

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
MARCH 5, 2019
5:00 P.M.**

MINUTES

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

Next City Council Ordinance No. 19-01

CALL TO ORDER

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

ROLL CALL OF CITY COUNCIL MEMBERS:

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

CLOSED SESSION

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

Name of Case: *Housing is a Human Right v. Dana Point*, United States District Court for the Central District of California – Southern Division; Case No. 18-cv-00155 DOC KES

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

RECESS OF CITY COUNCIL MEETING UNTIL 6:00 P.M.

RECONVENE CITY COUNCIL MEETING

Mayor Muller reconvened the meeting at 6:04 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; Lieutenant Margie Sheehan; Matthew Schneider, Director of Community Development; Matthew Sinacori, Director of Public Works and Engineering; Robert Sedita, Director of General Services; Brian McClure, Deputy Director of Community Services, Rachel Johnson, Management Analyst, and Shayna Sharke, Deputy City Clerk

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Viczorek.

INVOCATION

There was no invocation.

PRESENTATIONS AND PROCLAMATIONS

Ty Torres (Dana Point Youth Baseball) presented the Council with hats and thanked the City for supporting the baseball league.

CONSENT CALENDAR

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

The motion carried by the following vote:

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

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, FEBRUARY 19, 2019

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, JANUARY 28, 2019

RECEIVED AND FILED.

4. PLANNING COMMISSION MEETING MINUTES, FEBRUARY 11, 2019

RECEIVED AND FILED.

5. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

6. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

7. MONTHLY FINANCIAL ACTIVITY REPORT, JANUARY 2019

RECEIVED AND FILED THE MONTHLY FINANCIAL ACTIVITY REPORT FOR JANUARY 2019.

8. APPROVAL OF CONTRACT AMENDMENTS FOR ADDITIONAL AS-NEEDED REIMBURSABLE PUBLIC WORKS DEVELOPMENT ENGINEERING PLAN CHECK SERVICES

THE CITY COUNCIL:

- A) APPROVED A CONTRACT AMENDMENT WITH ATKINS NORTH AMERICA (ACTION DOCUMENT A) FOR ADDITIONAL AS-NEEDED REIMBURSABLE PUBLIC WORKS PLAN CHECKING SERVICES AND AUTHORIZED THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE CONTRACT AMENDMENT; AND
- B) APPROVED A CONTRACT AMENDMENT WITH NV5 (ACTION DOCUMENT B) FOR ADDITIONAL AS-NEEDED REIMBURSABLE PUBLIC WORKS PLAN CHECKING SERVICES AND AUTHORIZED THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE CONTRACT AMENDMENT; AND
- C) APPROVED A CONTRACT AMENDMENT WITH COASTAL GEOTECHNICAL (ACTION DOCUMENT C) FOR ADDITIONAL AS-NEEDED REIMBURSABLE PUBLIC WORKS PLAN CHECKING SERVICES AND AUTHORIZED THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE CONTRACT AMENDMENT

PUBLIC COMMENTS

Kenneth Torbert (Dana Point) spoke regarding the California Voters Rights Act and asked the Council to be diligent in protecting all classes and provide fair representation. He stated that constituents and Council Members should be treated with equal respect and spoke regarding the treatment of Council Member Lewis.

Annette Szlachta (Dana Point) referenced a letter that she had written to the Council on February 20, 2019 after the February 19, 2019 City Council Meeting regarding the treatment of Council Member Lewis.

Carol Kelly (Dana Point) spoke regarding the treatment of Council Member Lewis.

Gail Benda (Dana Point) stated that all Council Members should be treated fairly as elected representatives and spoke regarding the treatment of Council Member Lewis.

Toni Nelson (Dana Point) spoke in support of Council Member Lewis.

Hillary Royer (Dana Point) spoke regarding the treatment of Council Member Lewis at the 2019 City Council Meetings, including the February 19, 2019 City Council Meeting.

Sandie Iverson (Dana Point) read a letter written by Nancy Lynn (Dana Point) regarding the treatment of Council Member Lewis during the February 19, 2019 City Council Meeting. Ms. Iverson encouraged the public to visit Ms. Lynn's Facebook Group, Dana Point Crime and Safety.

