

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
APRIL 19, 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 - ABSENT
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), (3 cases)

Mayor Muller recessed the meeting into a Closed Session at 5:00 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 with the exception of Council Member Federico.

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; Jeff Rosaler, Community Development Manager; Sea Shelton, Finance 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

Good Samaritan – Dennis Powers

Mayor Muller presented a Certificate of Recognition to resident, Dennis Powers for a heroic act within the community.

VFW Police, Fire, EMT of the Year

Mayor Muller, Council Member Viczorek, VFW Post 9934 Commander Ricardo Jauregui, and VFW District 2 Senior Vice-Commander Wayne Yost presented a Certificate of Recognition to Deputy Ivan Recinos for the Veterans of Foreign Wars, Dana Point Post #9934 2021 Police Officer of the Year.

Mayor Muller, Council Member Viczorek, OCFA Division Chief Rob Capobianco, VFW Post 9934 Commander Ricardo Jauregui, and VFW District 2 Senior Vice-Commander Wayne Yost presented a Certificate of Recognition to Captain Andrew Vanderstelt for the Veterans of Foreign Wars, Dana Point Post #9934 2021 Firefighter of the Year.

Mayor Muller, Council Member Viczorek, OCFA Division Chief Rob Capobianco, VFW Post 9934 Commander Ricardo Jauregui, and VFW District 2 Senior Vice-Commander Wayne Yost presented a Certificate of Recognition to Reserve Firefighter Brian Chen for the Veterans of Foreign Wars, Dana Point Post #9934 2021 EMT of the Year.

READING OF ORDINANCE TITLES

There were no Ordinance titles.

CONSENT CALENDAR

IT WAS MOVED BY MAYOR MULLER, SECONDED BY MAYOR PRO TEM MIKE FROST, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR.

The motion carried by the following vote:

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

NOES: None

ABSENT: Council Member Federico

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, MARCH 1, 2022

The City Council approved the minutes.

3. PLANNING COMMISSION MEETING MINUTES, JANUARY 24, 2022

The City Council received and filed the minutes.

4. PLANNING COMMISSION MEETING MINUTES, FEBRUARY 28, 2022

The City Council received and filed the minutes.

5. PLANNING COMMISSION MEETING MINUTES, MARCH 14, 2022

The City Council received and filed the minutes.

6. PLANNING COMMISSION MEETING MINUTES, MARCH 28, 2022

The City Council received and filed the minutes.

7. ARTS & CULTURE COMMITTEE MEETING MINUTES, FEBRUARY 9, 2022

The City Council received and filed the minutes.

8. YOUTH BOARD MEETING MINUTES, FEBRUARY 3, 2022

The City Council received and filed the minutes.

9. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

The City Council received and filed.

10. CLAIMS AND DEMANDS

The City Council received and filed the Claims and Demands.

11. TREASURER'S REPORT, FEBRUARY 2022

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

12. DEVELOPMENT UPDATE

The City Council received and filed the Development Update.

13. SINGLE AUDIT REPORT ON FEDERAL AWARDS FOR FISCAL YEAR ENDED JUNE 30, 2021

The City Council received and filed the Single Audit Report on Federal Awards for the fiscal year ended June 30, 2021.

14. RATIFY THE PURCHASE OF A POLICE MOTORCYCLE FOR THE CITY'S SECOND MOTOR OFFICER

The City Council ratified the City Manager's purchase of a police motorcycle using the funding outlined in the Fiscal Impact Section.

15. BIENNIAL CAMPAIGN CONTRIBUTION AND EXPENDITURE LIMITS ADJUSTMENT

The City Council adopted **Resolution 22-04-19-01** entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADJUSTING THE CAMPAIGN CONTRIBUTION AND CAMPAIGN LOAN LIMITS TO REFLECT CHANGES IN THE CONSUMER PRICE INDEX, AS REQUIRED BY SECTION 2.05.058 OF THE DANA POINT MUNICIPAL CODE.

16. AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE SLURRY SEAL FY21/22 PROJECT

The City Council:

- 1) Approved the award of a Contract to Roy Allan Slurry Seal, Incorporated for the construction of the Slurry Seal FY 21/22 Project; and
- 2) Authorized the City Manager or his designee to sign and administer the subject Contract and approve additional payment for change orders, and contingencies as outlined in the Fiscal Impact Section; and
- 3) Authorized additional materials inspection and testing services per the as-needed Consultant Services Agreement with GMU Geotechnical as outlined in the Fiscal Impact Section.

17. SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH PLACEWORKS, INC. FOR PREPARATION OF THE 2021-2029 HOUSING ELEMENT AND PUBLIC SAFETY ELEMENT UPDATES

The City Council authorized the City Manager to execute the contract amendment to Placeworks, Inc. – Second Amendment to Agreement for a six-month extension.

18. FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH MICHAEL BAKER INTERNATIONAL FOR PREPARATION OF THE VICTORIA BOULEVARD SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT

the City Council authorized the City Manager to execute the contract amendment with Michael Baker International – First Amendment to Agreement for a one-year extension.

19. EMERGENCY MANAGEMENT SERVICES

The City Council authorized the City Manager to execute the contract for Emergency Management Services with Jacob Green & Associates for FY23.

20. RECRUITMENT FOR THE ARTS AND CULTURE COMMISSION

The City Council directed Staff to proceed with the recruitment of one (1) Arts and Culture Commission member.

PUBLIC COMMENTS

Paul Wyatt (Dana Point) thanked City Council and residents for supporting United Way's Financial Security Pilot Program during the pandemic, which helped identify struggling families at R.H. Dana Elementary School. He stated that the program is now permanent due to the success of the pilot program.

PUBLIC HEARINGS

21. FEE SCHEDULE FOR RESIDENTIAL SINGLE-FAMILY DUPLEX PERMITS AND URBAN LOT SPLITS IN ACCORDANCE WITH SENATE BILL 9

Director of Community Development Brenda Wisneski provided a staff report.

Mayor Muller opened the Public Hearing at 6:39 p.m.

There were no Public Comments.

Mayor Muller closed the Public Hearing at 6:39 p.m.

IT WAS MOVED BY MAYOR PRO TEM MIKE FROST, SECONDED BY COUNCIL MEMBER MICHAEL VILLAR, THAT THE CITY COUNCIL ADOPT RESOLUTION 22-04-19-02 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A FEE SCHEDULE FOR RESIDENTIAL SINGLE FAMILY DUPLEX PERMITS AND URBAN LOTS SPLITS PERMITS IN ACCORDANCE WITH SENATE BILL 9.

Discussion ensued.

The motion carried by the following vote:

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

NOES: None

ABSENT: Council Member Federico

22. 2022 WEED ABATEMENT PROGRAM

Community Development Manager Jeff Rosaler presented a Staff Report.

Discussion ensued.

Mayor Muller opened the Public Hearing at 6:41 p.m.

Mayor Muller referenced an emailed public comment received prior to the meeting from Dana Point resident Gary Hurd.

Mayor Muller closed the Public Hearing at 6:42 p.m.

IT WAS MOVED BY MAYOR PRO TEM MIKE FROST, SECONDED BY COUNCIL MEMBER MICHAEL VILLAR, THAT THE CITY COUNCIL ADOPT **RESOLUTION 22-04-19-03** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DECLARING WEEDS A PUBLIC NUISANCE AND INITIATING ABATEMENT PROCEEDINGS;
and

RESOLUTION 22-04-19-04 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, HEARING NO OBJECTIONS AND PROCEEDING WITH WEED ABATEMENT.

Discussion ensued.

The motion carried by the following vote:

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

NOES: None

ABSENT: Council Member Federico

UNFINISHED BUSINESS

23. STRATEGIC PLAN UPDATE

City Manager Michael A. Killebrew provided a Staff report.

IT WAS MOVED BY MAYOR MULLER, SECONDED BY COUNCIL MEMBER VICZOREK THAT THE CITY COUNCIL APPROVE THE UPDATE TO THE CITY OF DANA POINT STRATEGIC PLAN

Discussion ensued.

The motion carried by the following vote:

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

NOES: None

ABSENT: Council Member Federico

NEW BUSINESS

24. LONG TERM FINANCIAL PLAN UPDATE

Finance Manager Sea Shelton provided a Staff report.

Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER VILLAR SECONDED BY MAYOR PRO TEM MIKE FROST, THAT THE CITY COUNCIL RECEIVE THE LONG-TERM FINANCIAL PLAN UPDATE AND RECOMMEND REFERRAL TO THE FINANCIAL REVIEW COMMITTEE.

The motion carried by the following vote:

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

NOES: None

ABSENT: Council Member Federico

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.

Mayor Pro Tem Frost turned in his list of meetings attended to the City Clerk and attended the Medal of Courage event, which was very impactful.

Mayor Muller turned in his list of meetings attended to the City Clerk and invited residents to attend the REDO Market on May 1st.

STAFF REPORTS

City Manager Michael A. Killebrew introduced Captain Kirsten Monteleone, who spoke regarding Medal of Courage recipient Deputy Nieuwsma's heroic act in saving a man in distress on Blue Lantern in 2021.

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 6:50 p.m. He announced that the next Regular Meeting of the City Council will be May 3, 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 MAY 3, 2022

Meetings attended since March 2, 2022

Mayor Joseph L. Muller

03/03/2022 OCTA
03/03/2022 RH Dana Whale Watching
03/03/2022 Chamber of Commerce
03/05/2022 Festival of Whales
03/07/2022 OCTA
03/07/2022 League of Cities
03/08/2022 Resident Meeting
03/08/2022 CNLM Interview
03/09/2022 OCTA
03/10/2022 TCA
03/10/2022 Embarc
03/10/2022 San Juan State of the City
03/14/2022 OCTA
03/15/2022 TCA
03/21/2022 LOSSAN
03/21/2022 TCA
03/23/2022 TCA
03/24/2022 TCA
03/24/2022 Resident Meeting
03/25/2022 Chevron Ribbon Cutting
03/26/2022 Ocean Institute Jazz Festival
03/28/2022 OCTA
03/29/2022 TCA
03/29/2022 Marriott Laguna Cliffs Reception
03/30/2022 Mayors Breakfast
03/30/2022 SOCTS
03/30/2022 Dana Point Historical Society
03/31/2022 OCTA
03/31/2022 LOSSAN
04/01/2022 Music Preserves
04/04/2022 OCTA
04/04/2022 League of Cities
04/04/2022 Truly Pizza Ground Breaking
04/05/2022 OCTA, Laguna Beach
04/06/2022 Jeff Perkins
04/07/2022 Chamber of Commerce
04/09/2022 OC Parks
04/10/2022 John Mansur Memorial
04/11/2022 OCTA
04/12/2022 Residential Meeting
04/13/2022 TCA
04/13/2022 OCTA
04/13/2022 LOSSAN
04/14/2022 TCA

04/18/2022 LOSSAN
04/18/2022 League of Cities
04/19/2022 TCA

Mayor Pro Tem Mike Frost

03/03/2022 South Coast Watershed
03/07/2022 ACC-OC Legislative Review
03/08/2022 ACC-OC Legislative Review
03/17/2022 Toll Brothers CUSD Update
03/24/2022 ACC-OC
04/01/2022 Music Preserves at RH Dana
04/13/2022 Fiber Discussion with Neatly
04/14/2022 Medal of Valor (OC Sheriff Deputies)
04/16/2022 Sea Canyon Park – Community Easter Egg Hunt

Council Member Richard A. Viczorek

03/05/2022 Festival of Whales Parade
03/10/2022 SJHTCA Board of Directors Meeting
03/17/2022 OCMVCD Board of Trustees Meeting
03/24/2022 SJHTCA Board of Directors Special Meeting
03/24/2022 OCFA Board of Directors Meeting
04/13/2022 SJHTCA Board of Directors Meeting
04/13/2022 OCMVCD Board of Trustees Special Meeting
04/13/2022 OCFA Board of Directors Special Meeting

Council Member Michael Villar

03/05/2022 Festival of Whales Parade
03/07/2022 Dana Point Affordable Housing Group
03/14/2022 SCWD Briefing
03/15/2022 Strategic Plan Briefing
03/22/2022 Toll Brothers Briefing
03/30/2022 Meeting with Jamboree