

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



TUESDAY
MARCH 19, 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

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; Rachel Johnson, Management Analyst, and Shayna Sharke, Deputy City Clerk

CLOSED SESSION REPORT

City Attorney Munoz provided a status update on the Sunshine Group litigation regarding the Seaside Inn. Because of the property's nuisance conditions, the city petitioned for, and the Court appointed a receiver. Plans have been submitted for the rehabilitation of the property that will preserve its historic character. He stated that the City is ready to issue permits and the receiver has stabilized the hillside, however the property owner has filed for bankruptcy on Thursday, March 14, 2019. Mr. Munoz added that the City will be addressing legal issues surrounding the bankruptcy with the goal to get the work started as soon as possible. The City will be providing a press release with greater detail per Council direction.

UNFINISHED BUSINESS

1. PLANNING COMMISSION, TRAFFIC IMPROVEMENT SUBCOMMITTEE, AND FINANCIAL REVIEW COMMITTEE INTERVIEWS

City Council interviewed the following for positions on the Planning Commission:

Khosroo Esfahlani
Larry Porter
Diana Orlando
Danni Murphy
Roy Dohner
Eric Nelson
Jody Payne

BY A CONSENSUS VOTE OF THE CITY COUNCIL, ROY DOHNER WAS REAPPOINTED TO THE PLANNING COMMISSION.

BY A MAJORITY VOTE OF THE CITY COUNCIL, ERIC NELSON AND DANNI MURPHY WERE REAPPOINTED TO THE PLANNING COMMISSION.

IT WAS MOVED BY MAYOR JOSEPH L. MULLER, SECONDED BY COUNCIL MEMBER JAMEY M. FEDERICO, TO RE-APPOINT BOB ELDERS AND LUKE BOUGHEN TO THE TRAFFIC IMPROVEMENT SUBCOMMITTEE AND DIRECTED STAFF TO ADVERTISE FOR THE THIRD VACANT POSITION.

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

City Council interviewed the following for positions on the Financial Review Committee:

Kenneth Petersen, Jr.
Kim Tarantino

BY A MAJORITY VOTE OF THE CITY COUNCIL, KENNETH PETERSEN, JR. WAS APPOINTED TO THE FINANCIAL REVIEW COMMITTEE.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Federico.

PRESENTATIONS AND PROCLAMATIONS

Festival of Whales Art Contest Winner – Brianna Caudillo

Nancy Jenkins, Arts and Culture Commissioner, presented on the Arts and Culture Commission involvement in the Festival of Whales Art Contest. Mayor Muller presented Brianna Caudillo, Festival of Whales Art Contest Winner, with a Certificate of Recognition.

READING OF ORDINANCE TITLES

City Clerk Ward read one Ordinance title listed on the agenda.

CONSENT CALENDAR

City Clerk Ward announced the Item No. 3 was removed by the public.

IT WAS MOVED BY MAYOR JOSEPH L. MULLER, SECONDED BY COUNCIL MEMBER RICHARD A. VICZOREK, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM NO. 3.

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

2. 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.

3. REGULAR MEETING MINUTES, MARCH 5, 2019

Mayor Muller opened Public Comment.

Becky Bryant (Capistrano Beach) spoke in opposition of the Minutes.

Toni Nelson (Capistrano Beach) spoke in opposition of the Minutes.

Ken Tobert (Dana Point) spoke in opposition of the Minutes.

Cindy Fleming (Dana Point) spoke in opposition of the Minutes.

Mary Navarro (Dana Point) spoke in opposition of the Minutes.

Mayor Muller closed Public Comment.

IT WAS MOVED BY MAYOR JOSEPH L. MULLER, SECONDED BY COUNCIL MEMBER RICHARD A. VICZOREK THAT THE COUNCIL APPROVE THE REGULAR MEETING MINUTES OF MARCH 5, 2019.

