

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
MARCH 6, 2018
5:00 P.M.**

MINUTES

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

Next City Council Ordinance No. 18-03

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor 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
Joseph L. Muller, Mayor Pro Tem
Debra Lewis, Council Member
John A. Tomlinson, Council Member
Paul N Wyatt, Council Member

CLOSED SESSION

City Attorney Munoz stated that an issue had come up since the agenda was posted which may require action by the City Council. He added that he would like to add the additional case to Anticipated Litigation, changing the cases from two to three.

IT WAS MOVED BY MAYOR VICZOREK, SECONDED BY MAYOR PRO TEM MULLER, THAT THE CITY COUNCIL ADD AN ADDITIONAL ITEM TO ITEM A – ANTICIPATED LITIGATION.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

City Attorney Munoz indicated that there was a need for Closed Session as follows:

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (3 cases)

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (1 case)
Bertha v. City of Dana Point, et al., Superior Court Case No. 30-2017-00932275

C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Government Code § 54956.8

Location: APN: 682-023-01
Agency Negotiator: Mark Denny, City Manager
Negotiating Parties: City of Dana Point and County of Orange
Under Negotiation: Price and terms of agreement relating to property

Mayor Viczorek recessed the meeting into a Closed Session at 5:02 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Viczorek reconvened the meeting at 6:08 p.m. All Council Members were present.

STAFF PRESENT: Mark Denny, City Manager; Patrick Munoz, City Attorney; Mike Killebrew, Assistant City Manager; Kathy Ward, City Clerk; Mike Rose, Director of General Services; Lt. Russ Chilton; Lt. Margie Sheehan; Ursula Luna-Reynosa, Director of Community Development; Matthew Sinacori, Director of Public Works and Engineering; Matthew Schneider, Planning Manager; Kelly Reenders, Economic Development Manager; and Bobbi Ogan, Deputy City Clerk.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that the City Council had not concluded their Closed Session discussion and that they would have to continue after the regular meeting.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pro Tem Muller.

INVOCATION

The Invocation was provided by Associate Pastor Jens Christy from Capo Beach Church.

PRESENTATIONS AND PROCLAMATIONS

STEM Presentation by R.H. Dana Principal Christina Portillo

Ms. Portillo described the new science and technology academy that has been created at R.H. Dana Elementary. She announced that they would be holding a career day on April 20th and invited anyone who had a background in science, technology, engineering or math to come and speak to the students.

Presentation to Chief of Police, Lt. Russ Chilton

The following presentations were made to Lt. Russ Chilton in honor of his upcoming retirement from the Orange County Sheriff's Department:

- Mayor Viczorek presented a Certificate on behalf of Congressman Darrell Issa
- Rhonda Reardon of State Senator Pat Bates' Office
- Anne Figueroa of Assembly Member Bill Brough's Office
- Diane Harkey, State Board of Equalization
- Sheriff Sandra Hutchens - Orange County Sheriff's Department
- Bev Jorgensen – Dana Point Chamber of Commerce
- Commander Wayne Yost – VFW Post 9934
- Jim Miller – Harbor Merchants Association
- City Manager Mark Denny presented a City Tile
- Mayor Viczorek presented a Proclamation

Members of the Public:

- Joanna Adrian thanked Lt. Chilton for his service over the years
- Don Hansen and Donna Kalez presented Lt. Chilton with some Dana Wharf tee shirts and a lifetime pass to be used for fishing or whale watching.

CONSENT CALENDAR

Council Member Wyatt removed Item 11 and Council Member Lewis removed Items 4, 10, 12, and 13 from the Consent Calendar.

IT WAS MOVED BY MAYOR VICZOREK, SECONDED BY MAYOR PRO TEM MULLER, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 4, 10, 11, 12, AND 13.

The motion carried by the following vote:

AYES: Council Member Debra Lewis, Council Member John A. Tomlinson, Council Member Paul N Wyatt, Mayor Pro Tem Joseph L. Muller, 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 ON THE CONSENT CALENDAR AND THAT FURTHER READING OF SUCH ORDINANCES BE WAIVED.

2. REGULAR MEETING MINUTES, FEBRUARY 20, 2018

APPROVED THE MINUTES.

3. ADJOURNED REGULAR MEETING STRATEGIC PLAN WORKSHOP MINUTES, FEBRUARY 13, 2018

APPROVED THE MINUTES.

4. PLANNING COMMISSION MEETING MINUTES, FEBRUARY 12, 2018

Council Member Lewis removed this item from the Consent Calendar.

Discussion ensued.

IT WAS MOVED BY MAYOR VICZOREK, SECONDED BY MAYOR PRO TEM MULLER, THAT THE CITY COUNCIL RECEIVE AND FILE.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

5. YOUTH BOARD MEETING MINUTES, JANUARY 18, 2018

RECEIVED AND FILED.

