

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



TUESDAY
JANUARY 21, 2020
5:00 P.M.

MINUTES

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

Next City Council Ordinance No. 20-01

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Richard A. Viczorek at 5:01 p.m. in the City Council Chambers, 33282 Golden Lantern, Dana Point.

ROLL CALL OF CITY COUNCIL MEMBERS:

Richard A. Viczorek, Mayor
Jamey M. Federico, Mayor Pro Tem
Debra Lewis, Council Member
Joseph L. Muller, Council Member (absent)
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 LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (5 cases)

Name of Case: Concerned Residents of Dana Point vs. City of Dana Point Case No. 2019-01117892-CU-TT-CXC

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: Laguna Beach Sober Living and Donna's House v. City of Dana Point, Case No. 8:19-cv-00024-AG-(JD Ex)

Name of Case: City of Santa Ana v. City of Dana Point, et al, Case No. 8:20-cv-00069

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

Mayor Richard A. Viczorek recessed the meeting into a Closed Session at 5:03 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 Richard A. Viczorek reconvened the meeting at 6:01 p.m. All Council Members with the exception of Council Member Joseph L. Muller were present.

STAFF PRESENT: Mark Denny, City Manager; Patrick Munoz, City Attorney; Robin Harnish, Accounting Manager; Lt. Kirsten Monteleone; Kathy Ward, City Clerk; Brenda Wisneski, Director of Community Development; Matthew Sinacori, Director of Public Works and Engineering; Robert Sedita, Director of General Services; Kelly Reenders, Economic Development Manager; Johnathan Ciampa, Senior Planner; Rachel Johnson, Management Analyst, and Jaimie To, Management Analyst.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pro Tem Jamey M. Federico.

INVOCATION

The invocation was provided by VFW Post 9934 Chaplain Morrie Hansen.

PRESENTATIONS AND PROCLAMATIONS

There were no Presentations or Proclamations.

READING OF ORDINANCE TITLES

City Clerk Kathy Ward read one (1) Ordinance title for Item 10.

CONSENT CALENDAR

IT WAS MOVED BY MAYOR RICHARD A. VICZOREK, SECONDED BY COUNCIL MEMBER PAUL N WYATT 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 Paul N Wyatt, Mayor Pro Tem Jamey M. Federico, and Mayor Richard A. Viczorek

NOES: None

ABSENT: Council Member Joseph L. Muller

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, DECEMBER 3, 2019

RECEIVED AND FILED.

3. PLANNING COMMISSION MEETING MINUTES, NOVEMBER 25, 2019

RECEIVED AND FILED.

4. PLANNING COMMISSION MEETING MINUTES, DECEMBER 9, 2019

RECEIVED AND FILED.

5. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

6. CITY TREASURER'S REPORT, NOVEMBER 2019

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF NOVEMBER 2019.

7. CLAIMS AND DEMANDS

RECEIVED AND FILED.

8. DANA POINT POLICE SERVICES MONTHLY REPORT

RECEIVED AND FILED.

9. DEVELOPMENT UPDATE

RECEIVED AND FILED.

10. AMENDMENT OF DANA POINT MUNICIPAL CODE CHAPTER 3.13 INFORMAL BID PROCEDURES TO ALIGN WITH STATE PUBLIC CONTRACT CODE PROVISIONS

INTRODUCED AND HELD FIRST READING OF AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 3.13 OF THE DANA POINT MUNICIPAL CODE TO ALIGN WITH STATE PUBLIC CONTRACT CODE PROVISIONS

11. TRAFFIC IMPROVEMENT SUBCOMMITTEE APPOINTMENT

SELECTED JEFF PEDERSEN AS THE CITY COUNCIL'S APPOINTMENT TO THE TRAFFIC IMPROVEMENT SUBCOMMITTEE.

PUBLIC COMMENTS

Wayne Yost, Dana Point, Commander of VFW Post 9934, spoke about the Post's 25th Anniversary celebration at South Shores Church on February 11 at 6:00 pm and invited the Council, staff and residents.

Penny Maynard, Dana Point, spoke about Dana Point Beach and the Dana Point Chamber of Commerce.

Richard Sink, Dana Point, recently moved back to Dana Point and opened his new business office critical-connections.com.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Paul N Wyatt stated he will turn in his list of meetings to the City Clerk.