Toni Nelson (Dana Point) read a letter written by Mary and John Navarro (Dana Point) regarding the treatment of Council Member Lewis and commended Council Member Lewis for her professionalism.

Steve Stewart (Dana Point) spoke regarding Dana Point Taxpayers Association mailers and the treatment of Council Member Lewis.

Sharon Stewart (Dana Point) read a letter written by Kathy Joshua (Dana Point) regarding the treatment of Council Member Lewis.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

9. CITY COUNCIL POLICY 104 – ACCEPTANCE OF DONATIONS

City Manager Denny presented a landscape painting by Louise Leyden donated to the City by Joyce and Dean Clark, Dana Point.

IT WAS MOVED BY MAYOR MULLER AND SECONDED BY MAYOR PRO TEM WYATT, THAT THE CITY COUNCIL ACCEPT THE DONATION OF A PAINTING BY LOUISE LEYDEN, DONATED BY DEAN AND JOYCE CLARK.

Mayor Muller thanked the Clark family for their donation.
The motion carried by the following vote:

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

NOES: None

ABSENT: None

10. BUDGET WORKSHOP – FINANCIAL POLICY DISCUSSION

Assistant City Manager Killebrew provided a brief review of the CalPERS unfunded pension liability presentation from the May 5, 2018 City Council Meeting and introduced City Actuary Mary Beth Redding (Bartel Associates, LLC).

City Actuary Redding provided a Power Point Presentation with updates regarding the Pension Valuation and answered questions of the City Council.

Discussion ensued.

Assistant City Manager Killebrew presented an interactive spreadsheet with data representing Current vs. Proposed Reserves. He invited Council to suggest changes to reserved fund balances percentage requirements to compare how changes would affect the amount in the reserves.

IT WAS MOVED BY MAYOR MULLER, SECONDED BY MAYOR PRO TEM WYATT, TO DISCUSS THE DRAFT GENERAL FUND RESERVE POLICY AND PROVIDE INPUT AND DIRECTION TO STAFF.

Discussion ensued.

IT WAS MOVED BY MAYOR MULLER, SECONDED BY COUNCIL MEMBER FEDERICO TO SEND THE DRAFT GENERAL FUND RESERVE POLICY TO THE FINANCIAL REVIEW COMMITTEE FOR THEIR RECOMMENDATION.

Discussion ensued.

City Manager Denny summarized the City Council discussions that the Financial Review Committee would be analyzing and making recommendations on: 1) increasing the unassigned maximum to 10%; 2) retitling "max" to "max target"; 3) look at conditions of use of reserve relative to 50% number.

Discussion ensued.

Councilmember Lewis added that the Financial Review Committee should also consider whether the General Fund Reserve Policy language should be changed to reflect that the use of reserves shall be authorized by the City Council.

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

NOES: None

ABSENT: None

11. MID-FISCAL YEAR 2018-19 BUDGET STATUS REPORT

Assistant City Manager Killebrew provided a Staff Report.

Mayor Muller opened Public Comments.

Buck Hill (Dana Point) discussed surplus variations within the General Fund. He suggested that CIP projects are timed more accurately within the budget and urged the City to balance spending and income.

Mayor Muller closed Public Comments.

Discussion ensued.

Mayor Muller recessed the meeting for a brief break at 9:08 p.m.

Mayor Muller reconvened the meeting at 9:13 p.m.

IT WAS MOVED BY COUNCIL MEMBER VICZOREK AND SECONDED BY MAYOR MULLER, THAT THE CITY COUNCIL RECEIVE AND FILE THE MID-FISCAL YEAR 2018-19 BUDGET STATUS REPORT AND AUTHORIZE THE BUDGET AMENDMENTS DETAILED WITHIN THIS REPORT.

Discussion ensued.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

COUNCIL COMMENTS

Council Member Federico turned in his list of meetings to the City Clerk.

Council Member Lewis turned in her list of meetings attended to the City Clerk. She added that she attended a utility undergrounding meeting in Laguna Beach

Council Member Viczorek turned in his list of meetings attended to the City Clerk.

