

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
SEPTEMBER 1, 2020
5:00 P.M.**

MINUTES

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

Next City Council Ordinance No. 20-03

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Pro Tem Jamey M. Federico 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 (arrived at 5:50 pm)
Jamey M. Federico, Mayor Pro Tem
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 – EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (2 cases)

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

Name of Case: City of Dana Point v. Southern California Recovery Center, TML Holdings, LLC, Case No. 30-2018-01012750

Mayor Pro Tem Jamey M. Federico 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 6:00 p.m. All Council Members were present.

STAFF PRESENT: Michael A. Killebrew, City Manager; Kelly Reenders, Assistant City Manager; Patrick Munoz, City Attorney; Kathy Ward, City Clerk; Brenda Wisneski, Community Development Director; Matt Sinacori, Public Works Director and City Engineer; Lt. Kirsten Monteleone, 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.

READING OF ORDINANCE TITLES

There were no Ordinance Titles.

CONSENT CALENDAR

Item 10 was removed from the consent calendar by staff.

IT WAS MOVED BY MAYOR RICHARD A. VICZOREK, SECONDED BY COUNCIL MEMBER PAUL N WYATT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 10.

The motion carried by the following vote:

AYES: 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

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, JULY 21, 2020

APPROVED THE MEETING MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, JULY 13, 2020

RECEIVED AND FILED.

4. PLANNING COMMISSION MEETING MINUTES, AUGUST 10, 2020

RECEIVED AND FILED.

5. FINANCIAL REVIEW COMMITTEE MEETING MINUTES, JUNE 18, 2020

RECEIVED AND FILED.

6. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

7. CITY TREASURER'S REPORT, JULY 2020

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

8. CLAIMS AND DEMANDS

RECEIVED AND FILED.

9. PROFESSIONAL SERVICES AGREEMENTS AMENDMENTS FOR BUILDING DIVISION

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

1) WEST COAST CODE CONSULTANTS (WC3) – RATIFICATION AND FIRST AMENDMENT FOR PERMIT TECHNICIAN SERVICES; and

2) WEST COAST CODE CONSULTANTS (WC3) – THIRD AMENDMENT FOR PLAN CHECK AND BUILDING INSPECTION SERVICES.

10. LETTER IN SUPPORT OF SB 1049 FINE INCREASE FOR SHORT-TERM RENTAL ORDINANCE VIOLATION

Item 10 was removed from the Consent Calendar by staff.

City Manager Michael A. Killebrew stated this item would not require action this evening due to Senate inaction.

11. ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE RESIDENTIAL AND ARTERIAL ROADWAY SLURRY PROGRAM FY 20 PROJECTS

**ADOPTED RESOLUTION 20-09-01-01 ENTITLED:
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA,
APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PROJECT
ENTITLED "RESIDENTIAL AND ARTERIAL ROADWAY SLURRY PROGRAM FY 20
PROJECTS"**

PUBLIC COMMENTS

Mayor Richard A. Viczorek opened Public Comment.

Daud Ahmed (Laguna Beach) spoke regarding a situation where a car was towed in the Puerto Place parking lot and urged Council to address the signage and charges associated with the towing.

City Clerk Kathy Ward and Acting Assistant City Manager Reenders read two (2) Public Comments that were emailed prior to the 4:00 p.m.

Andrea Friedman (Dana Point) wrote regarding the monopoly Cox Communication holds on the City's cable service.

Penny Maynard (Dana Point) wrote regarding her belief that schools should remained closed due to the COVID-19 pandemic.

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 also reported from the San Onofre Nuclear Generating Station Community Engagement Panel Meeting that water at San Onofre is safe based on reports posted on songscommunity.org and urged the community to review the reports.

Council Member Joseph L. Muller stated that he will turn in his list of meetings attended to the City Clerk. He also announced that UCI and the County of Orange are sponsoring OCFA first responders to be tested for COVID-19 antibodies.

Mayor Pro Tem Jamey M. Federico stated he had nothing to report.

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

There were no Unfinished Business items.

NEW BUSINESS

12. FY 20-21 BUDGET UPDATE REGARDING COVID-19 FINANCIAL IMPACTS

City Manager Michael A. Killebrew provided a staff report and PowerPoint.

Discussion ensued.

The Council directed staff to continue to refine the items in the budget categories as core, important, value added, or one time and to continue to be creative with finding additional revenues and solutions moving forward.

The City Council received and filed the report.

13. CONSIDERATION OF FILLING COUNCIL VACANCY CREATED BY RESIGNATION OF COUNCIL MEMBER LEWIS

City Attorney Patrick Munoz provided a staff report.

Mayor Richard A. Viczorek opened Public Comment.

City Clerk Kathy Ward read one (1) Public Comment that was emailed prior to 4:00 p.m.

Mark Zanides wrote in opposition of appointing an interim Council Member.

Mayor Richard A. Viczorek closed Public Comment.

Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER JOSEPH L. MULLER, SECONDED BY MAYOR PRO TEM JAMEY M. FEDERICO THAT THE CITY COUNCIL LEAVE THE CITY COUNCIL SEAT VACANT UNTIL FILLED AT THE GENERAL MUNICIPAL ELECTION CALLED ON NOVEMBER 3, 2020.