6. YOUTH BOARD MEETING MINUTES, FEBRUARY 1, 2018

RECEIVED AND FILED.

7. HOMELESS TASK FORCE MEETING MINUTES, NOVEMBER 27, 2017

RECEIVED AND FILED.

8. HOMELESS TASK FORCE MEETING MINUTES, JANUARY 29, 2017

RECEIVED AND FILED.

9. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

10. CLAIMS AND DEMANDS

Council Member Lewis removed this item from the Consent Calendar.

Discussion ensued involving both Item 10 and 11.

11. CITY TREASURER’S REPORT, JANUARY 2018

Council Member Wyatt removed this item from the Consent Calendar.

RECEIVED AND FILED THE CITY TREASURER’S REPORT FOR THE MONTH OF JANUARY 2018.

IT WAS MOVED BY MAYOR VICZOREK, SECONDED BY MAYOR PRO TEM MULLER, THAT THE CITY COUNCIL RECEIVE AND FILE BOTH ITEMS 10 AND 11.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

12. AWARD OF CONTRACT FOR CITY-WIDE CUSTODIAL SERVICES

Council Member Lewis removed this item from the Consent Calendar.

Brief discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER TOMLINSON, SECONDED BY MAYOR PRO TEM MULLER, THAT THE CITY COUNCIL AWARD A CONTRACT TO SYSTEM4 SOUTHERN CALIFORNIA, INC. AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT INCLUDING THE OPTION OF FOUR, ONE YEAR EXTENSIONS WITH AMENDMENT TO INCLUDE THE WORDS IN PAYMENT (a) “STATED IN EXHIBIT B OF SECTION 10B”.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

13. ADOPTION OF A RESOLUTION APPROVING THE CITY’S REVISED EMERGENCY PLAN

Council Member Lewis removed this item from the Consent Calendar.

Brief discussion ensued.

IT WAS MOVED BY MAYOR VICZOREK, SECONDED BY MAYOR PRO TEM MULLER, THAT THE CITY COUNCIL ADOPT **RESOLUTION 18-03-06-01** ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA,
ADOPTING THE REVISED CITY OF DANA POINT EMERGENCY PLAN.*

The motion carried by the following vote:

AYES: Council Member John A. Tomlinson, Council Member Paul N Wyatt, Mayor Pro Tem Joseph L. Muller, and Mayor Richard A. Viczorek

NOES: Council Member Debra Lewis

ABSENT: None

PUBLIC COMMENTS

Amy Hanacek, Dana Point, provided an update on what the school district has done towards student safety.

Mark Zanides, Dana Point, spoke regarding records requests he has made and the process.

PUBLIC HEARINGS

14. PUBLIC HEARING TO TAKE INPUT REGARDING POTENTIAL TRANSITION TO BY-DISTRICT ELECTIONS FOR CITY COUNCIL MEMBERS

City Attorney Munoz provided an introduction and Doug Johnson of National Demographics Corporation provided a PowerPoint presentation.

Discussion ensued.

Mayor Viczorek opened the Public Hearing.

Edward Leonard, Dana Point, recommended that the City Council follow the Mission Viejo approach.

Joanie McKnight, Dana Point, asked the City to inform the public about this as she felt that no one had any idea that it was being discussed.

Buck Hill, Capistrano Beach, asked how the proposed districts would interface with the voting precincts.

Mayor Viczorek closed the Public Hearing.

Discussion ensued.

UNFINISHED BUSINESS

15. FINANCIAL REVIEW COMMITTEE CHARTER UPDATE

Discussion ensued.

IT WAS MOVED BY MAYOR VICZOREK, SECONDED BY MAYOR PRO TEM MULLER, THAT THE CITY COUNCIL REPLACE THE CHARTER WITH THE ORIGINAL CHARTER AND THAT THE COMMITTEE CONSIST OF THE CITY MANAGER, ASSISTANT CITY MANAGER, A MEMBER OF THE PUBLIC APPOINTED BY THE CITY COUNCIL, AND THE INDEPENDENT AUDITOR.

Discussion ensued.

COUNCIL MEMBER TOMLINSON MADE A SUBSTITUTE MOTION, SECONDED BY MAYOR PRO TEM MULLER FOR DISCUSSION, THAT THE COMMITTEE BE CONSISTENT WITH THE WAY THE OTHER COMMITTEES ARE CREATED WHERE THE CITY COUNCIL APPOINTS THE MEMBERS AS OUTLINED IN CHAPTER 2.06 BOARDS AND COMMISSIONS AND REVIEW THE FRC CHARTER.

Discussion ensued and Council Member Tomlinson withdrew his substitute motion with the idea that the item would return for Council consideration in April.

