

# CITY OF DANA POINT

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## CITY COUNCIL REGULAR MEETING



TUESDAY  
MAY 17, 2022  
6:00 P.M.

## MINUTES

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

Next City Council Ordinance No. 22-03

### 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 6:00 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

There was no Closed Session.

STAFF PRESENT: Kelly Reenders, 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; Johnathan Ciampa, Senior Planner; and Jaimie To, Management Analyst.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led in Spanish by Mayor Pro Tem Mike Frost and Andrea Brannam.

### INVOCATION

There was no Invocation.

## **PRESENTATIONS AND PROCLAMATIONS**

### OCFA Drowning Prevention Awareness

Mayor Muller presented Chief Rob Capobianco with a certificate of recognition for Drowning Prevention Awareness.

### Teacher of the Year, R.H. Dana Elementary School

Mayor Muller presented Andrea Brannam with a certificate of recognition for her contributions to R.H. Dana Elementary School and honored her as Teacher of the Year.

### Employee of the Quarter

Mayor Muller presented Mark Consolver, Recreation Leader, with a certificate of recognition.

## **READING OF ORDINANCE TITLES**

City Clerk Shayna Sharke read two (2) Ordinance Titles.

## **CONSENT CALENDAR**

IT WAS MOVED BY MAYOR MULLER, SECONDED BY COUNCIL MEMBER VILLAR, 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**

The City Council approved the reading by title only of all ordinances and that further reading of such ordinances be waived.

### **2. REGULAR MEETING MINUTES, MAY 3, 2022**

The City Council approved the minutes.

### **3. PLANNING COMMISSION MEETING MINUTES, APRIL 25, 2022**

The City Council received and filed.

### **4. YOUTH BOARD MEETING MINUTES, APRIL 7, 2022**

The City Council received and filed.

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

The City Council received and filed.

**6. CLAIMS AND DEMANDS**

The City Council received and filed the Claims and Demands.

**7. DEVELOPMENT UPDATE**

The City Council received and filed the Development Update.

**8. FIRST AMENDMENT TO CONTRACT AGREEMENT BETWEEN ALL CITY MANAGEMENT SERVICES, INC. AND THE CITY OF DANA POINT FOR SCHOOL CROSSING GUARD SERVICES**

The City Council authorized the City Manager to execute the First Amendment of a Contract Agreement between All City Management Services, Inc. and the City of Dana Point for School Crossing Guard Services for Fiscal Year 2022-23.

**9. SECOND READING AND ADOPTION OF ORDINANCE ESTABLISHING REGULATIONS PROHIBITING THE UNLAWFUL POSSESSION OF CATALYTIC CONVERTERS IN THE CITY**

The City Council conducted a second reading and adopted an ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADDING SECTION 11.55 TO CHAPTER 11 OF THE DANA POINT MUNICIPAL CODE ESTABLISHING REGULATIONS PROHIBITING THE UNLAWFUL POSSESSION OF CATALYTIC CONVERTERS IN THE CITY

**PUBLIC COMMENTS**

Todd Wallin (Dana Point) and Maria Elena Banks (Dana Point, Arts & Culture Commission) introduced a new non-profit organization, Dana Point Entertainment Art Council, and expressed their interest and intent to establish an artistic holiday event along Del Prado Avenue, benefitting non-profits in town. They stated they would be seeking support from the City for the event.

**PUBLIC HEARINGS**

**10. LOCAL COASTAL PROGRAM AMENDMENT LCPA22-0002/ZONE TEXT AMENDMENT ZTA22-0001, FOR A LOCAL COASTAL PROGRAM AMENDMENT AND ZONE TEXT AMENDMENT TO AMEND VARIOUS PORTIONS OF THE ZONING CODE**

Senior Planner John Ciampa provided a Staff report.

Discussion ensued, which referenced an emailed public comment received from Mitchell M. Tsai, Attorney at law.

Mayor Muller opened the Public Hearing at 6:30 p.m.

One emailed public comment was received prior to the meeting from Mitchell M. Tsai, Attorney at law.

Mayor Muller closed the Public Hearing at 6:30 p.m.

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

1. **ADOPT RESOLUTION NO. 22-05-17-01 ENTITLED:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING LOCAL COASTAL PROGRAM AMENDMENT LCPA22-0002 AND SUBMISSION OF ZTA22-0001 AS LOCAL COASTAL PROGRAM AMENDMENT LCPA22-0002 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION; AND**

2. **INTRODUCE FOR FIRST READING OF AN ORDINANCE ENTITLED:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA22-0001 TO MODIFY AND ADD VARIOUS PROVISIONS TO THE ZONING ORDINANCE AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA22-0002 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.**

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. HISTORIC PRESERVATION AGREEMENT (MILLS ACT) FOR THE PROPERTY LOCATED AT 33812 EL ENCANTO**

Senior Planner John Ciampa provided a Staff report.

Discussion ensued.

Mayor Muller opened the Public Hearing at 6:34 p.m.

