

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
MAY 4, 2021  
5:00 P.M.**

## **MINUTES**

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

Next City Council Ordinance No. 21-02

### **CALL TO ORDER**

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Jamey M. Federico at 5:00 p.m. in the City Council Chambers, 33282 Golden Lantern, Dana Point. All Council Members were present.

### **ROLL CALL OF CITY COUNCIL MEMBERS:**

Jamey M. Federico, Mayor  
Joseph L. Muller, Mayor Pro Tem  
Mike Frost, Council Member  
Richard A. Viczorek, Council Member  
Michael Villar, 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 REAL PROPERTY NEGOTIATOR, Government Code § 54956.8, (1 case)

Location: Pacific Coast Hwy along the West side of Doheny Park Drive;  
Orange County Assessor Parcel No. 668-203-01  
Agency Negotiator: Matthew Sinacori, Director of Public Works; City Attorney's Office  
Negotiating Parties: City of Dana Point and Bruce Hitchman and Lee Ann Hitchman,  
Co-Trustees of the Billy Lee Holder Sr. Revocable Trust Dated  
December 4, 2020  
Under Negotiation: Price and terms of agreement relating to property

Mayor 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 Jamey M. Federico reconvened the meeting at 6:02 p.m.

STAFF PRESENT: Michael A. Killebrew, City Manager, Kelly Reenders, Assistant City Manager; Patrick Munoz, City Attorney; Capt. Kirsten Monteleone, Robert Sedita, Director of General Services; Brenda Wisneski, Community Development Director; Matt Sinacori, Public Works Director and City Engineer; Jeff Rosaler, Community Development Manager; Jonathan Ciampa, Senior Planner; Jaimie To, Management Analyst; and Shayna Sharke, Deputy City Clerk.

## **PLEDGE OF ALLEGIANCE**

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

## **INVOCATION**

There was no Invocation.

## **PRESENTATIONS AND PROCLAMATIONS**

### National Small Business Week Proclamation

Mayor Jamey M. Federico and Kelly Reenders, Assistant City Manager/Director of Economic Development, presented Vickie McMurchie, Executive Director of the Chamber of Commerce, and Ryan Krause, Chairman of the Chamber of Commerce, with a Proclamation announcing National Small Business Week.

## **READING OF ORDINANCE TITLES**

Deputy City Clerk Shayna Sharke read one (1) Ordinance title.

## **CONSENT CALENDAR**

IT WAS MOVED BY MAYOR JAMEY M. FEDERICO, SECONDED BY MAYOR PRO TEM JOSEPH L. MULLER, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR.

The motion carried by the following vote:

AYES: Council Member Mike Frost, Council Member Richard A. Viczorek, Council Member Michael Villar, Mayor Pro Tem Joseph L. Muller, and Mayor Jamey M. Federico

NOES: None

ABSENT: None

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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, APRIL 20, 2021**

APPROVED THE MEETING MINUTES.

3. **PLANNING COMMISSION MEETING MINUTES, APRIL 12, 2021**

RECEIVED AND FILED.

4. **FINANCIAL REVIEW COMMITTEE MINUTES, JANUARY 26, 2021**

RECEIVED AND FILED.

5. **OCEAN WATER QUALITY SUBCOMMITTEE MINUTES, FEBRUARY 25, 2020**

RECEIVED AND FILED.

6. **TRAFFIC IMPROVEMENT SUBCOMMITTEE, FEBRUARY 19, 2020**

RECEIVED AND FILED.

7. **YOUTH BOARD MEETING MINUTES, APRIL 1, 2021**

RECEIVED AND FILED.

8. **MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR**

RECEIVED AND FILED.

9. **CITY TREASURER'S REPORT, MARCH 2021**

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR MARCH, 2021.

10. **CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

11. **QUARTERLY FINANCIAL REPORT, MARCH 2021**

RECEIVED AND FILED THE CITY FINANCIAL REPORT AND MANAGEMENT DISCUSSION FOR THE QUARTER ENDED MARCH 31, 2021.

**12. CONTRACT AGREEMENT RENEWAL BETWEEN ALL CITY MANAGEMENT SERVICES, INC. AND THE CITY OF DANA POINT FOR CROSSING GUARD SERVICES**

AUTHORIZED THE CITY MANAGER TO APPROVE THE RENEWAL OF A CONTRACT AGREEMENT BETWEEN ALL CITY MANAGEMENT SERVICES, INC. AND THE CITY OF DANA POINT FOR SCHOOL CROSSING GUARD SERVICES FOR FISCAL YEAR 2021-22.

**13. CONTRACT AMENDMENT BETWEEN THE CITY OF DANA POINT AND SOUTHERN CALIFORNIA SOUND STAGE & LIGHTING CORPORATION**

AUTHORIZED THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH SOUTHERN CALIFORNIA SOUND STAGE & LIGHTING CORPORATION FOR SOUND AND STAGE FOR 2021 CONCERTS IN THE PARK.

