

# CITY OF DANA POINT

---

## CITY COUNCIL REGULAR MEETING



TUESDAY  
NOVEMBER 20, 2018  
5:00 P.M.

## MINUTES

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

Next City Council Ordinance No. 18-09

### 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 5:09 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 (Absent)  
Debra Lewis, Council Member (Absent)  
John A. Tomlinson, Council Member  
Paul N Wyatt, Council Member

### CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (1 case)

B. CONFERENCE WITH LABOR NEGOTIATOR, Government Code § 54957.6

Agency Designated Representatives: City Manager  
Unrepresented and Represented Employees: All positions in City

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

Name of Case: City v. New Method Wellness, Inc., NMW Beds, LLC, and Pacific View Sober Living LLC, Orange County Superior Court Case No. 30-2017-00904169

Name of Case: City of DP v. Sunshine Group LLC (Seaside Inn), Orange County Superior Court Case No. 30-2017- 00915900

Mayor Viczorek recessed the meeting into a Closed Session at 5:11p.m. pursuant to Government Code Section 54956 et seq.

## **RECONVENE CITY COUNCIL MEETING**

Mayor Viczorek reconvened the meeting at 6:01p.m. All Council Members were present except for Mayor Pro Tem Muller and Council Member Lewis.

STAFF PRESENT: Mark Denny, City Manager; Patrick Munoz, City Attorney; Mike Killebrew, Assistant City Manager; Kathy Ward, City Clerk; Lt. Margie Sheehan; Matthew Schneider, Director of Community Development; Matthew Sinacori, Director of Public Works and Engineering; Kelly Reenders, Economic Development Manager, and Shayna Sharke, Deputy City Clerk

## **CLOSED SESSION ANNOUNCEMENT**

City Attorney Munoz did not have a Closed Session announcement.

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Wyatt.

## **INVOCATION**

The Invocation was provided by Rabbi Eli Goorevitch from Chabad of Dana Point.

## **PRESENTATIONS AND PROCLAMATIONS**

There were no Presentations or Proclamations.

## **CONSENT CALENDAR**

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

Council Member Wyatt abstained from Item #2 due to his absence at the October 16, 2018 City Council Meeting.

The motion carried by the following vote:

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

NOES: None

ABSENT: Mayor Pro Tem Joseph L. Muller and Council Member Debra Lewis

**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, OCTOBER 16, 2018**

Council Member Wyatt abstained from Item #2 due to his absence at the October 16, 2018 City Council Meeting.

APPROVED THE MINUTES.

**3. PLANNING COMMISSION MEETING MINUTES, OCTOBER 8, 2018**

RECEIVED AND FILED.

**4. YOUTH BOARD MEETING MINUTES, OCTOBER 4, 2018**

RECEIVED AND FILED.

**5. YOUTH BOARD MEETING MINUTES, OCTOBER 18, 2018**

RECEIVED AND FILED.

**6. OCEAN WATER QUALITY SUBCOMMITTEE MINUTES, JULY 17, 2018**

RECEIVED AND FILED.

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

RECEIVED AND FILED THE MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR.

**8. CITY TREASURER'S REPORT, SEPTEMBER 2018**

RECEIVED AND FILED THE CITY TREASURER'S REPORT, SEPTEMBER 2018.

**9. MONTHLY FINANCIAL ACTIVITY REPORT, AUGUST 2018**

RECEIVED AND FILED THE MONTHLY FINANCIAL ACTIVITY REPORT, AUGUST 2018.

**10. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

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

RECEIVED AND FILED THE DANA POINT POLICE SERVICES MONTHLY REPORT.

**12. DEVELOPMENT UPDATE**

RECEIVED AND FILED THE DEVELOPMENT UPDATE.

**13. SPONSORSHIP AGREEMENT FOR DANA POINT'S 2019 SUMMER CONCERTS**

AUTHORIZED THE CITY MANAGER TO EXECUTE A SPONSORSHIP AGREEMENT WITH OMEGA EVENTS, INC. (DOHENY BLUES FESTIVAL), FOR THE DANA POINT SUMMER OF MUSIC.

