

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
NOVEMBER 16, 2021
5:00 P.M.**

MINUTES

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

Next City Council Ordinance No. 21-08

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.

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

City Attorney Patrick Munoz stated that there was a need to add a Conference with Labor Negotiator item to Closed Session.

IT WAS MOVED BY MAYOR JAMEY M. FEDERICO, SECONDED BY COUNCIL MEMBER MICHAEL VILLAR THAT THE CITY COUNCIL ADD A CLOSED SESSION ITEM, CONFERENCE WITH LABOR NEGOTIATOR TO THE AGENDA.

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

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

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 5:01 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 6:01 p.m. All Council Members were present.

STAFF PRESENT: Michael A. Killebrew, City Manager; Kelly Reenders, Assistant City Manager; Patrick Munoz, City Attorney; Shayna Sharke, City Clerk; Captain Kirsten Monteleone; Brenda Wisneski, Community Development Director; Matthew Sinacori, Public Works Director and City Engineer; James Shadle, General Services Director; Johnathan Ciampa, Senior Planner; 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

Volunteers of the Quarter

Mayor Jamey M. Federico presented a Certificate of Recognition to Tom Lewis and Al Bishop, Volunteers in Police Services.

READING OF ORDINANCE TITLES

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

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, NOVEMBER 2, 2021

APPROVED THE MEETING MINUTES.

3. YOUTH BOARD MEETING MINUTES, OCTOBER 7, 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. CITY TREASURER'S REPORT

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF OCTOBER, 2021.

7. DEVELOPMENT UPDATE

RECEIVED AND FILED THE DEVELOPMENT UPDATE.

8. DISPOSITION OF NON-ESSENTIAL CITY RECORDS AND RECORDS RETENTION SCHEDULE UPDATE

1) APPROVED THE 2021 DISPOSITION OF NON-ESSENTIAL CITY RECORDS IN ACCORDANCE WITH CALIFORNIA STATE LAW AND THE CITY'S APPROVED RECORDS RETENTION SCHEDULE; AND

2) ADOPTED RESOLUTION 21-11-16-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE DISPOSITION OF CERTAIN INACTIVE CITY RECORDS AS

PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA

9. SECOND READING AND ADOPTION OF ORDINANCE TO AMEND TITLE 1 AND TITLE 5 OF THE DANA POINT MUNICIPAL CODE PERTAINING TO THE ENFORCEMENT OF VIOLATIONS OF THE MUNICIPAL CODE BY WAY OF ADMINISTRATIVE CITATION

CONDUCTED A SECOND READING AND ADOPTED ORDINANCE 21-08 ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING TITLE 1 AND TITLE 5 OF THE DANA POINT MUNICIPAL CODE PERTAINING TO THE ENFORCEMENT OF VIOLATIONS OF THE MUNICIPAL CODE BY WAY OF ADMINISTRATIVE CITATION

10. MEASURE M2 EXPENDITURE REPORT FOR FISCAL YEAR 2020-2021

1) ADOPTED RESOLUTION 21-11-16-02 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONCERNING THE MEASURE M (M2) EXPENDITURE REPORT FOR THE CITY OF DANA POINT FOR FISCAL YEAR 2020-2021; AND

2) AUTHORIZED THE MAYOR TO SIGN THE RESOLUTION ON BEHALF OF THE CITY; AND

3) DIRECTED STAFF TO SUBMIT THE ADOPTED RESOLUTION AND M2 EXPENDITURE REPORT FOR FISCAL YEAR 2020-2021 FOR THE CITY OF DANA POINT TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) TO MAINTAIN ELIGIBILITY IN THE MEASURE M (M2) PROGRAM.

11. ADOPT A RESOLUTION TO CERTIFY AND AFFIRM COMMITMENT TO IMPLEMENT THE DOHENY VILLAGE CONNECTIVITY PROJECT FOR THE 2023 FEDERAL TRANSPORTATION IMPROVEMENT (FTIP) PROGRAM

1) ADOPTED RESOLUTION 21-11-16-03 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, WHICH CERTIFIES THAT THE CITY OF DANA POINT HAS THE RESOURCES TO FUND THE PROJECT IN FEDERAL FISCAL YEARS 2022/23 THROUGH 2027/28 TRANSPORTATION IMPROVEMENT PROGRAM AND AFFIRMS ITS COMMITMENT TO IMPLEMENT THE PROJECT IN THE PROGRAM

2) AUTHORIZED THE MAYOR TO SIGN THE RESOLUTION ON BEHALF OF THE CITY.

