

CITY OF DANA POINT

**CITY COUNCIL
ADJOURNED REGULAR
MEETING**



**MONDAY
AUGUST 9, 2021
5:30 P.M.**

MINUTES

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

Next City Council Ordinance No. 21-03

CALL TO ORDER

The Adjourned Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Jamey M. Federico at 5:30 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

There were no Closed Session Items.

STAFF PRESENT: Michael A. Killebrew, City Manager; Kelly Reenders, Assistant City Manager; Patrick Munoz, City Attorney; Shayna Sharke, City Clerk; James Shadle, Acting Director of General Services; Brenda Wisneski, Community Development Director; Matthew Sinacori, Public Works Director and City Engineer; Belinda Deines, Principal Planner; and Staci Sheaks, 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

There were no Presentations or Proclamations.

READING OF ORDINANCE TITLES

City Clerk Shayna Sharke read four (4) Ordinance titles.

CONSENT CALENDAR

Items 8 and 9 were pulled by the Public.

IT WAS MOVED BY MAYOR PRO TEM JOSEPH L. MULLER, SECONDED BY MAYOR JAMEY M. FEDERICO THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 8 AND 9.

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

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 20, 2021

APPROVED THE MEETING MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, JUNE 28, 2021

RECEIVED AND FILED.

4. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

5. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

6. ADOPTION OF A RESOLUTION CONCERNING THE STATUS AND UPDATE OF THE PAVEMENT MANAGEMENT PLAN (PMP) FOR THE FY21/22 MEASURE M2 (M2) PROGRAM

THE CITY COUNCIL:

1) **ADOPTED RESOLUTION 21-08-09-XX ENTITLED:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT CONCERNING THE STATUS AND UPDATE OF THE PAVEMENT MANAGEMENT PLAN FOR THE MEASURE M2 (M2) PROGRAM; and

- 2) AUTHORIZED THE MAYOR TO SIGN THE RESOLUTION ON BEHALF OF THE CITY;
AND
 - 3) AUTHORIZED THE CITY MANAGER OR HIS DESIGNEE TO SUBMIT THE RESOLUTION TO OCTA WITH OTHER REQUIRED MEASURE M2 ELIGIBILITY MATERIALS.
7. **DOHENY VILLAGE ZONING CODE UPDATE GENERAL PLAN AMENDMENT 20-0001, ZONE TEXT AMENDMENT 20-0001, ZONE CHANGE 20-0001, AND LOCAL COASTAL PROGRAM AMENDMENT 20-0001**

HELD A SECOND READING AND ADOPTED ORDINANCE 21-03 ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT GPA 20-0001, WHICH AMENDS THE GENERAL PLAN LAND USE ELEMENT BY MODIFYING THE LAND USE DESIGNATION OF "COMMERCIAL/RESIDENTIAL" AND CREATING NEW LAND USE DESIGNATIONS OF "COMMERCIAL/MAIN STREET" AND "COMMERCIAL/INDUSTRIAL" WITH CHANGES TO LAND USE DESIGNATIONS, DEVELOPMENT INTENSITY, AND RESIDENTIAL DENSITY STANDARDS, AND SUBMISSION OF GPA 20-0001 AS LOCAL COASTAL PROGRAM AMENDMENT LCPA 20-0001 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION; and

HELD A SECOND READING AND ADOPTED ORDINANCE 21-04 ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA 20-0001 AND ZONE CHANGE ZC 20-0001 TO ESTABLISH CHAPTER 9.14 DOHENY VILLAGE DISTRICTS OF THE ZONING ORDINANCE AND TO CHANGE THE ZONING DISTRICT DESIGNATIONS OF THE PROJECT AREA, AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA 20-0001 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION

8. **STATE REGULATIONS AFFECTING COMMERCIAL HARBOR CRAFT**

Item 8 was pulled by the Public.

Mayor Jamey M. Federico opened Public Comment.

Donna Kalez (Dana Wharf Sportfishing) spoke of her concerns with the proposed California Air Resources Board (CARB) regulations and the negative impact they would have on her business.

Ken Franke (Sportfishing Association of California) provided a Power Point Presentation illustrating the negative impacts the proposed CARB regulations would have and asked for the support of the City Council.

Vickie McMurchie (Dana Point Chamber of Commerce) spoke in support of the Sportfishing Association of California and announced that the Chamber of Commerce Board of Directors voted to join the Coalition Opposed to CARB regulations.

Jim Holden (Fish for Life) spoke in support of the sportfishing industry and Dana Wharf Sportfishing and asked for the City Council's support in opposing the proposed Regulations.

Hoyin Ip (Sierra Club) spoke with concerns regarding air quality and the emissions from boats and urged the City Council to invite CARB to speak.

Mayor Jamey M. Federico closed Public Comment.

Discussion ensued.

IT WAS MOVED BY MAYOR PRO TEM JOSEPH L. MULLER THAT THE CITY COUNCIL TAKE AN OPPOSED UNLESS AMENDED POSITION ON THE PROPOSED REGULATIONS AND SEND A LETTER TO THE GOVERNOR.

A FRIENDLY AMENDMENT WAS MADE BY MAYOR JAMEY M. FEDERICO, AND ACCEPTED BY JOSEPH L. MULLER, THAT THE CITY COUNCIL TAKE AN OPPOSED POSITION AGAINST THE PROPOSED REGULATIONS AND SEND A LETTER TO THE GOVERNOR. MAYOR JAMEY M. FEDERICO SECONDED THE MOTION.

