

# CITY OF DANA POINT

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## CITY COUNCIL REGULAR MEETING



TUESDAY  
FEBRUARY 15, 2022  
5:00 P.M.

## MINUTES

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

Next City Council Ordinance No. 22-01

### CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Joseph L. Muller at 5:00 p.m. in the City Council Chambers, 33282 Golden Lantern, Dana Point.

### ROLL CALL OF CITY COUNCIL MEMBERS:

Joseph L. Muller, Mayor  
Mike Frost, Mayor Pro Tem  
Jamey M. Federico, 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), (2 cases)

Mayor Muller 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 Muller reconvened the meeting at 6:00 p.m. All Council Members were present.

STAFF PRESENT: Michael A. Killebrew, City Manager; Kelly Reenders, Assistant City Manager; Patrick Munoz, City Attorney (via teleconference); Shayna Sharke, City Clerk; Captain Kirsten Monteleone; Brenda Wisneski, Community Development Director; Matthew Sinacori, Public Works Director and City Engineer; and Jaimie To, Management Analyst.

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## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Pro Tem Mike Frost.

## **INVOCATION**

There was no Invocation.

## **PRESENTATIONS AND PROCLAMATIONS**

There were no Presentations or Proclamations.

## **READING OF ORDINANCE TITLES**

City Clerk Shayna Sharke read one (1) Ordinance Title.

## **CONSENT CALENDAR**

IT WAS MOVED BY MAYOR MULLER, SECONDED BY COUNCIL MEMBER FEDERICO, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR.

The motion carried by the following vote:

AYES: Council Member Federico, Council Member Viczorek, Council Member Villar, Mayor Pro Tem Frost, and Mayor Muller

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, FEBRUARY 1, 2022**

APPROVED THE MEETING MINUTES.

### **3. ARTS & CULTURE COMMITTEE MEETING MINUTES, DECEMBER 8, 2021**

RECEIVED AND FILED.

### **4. YOUTH BOARD MEETING MINUTES, JANUARY 6, 2022**

RECEIVED AND FILED.

### **5. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR**

RECEIVED AND FILED.

**6. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**7. DEVELOPMENT UPDATE**

RECEIVED AND FILED THE DEVELOPMENT UPDATE.

**8. STATUE COMMISSION FOR WATERMEN'S PLAZA – BARRIE AND STEVE BOEHNE**

- 1) AUTHORIZED THE COMMISSION OF A STATUE OF BARRIE AND STEVE BOEHNE TO BE INSTALLED AT WATERMEN'S PLAZA; AND
- 2) APPROVED THE BUDGET ADJUSTMENTS LISTED IN THE FISCAL IMPACT SECTION OF THE REPORT; AND
- 3) AUTHORIZED THE CITY MANAGER TO EXECUTE A CONTRACT WITH ARTIST BILL LIMEBROOK.

**9. ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE SHIPWRECK PARK RENOVATION PROJECT**

ADOPTED RESOLUTION NO. 22-02-15-01 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 "SHIPWRECK PARK RENOVATION PROJECT"**

**PUBLIC COMMENTS**

Rene' De Wit (Amsterdam) thanked the City Council for their support of the Elephant Parade and Dana Yarger for his help in making the event successful.

**PUBLIC HEARINGS**

**10. ZONE TEXT AMENDMENT ZTA21-0001, TO REGULATE SINGLE FAMILY RESIDENTIAL DUPLEXES AND MUNICIPAL CODE AMENDMENT TO REGULATE URBAN LOT SPLITS PURSUANT TO CALIFORNIA SENATE BILL 9 (SB9)**

Community Development Director Brenda Wisneski provided a staff report and amended language regarding the maximum height for the development standards listed in the proposed Ordinance.

Mayor Muller opened the Public Hearing at 6:10 p.m.

Mario Spinelli (Dana Point) spoke in opposition to the proposed Ordinance.

Mayor Muller closed the Public Hearing at 6:11 p.m.

IT WAS MOVED BY COUNCIL MEMBER VICZOREK, SECONDED BY MAYOR MULLER THAT THE CITY COUNCIL INTRODUCE A FIRST READING OF **ORDINANCE 22-XX** WITH THE AMENDED LANGUAGE REGARDING HEIGHT RESTRICTIONS, ENTITLED:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA21-0001 ADDING CHAPTER 9.72 TO THE CITY OF DANA POINT ZONING CODE REGULATING SINGLE-FAMILY RESIDENTIAL DUPLEXES, AND ADDING CHAPTER 7.37 OF THE CITY OF DANA POINT MUNICIPAL CODE REGULATING URBAN LOT SPLITS.**

Discussion ensued.

The motion carried by the following vote:

AYES: Council Member Federico, Council Member Viczorek, Council Member Villar, Mayor Pro Tem Frost, and Mayor Muller

NOES: None

ABSENT: None

#### **11. RESOLUTION ADOPTING DISTRICT MAP AFTER 2020 CENSUS PURSUANT TO ELECTION CODE**

City Clerk Shayna Sharke introduced Kay Vinson with National Demographics Corporation, who provided a presentation.

Mayor Muller opened the Public Hearing at 6:23 p.m.

There were no Public Comments.

Mayor Muller closed the Public Hearing at 6:23 p.m.

IT WAS MOVED BY COUNCIL MEMBER FEDERICO, SECONDED BY COUNCIL MEMBER VILLAR, THAT THE CITY COUNCIL ADOPT **RESOLUTION NO. 22-02-15-02** ENTITLED:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADOPTING DISTRICT MAP AFTER 2020 CENSUS PURSUANT TO ELECTIONS CODE SECTIONS 21607 AND 21607.1**

Discussion ensued.