PUBLIC COMMENTS

There were no Public Comments.

PUBLIC HEARINGS

Items were heard out of numerical order due to the noticing of Item #13 at a time certain of 6:30 p.m.

13. HISTORIC PRESERVATION AGREEMENT (MILLS ACT) FOR THE PROPERTY LOCATED AT 24422 SANTA CLARA

Senior Planner Johnathan Ciampa provided a staff report.

Mayor Jamey M. Federico opened the Public Hearing at 6:21 p.m.

Barbara Johannes (Dana Point) spoke on behalf of the Dana Point Historical Society Board of Directors in favor of allowing the home at 24422 Santa Clara to participate in the State's Mills Act Program.

Mayor Jamey M. Federico closed the Public Hearing at 6:24 p.m.

IT WAS MOVED BY MAYOR JAMEY M. FEDERICO, SECONDED BY COUNCIL MEMBER MICHAEL VILLAR THAT THE CITY COUNCIL AUTHORIZE THE MAYOR TO SIGN A HISTORIC PROPERTY PRESERVATION AGREEMENT WHICH WOULD ALLOW THE HISTORIC STRUCTURE'S PROPERTY OWNERS AT 24422 SANTA CLARA TO PARTICIPATE IN THE STATE'S MILLS ACT PROGRAM.

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

15. AMERICAN COASTS AND OCEANS PROTECTION ACT

City Manager Michael Killebrew provided a staff report.

Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER MICHAEL VILLAR, SECONDED BY COUNCIL MEMBER MIKE FROST THAT THE CITY COUNCIL AUTHORIZE THE MAYOR TO SEND A LETTER IN SUPPORT OF THE AMERICAN COASTS AND OCEANS PROTECTION ACT.

Discussion ensued.

The motion carried by the following vote:

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

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

ABSENT: None

12. REDISTRICTING PROCESS REQUIRED BY STATE LAW

City Attorney Patrick Munoz provided a brief history of the Districting process in Dana Point and introduced Kay Vinson from National Demographics Corporation, who provided a Power Point Presentation and answered questions of the City Council.

Mayor Jamey M. Federico opened the Public Hearing at 6:57 p.m.

Mayor Jamey M. Federico summarized the Public Comments that were submitted via email.

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

Mayor Jamey M. Federico re-opened the Public Hearing at 6:58 p.m.

Robbie Robinson (Dana Point) stated that her street, Copper Lantern, is split and would like to see the street as part of one district.

Mayor Jamey M. Federico closed the Public Hearing at 7:01 p.m.

Discussion ensued.

No actions were taken.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

14. CITYWIDE ASSESSMENT OF OVERHEAD UTILITIES

Director of Public Works and City Engineer Matthew Sinacori provided a staff report and clarified a typo on page 2 of the Agreement that should read "forty-nine thousand dollars" instead of "forty-five thousand dollars."

Discussion ensued.

Mayor Jamey M. Federico opened Public Comment.

Marilyn Gardner (Dana Point / Poles and Lines Coalition (PAL)) thanked the City Council for bringing this topic forward and spoke in favor of passing the recommended action.

Len Gardner (Dana Point / PAL) spoke in favor of the study.

Robbie Robinson (Dana Point / PAL) spoke in favor of undergrounding utilities and stated that even residents that have underground utilities, like her, are in support.

Julie Aros (Capistrano Beach / Capo Cares) encouraged the Council to proceed with undergrounding utilities and urged Council to also consider Via California. She also encouraged additional public meetings to take place regarding this topic.

Rich Heine (Capistrano Beach / Capo Cares) spoke in favor of undergrounding utilities and urged Council to start on Via California.

Toni Nelson (Capistrano Beach / Capo Cares) spoke in favor, stating that undergrounding utilities improves aesthetics and enhances public safety. She asked that the City assist with a Community Facilities District (CFD) process.