The motion carried by the following vote:

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

NOES: Council Member Debra Lewis

ABSENT: None

4. **PLANNING COMMISSION MEETING MINUTES, FEBRUARY 25, 2019**
RECEIVED AND FILED.
5. **PLANNING COMMISSION MEETING MINUTES, FEBRUARY 11, 2019**
RECEIVED AND FILED.
6. **ARTS AND CULTURE COMMISSION MEETING MINUTES, JANUARY 23, 2019**
RECEIVED AND FILED.
7. **MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR**
RECEIVED AND FILED.
8. **CITY TREASURER'S REPORT, FEBRUARY 2019**
RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR FEBRUARY 2019.
9. **CLAIMS AND DEMANDS**
RECEIVED AND FILED THE CLAIMS AND DEMANDS.
10. **DANA POINT POLICE SERVICES MONTHLY REPORT**
RECEIVED AND FILED THE DANA POINT POLICE SERVICES MONTHLY REPORT.
11. **DEVELOPMENT UPDATE**
RECEIVED AND FILED THE DEVELOPMENT UPDATE.
12. **ANNUAL HOUSING ELEMENT PROGRESS REPORT**

RECEIVED AND FILED THE ANNUAL HOUSING ELEMENT PROGRESS REPORT FOR 2018.

PUBLIC COMMENTS

Michelle S. (San Clemente) requested that Council withdraw from the TCA Board.

Ghada Ghantous (San Clemente) read a letter written by Congressman Mike Levin to Governor Gavin Newsom regarding TCA and asked Council to exercise oversight over TCA.

Gregory DeVeau (Dana Point) represented the Encantamar Home Owners Association Board and requested that the City provide CERT Training.

Steve Stewart (Dana Point) spoke regarding TCA and requested that Council withdraw from the TCA.

Mary Minerman (Dana Point) represented the Encantamar Home Owners Association Board and requested that the City provide CERT Training.

Betty Hill (Dana Point) spoke regarding the 2018 City Council election.

PUBLIC HEARINGS

13. LOCAL COASTAL PLAN AMENDMENT LCPA19-0001 AND ZONE TEXT AMENDMENT ZTA19-0001 AMENDING CHAPTER 9.31 (FLOODPLAIN OVERLAY DISTRICT) AND CHAPTER 9.75 (DEFINITION AND ILLUSTRATIONS OF TERMS) TO MEET MINIMUM NATIONAL FLOOD INSURANCE PROGRAM REQUIREMENTS

Principal Planner Kurth Nelson provided a PowerPoint presentation.

Discussion ensued.

IT WAS MOVED BY MAYOR JOSEPH L. MULLER, SECONDED BY MAYOR PRO TEM PAUL N WYATT, THAT THE CITY COUNCIL ADOPT **RESOLUTION 19-03-19-01** APPROVING AND REQUESTING CERTIFICATION OF LOCAL COASTAL PROGRAM AMENDMENT LCPA19-0001 BY THE CALIFORNIA COASTAL COMMISSION:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING LOCAL COASTAL PROGRAM AMENDMENT LCPA19-0001, AND SUBMISSION OF ZONE TEXT AMENDMENT ZTA19-0001 AS LOCAL COASTAL PROGRAM AMENDMENT LCPA19-0001 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION; AND

THAT THE CITY COUNCIL INTRODUCE **ORDINANCE 19-01** ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA19-0001 AMENDING CHAPTER 9.31 (FLOODPLAIN OVERLAY DISTRICT) AND CHAPTER 9.75 (DEFINITION AND ILLUSTRATIONS OF TERMS) TO MEET MINIMUM NATIONAL FLOOD INSURANCE

**PROGRAM REQUIREMENTS AS PART OF LOCAL COASTAL PROGRAM AMENDMENT
LCPA19-0001 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL
COMMISSION.**

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

UNFINISHED BUSINESS

**14. BUDGET WORKSHOP – LONG TERM FINANCIAL PLAN – FINANCIAL PROJECTIONS
UPDATE**

Assistant City Manager Killebrew provided a PowerPoint presentation.

Mayor Muller opened Public Comments.

Buck Hill (Dana Point) provided recommendations to revise the financial plan and budget.

Mayor Muller closed Public Comments.

IT WAS MOVED BY MAYOR JOSEPH L. MULLER, SECONDED BY MAYOR PRO TEM PAUL N WYATT, THAT THE CITY COUNCIL RECEIVE AND FILE THE BUDGET WORKSHOP – LONG TERM FINANCIAL PLAN – FINANCIAL PROJECTIONS UPDATE.

