

# CITY OF DANA POINT

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**CITY COUNCIL  
REGULAR  
MEETING**



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**TUESDAY  
SEPTEMBER 21, 2021  
5:00 P.M.**

## **MINUTES**

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

Next City Council Ordinance No. 21-07

### **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, with the exception of Mayor Pro Tem Joseph L. Muller.

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

Jamey M. Federico, Mayor  
Joseph L. Muller, Mayor Pro Tem (ABSENT)  
Mike Frost, Council Member  
Richard A. Viczorek, Council Member  
Michael Villar, Council Member

### **CLOSED SESSION**

City Attorney Patrick Munoz clarified a typo on the Agenda and announced the following items for Closed Session:

- A. CONFERENCE WITH LEGAL COUNSEL - LITIGATION STRATEGY REVIEW INCLUDING POTENTIAL DISCUSSION OF THE FOLLOWING EXISTING LITIGATION, Government Code § 54956.9 (d)(1), and ANTICIPATED LITIGATION DUE TO THE SIGNIFICANT THREAT OF LITIGATION, Government Code § 54956.9 (d)(2)
  - a. City of Dana Point v. Southern California Recovery Center, TML Holdings, LLC, Case No. 30-2018-01012750
  - b. City of DP v. Sunshine Group LLC (Seaside Inn), Orange County Superior Court Case No. 30-2017- 00915900
  - c. Concerned Residents of Dana Point vs. City of Dana Point Case No. 2019-01117892-CU-TT-CXC

d. Susan A. Aguirre, Trustee Of The Aguirre Family Trust Dated December 29, 1993 v. City of Dana Point, Orange County Superior Court Case No: 30-2021-01217610 CU-WM-CJC

e. Center For Natural Lands Management v City of Dana Point, Orange County Superior Court Case No: 30-2021-01219668 CU-OR-CJC

**B. CONFERENCE WITH LABOR NEGOTIATOR, Government Code § 54957.6**

Agency Designated Representatives: City Manager  
Unrepresented and Represented Employees: All positions in City

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 6:00 p.m. All Council Members were present, with the exception of Mayor Pro Tem Joseph L. Muller.

STAFF PRESENT: Michael A. Killebrew, City Manager; Kelly Reenders, Assistant City Manager; Patrick Munoz, City Attorney; Shayna Sharke, City Clerk; Capt. Kirsten Monteleone, Brenda Wisneski, Community Development Director; Matthew Sinacori, Public Works Director and City Engineer; James Shadle, General Services Director; Jeff Rosaler, Community Development Manager; and Jaimie To, Management Analyst.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Michael Villar.

**INVOCATION**

There was no Invocation.

**PRESENTATIONS AND PROCLAMATIONS**

Business of the Quarter – Waldorf Astoria Monarch Beach

Mayor Jamey M. Federico presented a Certificate of Recognition to George Munz of Waldorf Astoria Monarch Beach.

SONGS Update – Congressman Mike Levin’s Office

Terry VanHorne presented a SONGS Update on behalf of Congressman Levin’s Office.

## **READING OF ORDINANCE TITLES**

There were no Ordinance Titles.

## **CONSENT CALENDAR**

Item 11 was pulled by Staff. Item 17 was pulled by Council Member Mike Frost.

- 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. ADJOURNED REGULAR MEETING MINUTES, AUGUST 23, 2021**  
APPROVED THE MEETING MINUTES.
- 3. PLANNING COMMISSION MEETING MINUTES, AUGUST 9, 2021**  
RECEIVED AND FILED.
- 4. ARTS AND CULTURE COMMISSION MINUTES, JUNE 9, 2021**  
RECEIVED AND FILED.
- 5. ARTS AND CULTURE COMMISSION MINUTES, AUGUST 11, 2021**  
RECEIVED AND FILED.
- 6. FINANCIAL REVIEW COMMITTEE MINUTES, APRIL 27, 2021**  
RECEIVED AND FILED.
- 7. OCEAN WATER QUALITY SUBCOMMITTEE MEETING MINUTES, APRIL 27, 2021**  
RECEIVED AND FILED.
- 8. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR**  
RECEIVED AND FILED.
- 9. CITY TREASURER'S REPORTS**  
RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF AUGUST, 2021.
- 10. CLAIMS AND DEMANDS**  
RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**11. DANA POINT POLICE SERVICES MONTHLY REPORT**

Item 11 was pulled by Staff.

