

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
DECEMBER 4, 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 5:00 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
Paul N Wyatt, Council Member

CLOSED SESSION

- A. CONFERENCE WITH LABOR NEGOTIATOR, Government Code § 54957.6

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

- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (1 case)

Name of Case: People v. Pickering Properties et al. Orange County Superior Court
Case No. 16HM10192

Mayor Viczorek recessed the meeting into a Closed Session at 5:01 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING

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; Administrative Sergeant Kami Cappel; Matthew Schneider, Director of Community Development; Matthew Sinacori, Director of Public Works and Engineering; Kelly Reenders, Economic Development Manager, Rachel Johnson, Management Analyst, 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 Tomlinson.

INVOCATION

The Invocation was provided by Father Tony Park of St. Edward the Confessor Catholic Church.

PRESENTATIONS AND PROCLAMATIONS

City Manager Mark Denny presented a slideshow honoring the life of staff member, Gail Enriquez. Council Member Tomlinson shared his fond memories of Gail's smile and kindness. Mayor Viczorek led a moment of silence in Gail's honor.

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.

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.

Mayor Pro Tem Joseph L. Muller abstained from voting on Item #2 due to his absence at the November 20, 2018 meeting.

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, NOVEMBER 20, 2018**
Mayor Pro Tem Joseph L. Muller abstained due to his absence at the November 20, 2018 meeting.
APPROVED THE MINUTES.
3. **PLANNING COMMISSION MEETING MINUTES, OCTOBER 22, 2018**
RECEIVED AND FILED.
4. **MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR**
RECEIVED AND FILED.
5. **CITY TREASURER'S REPORT, OCTOBER**
RECEIVED AND FILED.
6. **CLAIMS AND DEMANDS**
RECEIVED AND FILED.
7. **QUARTERLY FINANCIAL REPORT, SEPTEMBER 2018**
RECEIVED AND FILED THE QUARTERLY FINANCIAL REPORT, SEPTEMBER 2018
8. **DISPOSITION OF NON-ESSENTIAL CITY RECORDS**
ADOPT RESOLUTION 18-12-04-01 ENTITLED:
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE DISPOSITION OF CERTAIN INACTIVE CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.
9. **NOTICE OF COMPLETION FOR THE DANA POINT COMMUNITY CENTER**
ADOPT RESOLUTION 18-12-04-02 ENTITLED:
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE COMMUNITY CENTER RENOVATION PROJECT 2018

10. SALARY RANGE UPDATE

ADOPT RESOLUTION 18-12-04-03 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING SALARY RANGES FOR REPRESENTED AND NON-REPRESENTED CLASSIFICATIONS

PUBLIC COMMENTS

Jim Gilbert, San Clemente, suggested that the City build a skate park in place of the basketball courts at Capistrano Beach.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Tomlinson reported that he attended the Hobie Alter Unveiling on December 3rd, and a CASA meeting on December 4th.

Council Member Wyatt reported that he has turned in his list of meetings attended to the City Clerk.

Council Member Lewis stated that she has met several times with Toni Nelson of Capo Cares regarding the damage from the ocean at Capistrano Beach that the public speaker was referring to. She stated that Ms. Nelson has been speaking with the City and the Coastal Commission. She asked City Manager Denny to speak to the issue.

City Manager Denny stated that he has spoken with the owner and operator of the beach, OC Parks, and indicated that the City is in support of their clean up and long term design process.

Mayor Pro Tem Muller reported that he has turned in his list of meetings attended to the City Clerk.

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

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

11. STORY POLE ORDINANCE

Director of Community Development Schneider answered questions of the City Council.

Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER TOMLINSON, AND SECONDED BY MAYOR PRO TEM MULLER, THAT THE CITY COUNCIL NOT SEND THE ORDINANCE TO THE PLANNING COMMISSION.

Discussion ensued.

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, Council Member Paul N Wyatt
ABSENT: None

12. RESOLUTION RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 6, 2018, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW

City Clerk Ward presented a staff report.