**14. AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE CITYWIDE ASPHALT REPAIRS FY20/21 PROJECT**

1) APPROVED THE AWARD OF A CONTRACT TO ONYX PAVING COMPANY, INCORPORATED FOR CONSTRUCTION OF THE CITYWIDE ASPHALT REPAIRS FY 20/21 PROJECT; AND

2) AUTHORIZED THE CITY MANAGER OR HIS DESIGNEE TO SIGN AND ADMINISTER THE SUBJECT CONTRACT AND APPROVE ADDITIONAL PAYMENT FOR CHANGE ORDERS, CONTINGENCIES, AND SOILS AND MATERIAL TESTING FOR THE PROJECT, AND TO PROCESS THE RECOMMENDED FUNDING TRANSFER; AND

3) AUTHORIZED ADDITIONAL MATERIALS INSPECTION AND TESTING SERVICES PER THE AS-NEEDED CONSULTANT SERVICES AGREEMENT WITH GMU GEOTECHNICAL FOR GEOTECHNICAL ENGINEERING AND MATERIALS TESTING.

**PUBLIC COMMENTS**

Brandon Day (Dana Point) referenced a report regarding misogyny charges and asked what the costs associated were. He discussed the credibility of the witnesses within the report. The document was submitted for the record.

Barbara Wilson (Dana Point) requested that the Mayor reorder the Agenda to hear Item 17 first.

**PUBLIC HEARINGS**

There were no Public Hearings.

**UNFINISHED BUSINESS**

There was no Unfinished Business.

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## **NEW BUSINESS**

### **15. LETTER IN SUPPORT OF THE CAPISTRANO BAY DISTRICT'S REQUEST TO ACTIVATE LATENT POWER RELATED TO SHORELINE PROTECTION**

City Manager Michael A. Killebrew provided a staff report.

Don Russell (Resident, General Manager of Capistrano Bay District) spoke in favor of approving the letter.

Discussion ensued.

IT WAS MOVED BY MAYOR JAMEY M. FEDERICO, SECONDED BY COUNCIL MEMBER MICHAEL VILLAR, THAT THE CITY COUNCIL AUTHORIZE THE MAYOR TO SEND A LETTER IN SUPPORT OF THE CAPISTRANO BAY DISTRICT'S REQUEST TO ACTIVATE LATENT POWER RELATED TO SHORELINE PROTECTION.

The motion carried by the following vote:

AYES: Council Member Mike Frost, Council Member Richard A. Viczorek, Council Member Michael Villar, Mayor Pro Tem Joseph L. Muller, and Mayor Jamey M. Federico

NOES: None

ABSENT: None

### **16. FISCAL YEAR 21/22 AND FY 22/23 BUDGET WORKSHOP**

City Manager Michael A. Killebrew provided a staff report.

THE CITY COUNCIL CONDUCTED A WORKSHOP TO DISCUSS THE CITY OF DANA POINT PROPOSED OPERATING AND CAPITAL IMPROVEMENT BUDGETS FOR FISCAL YEARS 2021-2022 ("FY 22") AND 2022-2023 ("FY23")

Discussion ensued.

City Manager Michael A. Killebrew stated that a Public Hearing to consider adopting the proposed Fiscal Year 21/22 and 22/23 Budget will be scheduled for June 1, 2021.

### **17. AMENDMENT TO SECTION 5.38 OF THE MUNICIPAL CODE FOR NEW AND ENHANCED REGULATIONS AND INCREASED PENALTIES AND VIOLATIONS FOR SHORT-TERM RENTALS**

Community Development Director Brenda Wisneski, Community Development Manager Jeff Rosaler, and Senior Planner John Ciampa provided a staff report.

Mayor Jamey M. Federico opened Public Comment.

Betty Hill (Dana Point) spoke in opposition of the proposed Ordinance and Short Term Rentals.

Paul N Wyatt (Dana Point) spoke in opposition of the proposed Ordinance and Short Term Rentals.

Suzanne Christensen (Dana Point) spoke in support of the proposed Ordinance, but had concerns with the fine increase.

Sherry Cuomo (Dana Point) spoke in support of the proposed Ordinance.

Susan Hinman (Dana Point) spoke in opposition of the proposed Ordinance and Short Term Rentals.

Melissa Spangler (Dana Point) spoke in support of the proposed Ordinance, but had concerns with the proposed three strikes regulation and the fine increase.

Matthew Agren read statements from Roger Malcom and Alan Bell in opposition of the proposed Ordinance.

Mark Zanides (Dana Point) spoke in opposition of the proposed Ordinance and Short Term Rentals.

George Ray (Dana Point) spoke in support of the proposed Ordinance.

Mr. Israel (Dana Point) spoke in support of the proposed Ordinance.

Nick Tarantino (Dana Point) spoke in opposition of the proposed Ordinance and Short Term Rentals.

Kim Tarantino (Dana Point) read a statement from Buck Hill in opposition of the proposed Ordinance and Short Term Rentals.

Barbara Wilson (Dana Point) spoke in opposition of the proposed Ordinance and Short Term Rentals.

