

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
JUNE 2, 2020
5:00 P.M.**

MINUTES

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

Next City Council Ordinance No. 20-02

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 5:00 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 (Teleconference)
Joseph L. Muller, 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 LEGAL COUNSEL – INITIATION OF LITIGATION, Government Code § 54956.9 (d)(4), (2 cases)
- C. THREAT TO PUBLIC SERVICES OR FACILITIES – Government Code § 54957 (a): consultation with City Attorney, Director of Emergency Services, Director of General Services regarding COVID 19

Mayor Richard A. Viczorek recessed the meeting into a Closed Session at 5:01 p.m. pursuant to Government Code Section 54957.

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

RECONVENE CITY COUNCIL MEETING

Mayor Richard A. Viczorek reconvened the meeting at 6:00 p.m. All Council Members were present (Council Member Lewis present via teleconference).

STAFF PRESENT: Michael Killebrew, City Manager; Kelly Reenders, Acting Assistant City Manager; Patrick Munoz, City Attorney; Kathy Ward, City Clerk; Brenda Wisneski, Community Development Director; Matt Sinacori, Public Works Director and City Engineer; Robert Sedita, General Services Director; Lt. Kirsten Monteleone, Chief of Police Services; Jeff Rosaler, Community Development Manager, and Jaimie To, Management Analyst.

PLEDGE OF ALLEGIANCE

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

INVOCATION

There was no Invocation.

PRESENTATIONS AND PROCLAMATIONS

There were no Presentations or Proclamations.

READING OF ORDINANCE TITLES

There were no Ordinance Titles.

CONSENT CALENDAR

Item 8 was removed by City Attorney Patrick Munoz.

IT WAS MOVED BY MAYOR RICHARD A. VICZOREK, SECONDED BY COUNCIL MEMBER JOSEPH L. MULLER THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 8.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

City Attorney Patrick Munoz reported out from Closed Session requesting an amended recommended action to Item #8.

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, MAY 19, 2020

APPROVED THE MEETING MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, MAY 11, 2020

RECEIVED AND FILED.

4. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

5. CITY TREASURER'S REPORT, APRIL 2020

RECEIVED AND FILED THE CITY TREASURER'S REPORT, APRIL 2020.

6. CLAIMS AND DEMANDS

RECEIVED AND FILED.

7. APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN CITY OF DANA POINT AND SOUTHERN CALIFORNIA EDISON FOR SUPPORT OF EMERGENCY PLANNING AND RESPONSE FOR SAN ONOFRE NUCLEAR GENERATING STATION (SONGS)

APPROVED A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF DANA POINT AND SOUTHERN CALIFORNIA EDISON TO CONTINUE THE SUPPORT OF EMERGENCY PLANNING AND RESPONSIVE EFFORTS AND AUTHORIZE THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE MOU.

8. DELINQUENT SPECIAL TAX RESOLUTION

City Attorney Munoz provided a report out from Closed Session indicating the Council unanimously approved a motion by Council Member Wyatt and seconded by Mayor Pro Tem Federico, authorizing the initiation of litigation to pursue foreclosure against six properties due to delinquent taxes. In addition, he provided a staff report and asked that Exhibit A to the Resolution recommended for adoption be amended to add an additional five Assessor's Parcels to the list and adjusting the tax penalties accordingly per the applicable APN's.

IT WAS MOVED BY MAYOR RICHARD A. VICZOREK, SECONDED BY COUNCIL MEMBER PAUL N WYATT THAT THE CITY COUNCIL:

- 1) ACCEPT THE AMENDED EXHIBIT A AS PRESENTED BY CITY ATTORNEY PATRICK MUNOZ; and

2) **ADOPTED RESOLUTION 20-06-02-01 ENTITLED:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 2006-1 OF THE CITY OF DANA POINT, AUTHORIZING AND ORDERING JUDICIAL FORECLOSURE OF CURRENT AND FUTURE DELINQUENT SPECIAL TAXES IN SAID DISTRICT PURSUANT TO THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982 AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH; and

- 3) **AUTHORIZE THE CITY ATTORNEY TO PROSECUTE A FORECLOSURE ACTION AND TO COLLECT, IN THE NAME OF THE COMMUNITY FACILITIES DISTRICT NO. 2006-1 OF THE CITY OF DANA POINT AND ON BEHALF OF THE OWNERS OF THE BONDS, ALL AMOUNTS DUE ON ACCOUNT OF THE DELINQUENT SPECIAL TAXES WITH RESPECT TO THE PROPERTY IDENTIFIED IN THE REFERENCED RESOLUTION.**

The motion carried by the following vote:

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

NOES: None

ABSENT: None

9. AGEWELL SERVICES

THE CITY COUNCIL AWARDED A CONTRACT TO AGE WELL SENIOR SERVICES WITH A 10% CONTINGENCY AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE CONTRACT.

