

# CITY OF DANA POINT

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**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
JUNE 5, 2018  
5:00 P.M.**

## **MINUTES**

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

Next City Council Ordinance No. 18-04

### **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 5:06 p.m.*)  
Paul N Wyatt, Council Member

### **CLOSED SESSION**

City Attorney Munoz reported that an additional item was needed to be added to Closed Session due to receiving a notice from the court yesterday that will need to be addressed before the next Council meeting. He stated that the item would be the matter of Orange County Catholic Workers et al v Orange County et al which is the Santa Ana riverbed clearing case.

IT WAS MOVED BY MAYOR VICZOREK, SECONDED BY COUNCIL MEMBER WYATT, THAT THE CITY COUNCIL ADD THE ITEM TO CLOSED SESSION.

The motion carried by the following vote:

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

NOES: None

ABSENT: Council Member John A. Tomlinson

City Attorney Munoz stated that in addition to the item that was just added, that there was a need for Closed Session as follows:

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), (2 cases)

Name of Case: Thomas Volkmann v. City of DP, Orange County Superior Court Case No. 30-2017-00914962-CU-EI-CXC

Name of Case: Orange County Catholic Workers et al v Orange County et al, US District Court for Central District of CA, Case No. SA CV 18-0155-DOC (JDEx)

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 6:00 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. Margie Sheehan; Ursula Luna-Reynosa, Director of Community Development; Matthew Sinacori, Director of Public Works and Engineering; Kelly Reenders, Economic Development Manager; and Bobbi Ogan, Deputy City Clerk.

## CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that he had nothing to report.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Wyatt.

## INVOCATION

The Invocation was provided by Orange County Sheriff's Chaplain Jim Davis.

## PRESENTATIONS AND PROCLAMATIONS

### Presentation to Sgt. Richard Himmel, OCSD

Mayor Viczorek presented Sgt. Himmel a Proclamation in honor of his retirement.

### Bill Wood - Orange County Human Relations Report

Bill Wood provided a summary of the Orange County Human Relations report from the past year and which detailed who they had been able to assist. He presented a Certificate to Mayor Viczorek on behalf of the OC Human Relations.

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## READING OF ORDINANCE TITLES

There were no titles to be read.

## CONSENT CALENDAR

Council Member Lewis removed Item 7 from the Consent Calendar.

IT WAS MOVED BY MAYOR VICZOREK, SECONDED BY MAYOR PRO TEM MULLER, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 7.

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 AND THAT FURTHER READING OF SUCH ORDINANCES BE WAIVED.

**2. REGULAR MEETING MINUTES, MAY 15, 2018**

APPROVED THE MINUTES.

**3. ARTS AND CULTURE MEETING MINUTES, MARCH 21, 2018**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

**5. CITY TREASURER'S REPORT, APRIL 2018**

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF APRIL, 2018.

**6. MONTHLY FINANCIAL ACTIVITY REPORT, APRIL 2018**

RECEIVED AND FILED THE MONTHLY FINANCIAL ACTIVITY REPORT FOR APRIL 2018.

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**7. CLAIMS AND DEMANDS**

Council Member Lewis 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 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. CONTRACT AGREEMENT RENEWAL BETWEEN ALL CITY MANAGEMENT SERVICES, INC. AND THE CITY OF DANA POINT FOR PROVIDING SCHOOL CROSSING GUARD SERVICES**

AUTHORIZED THE CITY MANAGER TO APPROVE THE RENEWAL OF CONTRACT AGREEMENT BETWEEN ALL CITY MANAGEMENT SERVICE, INC. AND THE CITY OF DANA POINT FOR PROVIDING SCHOOL CROSSING GUARD SERVICES FOR FISCAL YEAR 2018-19.

**PUBLIC COMMENTS**

Wayne Yost, Dana Point, thanked the City for support of the Memorial Day service. He spoke regarding the homeless work plan as he had served on the task force. He reported that Bob Fowler was in critical condition in Mission Hospital.

Deborah Lord, Dana Point, spoke regarding her concerns with the bikers that are using Creekside Park as a detour.