NEW BUSINESS

16. ANNUAL REVIEW OF INVESTMENT POLICY

Mayor Viczorek opened the Public Comments.

Buck Hill, Capistrano Beach, shared his thoughts on the proposed investment policy and provided suggestions.

Mayor Viczorek closed the Public Comments.

Discussion ensued.

IT WAS MOVED BY MAYOR VICZOREK, SECONDED BY MAYOR PRO TEM MULLER, THAT THE CITY COUNCIL APPROVE THE CITY'S STATEMENT OF SAFEKEEPING AND INVESTMENT OF PUBLIC FUNDS POLICY WITH THE REMOVAL OF THE PARAGRAPH THAT STATES HOW THE FINANCE REVIEW COMMITTEE IS CONSTITUTED.

The motion carried by the following vote:

AYES: Council Member John A. Tomlinson, Council Member Paul N Wyatt, Mayor Pro Tem Joseph L. Muller, and Mayor Richard A. Viczorek

NOES: Council Member Debra Lewis

ABSENT: None

17. COUNCIL MEMBER LEWIS: ROBERT'S RULES OF ORDER (Carried Over from February 20, 2018)

Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER LEWIS, SECONDED BY COUNCIL MEMBER WYATT, THAT THE CITY COUNCIL CLARIFY THAT ROBERT'S RULES OF ORDER APPLY TO CITY COUNCIL MEETINGS AND AGREE UPON WEBSTER'S NEW WORLD ROBERT'S RULES OF ORDER SIMPLIFIED AND APPLIED AS A SOURCE OF REFERENCE.

The motion failed by the following vote:

AYES: Council Member Debra Lewis and Council Member Paul N Wyatt

NOES: Council Member John A. Tomlinson, Mayor Pro Tem Joseph L. Muller, and Mayor Richard A. Viczorek

ABSENT: None

PUBLIC COMMENTS (Continued)

There were no additional Public Comments received.

STAFF REPORTS

There were no Staff Reports.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

18. COUNCILMEMBER LEWIS: RECEIVE STAFF REPORT ON STATUS OF CITY OPEN DATA/OPEN GOVERNMENT INITIATIVE

Council Member Lewis provided an introduction and City Manager Denny reported that staff was currently in negotiations with OpenGov and that he expected to return to the Council with a proposal in April.

19. MAYOR VICZOREK: RECEIVE STAFF REPORT ON STATUS OF HOMELESS TASK FORCE WORK PLAN

Economic Development Manager Reenders provided an update.

20. MAYOR PRO TEM MULLER: DISCUSS SHORT TERM RENTALS

Mayor Pro Tem Muller provided a report.

Discussion ensued and staff will return to discuss this item in the future.

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

Council Member Tomlinson stated that he would turn in his list of meetings attended to the City Clerk.

Mayor Pro Tem Muller stated that he would turn in his list of meetings attended to the City Clerk.

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

CLOSED SESSION – Continued

Mayor Viczorek recessed the meeting into a Closed Session at 9:58 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Viczorek reconvened the meeting at 10:33 p.m. All Council Members were present.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz reported that there was nothing to report.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Viczorek adjourned the meeting at 10:33 p.m. and announced that the next Regular Meeting of the City Council will be March 20, 2018, 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 MARCH 20, 2018

Meetings attended since February 20, 2018:

Mayor Richard A. Viczorek

February 23 OCFA Best and Bravest Awards Dinner
February 28 Strategic Plan Workshop
March 3 Festival of Whales Parade

Mayor Pro Tem Joseph L. Muller

February 21 OC Realtors
February 22 OCFA
February 23 OCFA
February 27 Meeting with Resident
February 27 Visit Dana Point Board Meeting
OCFA
March 1 Meeting with Resident
OCFA
OC Parks
March 2 OCFA

Council Member Debra Lewis

February 21 Bev Jorgensen DP Chamber
February 26 Homeless Task Force
Planning Commission
February 27 Johnny Westcom Visit Dana Point
February 28 City Council Strategic Planning
March 1 Toni Iseman City Council, Laguna Beach
March 3 Festival of the Whales
March 4 Festival of the Whales
March 6 Residents Meeting

Council Member Paul N Wyatt

February 23 South OC Economic Review
OCFA Best and Bravest Awards Dinner
February 24 Ocean Institute Girls in Marine Sciences Day
February 26 Dr. Christina Portillo, Principal R. H. Dana Elementary School
Dana Point Homeless Task Force
February 27 OC Faith Leader United to End Homelessness
Jonny Weston, Director of Visit Dana Point
February 28 City of Dana Point City Council Strategic Planning Work Shop
March 2 Lt. Margie Sheehan, Incoming Dana Point Police Chief
March 3 Festival of Whales Parade