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

NEW BUSINESS

**15. PARKING AND CIRCULATION OVERSIGHT TASK FORCE ANNUAL UPDATE AND
CITYWIDE PARKING IMPLEMENTATION PLAN**

City Attorney Munoz suggested that Section 2.1 of the Citywide Parking Implementation Plan be bifurcated, so that it is not discussed in the presence of Council Member Federico and Mayor Pro Tem Wyatt due to conflict of interest regarding real property interest. Additionally he stated that Parking and Circulation Task Force Member Cindy Fleming submitted a letter addressing issues regarding the Santa

Clara neighborhood and she has a conflict of interest with respect to that area. He stated that since the letter was not discussed with the Task Force, the assumption is that Ms. Fleming submitted the letter as a private citizen and not representative of the Task Force and should be reviewed by Council as such.

Discussion ensued.

Senior Planner Belinda Deines provided a PowerPoint presentation without discussion of Section 2.1.

Mayor Muller opened public comment.

Cindy Fleming (Dana Point) clarified the intent of her email.

Bev Jorgenson (Dana Point Chamber of Commerce) spoke in favor of the Citywide Parking Implementation Plan.

Mayor Muller closed public comment.

Discussion ensued.

It was moved by Mayor Joseph L. Muller, and seconded by Mayor Pro Tem Paul N. Wyatt, that the City Council receive and file the Parking and Circulation Oversight Task Force Annual Update; and adopt the Citywide Parking Implementation Plan with the exception of Section 2.1.

Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER DEBRA LEWIS, AND SECONDED BY MAYOR JOSEPH L. MULLER THAT THE CITY COUNCIL RECEIVE AND FILE THE PARKING AND CIRCULATION OVERSIGHT TASK FORCE ANNUAL UPDATE WITH THE EXCEPTION OF SECTION 2.1

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

IT WAS MOVED BY COUNCIL MEMBER DEBRA LEWIS AND SECONDED BY MAYOR JOSEPH L. MULLER, THAT THE CITY COUNCIL REVIEW AND ADOPT THE CITYWIDE PARKING IMPLEMENTATION PLAN WITH THE EXCEPTION OF SECTION 2.1

IN A SUBSTITUTE MOTION, IT WAS MOVED BY MAYOR PRO TEM PAUL N WYATT, AND SECONDED BY COUNCIL MEMBER DEBRA LEWIS TO REVIEW AND ADOPT THE CITYWIDE PARKING PLAN, WITH THE EXCEPTION OF SECTION 2.1, WITH THE FOLLOWING CHANGES:

- 1) SEGMENT SECTION 1.4 INTO SHORT TERM AND MEDIUM TERM ACTIONS TO REVIEW WITH ZONING ORDINANCES;
- 2) COMBINE AND MOVE SECTION 3.5 TO 1.6;
- 3) COMBINE AND MOVE SECTION 3.7 TO 1.9;

4) MOVE SECTION 3.3 TO A SUBSET OF 1.9

Discussion ensued.

The substitute motion failed by the following vote:

AYES: Mayor Pro Tem Paul N Wyatt

NOES: Council Member Jamey M. Federico, Council Member Debra Lewis, Council Member Richard A. Viczorek, and Mayor Joseph L. Muller

ABSENT: None

IN AN AMENDED MOTION, IT WAS MOVED BY COUNCIL MEMBER JAMEY M. FEDERICO, AND ACCEPTED BY COUNCIL MEMBER DEBRA LEWIS AND MAYOR JOSEPH L. MULLER TO:

- 1) REMOVE THE WORD "PUBLIC" FROM SECTION 3.3 FROM THE SECOND BULLET POINT;
AND
- 2) ADD THE PHRASE "CONSIDER USE OF IN-LIEU FEES" IN SECTION 3.5 ON THE PERFORMANCE MEASURES COLUMN

The original and amended motion passed by the following vote:

AYES: Council Member Jamey M. Federico, Council Member Richard A. Viczorek, and Mayor Joseph L. Muller

NOES: Council Member Debra Lewis and Mayor Pro Tem Paul N Wyatt

ABSENT: None

Mayor Pro Tem Paul N Wyatt and Council Member Jamey M. Federico recused themselves from Council Chambers at 9:57 p.m.

Senior Planner Belinda Deines provided a PowerPoint presentation regarding Section 2.1 of the Citywide Parking Implementation Plan.