Miriam Rupke (Dana Point) spoke in favor of the proposed Ordinance.

Carol Kelly (Dana Point) spoke in opposition of the proposed Ordinance and Short Term Rentals.

David Mann (Dana Point) spoke in opposition of the proposed Ordinance and Short Term Rentals.

Laurie Beylik (Dana Point) spoke in support of the proposed Ordinance

Mayor Jamey M. Federico closed Public Comment.

Discussion ensued.

Planning Commissioner Chair Eric Nelson answered questions of the City Council.

IT WAS MOVED BY COUNCIL MEMBER MICHAEL VILLAR, SECONDED BY COUNCIL MEMBER MIKE FROST, THAT THE CITY COUNCIL TABLE THE FIRST READING UNTIL ADDITIONAL COMMUNITY AND STAKEHOLDER OUTREACH IS COMPLETED AND MORE INFORMATION IS GATHERED.

City Attorney Patrick Munoz clarified the difference between tabling and continuing an item.

COUNCIL MEMBER MICHAEL VILLAR AMENDED HIS MOTION TO STATE THAT THE CITY COUNCIL CONTINUE THE ITEM UNTIL A REVISED ORDINANCE IS DRAFTED WITH ADDITIONAL COMMUNITY AND STAKEHOLDER OUTREACH AND A MORE DETAILED OUTLINE OF PHASE 2 IS DRAFTED. THE AMENDMENT WAS ACCEPTED BY COUNCIL MEMBER MIKE FROST.

Discussion ensued.

A FRIENDLY AMENDMENT WAS MADE BY MAYOR PRO TEM JOSEPH L. MULLER TO CONTINUE THE ITEM TO THE REGULAR CITY COUNCIL MEETING OF MAY 18, 2021 WITH ADDITIONAL DIRECTION TO STAFF REGARDING PHASE 1.

THE FRIENDLY AMENDMENT WAS NOT ACCEPTED BY COUNCIL MEMBER VILLAR.

COUNCIL MEMBER MICHAEL VILLAR AMENDED HIS MOTION TO CONTINUE THE ITEM UNTIL THE PHASE 2 DRAFT IS COMPLETED.

The motion failed due to lack of a second.

A MOTION WAS MADE BY MAYOR PRO TEM JOSEPH L. MULLER, SECONDED BY COUNCIL MEMBER RICHARD A. VICZOREK, THAT THE CITY COUNCIL DIRECT STAFF TO DRAFT A REVISED ORDINANCE FOCUSING ON PHASE 1 WITH ADDITIONAL INPUT FROM THE COUNCIL AND HOLD A FIRST READING OF THE REVISED ORDINANCE AT THE REGULAR CITY COUNCIL MEETING OF MAY 18, 2021.

Discussion ensued and direction was given to Staff by each Council Member.

The motion carried by the following vote:

AYES: Council Member Mike Frost, Council Member Richard A. Viczorek, Mayor Pro Tem Joseph L. Muller, and Mayor Jamey M. Federico

NOES: Council Member Michael Villar

ABSENT: None

## **COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED**

Mayor Jamey M. Federico stated he has turned in his list of meetings attended to the City Clerk.

Council Member Mike Frost stated that he will turn in his list of meetings attended to the City Clerk.

Mayor Pro Tem Joseph L. Muller stated he has turned in his list of meetings attended to the City Clerk.

Council Member Richard A. Viczorek stated that he has turned in his list of meetings attended to the City Clerk.

Council Member Michael Villar stated he has turned in his list of meetings attended to the City Clerk.

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## STAFF REPORTS

City Manager Michael A. Killebrew stated that he had nothing to report.

City Attorney Patrick Munoz stated that court case results for Crackey v. Santa Barbara were released regarding Short Term Rentals.

## ADJOURNMENT

There being no further business before the City Council at this session, Mayor Jamey M. Federico adjourned the meeting at 9:49 p.m. He announced that the next Regular Meeting of the City Council will be May 18, 2021, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.



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KATHY M. WARD  
CITY CLERK

APPROVED AT THE MEETING OF May 18, 2021



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**Meetings attended since April 21, 2021:**

**Mayor Jamey M. Federico**

04/21/2021 ACC-OC Board Meeting  
04/24/2021 Meeting with Residents  
04/25/2021 Meeting with Pet Project Foundation  
04/26/2021 Meeting with Residents  
05/04/2021 Meeting with Bret Lindstrom, 33758 Copper Lantern, re: 25022 Selva Road

**Mayor Pro Tem Joseph L. Muller**

04/22/2021 TCA  
04/22/2021 OCFA  
04/26/2021 OCTA  
04/28/2021 TCA  
04/28/2021 OCTA  
05/03/2021 OCTA

**Council Member Mike Frost**

04/22/2021 ACC-OC  
04/24/2021 Lantern Village Association  
04/27/2021 Ocean Water Quality Subcommittee  
04/27/2021 Financial Review Committee

**Council Member Richard A. Viczorek**

No meetings to report.

**Council Member Michael Villar**

04/29/2021 Dana Point Affordable Housing Group