Discussion ensued.

MAYOR JAMEY M. FEDERICO WITHDREW HIS FRIENDLY AMENDMENT AND SECONDED THE ORIGINAL MOTION.

Discussion ensued.

AN AMENDED MOTION WAS MADE BY MAYOR PRO TEM JOSEPH L. MULLER, SECONDED BY MAYOR JAMEY M. FEDERICO, THAT THE CITY COUNCIL TAKE AN OPPOSED POSITION AGAINST THE PROPOSED REGULATIONS UNLESS AMENDED WITH FEASIBLE GUIDELINES THAT CAN BE IMPLEMENTED WITH THE GOAL OF REDUCING EMISSIONS AND PERMITTING THE INDUSTRY TO CONTINUE TO OBTAIN GRANT MONEY TO COLLABORATIVELY ACQUIRE NEW EQUIPMENT AS NEW TECHNOLOGY IS DEVELOPED.

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

9. GYPSUM CANYON VETERANS' CEMETERY

Item 9 was pulled by the Public.

Mayor Jamey M. Federico opened Public Comment.

Bill Cook (VFW) gave a history of the cemetery location selection and thanked the City Council for the Resolution and their support.

Wayne Yost (VFW Post 9934) provided additional history of the location selection and urged the City Council to support the development of the cemetery.

Mayor Jamey M. Federico closed Public Comment.

Discussion ensued.

IT WAS MOVED BY MAYOR JAMEY M. FEDERICO, SECONDED BY COUNCIL MEMBER MICHAEL VILLAR THAT THE CITY COUNCIL ADOPT RESOLUTION 21-08-09-01 ENTITLED:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA
SUPPORTING A VETERANS' CEMETARY AT GYPSUM CANYON IN ANAHEIM HILLS**

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

10. RECRUITMENT FOR THE PLANNING COMMISSION

DIRECTED STAFF TO PROCEED WITH THE RECRUITMENT OF ONE (1) PLANNING COMMISSION MEMBER.

PUBLIC COMMENTS

Comments were received via email, but none were present.

PUBLIC HEARINGS

11. LOCAL COASTAL PROGRAM AMENDMENT LCPA19-0002/ZONE TEXT AMENDMENT ZTA19-0002(I), RELATED TO JOINT USE OF PARKING FACILITIES AND PUBLIC NOTIFICATION AND ZONE TEXT AMENDMENT ZTA19-0002(II) RELATED TO ACCESSORY DWELLING UNITS

City Attorney Patrick Munoz and Director of Community Development Brenda Wisneski provided a staff report.

Discussion ensued.

Mayor Jamey M. Federico stated that the second reading for these Ordinances, if carried, will be August 23, 2021, at 5:30 P.M.

Mayor Jamey M. Federico opened the Public Hearing at 6:56 P.M.

Michael Lu (Placentia) spoke on behalf of his clients and asked City Council to allow the current standards and processes for currently submitted ADU applications.

Mayor Jamey M. Federico closed the Public Hearing at 6:58 P.M.

Discussion ensued.

IT WAS MOVED BY MAYOR JAMEY M. FEDERICO, SECONDED BY MAYOR PRO TEM JOSEPH L. MULLER THAT THE CITY COUNCIL:

- 1) **ADOPT RESOLUTION 21-08-09 APPROVING AND REQUESTING CERTIFICATION OF LCPA19-0002 FROM THE CALIFORNIA COASTAL COMMISSION ENTITLED:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA FOR SUBMISSION OF ZTA19-0002(I) RELATED TO JOINT USE OF PARKING AND PUBLIC NOTIFICATION AS LOCAL COASTAL PROGRAM AMENDMENT LCPA19-0002 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION; and

- 2) **INTRODUCE A FIRST READING OF ORDINANCE 21-XX ENTITLED:**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA19-0002(I) TO MODIFY THE ZONING CODE RELATED TO JOINT PARKING PROVISIONS AND PUBLIC NOTIFICATION AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA19-0002 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION; and

- 3) **INTRODUCE A FIRST READING OF ORDINANCE 21-XX ENTITLED:**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA19-0002(II) TO MODIFY THE ZONING CODE RELATED TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS.

Discussion ensued.

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

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

There was no New Business.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

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

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

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

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

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

STAFF REPORTS

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

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 Jamey M. Federico adjourned the meeting at 7:20 P.M. He announced that the next Adjourned Regular Meeting of the City Council will be August 23, 2021, at 5:30 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.



SHAYNA SHARKE
CITY CLERK

APPROVED AT THE MEETING OF AUGUST 23, 2021

Meetings attended since July 21, 2021:

Mayor Jamey M. Federico

Nothing to report.

Mayor Pro Tem Joseph L. Muller

07/21/2021 OCTA
07/21/2021 Ocean Institute
07/22/2021 OCFA
07/26/2021 Resident Meeting
07/27/2021 TCA
07/27/2021 WSP
07/28/2021 TCA
07/28/2021 OCTA
08/09/2021 OCTA

Council Member Mike Frost

Council Member Richard A. Viczorek

Nothing to report.

Council Member Michael Villar

Nothing to report.