Captain Kirsten Monteleone provided a Staff Report. She and Jeff Rosaler, Community Development Manager, answered questions of the City Council.

Discussion ensued.

IT WAS MOVED BY MAYOR JAMEY M. FEDERICO, SECONDED BY COUNCIL MEMBER MICHAEL VILLAR, THAT THE CITY COUNCIL RECEIVE AND FILE THE POLICE SERVICES MONTHLY REPORT.

The motion carried by the following vote:

AYES: Council Member Mike Frost, Council Member Richard A. Viczorek, Council Member Michael Villar, and Mayor Jamey M. Federico

NOES: None

ABSENT: Mayor Pro Tem Joseph L. Muller

**12. DEVELOPMENT UPDATE**

RECEIVED AND FILED THE DEVELOPMENT UPDATE.

**13. ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE CITYWIDE ASPHALT REPAIRS FY 20/21 PROJECT**

APPROVED RESOLUTION 21-09-21-01 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 "CITYWIDE ASPHALT REPAIRS FY 20/21 PROJECT"**

**14. EMERGENCY MANAGEMENT SERVICES**

RATIFIED THE EMERGENCY MANAGEMENT SERVICES CONTRACT WITH JACOB GREEN & ASSOCIATES AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT OF THE AGREEMENT.

**15. JOINT AGREEMENT FOR THE OPERATION, MAINTENANCE, AND FINANCIAL MANAGEMENT OF THE ORANGE COUNTY 800 MHZ COUNTYWIDE COORDINATED COMMUNICATIONS SYSTEM**

APPROVED AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE JOINT AGREEMENT FOR THE OPERATION, MAINTENANCE, AND FINANCIAL MANAGEMENT OF THE ORANGE COUNTY 800 MHZ COUNTYWIDE COORDINATED COMMUNICATION SYSTEM.

**16. 2021-2022 DANA POINT YOUTH BOARD APPOINTMENTS**

APPOINTED SEVEN (7) BOARD MEMBERS AND FOUR (4) AT-LARGE MEMBERS TO THE DANA POINT YOUTH BOARD.

**17. AGREEMENT WITH THE COUNTY OF ORANGE FOR EXTENDED OPERATING HOURS AT THE DANA POINT LIBRARY**

Item 17 was pulled by Council Member Mike Frost.

Assistant City Manager Kelly Reenders provided a brief Staff Report.

Discussion ensued.

Council Member Mike Frost directed staff to work with senior groups utilizing the library on Sundays to identify options for their programs and incorporate into Community Center programs as appropriate.

IT WAS MOVED BY MAYOR JAMEY M. FEDERICO, SECONDED BY COUNCIL MEMBER MIKE FROST, THAT THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO PROVIDE THE 120-DAY WRITTEN NOTICE TO TERMINATE THE AGREEMENT BETWEEN THE CITY OF DANA POINT AND THE COUNTY OF ORANGE FOR THE OPERATION ON SUNDAYS AT THE DANA POINT BRANCH LIBRARY.

The motion carried by the following vote:

AYES: Council Member Mike Frost, Council Member Richard A. Viczorek, Council Member Michael Villar, and Mayor Jamey M. Federico

NOES: None

ABSENT: Mayor Pro Tem Joseph L. Muller

**18. HEALTH PLAN PROVISIONS FOR CALENDAR YEAR 2022**

ADOPTED RESOLUTION 21-09-21-02 ENTITLED:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, MODIFYING HEALTH BENEFIT PLAN ALLOWANCES FOR ALL ELIGIBLE REPRESENTED AND ALL ELIGIBLE NON-REPRESENTED CLASSIFICATIONS**

IT WAS MOVED BY MAYOR JAMEY M. FEDERICO, SECONDED BY COUNCIL MEMBER MICHAEL VILLAR, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF THE PREVIOUSLY HEARD ITEMS 11 AND 17.

The motion carried by the following vote:

AYES: Council Member Mike Frost, Council Member Richard A. Viczorek, Council Member Michael Villar, and Mayor Jamey M. Federico

NOES: None

ABSENT: Mayor Pro Tem Joseph L. Muller

## **PUBLIC COMMENTS**

There were no Public Comments.