Council Member Debra Lewis stated she had no items to report.

Mayor Pro Tem Jamey M. Federico attended a board meeting on the Orange County Housing Finance Trust. The Board voted to approve the administrative funding model for next fiscal year. The City's portion is estimated at \$5,250.

Mayor Richard A. Viczorek stated he had nothing to report and will turn in his list of meetings to the City Clerk.

PUBLIC HEARINGS

12. AN APPEAL OF PLANNING COMMISSION APPROVAL FOR COASTAL DEVELOPMENT PERMIT CDP18-0015 TO CONTRACT A NEW 4,881 SQUARE-FOOT, TWO-STORY SINGLE-FAMILY DWELLING AND ATTACHED 711 SQUARE-FOOT TWO-CAR GARAGE AT 34312 SHORE LANTERN

Community Development Director Brenda Wisneski provided a brief staff report and Senior Planner Johnathan Ciampa presented a PowerPoint presentation.

Discussion ensued.

Mayor Richard A. Viczorek opened the Public Hearing.

The Appellant provided a document to City Council and staff, but was not present for their five (5) minute presentation. The Applicant, Jason Florence (representing the owner), provided a five (5) minute presentation.

There were no Public Comments.

The Applicant provided a brief rebuttal.

Discussion ensued.

Mayor Richard A. Viczorek closed the Public Hearing.

Discussion ensued.

IT WAS MOVED BY MAYOR PRO TEM JAMEY FEDERICO, SECONDED BY MAYOR RICHARD A. VICZOREK THAT THE CITY COUNCIL DENY THE APPEAL AND UPHOLD THE PLANNING COMMISSION'S APPROVAL OF COASTAL DEVELOPMENT PERMIT CDP18-0015 AND ADOPTED **RESOLUTION NO. 20-01-21-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION APPROVAL OF A COASTAL DEVELOPMENT PERMIT CDP18-0018 TO CONSTRUCT A NEW 4,881 SQUARE-FOOT SINGLE-FAMILY DWELLING AND ATTACHED 711 SQUARE-FOOT TWO-CAR GARAGE LOCATED IN THE COASTAL HIGH-DENSITY RESIDENTIAL (C-RHD) ZONE OF THE DANA POINT SPECIFIC PLAN LOCATED AT 34312 SHORE LANTERN

The motion carried by the following vote:

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

NOES: None

ABSENT: Council Member Joseph L. Muller

UNFINISHED BUSINESS

There are no Unfinished Business items.

NEW BUSINESS

13. ADOPTION OF A RESOLUTION OF THE DANA POINT CITY COUNCIL AMENDING POLICY 112 RELATING TO THE ACCEPTANCE AND DEDICATION OF EQUIPMENT

General Services Director Robert Sedita provided a staff report.

IT WAS MOVED BY MAYOR RICHARD A. VICZOREK, SECONDED BY COUNCIL MEMBER PAUL N WYATT THAT THE CITY COUNCIL ADOPT **RESOLUTION NO. 20-01-21-02** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING THE POLICY RELATING TO THE ACCEPTANCE AND DEDICATION OF EQUIPMENT

Discussion ensued.

The motion carried by the following vote:

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

NOES: None

ABSENT: Council Member Joseph L. Muller

14. UTILITY BOX ARTWORK PROGRAM

Economic Development Manager Kelly Reenders provided a staff report.

Karin Schnell, Dana Point, Arts and Culture Commission member, spoke about the Commission's efforts for the Utility Box Artwork Program to enhance and beautify Dana Point.

IT WAS MOVED BY MAYOR RICHARD A. VICZOREK, SECONDED BY MAYOR PRO TEM JAMEY M. FEDERICO THAT THE CITY COUNCIL AUTHORIZE STAFF TO RELEASE AN APPLICATION FOR THE UTILITY BOX ARTWORK PROGRAM; AUTHORIZE THE ARTS AND CULTURE COMMISSION TO SELECT ARTISTS AND AUTHORIZE STAFF TO USE \$10,000 OF ARTS IN PUBLIC PLACES FUNDS TO PRODUCE AND INSTALL NINE (9) VINYL WRAPS.

Discussion ensued.

