

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
MARCH 1, 2022
5:00 P.M.**

MINUTES

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

Next City Council Ordinance No. 22-02

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), (1 case)
- B. CONFERENCE WITH LEGAL COUNSEL - LITIGATION STRATEGY REVIEW INCLUDING POTENTIAL DISCUSSION OF THE FOLLOWING EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (4 cases)
 - a. City of DP v. Sunshine Group LLC (Seaside Inn), Orange County Superior Court Case No. 30-2017- 00915900
 - b. Concerned Residents of Dana Point vs. City of Dana Point Case No. 2019- 01117892- CU-TT-CXC
 - c. 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

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

Mayor Muller 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 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; Shayna Sharke, City Clerk; Captain Kirsten Monteleone; Brenda Wisneski, Community Development Director; Matthew Sinacori, Public Works Director and City Engineer; James Shadle, Director of General Services; Sea Shelton, Finance Manager; and Jaimie To, Management Analyst.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Richard Viczorek.

INVOCATION

There was no Invocation.

PRESENTATIONS AND PROCLAMATIONS

Red Cross Month

Ross Chun (American Red Cross, Community Volunteer Leader) spoke regarding Red Cross Month.

Mayor Muller presented a Proclamation to Ross Chun, American Red Cross.

Volunteer of the Quarter

Mayor Muller presented a Certificate of Recognition to Vicki Patterson, Stand Up to Trash.

Business of the Quarter

Mayor Muller presented a Certificate of Recognition to Enzo Scagnamiglio, Brio Tuscany Grill.

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 15, 2022

The City Council approved the minutes.

3. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

The City Council received and filed.

4. CLAIMS AND DEMANDS

The City Council received and filed the Claims and Demands.

5. CITY TREASURER'S REPORT

The City Council received and filed the City Treasurer's Report for January 2022.

6. POLICE SERVICES REPORT

The City Council received and filed the Police Services Report.

7. AWARD OF CONTRACT FOR BUDGETING SOFTWARE AND SUPPORT SERVICES

The City Council awarded a contract for budgeting software and support services to ClearGov and authorized the City Manager to execute the contract on the City's behalf.

8. AWARD OF CONTRACT FOR THE 4TH OF JULY AERIAL FIREWORKS DISPLAY

The City Council authorized the City Manager to execute a contract for the 2022 4th of July fireworks and barge services.

9. AWARD OF CONTRACT FOR CITYWIDE ASPHALT REPAIR FY21/22 PROJECT

The City Council:

- 1) Approved the award of a Contract for construction of the Citywide Asphalt Repairs FY21/22 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
- 3) Authorized additional materials inspection and testing services per the as-needed Consultant Services Agreement with GMU Geotechnical.

10. SELECTION OF PARS FOR SECTION 115 PENSION TRUST ADMINISTRATION SERVICES

The City Council:

- 1) Adopted **Resolution No. 22-03-01-01** entitled:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING THE ADOPTION OF THE PUBLIC AGENCIES POST-EMPLOYMENT BENEFITS TRUST ADMINISTERED BY PUBLIC AGENCY RETIREMENT SERVICES (PARS); and

- 2) Authorized the City Manager to execute the Administrative Services Agreement with PARS to implement the Section 115 Pension Trust program.

11. ANNUAL HOUSING ELEMENT PROGRESS REPORT

The City Council received and filed the 2021 Annual Housing Element Progress Report.

12. SECOND READING AND ADOPTION OF AN ORDINANCE TO APPROVE 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

The City Council conducted a second reading and adopted **Ordinance No. 22-01** entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY 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.

13. ADOPT A RESOLUTION TO AUTHORIZE THE PROJECT LIST SUBMITTAL FOR 2021 PAVEMENT MANAGEMENT RELIEF FUNDING PROGRAM THROUGH OCTA

The City Council:

- 1) Adopted **Resolution No. 22-03-01-02** entitled:

A RESOLUTION OF THE CITY OF DANA POINT, CALIFORNIA, WHICH CERTIFIES THAT THE CITY OF DANA POINT CITY COUNCIL HAS AUTHORIZED THE PROJECT LIST SUBMITTAL FOR CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT OF 2021 (CRRSAA) FUNDING THROUGH THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) 2021 PAVEMENT MANAGEMENT RELIEF FUNDING PROGRAM; and

2) Authorized the Mayor to sign the Resolution on behalf of the City; and

3) Delegated authority to the City Manager or the Director of Public Works/City Engineer to sign all required documents needed to receive the funds.

PUBLIC COMMENTS

Girl Scout Troup 7574 shared their ideas on improving Sea Canyon Park.

Wayne Yost (VFW 9934) extended an invitation to veterans to join the Festival of Whales parade and encouraged the community to attend the Festival of Whales events throughout the weekend.

PUBLIC HEARINGS

14. APPEAL OF DECISION REGARDING ACCESSORY STRUCTURE AT 34626 VIA CATALINA

Item #14 was pulled from the Agenda by Staff, as Staff reached a resolution with the Applicant.