## **PUBLIC HEARINGS**

### **19. FEE SCHEDULE FOR ACCESSORY DWELLING PERMITS**

Community Development Director Brenda Wisneski provided a Staff Report.

Mayor Jamey M. Federico opened the Public Hearing at 6:44 p.m.

There were no Public Comments.

Mayor Jamey M. Federico closed the Public Hearing at 6:44 p.m.

Discussion ensued.

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A FEE SCHEDULE FOR ACCESSORY DWELLING PERMITS**

WITH AMENDED LANGUAGE WAIVING ADU, BUILDING, AND SITE DEVELOPMENT FEES FOR PROPERTIES WITH AN 8-YEAR DEED RESTRICTION LIMITING THE PROPERTY TO EXTREMELY LOW AND VERY LOW-INCOME HOUSEHOLDS.

Discussion ensued.

The motion failed by the following vote:

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

IT WAS MOVED BY MAYOR JAMEY M. FEDERICO, SECONDED BY COUNCIL MEMBER MIKE FROST, THAT THE CITY COUNCIL ADOPT **RESOLUTION 21-09-21-03** ENTITLED:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A FEE SCHEDULE FOR ACCESSORY DWELLING PERMITS**

The motion carried by the following vote:

AYES: Council Member Mike Frost, Council Member Richard A. Viczorek, and Mayor Jamey M. Federico

NOES: Council Member Michael Villar

ABSENT: Mayor Pro Tem Joseph L. Muller

## **UNFINISHED BUSINESS**

### **20. FISCAL YEAR 2020-2021 (FY21) 4<sup>th</sup> QUARTER FINANCIAL REPORT AND PROPOSED FY22 CARRY-OVER BUDGET ADJUSTMENTS FROM FY21**

City Manager Michael A. Killebrew provided a Staff Report.

Mayor Jamey M. Federico opened Public Comment.

There was no Public Comment.

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:

1. RECEIVE AND FILE THE FY21 FINANCIAL REPORT FOR THE QUARTER ENDED JUNE 30, 2021;
2. AMEND THE FY2021-22 (FY22) BUDGET BY AUTHORIZING THE CARRY-OVER AND APPROPRIATION OF ENCUMBERED AND UNENCUMBERED FUNDS FROM FY21 TO FY22, AND UPDATING FY22 REVENUE PROJECTIONS, AS DETAILED IN THE REPORT; AND,
3. DEFER ACTION TO TRANSFER FY21 GENERAL FUND SURPLUS PER FINANCIAL POLICY #234 COMMUNITY INVESTMENT ACCOUNT, UNTIL NO LATER THAN THE CITY'S FY22 MID-YEAR FINANCIAL REPORT.

The motion carried by the following vote:

AYES: Council Member Mike Frost, Council Member Richard A. Viczorek, Council Member Michael Villar, and Mayor Jamey M. Federico

NOES: None

ABSENT: Mayor Pro Tem Joseph L. Muller

## **NEW BUSINESS**

There were no New Business items.

## **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. He added that he attended the Pet Project Foundation Gala on Sunday, and it was a great event.

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 has turned in his list of meetings attended to the City Clerk.

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

## **STAFF REPORTS**

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

City Manager Michael A. Killebrew 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 7:24 P.M. He announced that the next Regular Meeting of the City Council will be October 5, 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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SHAYNA SHARKE  
CITY CLERK

APPROVED AT THE MEETING OF OCTOBER 5, 2021



**Meetings attended since August 24, 2021:**

**Mayor Jamey M. Federico**

08/25/2021 Pet Project Foundation Volunteer Appreciation  
08/28/2021 Pet Project Foundation Barks and Brews  
09/10/2021 Ribbon Cutting – Flippin Pizza  
09/12/2021 CASA Board Meeting  
09/13/2021 Financial Review Committee  
09/15/2021 OCHFT Board of Directors  
09/15/2021 ACC-OC Board of Directors  
09/19/2021 Pet Project Foundation Annual Gala

**Mayor Pro Tem Joseph L. Muller**

**Council Member Mike Frost**

**Council Member Richard A. Viczorek**

09/16/2021 OCMVCD Board of Trustees Meeting

**Council Member Michael Villar**

09/16/2021 3Q Community Engagement Panel for SONGS