The motion carried by the following vote:

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

NOES: None

ABSENT: Council Member Joseph L. Muller

15. SELECTION OF CONTRACT – STRATEGIC PLAN PROJECT ECONOMIC AND MARKET PROFILE STUDY

Economic Development Manager Kelly Reenders provided a staff report.

IT WAS MOVED BY MAYOR RICHARD A. VICZOREK, SECONDED BY COUNCIL MEMBER PAUL N WYATT THAT THE CITY COUNCIL AWARD A CONTRACT TO PLACEWORKS IN THE NOT-TO-EXCEED AMOUNT OF \$100,000 PLUS A 5% CONTINGENCY FOR AN ECONOMIC AND MARKET PROFILE STUDY, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT.

Discussion ensued.

The motion carried by the following vote:

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

NOES: None

ABSENT: Council Member Joseph L. Muller

STAFF REPORTS

City Manager Mark Denny wished everyone a Happy New Year and welcomed Brenda Wisneski, Director of Community Development.

City Attorney Patrick Munoz stated that after the last Council meeting in December, staff had prepared a Press Release on the status of litigation involving the Seaside Inn property. Staff is preparing a new update in the next few days. He advised the public that there has not been a significant amount of change. The Court continued all matters from October 25, 2019 – January 31, 2020. Because of that, there has not been a lot of activity. The Receiver has put together a comprehensive report that will be presented to the Court on the 31st and will be discussed in an effort to move the project forward. This information will be included in the Press Release.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Richard A. Viczorek adjourned the meeting at 7:26 p.m. He announced that the next Regular Meeting of the City Council will be February 4, 2020, 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 FEBRUARY 4, 2020.

Meetings attended since December 3 2019:

Mayor Richard A. Viczorek

12/7/2019 Christmas Tree Lighting – La Plaza
12/13/2019 VIPS Holiday Dinner
12/13/2019 Boat Parade Judge
12/19/2019 OCMVCD Board of Trustees Meeting
1/9/2020 SJHTCA Board of Directors Meeting
1/16/2020 OCMVCD Board of Trustees Meeting

Mayor Pro Tem Jamey M. Federico

1/15/2020 Orange County Housing Finance Trust

Council Member Joseph L. Muller

12/4/2019 Ocean Institute
12/5/2019 CAA Breakfast
12/5/2019 OCFA
12/6/2019 DPHP
12/6/2019 Holiday Tree Lighting
12/6/2019 Holiday Tree Lighting
12/6/2019 Boat Parade
12/9/2019 OCTA
12/9/2019 Pines Park Tree Lighting
1/12/2020 Senator Bates
12/11/2019 Supervisors Reception
12/12/2019 TCA
1/6/2020 OCTA
1/8/2020 OCFA
1/9/2020 TCA
1/9/2020 O.C.Parks
1/9/2020 Boat Parade Awards
1/13/2020 OCTA
1/14/2020 CUSD
1/15/2020 OCFA

Council Member Paul N Wyatt

12/02/2019 CASA Board Meeting
12/04/2019 Orange County South Service Planning Area Meeting on Homelessness
12/04/2019 Ocean Institute Board Meeting
12/04/2019 SCTRE Traffic Relief Public Comment Forum
12/05/2019 Dawn Price, Friendship Shelter
12/06/2019 Illumination Foundation Homelessness Conference
12/07/2019 Dana Point Holiday Tree Lighting in La Plaza Park
12/09/2019 Dana Point Holiday Tree Lighting in Pines Park

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- 12/11/2019 Ariel Hyatt, Habitat for Humanity on Homelessness
 - 12/11/2019 Orange County Board of Supervisors Holiday Party
 - 12/12/2019 Data Integration Proposal with Ariel Hyatt
 - 12/12/2019 Dana Point Library Landscaping Celebration
 - 12/13/2019 Dana Point Police Services Volunteers Party
 - 12/18/2019 Be Well OC Coalition Meeting
 - 12/20/2019 Wendy Marshall, President, Ocean Institute
 - 12/20/2019 Sara May, Policy Analyst for Supervisor Bartlett, regarding Homelessness in South O.C.
 - 12/22/2019 Chabad Dana Point Public Menorah Lighting
 - 01/14/2020 Short-term Rentals Subcommittee Meeting
 - 01/15/2020 Visit Dana Point Logo Launch
 - 01/16/2020 Orange County Public Library Advisory Board Meeting