UNFINISHED BUSINESS

15. UTILITY BOX ARTWORK PROGRAM

Assistant City Manager Kelly Reenders provided a Staff report.

IT WAS MOVED BY COUNCIL MEMBER FEDERICO, SECONDED BY COUNCIL MEMBER VILLAR, THAT THE CITY COUNCIL AUTHORIZE STAFF TO RELEASE AN APPLICATION FOR THE THIRD PHASE OF THE UTILITY BOX ARTWORK PROGRAM; AUTHORIZE THE ARTS AND CULTURE COMMISSION TO SELECT ARTISTS; AND AUTHORIZE STAFF TO USE \$28,000 OF ARTS IN PUBLIC PLACES FUND TO PRODUCE AND INSTALL 14 VINYL WRAPS, AND AWARD \$250 TO ARTISTS WHOSE WORK IS SELECTED FOR THE BOXES.

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

NEW BUSINESS

16. MID-FISCAL YEAR 2021-22 BUDGET STATUS REPORT

Finance Manager Sea Shelton provided a Staff report.

Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER VICZOREK SECONDED BY MAYOR PRO TEM FROST THAT THE CITY COUNCIL:

- 1) RECEIVE AND FILE THE MID-FISCAL YEAR 2021-22 BUDGET STATUS REPORT AND AUTHORIZE THE BUDGET AMENDMENTS DETAILED WITHIN THIS REPORT; AND
- 2) AUTHORIZE THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH CONVERGINT TECHNOLOGIES FOR SECURITY CAMERA AND FACILITY ACCESS CONTROL UPGRADES AND MAINTENANCE SERVICES FOR THESE SYSTEMS.

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

17. SUPPORT OF THE SOUTH COAST WATER DISTRICT DESALINATION PLANT AND ASSOCIATED SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD TENTATIVE ORDERS

Council Member Federico provided a report and introduced Rick Shintaku.

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

- 1) AUTHORIZE THE MAYOR TO SEND THE SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD (SDRWQCB) A LETTER IN SUPPORT OF TENTATIVE ORDER NO. R9-2022-0005 (NPDES PERMIT NO. CA0107417) AND TENTATIVE ORDER NO. R9-2022-0006 (NPDES PERMIT NO. CA0107611) TO SUPPORT THE SOUTH COAST WATER DISTRICT'S PROPOSED DOHENY OCEAN DESALINATION PROJECT (PROJECT); AND
- 2) DELEGATE AUTHORITY TO THE CITY MANAGER TO FILE OTHER LETTERS OF SUPPORT FOR THE PROJECT IF NEEDED.

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

Council Member Viczorek turned in his list of meetings attended to the City Clerk.

Council Member Federico turned in his list of meetings attended to the City Clerk.

Mayor Pro Tem Frost turned in his list of meetings attended to the City Clerk.

Mayor Muller turned in his list of meetings attended to the City Clerk and invited the community to attend the Festival of Whales events this weekend, March 5th and 6th, 2022 and see the new Don Hansen Memorial Sign on the way into the Harbor. He also stated that he enjoyed attending the opening day of Dana Point Youth Baseball.

STAFF REPORTS

City Manager Michael A. Killebrew stated he submitted the request to have the utility boxes in the Harbor vinyl wrapped. He also stated there will be a ceremony this Friday, March 4th, 2022 at 4:45pm at the beach behind the Ocean Institute welcoming the whales to town, and the Ocean Institute will be open to the public during the ceremony.

City Attorney Patrick Munoz stated he had nothing to report.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Muller adjourned the meeting at 6:45 p.m. He announced that the next Regular Meeting of the City Council will be March 15, 2022, at 5:00 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 APRIL 19, 2022

Meetings attended since February 16, 2022

Mayor Joseph L. Muller

02/16/2022 Resident Meeting
02/17/2022 League of Cities
02/17/2022 Coastal Cities Group
02/23/2022 TCA
02/23/2022 OCTA
02/23/2022 Ocean Institute
02/24/2022 Ribbon Cutting, Coastal Concierge
02/24/2022 Doheny Mural Dedication
02/25/2022 SOCEC
02/28/2022 OCTA
02/28/2022 Don Hansen Memorial Drive Dedication
02/28/2022 GM Meeting Waldorf Astoria
03/01/2022 SCWD Briefing
03/01/2022 TCA

Mayor Pro Tem Mike Frost

02/17/2022 Chamber Mixer
02/24/2022 ACC/OC
02/24/2022 South OC Watershed Committee

Council Member Jamey M. Federico

02/16/2022 OCHFT Board of Directors Meeting
02/16/2022 ACC-OC Board of Directors Meeting
02/18/2022 SCWD
02/24/2022 Doheny Village Murals

Council Member Richard A. Viczorek

02/17/2022 OCMVCD Board of Trustees Meeting
02/24/2022 Doheny Village Mural Ribbon Cutting
02/24/2022 OCFA Board of Directors Meeting
02/28/2022 Don Hansen Memorial Drive Ribbon Cutting

Council Member Michael Villar

02/28/2022 Dana Point Affordable Housing Group