

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
JUNE 16, 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), (2 cases)
- B. 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
- C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Government Code § 54956.8

Location: Doheny Park Road and Coast Highway; APN 668-283-01
Agency Negotiator: Michael Killebrew, City Manager
Negotiating Parties: City of Dana Point and Cynthia Modene Holder
Under Negotiation: Price and terms of agreement relating to property

Mayor Richard A. Viczorek recessed the meeting into a Closed Session at 5:02 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 6:01 p.m. All Council Members were present (Council Member Lewis present via teleconference).

STAFF PRESENT: Michael Killebrew, City Manager; Patrick Munoz, City Attorney; Lieutenant Kirsten Monteleone, Chief of Police; Kathy Ward, City Clerk; Brenda Wisneski, Director of Community Development; Matthew Sinacori, Director of Public Works and Engineering; Robert Sedita, Director of General Services; Jeff Rosaler, Community Development Manager; Sean Nicholas, Senior Planner; and Jaimie To, Management Analyst; and Shayna Sharke, Deputy City Clerk.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Joseph L. Muller.

INVOCATION

There was no Invocation.

PRESENTATIONS AND PROCLAMATIONS

There were no Presentations or Proclamations during the meeting.

Staff requested to remove Item 12 from the Agenda.

READING OF ORDINANCE TITLES

City Clerk Kathy Ward introduced one (1) Ordinance title.

CONSENT CALENDAR

IT WAS MOVED BY MAYOR RICHARD A. VICZOREK, SECONDED BY MAYOR PRO TEM JAMEY M. FEDERICO, 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 Joseph L. Muller, Council Member Paul I Wyatt, Mayor Pro Tem Jamey M. Federico, and Mayor Richard A. Viczorek

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, JUNE 2, 2020

APPROVED THE MEETING MINUTES.

3. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

4. CITY TREASURER'S REPORT, MAY 2020

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

5. CLAIMS AND DEMANDS

RECEIVED AND FILED.

6. DANA POINT POLICE SERVICES MONTHLY REPORT

RECEIVED AND FILED THE POLICE SERVICES MONTHLY REPORT.

7. DEVELOPMENT UPDATE

RECEIVED AND FILED.

8. UPDATED GANN LIMIT, FISCAL YEARS 2020-2021 (FY21)

ADOPTED RESOLUTION 20-06-16-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING AND ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2020-2021

9. PROFESSIONAL PLAN CHECK SERVICES AGREEMENTS FOR SUPPLEMENTAL PLAN CHECK AND INSPECTION SERVICES FOR FY21

AUTHORIZED AND DIRECTED THE CITY MANAGER TO EXECUTE THE FOLLOWING CONTRACTS:

1. MELAD & ASSOCIATES FOR PLAN CHECK AND INSPECTION SERVICES
2. CSG CONSULTANTS FOR PLAN CHECK AND INSPECTION SERVICES

10. ANNUAL REVIEW OF INVESTMENT POLICY

APPROVED THE CITY'S STATEMENT OF SAFEKEEPING AND INVESTMENT OF PUBLIC FUNDS POLICY ("INVESTMENT POLICY").

11. BUDGET CALENDAR FOR FISCAL YEAR 2020-21

APPROVED THE BUDGET CALENDAR.

PUBLIC COMMENTS

Betty Hill (Dana Point) spoke regarding a Public Comment from June 2, 2020 and encouraged the City Council to renegotiate the City Attorney contract to lower costs. Additionally, she stated that COVID-19 cases are on the rise and more testing should be implemented.

Pamela Moore-Jones spoke regarding the love of mothers for their children and stated that racism and injustice are real.

City Clerk Kathy Ward read six (6) Public Comments that were emailed prior to the meeting.

Anonymous wrote regarding inappropriate dialog by a TCA Board Member.

Hoyin Ip (Dana Point) wrote regarding concerns with the 4th of July including face coverings and balloons.

Sam Crane wrote regarding defunding the police and asked how the City is addressing racism.

Bill Lane wrote encouraging the City Council to ban balloons due to environmental concerns.

Anonymous wrote regarding homelessness and asked how the City was addressing the issue.

Wayne Yost (Dana Point) wrote regarding the appreciation of the 4th of July holiday and what it represents.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Paul N. Wyatt stated that he has submitted his list of meetings attended to the City Clerk.

Council Member Debra Lewis stated she has nothing to report.

Council Member Joseph L. Muller stated that he has submitted his list of meetings attended to the City Clerk.

Mayor Pro Tem Jamey M. Federico stated that he has turned in his list of meetings attended to the City Clerk. He suggested the City Manager to publish a social media post regarding the harmful effects of balloons on the environment. He also asked for an update on the Short Term Rental Survey at the next Regular City Council Meeting on July 21st.