Aaron Mendleson (Dana Point) spoke in favor, stating that broadband demand is increasing every year and funds may be available to help offset costs of laying fiber during the process.

Mike Yousef (Dana Point / PAL) stated that the PAL Coalition is grateful to Council and Staff for starting the conversation and process of undergrounding utilities. He urged Council not to turn to Assessment Districts, but to find funding.

IT WAS MOVED BY MAYOR JAMEY M. FEDERICO, SECONDED BY COUNCIL MEMBER MICHAEL VILLAR THAT THE CITY COUNCIL:

- 1) AUTHORIZE A CONSULTANT SERVICES AGREEMENT WITH NV5, INCORPORATED TO DO THE FOLLOWING:
 - a) COMPLETE A CITYWIDE ASSESSMENT AND MAP THE LOCATION OF EXISTING OVERHEAD UTILITIES.
 - b) DEVELOP BUDGETARY COST ESTIMATES TO UNDERGROUND ALL OVERHEAD UTILITIES CITYWIDE FOR PLANNING PURPOSES.
 - c) UPDATE THE CITY COUNCIL UTILITY UNDERGROUNDING ASSESSMENT DISTRICT POLICY TO MEET CURRENT REGULATIONS AND PROCEDURES; AND
- 2) AUTHORIZE USE OF THE FUNDING OUTLINED IN THE FISCAL IMPACT SECTION TO PROVIDE BUDGET FOR THIS WORK EFFORT.

Discussion ensued and Jeff Cooper (NV5, Incorporated) answered questions of the City Council.

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

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Mike Frost stated that he will turn in his list of meetings to the City Clerk. He provided some background on the meetings the PAL Coalition have held and thanked them for their efforts.

Council Member Michael Villar stated that he has turned in his list of meetings attended to the City Clerk. He also stated that the VFW Veterans Day event was well done.

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

Mayor Pro Tem Joseph L. Muller stated that he has turned in his list of meetings attended to the City Clerk. He also echoed Council Member Frost's comments regarding the PAL Coalition.

Mayor Jamey M. Federico stated that he will send his list of meetings attended to the City Clerk. He wished the community a Happy Thanksgiving and encouraged all to participate in the Turkey Trot. He thanked the community for being a partner and coming out to speak.

STAFF REPORTS

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

City Manager Michael A. Killebrew reminded the community of the many holiday events coming up in the City including the holiday lights, eBike Symposium, Turkey Trot, tree lightings, and Jolly Trolley.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Jamey M. Federico adjourned the meeting at 7:51 P.M. He announced that the next Regular Meeting of the City Council will be December 7, 2021, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

SHAYNA SHARKE for

SHAYNA SHARKE
CITY CLERK

APPROVED AT THE MEETING OF DECEMBER 7, 2021

Meetings attended since November 3, 2021:

Mayor Jamey M. Federico

11/04/2021 City Selection Committee
11/05/2021 ACC-OC Leadership Conference
11/06/2021 Fish for Life Fundraiser
11/10/2021 CASA Special Meeting
11/10/2021 Spirit of Hope Award – Camp Pendleton
11/11/2021 Mayors Prayer Breakfast
11/11/2021 VFW Veterans Day Ceremony
11/12/2021 BIA Installation
11/15/2021 5th District Mayors Breakfast

Mayor Pro Tem Joseph L. Muller

11/05/2021 League of Cities
11/08/2021 OCTA
11/09/2021 Resident Meeting
11/09/2021 OCFA
11/10/2021 OCFA
11/11/2021 VFW Veterans Day Ceremony
11/12/2021 BIAOC Installation Dinner

Council Member Mike Frost

11/04/2021 DP Chamber Mixer
11/05/2021 ACC-OC Meeting
11/09/2021 Opening CBD Store
11/11/2021 PAL Meeting
11/11/2021 VFW Veterans Day Ceremony

Council Member Richard A. Viczorek

11/08/2021 OCMVCD PR Committee Meeting
11/11/2021 VFW Veterans Day Ceremony

Council Member Michael Villar

11/11/2021 VFW Veterans Day Ceremony