IT WAS MOVED BY COUNCIL MEMBER DEBRA LEWIS, AND SECONDED BY MAYOR JOSEPH L. MULLER THAT THE CITY COUNCIL RECEIVE AND FILE SECTION 2.1 OF THE PARKING AND CIRCULATION OVERSIGHT TASK FORCE ANNUAL UPDATE

IN AN AMENDED MOTION, IT WAS MOVED BY COUNCIL MEMBER DEBRA LEWIS TO RECEIVE AND FILE SECTION 2.1 OF THE PARKING AND CIRCULATION OVERSIGHT TASK FORCE ANNUAL UPDATE WITH THE ADDITION OF THE ITEMS LISTED IN THE LETTER WRITTEN BY CINDY FLEMING WITH THE SUBJECT LINE "PARKING TASK FORCE ADDENDUM".

The amended motion failed for lack of a second.

The original motion passed by the following vote:

AYES: Council Member Richard A. Viczorek, and Mayor Joseph L. Muller

NOES: Council Member Debra Lewis

RECUSED: Council Member Jamey M. Federico and Mayor Pro Tem Paul N Wyatt

Discussion ensued.

IT WAS MOVED BY MAYOR JOSEPH L. MULLER AND SECONDED BY COUNCIL MEMBER RICHARD A. VICZOREK, THAT THE CITY COUNCIL REVIEW AND ADOPT SECTION 2.1 OF THE CITYWIDE PARKING IMPLEMENTATION PLAN

Cindy Fleming (Dana Point) clarified a portion of her letter regarding directing traffic down residential zones during events.

The motion passed by the following vote:

AYES: Council Member Richard A. Viczorek, and Mayor Joseph L. Muller

NOES: Council Member Debra Lewis

RECUSED: Council Member Jamey M. Federico and Mayor Pro Tem Paul N Wyatt

Mayor Pro Tem Paul N Wyatt and Council Member Jamey M. Federico re-entered Council Chambers at 10:22 p.m.

COUNCIL COMMENTS

Council Member Federico stated that he turned in his list of meetings attended to the City Clerk. He stated that he attended the Community Choice meeting regarding energy and looks forward to addressing this in the future. He addressed comments of the public and stated that he values the comments and encouraged the viewing of the video record.

Council Member Lewis reported that she also attended the Community Choice meeting and spoke with cities that are currently working with the program. Additionally, she referred to an L.A. Times article regarding TCA and requested more information regarding consulting fees and the spending of Dana Point funds.

Mayor Muller stated that he will provide information that she requests.

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

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

Mayor Muller stated that he participated in Mayor's Week with Meals on Wheels and will make sure that the Age Well Senior Services is aware of this resource. Additionally he stated that Dana Point has 16,000 toll road users and collecting the fees is required by law to service debt. He added that he turned in his list of meetings attended to the City Clerk.

STAFF REPORTS

City Manager Denny reported that staff met with the new C.E.O. of Age Well Senior Services and looks forward to a great partnership. He added that the CERT Program is one of the priorities of new General Services Director, Robert Sedita.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Muller adjourned the meeting at 10:31 p.m. He announced that the next Regular Meeting of the City Council will be April 2, 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 APRIL 2, 2019.

Meetings attended since March 6, 2019:

Mayor Joseph L. Muller

03/06/2019 Chamber of Commerce
03/06/2019 Meeting with Resident
03/06/2019 CIP Ad Hoc
03/06/2019 Parking Task Force
03/07/2019 TCA
03/07/2019 CCA Workshop
03/07/2019 OC Parks
03/08/2019 OC Government Leadership Prayer Breakfast
03/09/2019 Festival of Whales
03/11/2019 OCTA
03/11/2019 Meeting with Resident
03/12/2019 CC&R Tour
03/12/2019 TCA
03/12/2019 Meeting with Resident
03/13/2019 United Way Property Owner Summit
03/13/2019 OCFA
03/15/2019 OC Mayor's Prayer Breakfast
03/15/2019 OCTA
03/15/2019 DPHP
03/19/2019 Mayor's Meals on Wheels

Mayor Pro Tem Paul N Wyatt

03/07/2019 South Orange County Watershed Management Area Executive Committee Meeting
03/15/2019 Coffee Chat at Dana Point Harbor
03/16/2019 Ocean Institute Girls in Ocean Sciences Conference
03/18/2019 Katie Allen, Executive Director Algalita

Council Member Jamey M. Federico

03/07/2019 Robin Valles, Lantern Village Association
03/07/2019 Community Choice Energy Town Hall hosted by Surfrider Foundation

Council Member Debra Lewis

03/07/2019 Community Choice Energy Town Hall hosted by Surfrider Foundation

Council Member Richard A. Viczorek

03/14/2019 TCA Board of Directors Meeting