IT WAS MOVED BY COUNCIL MEMBER TOMLINSON, AND SECONDED BY COUNCIL MEMBER WYATT, THAT THE CITY COUNCIL ADOPT **RESOLUTION 18-12-04-04** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 6, 2018, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW.

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

NEW BUSINESS

13. "IN GOD WE TRUST" DISPLAY IN COUNCIL CHAMBER

City Manager Denny presented a brief staff report.

Mayor Viczorek opened Public Comments.

George Miller, Dana Point, spoke in favor of adding the display and gave a history of the motto.

Bill Green, Dana Point, spoke in favor of adding the display and provided additional history.

Mayor Viczorek closed Public Comments.

IT WAS MOVED BY MAYOR VICZOREK, AND SECONDED BY COUNCIL MEMBER TOMLINSON, THAT THE CITY COUNCIL DIRECT STAFF TO DISPLAY THE PHRASE "IN GOD WE TRUST" IN A PROMINENT LOCATION WITHIN THE COUNCIL CHAMBER.

Discussion ensued.

Mayor Viczorek and Council Member Lewis referenced the correspondence received regarding this item.

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

14. ADOPTION OF MEMORANDUM OF UNDERSTANDING WITH DANA POINT EMPLOYEES ASSOCIATION (DPEA)

City Manager Denny stated that he is available to answer any questions of the City Council.

IT WAS MOVED BY COUNCIL MEMBER TOMLINSON, AND SECONDED BY COUNCIL MEMBER WYATT, THAT THE CITY COUNCIL APPROVE THE MEMORANDUM OF UNDERSTANDING (MOU) WITH THE DANA POINT EMPLOYEES ASSOCIATION (DPEA), AND AUTHORIZE THE CITY MANAGER TO SIGN THE MOU; AND DIRECT STAFF TO AMEND THE CITY PERSONNEL POLICIES TO INCORPORATE CHANGES TO THE MOU AND AS FURTHER DESCRIBED IN THE CITY PERSONNEL POLICY AMENDMENTS SECTION OF THE REPORT.

Discussion ensued.

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

RECOGNITION OF OUTGOING CITY COUNCIL MEMBERS

Orange County Supervisor Lisa Bartlett thanked Council Member Tomlinson for his service to the community and presented him with a Resolution of Recognition.

Dana Point Chamber of Commerce Executive Director Bev Jorgenson presented a certificate to Council Member Tomlinson and thanked him for his service.

VFW Post 9934 Commander Wayne Yost presented Council Member Tomlinson with a Certificate of Appreciation and thanked him for his service and his support of veterans and active duty military.

Mayor Viczorek presented Council Member Tomlinson with a Proclamation from Congressman Darrell Issa.

State Senator Patricia Bates and Assemblyman Bill Brough presented a Resolution to Council Member Tomlinson and shared words of praise and gratitude for his service to the community.

Mayor Viczorek presented Council Member Tomlinson with a Proclamation and City tile on behalf of the City of Dana Point and spoke of his accolades during his service to the City.

Council Member Tomlinson thanked his fellow Council Members and City Staff. He presented the City with a painting of the Dana Point Harbor as a gift from him and his family.

Mayor Pro Tem Muller, Council Member Lewis, and Council Member Wyatt spoke words of praise and thanks for Council Member Tomlinson's service and thoughtful discussions.

SWEARING IN OF NEWLY ELECTED CITY COUNCIL MEMBERS

CITY CLERK WARD ADMINISTERED THE OATH OF OFFICE TO:

- Jamey M. Federico
- Joseph L. Muller
- Richard A. Viczorek

CITY COUNCIL REORGANIZATION

A. COUNCIL REORGANIZATION

City Clerk Ward opened nominations for the position of Mayor.

MAYOR VICZOREK NOMINATED MAYOR PRO TEM MULLER TO SERVE AS MAYOR.