**14. MERCY HOUSE CONTRACT**

APPROVED THE CONTRACT WITH MERCY HOUSE FOR HOMELESS OUTREACH ACTIVITIES FOR A PERIOD OF ONE YEAR, WITH AN OPTIONAL ONE YEAR EXTENSION AND AUTHORIZE THE CITY MANAGER TO MAKE NON-SUBSTANTIVE CHANGES.

**15. ADOPTION OF A RESOLUTION OF THE CITY COUNCIL APPROVING THE MEASURE M (M2) EXPENDITURE REPORT FOR FY 2017-2018**

ADOPTED RESOLUTION 18-11-20-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING THE RENEWED MEASURE M (M2) EXPENDITURE REPORT FOR FISCAL YEAR 2017-2018; and

2) AUTHORIZED THE MAYOR TO SIGN THE RESOLUTION ON BEHALF OF THE CITY; and

3) DIRECTED STAFF TO SUBMIT THE ADOPTED RESOLUTION AND M2 EXPENDITURE REPORT FOR FISCAL YEAR 2017-2018 FOR THE CITY OF DANA POINT TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) TO MAINTAIN ELIGIBILITY IN THE MEASURE M (M2) PROGRAM.

**PUBLIC COMMENTS**

Brad Fieldhouse (City Net) announced that City Net will be conducting a County-wide count of homeless individuals between January 23<sup>rd</sup> and 25<sup>th</sup>. He stated that volunteers may sign up at everyonecounts.org. Mr. Fieldhouse left flyers with the City Clerk.

George Miller (Dana Point) requested that the words "In God We Trust" be adopted and represented by City Council.

Wayne Yost (Dana Point) spoke in support of Mr. Miller's request. He also commended City Staff for the Veteran's Day ceremony and promoted the City's Winter Fest event on December 1<sup>st</sup>.

---

## COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Tomlinson stated that he attended a Short Term Rental Meeting earlier that morning.

Council Member Wyatt stated that he turned in his list of meetings to the City Clerk. He also reported that the City was awarded \$638,980 through the Homeless Emergency Assistance Program (HEAP) grant application to fund Street Outreach Services for Dana Point and six of our neighboring cities. He thanked Stephani Ogas and Larry Haynes of Mercy House and Kelly Reenders, Economic Development Manager, for their work on this grant application.

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

## PUBLIC HEARINGS

### 16. DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT ANNUAL RENEWAL FOR 2019

Economic Development Manager Reenders presented a brief staff report.

MAYOR VICZOREK OPENED THE PUBLIC HEARING.

There were no Public Comments.

MAYOR VICZOREK CLOSED THE PUBLIC HEARING.

IT WAS MOVED BY MAYOR VICZOREK, AND SECONDED BY COUNCIL MEMBER TOMLINSON, THAT 1) THE CITY COUNCIL ADOPT **RESOLUTION 18-11-20-02** ENTITLED:

A RESOLUTION OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE 2018 ANNUAL REPORT AND DECLARING THE INTENTION OF THE CITY COUNCIL TO CONTINUE THE PROGRAM AND ASSESSMENTS FOR THE 2019 CALENDAR YEAR FOR THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID); and

2) AUTHORIZE AN AMENDMENT TO THE TOURISM BUSINESS IMPROVEMENT DISTRICT FUND (07) TO INCREASE THE EXPENDITURE BUDGET BY \$750,000 WHICH WILL ALLOW FOR THE TRANSFER OF SOME OF THE TBID ASSESSMENTS COLLECTED IN PRIOR YEARS TO VISIT DANA POINT.

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

NOES: None

ABSENT: Mayor Pro Tem Joseph L. Muller and Council Member Debra Lewis

---

## UNFINISHED BUSINESS

There were no Unfinished Business items.

## NEW BUSINESS

There were no new business items.