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

PUBLIC HEARINGS

12. **LOCAL COASTAL PROGRAM AMENDMENT LCPA19-0002/ZONE TEXT AMENDMENT ZTA19-0002 RELATED TO ACCESSORY DWELLING UNITS, JOINT PARKING AND PUBLIC NOTIFICATION**

Item 12 was pulled from the Agenda by staff.

13. **LOCAL COASTAL PROGRAM AMENDMENT LCPA19-0003/ZONE TEXT AMENDMENT ZTA19-0003, DANA POINT HARBOR REVITALIZATION PLAN AND DISTRICT REGULATIONS FOR PLANNING AREA 3**

Senior Planner Sean Nicholas provided a staff report.

Discussion ensued.

Sherman Stacy (Dana Point Harbor Partners) addressed questions from the Council and provided further details regarding the plan.

Mayor Richard A. Viczorek opened the Public Hearing at 6:39 p.m.

There were no Public Comments.

Mayor Richard A. Viczorek closed the Public Hearing at 6:39 p.m.

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

- 1) CONDUCT A PUBLIC HEARING; AND
- 2) ADOPT **RESOLUTION 20-06-16-02** APPROVING AND REQUESTING CERTIFICATION OF LCPA19-0003 FROM THE CALIFORNIA COASTAL COMMISSION ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING AND SUBMISSION OF ZTA19-0003 AS LOCAL COASTAL PROGRAM AMENDMENT LCPA19-0003 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION;

- 3) INTRODUCE **ORDINANCE 20-XX** ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA19-0003 TO AMEND THE DANA POINT HARBOR REVITALIZATION PLAN AND DISTRICT REGULATIONS FOR PLANNING AREA 3 AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA19-0003 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

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

UNFINISHED BUSINESS

14. 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 UPDATE.

15. WEED ABATEMENT PROGRAM SUGGESTED IMPROVEMENTS

Community Development Manager Jeff Rosaler provided a staff report.

Discussion ensued.

IT WAS MOVED BY MAYOR RICHARD A. VICZOREK, SECONDED BY COUNCIL MEMBER JOSEPH L. MULLER THAT THE CITY COUNCIL ACCEPT UPDATES TO THE WEED ABATEMENT PROGRAM, AS RECOMMENDED BY STAFF AND OUTLINED IN THE REPORT.

Discussion ensued.

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

NEW BUSINESS

16. CALLING FOR A GENERAL MUNICIPAL ELECTION ON NOVEMBER 3, 2020 TO FILL TWO CITY COUNCIL SEATS IN DISTRICTS 4, AND 5

City Clerk Kathy Ward provided a staff report.

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

1) **ADOPT RESOLUTION 20-06-16-03 ENTITLED:**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES; and

2) **ADOPT RESOLUTION 20-06-16-04 ENTITLED:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 3, 2020 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE; and

3) **ADOPT RESOLUTION 20-06-16-05 ENTITLED:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES' STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020.

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

NEW BUSINESS

There was no New Business.

STAFF REPORTS

City Manager Michael Killebrew stated he had nothing to report.

City Attorney Patrick Munoz stated he had nothing to report.

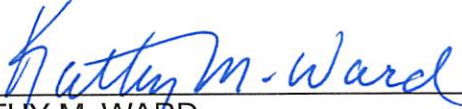
Mayor Richard A. Viczorek announced that the meeting will be adjourned in the memory of Capistrano Beach resident and influential waterman, Wayne Schafer.

RECESS OF CITY COUNCIL MEETING TO CLOSED SESSION AT 7:02 P.M.

RECONVENE CITY COUNCIL MEETING AT 8:20 P.M.

ADJOURNMENT

There being no further business before the City Council at this session, City Clerk Kathy Ward adjourned the meeting in memory of Wayne Schafer at 8:20 p.m. She announced that the next Regular Meeting of the City Council will be July 21, 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 JULY 21, 2020.

Meetings attended since June 3, 2020:

Mayor Richard A. Viczorek

06/03/20 SJHTCA Board of Directors Meeting
06/10/20 Meeting with Congressman Mike Levin
06/11/20 SJHTCA Board of Directors Meeting
06/11/20 City Selection Committee Meeting

Mayor Pro Tem Jamey M. Federico

06/14/2020 Meeting with CASA General Manager

Council Member Joseph L. Muller

06/03/2020 TCA
06/08/2020 OCTA
06/08/2020 OCFA
06/10/2020 OCFA
06/10/2020 OCTA
06/11/2020 TCA

Council Member Paul N Wyatt

06/10/2020 Ariel Hyatt, Habitat for Humanity regarding Data Integration for Homeless services
06/11/2020 Marshall Moncrief, CEO BeWell OC regarding digital navigation system for behavioral health services