

# CITY OF DANA POINT

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**CITY COUNCIL  
REGULAR  
MEETING**



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**TUESDAY  
JUNE 21, 2022  
5:00 P.M.**

## **MINUTES**

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

Next City Council Ordinance No. 22-04

### **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), (3 cases)
- B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957

Title: City Manager

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 6:25 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,

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Community Development Director; James Shadle, Director of General Services; and Jaimie To, Management Analyst.

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Villar.

## **INVOCATION**

There was no Invocation.

## **PRESENTATIONS AND PROCLAMATIONS**

There were no Presentations or Proclamations.

## **READING OF ORDINANCE TITLES**

There were no Ordinance Titles.

## **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, JUNE 7, 2022**

APPROVED THE MINUTES.

### **3. TRAFFIC IMPROVEMENT SUBCOMMITTEE MINUTES, APRIL 20, 2022**

RECEIVED AND FILED.

### **4. ARTS AND CULTURE COMMISSION MINUTES, APRIL 13, 2022**

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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. POLICE SERVICES UPDATE**

RECEIVED AND FILED THE POLICE SERVICES UPDATE.

**9. FISCAL YEAR 22-23 (FY23) PROFESSIONAL SERVICES AGREEMENTS AND BUDGET ADJUSTMENT FOR BUILDING DIVISION**

AUTHORIZED THE CITY MANAGER TO EXECUTE THE FOLLOWING CONTRACT AMENDMENTS:

- 1.) TRUE NORTH COMPLIANCE SERVICES (TRUE NORTH) – THIRD AMENDMENT FOR PLAN CHECK, PERMIT TECHNICIAN, AND INSPECTION SERVICES; AND
- 2.) WEST COAST CODE CONSULTANTS (WC3) – FIFTH AMENDMENT FOR PLAN CHECK, PERMIT TECHNICIAN, AND INSPECTION SERVICES; AND
- 3.) AUTHORIZED A FY23 BUDGET ADJUSTMENT TO INCREASE FUNDS IN THE BUILDING DIVISION'S PROFESSIONAL SERVICES ACCOUNT.

**10. ADOPTION OF THE REQUIRED FY22/23 MEASURE M2 ELIGIBILITY SUBMITTAL ITEMS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY**

- 1.) APPROVED THE SEVEN-YEAR CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FY 2022-23 THROUGH FY 2028-29 AND CERTIFY COMPLIANCE, AS REQUIRED BY THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA), WITH THE RENEWED MEASURE M2 (M2); AND
- 2.) AUTHORIZED STAFF TO FORWARD THE NECESSARY RENEWED MEASURE M2 ELIGIBILITY DOCUMENTATION TO THE OCTA.

**11. ADOPTION OF A RESOLUTION APPROVING THE SENATE BILL 1 (SB-1) PROJECT LIST FOR FISCAL YEAR 22/23**

**1.) ADOPTED RESOLUTION 22-06-21-01 ENTITLED:**

**A RESOLUTION OF THE CITY OF DANA POINT, CALIFORNIA ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 22-23 FUNDED BY SENATE BILL 1 (SB-1): THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017; AND**

**2.) AUTHORIZED THE CITY MANAGER OR HIS DESIGNEE TO SUBMIT ALL REQUIRED DOCUMENTATION TO MAINTAIN FUNDING ELIGIBILITY FOR FY22-23; AND**

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

**12. ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE ANNUAL RESIDENTIAL ROADWAY RESURFACING PROJECT FY 20/21**

**ADOPTED RESOLUTION 22-06-21-02 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 "ANNUAL RESIDENTIAL ROADWAY RESURFACING PROJECT FY 20/21"**

**13. WEST COAST ARBORIST CONTRACT AMENDMENT EXTENSION AND BUDGET INCREASE IN FY2023**

**AUTHORIZED THE CITY MANAGER TO:**

**1.) EXECUTE A SECOND AMENDMENT TO THE CONTRACT AGREEMENT WITH WEST COAST ARBORISTS, INC. FOR AN ADDITIONAL ONE-YEAR TERM TO BEGIN JULY 1, 2022 – JUNE 30, 2023 FOR ANNUAL TREE MAINTENANCE SERVICES; AND**

**2.) APPROVE THE BUDGET ADJUSTMENT INCLUDED IN THE FISCAL IMPACT SECTION OF THE REPORT.**

**14. CONTRACT AMENDMENT FOR CITY-WIDE CUSTODIAL SERVICES**

**AUTHORIZED THE CITY MANAGER TO EXECUTE AN AMENDED CONTRACT TO INCREASE THE SYSTEM4 OF SOUTHERN CALIFORNIA (SYSTEM4) CONTRACT BY \$18,243 TO FUND CITY-WIDE CLEANING SERVICES FOR THE REMAINDER OF FY22 AND TO EXTEND THE ORIGINAL CONTRACT TERM ONE YEAR BEGINNING JULY 1, 2022 AND ENDING JUNE 30, 2023.**

**15. PROFESSIONAL SERVICES AGREEMENT FOR PUBLIC RELATIONS AND COMMUNICATIONS SERVICES**

**AUTHORIZED AND DIRECTED THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT FOR PUBLIC RELATIONS AND COMMUNICATIONS SERVICES WITH SPAULDING THOMPSON AND ASSOCIATES FOR A PERIOD OF ONE YEAR, WITH**

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TWO OPTIONAL ONE-YEAR EXTENSIONS WITH A NOT-TO-EXCEED AMOUNT AS DESCRIBED IN THE FISCAL IMPACT SECTION.