Mayor Pro Tem Wyatt turned in his list of meetings attended to the City Clerk. He thanked Laura Blasingham, Senior Branch Manager of the Dana Point Library, for her time, to learn her vision and suggestions for improving our library. He added that he attended the opening of the Ocean Institute POPS Conference featuring High School student presentations on ocean pollution cleanup.

Mayor Muller attended the Youth Baseball opening day. He was also Principal for the Day at Marco Forester and was very impressed with the students there.

STAFF REPORTS

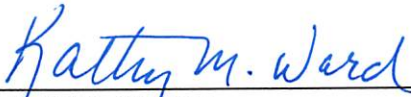
City Manager Denny congratulated Jill Jackson for earning the American Legion Employee of the Year.

City Attorney Munoz had nothing to report.

ADJOURNMENT

Mayor Muller adjourned the meeting at 9:26 p.m. to Closed Session.

There being no further business before the City Council at this session, Mayor Muller adjourned the meeting at 10:20 p.m. He announced that the next Regular Meeting of the City Council will be March 19, 2019, 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 MARCH 19, 2019.

Meetings attended since February 5, 2019:

Mayor Joseph L. Muller

02/20/2019 OCFA
02/20/2019 OCTA
02/21/2019 Chamber of Commerce
02/22/2019 Coffee Chat
02/22/2019 CCA
02/22/2019 OCFA
02/23/2019 Dana Point Youth Baseball Opening Day
02/25/2019 OCTA
02/26/2019 Chamber of Commerce
02/27/2019 TCA
02/27/2019 OCFA
02/28/2019 TCA
02/28/2019 OCFA
03/01/2019 Principal for the Day
03/01/2019 League of Cities
03/01/2019 Open Rail
03/04/2019 OCTA

Mayor Pro Tem Paul N Wyatt

02/21/2019 Laura Blasingham, Senior Branch Manager, Dana Point Library
02/21/2019 Marco Forester Middle School 50th Anniversary Celebration
02/22/2019 Dana Point Coffee Chat at Coffee Importers with California Assembly Member Bill Brough
02/23/2019 Algalita's Plastic Ocean Pollution Solutions International Youth Summit
02/23/2019 Dana Point Youth Baseball Opening Day Celebration
02/26/2019 Dana Point Ocean Water Quality Subcommittee Meeting
02/28/2019 Orange County Public Library Strategic Visioning Committee Meeting
03/01/2019 League of California Cities Orange County General Membership Meeting with US
Congress Member Katie Porter
03/03/2019 Chabad Jewish Center of Dana Point presentation of "Behind Enemy Lines" by Holocaust
survivor Martha Cohn
03/04/2019 OC Environmental Resources Comprehensive Human Waste Source Reduction Strategy
Work Plan Public Review

On February 21 to help me prepare for my Orange County Public Libraries Strategic Vision Meeting, I met with Laura Blasingham, Senior Branch Manager of the Dana Point Library to learn her vision and suggestions for improving our library. Laura was innovative in her thinking and thoughtful in her responses. If we work with Laura by acting on her suggestions in realizing her vision, our library will become an even more valuable asset to our community. I want to publicly thank Laura for taking the time to educate me.

On February 22-24, over 125 students from 8 countries and 6 U.S. States convened at the Ocean Institute to advance global solutions to plastic solutions. These 125 students won places at the Summit based on

their innovative ideas on how best to combat plastic pollution in their own communities. This enthusiastic group of students and their innovative ideas was truly encouraging and inspiring.

Council Member Jamey M. Federico

02/23/2019 Dana Point Youth Baseball Opening Day Celebration

Council Member Debra Lewis

02/20/2019 Capital Improvement Project Subcommittee
02/22/2019 South Orange County Economic Coalition – meet new Congress Members
02/22/2019 Resident Meeting
02/23/2019 Congressman Levin Town Hall
02/24/2019 Resident Meeting
02/25/2019 Strands HOA
02/26/2019 Resident Meeting
02/27/2019 Laguna Beach Undergrounding Forum
02/28/2019 Resident Meeting
03/01/2019 Resident Meeting
03/01/2019 City Manager
03/04/2019 City Manager, Police Chief

Council Member Richard A. Viczorek

02/22/2019 OCFA Best & Bravest Awards Dinner
02/23/2019 DPYB Opening Day Ceremony