Julie Simer, Dana Point, reported that the last concert for the Dana Point Symphony was this Saturday night at St. Edwards where they will be celebrating the end of their 7th season. She stated that it could not have been done without the support of the City Council. She encouraged everyone to attend.

Kal Peters, Capistrano Beach, spoke regarding the short term rental program and shared her concerns.

Nancy Jenkins, Dana Point, announced the upcoming ArtFest on Del Prado on Sunday where almost 100 artists would be participating. She stated that it would be coinciding with the beginning of the trolley.

Tim Kuhlman, Dana Point, spoke regarding a concern he has over a security light installed in the Niguel Beach Terrace development over a month ago. He asked for the light to be shielded and redirected away from their homes.

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## COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Tomlinson stated that he would turn in his list of meetings attended.

Council Member Wyatt stated that he had turned in his list of meetings to the City Clerk. He added that he had included a brief summary of the meeting with the OC League of Cities on homelessness along with Mayor Pro Tem Muller. He stated that the purpose of the meeting was to present the latest updates from the federal resources available to help local governments tackle homelessness, the latest homelessness legislation being debated in the state capital and the latest actions being taken by the County of Orange. He stated that the League and Cities and the Institute of Local Governments has just released a report titled "Homelessness Task Force Report, Tools and Resources for Cities and Counties". He added that the publication was available on the League of Cities website [www.cacities.org](http://www.cacities.org).

Council Member Lewis stated that she would turn in her list of meetings attended. She reported that she had gone on a ride-a-long with one of the deputies last week. She thanked Deputy Merz for taking her along with him and she found that the City has a very dedicated police force.

Mayor Pro Tem Muller suggested that the Council take a look at the committees and create a non-voting position so we can take advantage of their expertise so they would not be restricted by the Brown Act. He asked that an item regarding this issue be put on the June 19<sup>th</sup> agenda for discussion. He reported that he and Dick Sergeant had been discussing that next year will be the 35<sup>th</sup> anniversary of when the Olympic Torch ran through Dana Point and how they would like to organize another torch run. He stated that he would like to have Mr. Sergeant attend the meeting on the 19<sup>th</sup> to discuss the run. He added that he is in contact with many US Water Polo Directors and that they are actively looking for a place that would serve as their training facility. He stated that they were interested in the bus yard. He spoke regarding the voting record on development impact fees for the toll roads and how they were falsely reported at the last meeting. He reported that on June 12, 1997, the TCA boards passed resolutions that put in place automatic annual adjustments to the development impact rates which adjust annually at the beginning of the fiscal year. He added that he would turn in his list of meetings attended to the City Clerk.

Mayor Viczorek stated that he would turn in his list of meetings attended to the City Clerk. He thanked Wayne Yost for his comments and is always very complimentary of the City. He added that the City does not have the opportunity to thank the VFW and Wayne for his leadership of the organization. He stated that on behalf of the City and everyone here our thoughts and prayers are with Bob Fowler and his family.

Council Member Wyatt stated that the Homeless Task Force had non-voting members and felt that it would be a great idea for the other committees.

## PUBLIC HEARINGS

There were no Public Hearings.

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## UNFINISHED BUSINESS

### 9. BUDGET WORKSHOP

City Manager Denny provided an introduction of the item and Assistant City Manager Killebrew provided a staff report.

Mayor Viczorek encouraged Council discussion on each item:

1. Discuss draft of Updated Strategic Plan;
2. Discuss and consider the Seven Year Capital Improvement Program for FY 2018-19 through FY 2024-25; and
3. Discuss update to Long-Term Financial Plan Revenue and Expenditure Projections and provide direction on priorities and discuss potential adjustments to the adopted FY 19 budget.

## NEW BUSINESS

### 10. COMMUNITY WORK PLAN TO ADDRESS HOMELESSNESS

Economic Development Manager Reenders provided a PowerPoint presentation.

Discussion ensued.

IT WAS MOVED BY MAYOR VICZOREK, SECONDED BY MAYOR PRO TEM MULLER, THAT THE CITY COUNCIL ADOPT THE COMMUNITY WORK PLAN TO ADDRESS HOMELESSNESS.