PUBLIC COMMENTS

Mayor Viczorek opened Public Comment.

Brandon Day (Dana Point) spoke regarding his concerns of the cost of the investigation and report by Norman A. Traub and Associates in which staff were interviewed.

9. AGEWELL SERVICES

IT WAS MOVED BY MAYOR RICHARD A. VICZOREK, SECONDED BY COUNCIL MEMBER JOSEPH L. MULLER THAT THE CITY COUNCIL RECONSIDER ITEM 9 DUE TO A PUBLIC COMMENT SUBMITTED TO THE CITY CLERK VIA EMAIL.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

Acting Assistant City Manager Kelly Reenders provided a staff report.

Mayor Richard A. Viczorek opened Public Comment.

City Clerk Kathy Ward read one (1) emailed public comment.

Loyin Ip (Dana Point) wrote encouraging Council to discourage the use of non-recyclable material with the Meals on Wheels Service.

Mayor Richard A. Viczorek closed Public Comment.

Discussion ensued. Council Member Debra Lewis addressed the public comment made by Brandon Day at this time in lieu of discussing Item 9.

IT WAS MOVED BY MAYOR RICHARD A. VICZOREK, SECONDED BY COUNCIL MEMBER JOSEPH L. MULLER THAT THE CITY COUNCIL AWARD A CONTRACT TO AGE WELL SENIOR SERVICES WITH A 10% CONTINGENCY AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

PUBLIC COMMENT

Mayor Richard A. Viczorek reopened Public Comment.

City Clerk Kathy Ward read three (3) emailed Public Comments.

Elkie Lienhop (Dana Point) wrote urging the City Council to ban the use of leaf blowers within the City.

Penny Maynard (Dana Point) wrote regarding the traffic flow and history of the Town Center Plan design. She encouraged the closure of Del Prado to car traffic to allow for additional pedestrian traffic.

Wayne Yost (Dana Point) thanked Deputy City Clerk Shayna Sharke and Audio Visual Specialist Chris Cardenas, for their work on the virtual Memorial Day Ceremony and announced that 30 vehicles were included in a successful drive-by birthday celebration for a local veteran.

Mayor Richard A. Viczorek closed Public Comment.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Paul N Wyatt stated that he has turned in his list of meetings attended to the City Clerk. He reported out regarding the SONGS CEP Meeting on May 28th, stating it was focused on spent nuclear

fuel storage safety. Additionally, he announced that the Ocean Institute will be auctioning off souvenirs created from the *Pilgrim* on June 12th.

Council Member Debra Lewis had nothing to additional to report.

Council Member Joseph L. Muller stated that he has turned in his list of meetings attended to the City Clerk. He stated that OCTA will be expanding bus services and are actively monitoring protest activity and detouring bus routes. He thanked OCSD for their service during this time.

Mayor Pro Tem Jamey M. Federico stated that he will turn in his list of meetings attended to the City Clerk. thanked the community for supporting local businesses that are beginning to open and thanked staff for their assistance in that process.

Mayor Richard A. Viczorek stated that he will turn in his list of meetings attended to the City Clerk.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

10. UPDATE OF LOCAL EMERGENCY BY DIRECTOR OF EMERGENCY SERVICES CREATED BY COVID19

City Manager Michael Killebrew provided a staff report.

Discussion ensued.

THE CITY COUNCIL RECEIVED AND FILED THE REPORT.

NEW BUSINESS

11. ORANGE COUNTY SHERIFF'S DEPARTMENT CONTRACT FOR FY21

City Manager Michael Killebrew provided a staff report.

IT WAS MOVED BY MAYOR RICHARD A. VICZOREK, SECONDED BY COUNCIL MEMBER JOSEPH L. MULLER THAT THE CITY COUNCIL:

- 1) CONSIDER THE LAW ENFORCEMENT SERVICES AGREEMENT WITH THE COUNTY OF ORANGE FOR LAW ENFORCEMENT SERVICES FOR FISCAL YEAR 2020-21 (FY21) AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND, AUTHORIZE THE CITY MANAGER TO EXECUTE AMENDMENTS TO THE AGREEMENT IN AN AMOUNT NOT TO EXCEED THE RELATED COUNCIL APPROVED BUDGET.
- 2) ADOPT **RESOLUTION 20-06-02-02** OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A SCHEDULE OF FEES FOR PARKING VIOLATIONS ENTITLED:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA,
APPROVING A SCHEDULE OF FEES FOR PARKING VIOLATIONS.**

Discussion ensued.