Mayor Muller closed the Public Hearing at 6:34 p.m.

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

1. **ADOPT RESOLUTION NO. 22-05-17-02 ENTITLED:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A MILLS ACT AGREEMENT HRA22-0001 FOR THE PROPERTY LOCATED AT 33812 EL ENCANTO; AND**

2. **AUTHORIZE THE MAYOR TO SIGN A HISTORIC PROPERTY PRESERVATION AGREEMENT WHICH WOULD ALLOW THE HISTORIC STRUCTURE'S PROPERTY OWNER AT 33812 EL ENCANTO TO PARTICIPATE IN THE STATE'S MILLS ACT PROGRAM.**

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

## **UNFINISHED BUSINESS**

There was no Unfinished Business.

## **NEW BUSINESS**

### **12. ORANGE COUNTY SHERIFF'S DEPARTMENT CONTRACT FOR FY23**

Assistant City Manager Kelly Reenders provided a Staff report.

Discussion ensued and Captain Kirsten Monteleone answered questions of the Council.

IT WAS MOVED BY MAYOR MULLER, SECONDED BY COUNCIL MEMBER FEDERICO, THAT THE CITY COUNCIL APPROVE THE LAW ENFORCEMENT SERVICES AGREEMENT WITH THE COUNTY OF ORANGE FOR LAW ENFORCEMENT SERVICES FOR FISCAL YEAR 2022-23 (FY23) AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND, AUTHORIZE THE CITY MANAGER TO EXECUTE AMENDMENTS TO THE AGREEMENT IN AN AMOUNT NOT TO EXCEED THE RELATED COUNCIL APPROVED BUDGET.

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

**13. CONTRACT AGREEMENT BETWEEN FLOCK SAFETY AND THE CITY OF DANA POINT FOR AUTOMATED LICENSE PLATE READER CAMERAS**

Assistant City Manager Kelly Reenders and Captain Kirsten Monteleone provided a Staff report.

Discussion ensued.

IT WAS MOVED BY MAYOR PRO TEM FROST, SECONDED BY COUNCIL MEMBER VILLAR, THAT THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT AGREEMENT BETWEEN FLOCK SAFETY AND THE CITY OF DANA POINT FOR 15 AUTOMATED LICENSE PLATE READER (ALPR) CAMERAS; AUTHORIZE THE CITY MANAGER TO EXECUTE AMENDMENTS TO THE AGREEMENT TO IMPLEMENT UP TO AN ADDITIONAL 10 CAMERAS; AUTHORIZE THE BUDGET AMENDMENT OUTLINED IN THE FISCAL IMPACT SECTION OF THIS REPORT; AND ACKNOWLEDGE THE LETTER RECEIVED FROM THE BOARD OF DIRECTORS WITH THE MONARCH BAY TERRACE PROPERTY OWNERS ASSOCIATION AGREEING TO PAY FOR THE CAMERA AT SEVEN SEAS AND CROWN VALLEY AS IT IS PER THEIR REQUEST AND AUTHORIZE THE CITY MANAGER OR HIS DESIGNEE TO BILL THEM ANNUALLY FOR THE CAMERA.

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

**PUBLIC COMMENTS (Continued)**

**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 thanked Staff for a great State of the City event. He highlighted various upcoming events in town, including the Memorial Day Ceremony at Pines Park on May 30<sup>th</sup>, movies in the park beginning June 3<sup>rd</sup>, Dana Point Art Fest on June 5<sup>th</sup>, and the summer concert series coming up in July.

**STAFF REPORTS**

Assistant City Manager Kelly Reenders added that the Dana Point Trolley season will kick off on May 27<sup>th</sup> and continue to operate through Labor Day, with the Dana Point Chamber of Commerce hosting a Trolley Hop on May 27<sup>th</sup> to celebrate.

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 6:53 p.m. He announced that the next Regular Meeting of the City Council will be June 7, 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 JUNE 7, 2022

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**Meetings attended since May 4, 2022**

**Mayor Joseph L. Muller**

05/04/2022 Chamber Mixer  
05/05/2022 State of the 5<sup>th</sup> District  
05/05/2022 OC Parks  
05/06/2022 Resident Meeting  
05/09/2022 OCTA  
05/11/2022 TCA  
05/11/2022 State of the City  
05/12/2022 League of Cities  
05/13/2022 League of Cities  
05/14/2022 CUSD eBike Safety  
05/15/2022 Arts and Entertainment  
05/15/2022 LOSSAN

**Mayor Pro Tem Mike Frost**

05/04/2022 Chamber Event – Scoop Deck  
05/06/2022 Moulton Arrival Day Ceremony  
05/11/2022 State of the City  
05/14/2022 California Youth Services

**Council Member Jamey M. Federico**

05/11/2022 State of the City  
05/16/2022 CASA Board Special Meeting

**Council Member Richard A. Viczorek**

No meetings to report.

**Council Member Michael Villar**

05/11/2022 State of the City