## **PUBLIC COMMENTS**

John Bibeau (Dana Point Youth Baseball) asked for Council support for the Tsunami baseball team in the upcoming 12U Championship in Cooperstown, NY. The Tsunami team members thanked the Council for their continued support.

Toni Nelson (Capistrano Beach) attended the recent forum on cannabis and spoke about the negative effects on the community.

Carol Kelly (Dana Point) attended the forum on cannabis and encouraged more community outreach on the subject.

Vida Kohanteb voiced concerns with noise from skateboarding and RVs parked in the Strands Beach parking lot.

Mayor Muller asked Captain Monteleone to look into the noise at the Strands Beach parking lot.

## **PUBLIC HEARINGS**

### **16. AN APPEAL OF PLANNING COMMISSION APPROVAL FOR COASTAL DEVELOPMENT PERMIT CDP22-0010 TO ESTABLISH A SHORT-TERM RENTAL PROGRAM**

Mayor Muller opened the Public Hearing at 6:44 p.m.

IT WAS MOVED BY COUNCIL MEMBER VILLAR, SECONDED BY MAYOR MULLER, TO CONTINUE THE ITEM TO JULY 12, 2022 AT 6PM AND TO DIRECT STAFF TO ESTABLISH A SUBCOMMITTEE WITH MAYOR PRO TEM FROST AND COUNCIL MEMBER VILLAR TO LOOK FURTHER INTO COASTAL DEVELOPMENT PERMIT CDP22-0010 TO ESTABLISH A SHORT-TERM RENTAL 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.

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## NEW BUSINESS

### 17. LANTERN BAY PARK PUBLIC ART INSTALLATION ON STAIRWAY

Assistant City Manager Kelly Reenders provided a Staff report.

Maria Elena Banks (Arts & Culture Commission) thanked Staff for their help with the project.

Karin Schnell (Arts & Culture Commission) discussed the selection of artwork and the process.

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

- 1.) ESTABLISH A NEW CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECT ENTITLED "LANTERN BAY PARK STAIRWAY ART PROJECT"; AND
- 2.) AUTHORIZE STAFF TO PROCEED WITH THE CONSTRUCTION AND INSTALLATION OF PUBLIC ART AT LANTERN BAY PARK ON THE PROMINENT STAIRWAY FROM GOLDEN LANTERN AND DANA POINT HARBOR DRIVE; AND
- 3.) AUTHORIZE THE CITY MANAGER AND/OR DESIGNEE TO ISSUE A STANDARD AGREEMENT COMMISSIONING ARTIST MIA TAVONATTI TO CONSTRUCT AND INSTALL THE PUBLIC ART; AND
- 4.) APPROVE THE BUDGET ADJUSTMENTS LISTED IN THE FISCAL IMPACT SECTION.

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

### 18. CALLING FOR A GENERAL MUNICIPAL ELECTION ON NOVEMBER 8, 2022 TO FILL THREE CITY COUNCIL SEATS FOR DISTRICTS 1, 2, AND 3

City Clerk Shayna Sharke provided a staff report.

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

- 1.) ADOPT RESOLUTION 22-06-21-04 ENTITLED:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON**

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**TUESDAY, NOVEMBER 8, 2022 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES; AND**

**2.) ADOPT RESOLUTION 22-06-21-05 ENTITLED:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2022 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE; AND**

**3.) ADOPT RESOLUTION 22-06-21-06 ENTITLED:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES' STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022.**

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 presented Community Development Director Brenda Wisneski with an Award of Excellence from the American Planning Association for Community Development's work on the Doheny Village Plan and community outreach.

## **STAFF REPORTS**

City Manager Michael A. Killebrew spoke regarding upcoming events in the city, including the Summer Bazaar on June 26, 2022, the Symphony on the Go! pop-up concert on June 29, 2022, and the 4<sup>th</sup> of July fireworks show.

City Attorney Patrick Munoz stated he had nothing to report.

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**RECESS OF CITY COUNCIL MEETING TO CLOSED SESSION AT 7:03 P.M.**

**RECONVENE CITY COUNCIL MEETING AT 8:31 P.M.**

There were no reportable items.

**ADJOURNMENT**

There being no further business before the City Council at this session, Mayor Muller adjourned the meeting at 8:31 p.m. He announced that the next Regular Meeting of the City Council will be July 19, 2022, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.



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SHAYNA SHARKE

CITY CLERK

APPROVED AT THE MEETING OF JULY 19, 2022



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**Meetings attended since June 7, 2022**

**Mayor Joseph L. Muller**

06/08/2022 OCTA  
06/08/2022 Arts and Entertainment  
06/09/2022 TCA  
06/13/2022 5<sup>th</sup> Marines Support Regiment  
06/13/2022 OCTA  
06/16/2022 Cal Cities Coastal Group  
06/16/2022 Cal Cities Quarterly Meeting  
06/20/2022 Stars and Stripes Veterans Event  
06/21/2022 LOOSAN

**Mayor Pro Tem Mike Frost**

06/12/2022 Fish for Life Event  
06/13/2022 5<sup>th</sup> Marines Event  
06/20/2022 Veterans of Real Estate Orange County: Stars and Stripes Event

**Council Member Jamey M. Federico**

06/21/2022 CASA Special Board Meeting  
06/13/2022 Dana Point 5<sup>th</sup> Marine Regiment Support Group Golf Tournament

**Council Member Richard A. Viczorek**

06/09/2022 SJHTCA Board of Directors Meeting  
06/16/2022 OCMVCD Board of Trustees Meeting

**Council Member Michael Villar**

06/13/2022 Combat Golf Event for 5<sup>th</sup> Marines  
06/17/2022 Meeting with Short Term Rental Appellant Team