The nomination carried by the following vote:

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

NOES: None

ABSENT: None

Mayor Muller opened nominations for the position of Mayor Pro Tem.

MAYOR MULLER NOMINATED COUNCIL MEMBER FEDERICO TO SERVE AS MAYOR PRO TEM.

COUNCIL MEMBER LEWIS NOMINATED COUNCIL MEMBER WYATT TO SERVE AS MAYOR PRO TEM.

The nomination for Council Member Federico failed by the following vote:

AYES: Council Member Richard A. Viczorek, and Mayor Joseph L. Muller
NOES: Council Member Jamey M. Federico, Council Member Debra Lewis, and Council Member Paul N Wyatt
ABSENT: None

The nomination for Council Member Wyatt passed by the following vote:

AYES: Council Member Jamey M. Federico, Council Member Debra Lewis, and Council Member Paul N Wyatt
NOES: Council Member Richard A. Viczorek, and Mayor Joseph L. Muller
ABSENT: None

Mayor Muller thanked Council Member Viczorek for the structure and leadership he provided during his service as Mayor. He then directed staff to create an account for the Doheny Village Plan to be funded by the Lantern District Impact Fees and make the plan a priority. Mayor Muller also directed staff to draft a new charter for the Financial Review Committee. He instructed that these two items be added to the Agenda for the first City Council Meeting in January. Additionally, he requested that the Council Members review the list of boards and committee appointments and report interests to the City Manager.

Mayor Muller presented Council Member Viczorek with a gavel plaque and thanked him for his service and leadership.

PUBLIC COMMENTS (Continued)

There were no additional Public Comments received.

STAFF REPORTS

City Manager Denny thanked Council Member Viczorek for his service as Mayor, and John Tomlinson for his service on the City Council, and the Tomlinson family for their gift to the City. He congratulated Council Member Federico, Mayor Pro Tem Wyatt, and Mayor Muller for their new appointments. Additionally he stated that this would be Director of General Services Mike Rose's last City Council Meeting as he and his family are moving out of state.

City Attorney Munoz had nothing to report.

Council Member Federico thanked the Council for all of their work for the City and is looking forward to serving the community and working on the Council.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Muller adjourned the meeting at 7:45 p.m. in honor of Former President George H. W. Bush, SpongeBob SquarePants creator and former Ocean Institute employee Stephen Hilleburg. He announced that the next Regular Meeting of the City Council will be January 15, 2019, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

RECEPTION

The public was invited to enjoy refreshments.



KATHY M. WARD
CITY CLERK

APPROVED AT THE MEETING OF JANUARY 15, 2019.

Meetings attended since November 20, 2018:

Mayor Richard A. Viczorek

11/22/2018 Turkey Trot Opening Ceremony
11/30/2018 La Plaza Tree Decorating with R.H. Dana Students
12/01/2018 La Plaza Tree Lighting
12/03/2018 Hobie Memorial Ceremony
12/03/2018 Pines Park Tree Lighting

Mayor Pro Tem Joseph L. Muller

11/28/2018 TCA
12/01/2018 Winter Fest Tree Lighting
12/03/2018 Hobie Memorial Dedication
12/03/2018 Pines Park Tree Lighting

Council Member Debra Lewis

11/26/2018 Meeting with Residents
11/27/2018 Volunteers in Police Services Meeting
12/03/2018 Hobie Cat 50th Anniversary Ceremony

Council Member John A. Tomlinson

12/03/2018 Hobie Memorial Dedication
12/04/2018 CASA Meeting

Council Member Paul N Wyatt

11/27/2018 Volunteers in Police Services Meeting
11/29/2018 San Onofre Nuclear Generating Station Community Engagement Panel
11/30/2018 RH Dana Elementary Tree Decorating
11/30/2018 Short Term Rentals Subcommittee Meeting
12/03/2018 Hobie Memorial Unveiling
12/03/2018 Pines Park Tree Lighting