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

## PUBLIC COMMENTS (Continued)

There were no additional Public Comments received.


## STAFF REPORTS

City Manager Denny thanked Vicky Michener for her work as a volunteer as well as the polling place volunteers. He reminded everyone about ArtFest on Del Prado on Sunday. He encouraged everyone to ride the trolley which starts on Friday, June 8<sup>th</sup>. He reported that Director Sinacori had been working with the County on adjusting their detour route around Creekside Park and that he will help keep them to their schedule for completion in July.



## ADJOURNMENT

There being no further business before the City Council at this session, Mayor Viczorek adjourned the meeting at 9:00 p.m. and announced that the next Regular Meeting of the City Council will be June 17, 2018, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.



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KATHY M. WARD  
CITY CLERK

APPROVED AT THE MEETING OF JUNE 19, 2018

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Meetings attended since May 15, 2018:

**Mayor Richard A. Viczorek**

May 17 OCMVCD Board of Trustees meeting  
OC City Selection Committee meeting  
May 24 SJHTCA Operations and Finance Committee meeting  
May 28 VFW Memorial Day Ceremony  
May 30 State of the City Address

**Mayor Pro Tem Joseph L. Muller**

May 16 OCFA  
May 22 Curt Pringle and Associates  
May 23 Meeting with Resident  
May 24 OCFA  
May 25 DMI Direct  
May 28 VFW Memorial Day Celebration  
May 28 5th Marines Vietnam Memorial Dedication  
May 30 State of the City  
May 31 League of Cities  
Boys and Girls Club Golf Tournament San  
June 1 Clemente

**Council Member Debra Lewis**

May 17 Meeting with Residents  
May 18 Meeting with Residents  
May 21 ACC-OC Sober Living Home Taskforce Conference  
May 23 Meeting with San Juan Capistrano & San Clemente Council members  
Meeting with Residents  
May 28 VFW Memorial Day Remembrance  
May 29 St. Edwards Church expansion meeting  
May 30 State of the City  
May 31 Ride along with Dana Point Deputy  
June 4 Trolley event

**Council Member John A. Tomlinson**

May 17 Short Term Rental Sub Committee  
May 28 VFW Memorial Day Ceremony  
May 30 State of the City  
June 4 Coastal Animal Services Authority



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**Council Member Paul Wyatt**

May 17 Short-term Rental Subcommittee meeting  
OC Public Libraries Strategic Advisor meeting  
OC Public Library Advisory Board meeting

May 21 ACC-OC Residential Recovery Homes Coalition conference call  
ACC-OC OC Housing Trust conference call

May 22 Ocean Water Quality Subcommittee meeting

May 24 Ocean Institute VP Marketing candidate interview

May 25 South OC Economic Coalition Impact of Homelessness meeting

May 28 VFW Memorial Day Ceremony in Pines Park

May 29 Meeting with iHope Board Members

May 30 DP Chamber of Commerce State of the City luncheon  
Capistrano Beach Hillside Project introduction

May 31 OC Division, League of California Cities Homelessness Symposium

June 1 OC Water Summit

Brief Summary of the League of California Cities Homelessness Symposium  
Presentations by:

- Helene Schneider, United States Interagency Council on Homelessness
- Jason Rhine, League of California Cities Housing Lobbyist
- Frank Kim, County of Orange Chief Executive Officer

These presentations provided the latest updates on federal resources available to help local government tackle homelessness, the latest homelessness legislation being debated in our State Capital, and the latest actions being taken or contemplated by the County.

The "Homeless Task Force Report – Tools and Resources for Cities and Counties" recently published by the California League of Cities and Institute for Local Government was also distributed and discussed. This publication is available at the League of Cities web site [cacities.org](http://cacities.org).

I took away three (3) key messages from this meeting:

- A path for the cities, county and non-profits to work together must be found.
- Strong, determined leadership is essential for this effort to succeed.
- Even with hard, dedicated, focused efforts it will take two (2) years to build the components that are needed to address homelessness.