## PUBLIC COMMENTS (Continued)

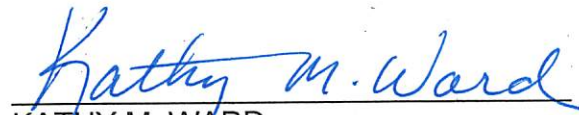
## STAFF REPORTS

City Manager Denny announced the Winter Fest on December 1<sup>st</sup> and a tree lighting ceremony in Pines Park on December 3<sup>rd</sup>.

City Attorney Munoz provided a CVRA update, stating that the City of Santa Monica was challenged and lost, accruing \$6 million in legal fees.

## ADJOURNMENT

There being no further business before the City Council at this session, Mayor Viczorek adjourned the meeting at 6:27 p.m. and announced that the next Regular Meeting of the City Council will be December 4, 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 DECEMBER 4, 2018.

**Meetings attended since October 16, 2018:**

**Mayor Richard A. Viczorek**

10/18/2018 SOCAM Meeting  
10/18/2018 OCMVCD Board of Trustees Meeting  
10/23/2018 Hikianalia Arrival Ceremony  
10/27/2018 Hobie Cat 50<sup>th</sup> Anniversary Ceremony  
11/04/2018 Fish for Life Welcome Aboard  
11/08/2018 OC City Selection Committee Meeting  
11/09/2018 The Fountains at Sea Bluffs Veterans Day Ceremony  
11/11/2018 VFW Veterans Day Ceremony  
11/15/2018 OCMVCD Board of Trustees Meeting  
11/15/2018 ACC-OC Business Meeting  
11/17/2018 Monarch Beach Rotary Seniors Thanksgiving Luncheon

**Mayor Pro Tem Joseph L. Muller**

10/17/2018 OCFA  
10/25/2018 TCA  
10/25/2018 OCFA  
10/26/2018 League of Cities  
11/02/2018 Harbor Contract Signing  
11/03/2018 OCFA Reserve Graduation  
11/07/2018 OCFA  
11/08/2018 TCA  
11/09/2018 Marine Core Ball  
11/14/2018 OCFA  
11/15/2018 Ribbon Cutting Dana Wharf

**Council Member John A. Tomlinson**

11/20/2018 Short Term Rental Meeting

**Council Member Paul N Wyatt**

10/22/2018 Dana Point Harbor Advisory Board status of Harbor Revitalization Plan  
10/23/2018 Dana Point Ocean Water Quality Subcommittee Meeting  
10/23/2018 Hikianalia Arrival Ceremony at the Ocean Institute  
10/25/2018 H2O for HOAs Forum  
10/25/2018 Monarch Bay Association – Ocean Institute Mexican Fiesta  
10/26/2018 South Orange County Economic Coalition – The Future of Retail in South Orange County  
10/26/2018 Council Member Ethics Training  
10/27/2018 Polynesian Voyaging Society and Hikianalia Weekend Events  
10/27/2018 Hobie 50<sup>th</sup> Anniversary Celebration  
11/05/2018 UCI Solutions to Plastics Forum

- 
- 11/08/2018 Nuclear Regulatory Agency – San Onfre Nuclear Generating Station Special Inspection Webinar
  - 11/11/2018 Dana Point Veterans Memorial Service
  - 11/13/2018 Active Shooter Training Workshop
  - 11/15/2018 Building a Data-Centric Architecture for The Future of Government Webinar
  - 11/20/2018 Short-term Rental Subcommittee Meeting

### **South OC Service Planning Area (SPA) on Homelessness**

At my last Council Meeting, I reported that Mercy House had submitted a Homeless Emergency Assistance Program (HEAP) grant application to fund Street Outreach Services for Dana Point and six of our neighboring cities – the entire South Service Area.

I'm happy to announce that \$638,980 of the requested \$836,719 on this grant application was recommended for funding. It was the largest service-based project funded and will be included in the application by the County application for State funding. The reduced funding does not include any funding for rapid rehousing or diversion assistance.

We owe special thank you to Larry Haynes and Stephanie Ogas of Mercy House for authoring and submitting this grant application and to Dana Point Economic Development Manager Kelly Reenders for getting agreement and support for our neighboring cities.