The motion carried by the following vote:

AYES: Council Member Federico, Council Member Viczorek, Council Member Villar, Mayor Pro Tem Frost, and Mayor Muller

NOES: None

ABSENT: None

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## UNFINISHED BUSINESS

### NEW BUSINESS

#### 12. STRATEGIC PLAN UPDATE

Council Member Federico introduced the item and provided background on the Strategic Plan Subcommittee's efforts.

City Manager Michael A. Killebrew provided a staff report.

Discussion ensued.

THE STRATEGIC PLAN UPDATE WAS RECEIVED AND FILED. CITY COUNCIL WILL REVIEW THE STRATEGIC UPDATE IN MORE DETAIL AND STAFF WILL BRING THE UPDATE BACK TO THE CITY COUNCIL FOR FURTHER ACTION.

#### 13. NOTICE OF INTENTION TO ESTABLISH A UTILITY UNDERGROUNDING DISTRICT 2022-01 ON STONEHILL DRIVE

Director of Public Works/City Engineer Matthew Sinacori provided a staff report.

Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER VILLAR, SECONDED BY COUNCIL MEMBER FEDERICO THAT THE CITY COUNCIL:

1) **ADOPT RESOLUTION NO. 22-02-15-03 ENTITLED:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA DECLARING ITS INTENTION TO CONSIDER THE FORMATION OF UNDERGROUNDING UTILITY DISTRICT 2022-01 ON STONEHILL DRIVE; and**

2) **AUTHORIZE THE MAYOR TO SIGN THE RESOLUTION ON BEHALF OF THE CITY; and**

3) **APPROVE THE PRELIMINARY ENGINEERING REPORT (REPORT) AND DESIGNATE THE PROPOSED UNDERGROUNDING DISTRICT AS UNDERGROUNDING DISTRICT NUMBER 2022-01 PER THE BOUNDARY MAP PROVIDED IN THE REPORT.**

Discussion ensued.

The motion carried by the following vote:

**AYES:** Council Member Federico, Council Member Viczorek, Council Member Villar, Mayor Pro Tem Frost, and Mayor Muller

**NOES:** None

**ABSENT:** None

**14. ADOPTION OF A RESOLUTION DESIGNATING THE CITY PORTION OF DANA POINT HARBOR DRIVE AS THE DON HANSEN MEMORIAL DRIVE**

City Manager Michael A. Killebrew provided a staff report.

Director of Public Works/City Engineer Matthew Sinacori answered questions of the City Council.

IT WAS MOVED BY MAYOR MULLER, SECONDED BY MAYOR PRO TEM FROST THAT THE CITY COUNCIL ADOPT RESOLUTION NO. 22-02-15-04 ENTITLED:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA DESIGNATING THE CITY PORTION OF DANA POINT HARBOR DRIVE AS THE DON HANSEN MEMORIAL DRIVE**

Discussion ensued.

The motion carried by the following vote:

AYES: Council Member Federico, Council Member Viczorek, Council Member Villar, Mayor Pro Tem Frost, and Mayor Muller

NOES: None

ABSENT: None

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

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

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

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

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

Mayor Muller stated that he has turned in his list of meetings attended to the City Clerk and that the OCTA drivers have come to a tentative agreement. He also reminded the community that the Festival of Whales is approaching, which was started by Don Hansen 51 years ago.

**STAFF REPORTS**

City Manager Michael A. Killebrew stated that there will be an unveiling of the new Doheny Village mural on February 24<sup>th</sup>, 2022 at 3pm, and that Shipwreck Park is now open.

City Attorney Patrick Munoz had nothing to report.

## ADJOURNMENT

There being no further business before the City Council at this session, Mayor Muller adjourned the meeting at 7:05 p.m. He announced that the next Regular Meeting of the City Council will be March 1, 2022, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

*Shayna Sharke for*

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SHAYNA SHARKE  
CITY CLERK

APPROVED AT THE MEETING OF MARCH 1, 2022

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**Meetings attended since February 2, 2022**

**Mayor Joseph L. Muller**

02/02/2022 Resident Meeting  
02/02/2022 Ocean Institute Meeting  
02/03/2022 LOSSAN  
02/03/2022 Chamber Mixer  
02/04/2022 Dana Point Harbor Partners  
02/07/2022 OCTA  
02/07/2022 Resident Meeting  
02/08/2022 SB9 Briefing  
02/08/2022 Cal Cities  
02/09/2022 OCTA  
02/09/2022 Chamber Installation Dinner  
02/10/2022 TCA  
02/10/2022 Cal Cities  
02/10/2022 Teamsters Meeting  
02/14/2022 OCTA  
02/15/2022 TCA

**Mayor Pro Tem Mike Frost**

02/02/2022 Dana Point Chamber Meeting  
02/09/2022 Dana Point Chamber Installation  
02/10/2022 CEP Songs Monthly Meeting  
02/10/2022 SB9 Meeting with Staff

**Council Member Jamey M. Federico**

02/04/2022 OCHFT Board of Directors  
02/07/2022 CASA Board of Directors

**Council Member Richard A. Viczorek**

2/09/2022 Chamber of Commerce Installation Dinner  
2/10/2022 SJHTCA Board of Directors Meeting

**Council Member Michael Villar**

02/08/2022 SB9 Briefing with City Attorney and Director of Community Development