The motion carried by the following vote:

AYES: 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

14. MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF DANA POINT AND ORANGE COUNTY UNITED WAY

Assistant City Manager Kelly Reenders provided a staff report and Council Member Paul N Wyatt provided additional details on the program.

IT WAS MOVED BY COUNCIL MEMBER PAUL N WYATT, SECONDED BY MAYOR PRO TEM JAMEY M. FEDERICO THAT THE CITY COUNCIL APPROVE THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF DANA POINT AND THE ORANGE COUNTY UNITED WAY FOR THE PURPOSE OF PROVIDING FINANCIAL LITERACY COACHING AND EDUCATION, CASE MANAGEMENT AND WRAP-AROUND SERVICES TO PARENTS OF R.H. DANA ELEMENTARY SCHOOL AND RESIDENTS OF DANA POINT TO OVERCOME BARRIERS TO STABLE HOUSING, EDUCATION AND FINANCIAL STABILITY; AND AUTHORIZE THE CITY MANAGER TO SIGN THE MOU.

Discussion ensued.

The motion carried by the following vote:

AYES: 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

STAFF REPORTS

City Manager Michael A. Killebrew reported that the State has a new color system for Counties to direct reopening and Orange County is projected to reach the red tier by September 8th and there will then be a 14-day wait for K-12 schools to potentially reopen. He encouraged the community to be safe so we can continue to lower the COVID-19 numbers. He added that the Recreation Program is open for fall class registration and encouraged the community to look at the digital magazine on danapoint.org.

City Attorney Patrick Munoz stated that he had nothing to report.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Richard A. Viczorek adjourned the meeting at 7:18 p.m. He announced that the next Regular Meeting of the City Council will be September 15, 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 SEPTEMBER 15, 2020.

Meetings attended since July 22, 2020:

Mayor Richard A. Viczorek

- 07/30/2020 DP Chamber of Commerce Meeting
- 08/13/2020 SJHTCA Board of Directors Meeting
- 08/20/2020 OCMVCD Board of Trustees Meeting
- 08/25/2020 Financial Review Committee Meeting

Council Member Paul N Wyatt

- 07/22/2020 211OC Board of Directors Meeting
- 07/23/2020 San Onofre Nuclear Generating Station Community Engagement Panel Members Meeting
- 07/24/2020 211OC and Community Information Exchange San Diego Technical Discussion
- 07/27/2020 Ariel Hyatt, Habitat for Humanity, regarding Data Integration for the Homeless
- 07/28/2020 OC United Way Financial Literacy Workshop
- 07/28/2020 Be Well OC Digital Platform Advisory Group Meeting
- 08/05/2020 Be Well OC Technical Team regarding Digital Platform
- 08/05/2020 Community Information Exchange San Diego Technology Discussion
- 08/05/2020 Marshall Moncrief, CEO, Be Well OC, regarding digital navigation system for behavioral health services
- 08/06/2020 211OC Mobile Optimization Discussion
- 08/06/2020 South OC Watershed Management Area Executive Committee Meeting
- 08/07/2020 Be Well OC Digital Platform Advisory Group Meeting
- 08/10/2020 Be Well OC Technical Team regarding Digital Platform
- 08/11/2020 211OC HMIS and Outreach Digital App Meeting
- 08/11/2020 Be Well OC Digital Platform Advisory Group Meeting
- 08/12/2020 211OC HMIS Follow-up meeting with Bitfocus
- 08/19/2020 OC Commission to End Homelessness Meeting
- 08/20/2020 San Onofre Nuclear Generating Station Community Engagement Panel Meeting
- 08/24/2020 OC United Way, Capo Unified School District, RH Dana School Principal, regarding outreach to those with high financial risk due to COVID-19
- 08/25/2020 Be Well OC Digital Platform Advisory Group Meeting
- 08/26/2020 211OC Board of Directors Meeting
- 08/28/2020 211OC Technical Strategy Meeting

San Onofre Nuclear Generating Station Community Engagement Panel Presentation on 08/20/2020

Over the past several weeks, a group has been posting signs on beach access points from La Jolla Shores to Dana Point warning visitors about radioactive contamination and advising visitors to swim at their own risk. These signs are being posted without permits and the warnings are without merit. At the August 20 CEP meeting, Dr. Eric Goldin, an expert on the subject with no ties to SCE presented the facts on the SONGS batch releases of radioactive water into the Pacific. Dr. Goldin's report can be found on the SONGS decommissioning website, www.somgsccommunity.com. Here are some of the data: the total radiation released by SONGS in 2020 will be 0.051 millirem; the USA average annual natural background radiation is 310 millirem; the average annual radiation from dental and medical x-rays is 310 millirem; and the average radiation from a cross-county flight is 5 millirem. The Surfrider Foundation looked into

this and in a blog posted "if you surfed San Onofre every single day for your entire life (100 years) your radiation exposure would still be one-tenth that of a single dental x-ray."

Council Member Joseph L. Muller

07/22/2020 TCA
07/22/2020 OCTA
07/23/2020 OCFA
07/27/2020 OCTA
07/27/2020 TCA
08/03/2020 OCTA
08/06/2020 Sheriff Barnes
08/06/2020 OC Parks
08/10/2020 OCTA
08/12/2020 OCTA
08/13/2020 TCA
08/14/2020 League of Cities
08/24/2020 OCTA
08/26/2020 TCA
08/27/2020 TCA
08/31/2020 TCA