
OCFA
Parking and Mobility Task Force
May 10 TCA
Meeting with Resident
May 11 Conference Call with CUSD Superintendent

Council Member John A. Tomlinson

May 3-4 SCAG Regional Conference & General Assembly
May 9 Short-term Rental Subcommittee Meeting

Council Member Debra Lewis

May 3 Dana Point Women's Club
May 4 Resident Meeting
ACC-OC
May 8 City Staff re: Story Pole
May 10 St. Edwards expansion meeting
May 11 Meeting with various residents
May 12 Planning Commission Story Pole presentation

Council Member Paul N Wyatt

May 3 South Orange County Watershed Management Area Executive Meeting
May 7 Orange County Undersheriff Don Barnes
May 9 Short-term Rental Subcommittee Meeting
Ocean Institute Board Meeting
May 15 Orange County Fish & Game

Brief Summary of the Meeting with Undersheriff Barnes

The purpose of the meeting was to discuss moving from a Cafeteria Model of purchasing police services to a Results Model.

With the Cafeteria Model, the City selects the quantity of each resource they want to purchase from a priced-menu of resources and OCSD sends a contract for the selected resources at the set price.

With a Results Model, the City would provide the results it wants to achieve and OCSD would determine the optimum set of resources and programs needed to achieve those results.

Undersheriff Barnes suggested several ideas that would change the way police services could be optimized and deployed but made it clear that OCSD was not positioned to make immediate changes to their model. He suggested that an effort be initiated to make changes and a task force be formed to involve the cities in the changes.

Brief Summary of the Meeting with OC Fish & Game

Members of the Dana Point Ocean Water Quality Subcommittee met with staff from Fish & Game to discuss if and how tar balls that wash up on our beaches could be traced to their source.

We were reassured that the testing labs are very likely to have the hydrocarbon fingerprints of all the tar coming from natural seeps along our shores. We were given advice on how to detect something out of the ordinary such as a fuel spill and the options for having it tested and if necessary, fingerprinted.

The next step will be to contact local testing labs to determine cost for their services.