Council Member Paul N Wyatt requested to bifurcate the recommended actions.

IT WAS MOVED BY MAYOR RICHARD A. VICZOREK, SECONDED BY COUNCIL MEMBER JOSEPH L. MULLER THAT THE CITY COUNCIL CONSIDER THE LAW ENFORCEMENT SERVICES AGREEMENT WITH THE COUNTY OF ORANGE FOR LAW ENFORCEMENT SERVICES FOR FISCAL YEAR 2020-21 (FY21) AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND, AUTHORIZE THE CITY MANAGER TO EXECUTE AMENDMENTS TO THE AGREEMENT IN AN AMOUNT NOT TO EXCEED THE RELATED COUNCIL APPROVED BUDGET.

The motion carried by the following vote:

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

IT WAS MOVED BY MAYOR RICHARD A. VICZOREK, SECONDED BY COUNCIL MEMBER PAUL N WYATT THAT THE CITY COUNCIL ADOPT **RESOLUTION 20-06-02-02** OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A SCHEDULE OF FEES FOR PARKING VIOLATIONS ENTITLED:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA,
APPROVING A SCHEDULE OF FEES FOR PARKING VIOLATIONS.**

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: Council Member Joseph L. Muller
ABSENT: None

STAFF REPORTS

City Manager Michael Killebrew commended Assistant Administrative Analyst DyAnne Weamire and Administrative Aide Holly Martino, for assisting a bride-to-be coordinate a wedding site at a City park while navigating through the standards and regulations of State orders. He also announced that the Ocean Institute will be auctioning off parts of the *Pilgrim* as a fundraiser.

City Attorney Patrick Munoz announced that the Governor issued an Executive Order this week extending timelines in prior orders including the moratorium on pursuing residential elections through the end of July.

RECESS OF CITY COUNCIL MEETING TO CLOSED SESSION AT 6:58 P.M.

RECONVENE CITY COUNCIL MEETING AT 7:37 P.M.

ADJOURNMENT

There being no further business before the City Council at this session, City Clerk Kathy Ward adjourned the meeting at 7:37 p.m. She announced that the next Regular Meeting of the City Council will be June 16, 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 JUNE 16, 2020.

Meetings attended since May 20, 2020:

Mayor Richard A. Viczorek

- 05/21/2020 OCMVCD Board of Trustees Meeting
- 05/25/2020 VFW Post 9934 Memorial Day Ceremony
- 05/28/2020 SJHTCA Joint Operations & Finance Committee Meeting

Mayor Pro Tem Jamey M. Federico

- 05/20/2020 ACC-OC Board Meeting
- 06/01/2020 CASA Board Meeting

- 05/21/2020 Orange County United Way, Orange County Department of Education regarding homelessness prevention pilot program

Council Member Paul N Wyatt

- 05/21/2020 Orange County United Way, Orange County Department of Education regarding homelessness prevention pilot program
- 05/22/2020 Marshall Moncrief, CEO BeWell OC, Karin Linkins, COO BeWell OC regarding digital navigation system for behavioral health services
- 05/22/2020 California Office of Emergency Services Briefing on COVID-19
- 05/26/2020 Ariel Hyatt, Habitat for Humanity regarding Data Integration for Homeless Services
- 05/28/2020 San Onofre Nuclear Generation Station Community Engagement Panel
- 06/01/2020 OC Tax Webinar on Restarting Business in Orange County
- 06/01/2020 Natalie Dempster, Project Lead, OC Data Integration for Homelessness Services

The SONGS CEP Meeting on May 28th focused on spent nuclear fuel storage safety. The speakers included seven outside experts that are among the world's most knowledgeable people on the issues surrounding possible outlier events at the SONGS facility, responses, and consequences. To read the reports written by these leading experts, go to www.songscommunity.com, click on Learn More under Community Engagement, and at the bottom of the page click on Human Outlier Events Document Library, and on Natural Outlier Events Document Library. On social media, there are many opinions on the dangers of living near a spent nuclear fuel storage facility. If this topic interests you, read these papers from the people who know.

Council Member Joseph L. Muller

- 05/20/2020 TCA
- 05/22/2020 OCTA
- 05/26/2020 OCTA
- 05/27/2020 TCA
- 05/27/2020 OCTA
- 05/28/2020 TCA
- 05/28/2020 OCFA
- 05/29/2020 League of California Cities
- 06/01/2020 OCTA