

CITY OF DANA POINT

CITY COUNCIL SPECIAL MEETING



THURSDAY
AUGUST 25, 2022
6:30 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 6:33 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

STAFF PRESENT: Michael A. Killebrew, City Manager; Jennifer Farrell, Deputy City Attorney; Shayna Sharke, City Clerk; Brenda Wisneski, Community Development Director; Belinda Deines, Principal Planner; and Jaimie To, Management Analyst.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Viczorek.

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

Council Member Viczorek recused himself at 6:35 p.m.

Mayor Muller asked questions to City Staff regarding Item 1.

City Manager Michael A. Killebrew and Principal Planner Belinda Deines answered questions posed by Mayor Muller.

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 Villar, Mayor Pro Tem Frost, and Mayor Muller

NOES: None

ABSENT: None

ABSAIN: Council Member Viczorek

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

AUTHORIZED THE CITY MANAGER TO EXECUTE THE CONTRACT AMENDMENT WITH MICHAEL BAKER INTERNATIONAL – SECOND AMENDMENT TO AGREEMENT FOR ADDITIONAL FUNDING WITH A REVISED CONTRACT.

Council Member Viczorek re-entered Council Chambers at 6:37 p.m.

PUBLIC COMMENTS

There were no Public Comments.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

2. CONSIDER THE APPOINTMENT TO COUNCIL DISTRICT 1, 2, AND 3 AND CANCEL THE GENERAL MUNICIPAL ELECTION FOR COUNCIL DISTRICT 1, 2, AND 3 PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10229

City Clerk Shayna Sharke provided a staff report.

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

- 1) PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10229 (EC 10229), APPOINT JOHN GABBARD AS A COUNCILMEMBER TO REPRESENT DISTRICT 1, APPOINT MATTHEW PAGANO AS A COUNCILMEMBER TO REPRESENT DISTRICT 2, APPOINT JAMEY FEDERICO AS A COUNCILMEMBER TO REPRESENT DISTRICT 3; AND
- 2) ADOPT **RESOLUTION 22-08-25-01** CANCELLING THE GENERAL MUNICIPAL ELECTION ON NOVEMBER 8, 2022 FOR DISTRICT 1, 2, AND 3, ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, RECOGNIZING THE APPOINTED COUNCILMEMBERS AND THEREFORE CANCELLING THE NOVEMBER 8, 2022 GENERAL MUNICIPAL ELECTION FOR CITY COUNCIL MEMBERS FROM DISTRICTS 1, 2, AND 3, PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10229

A FRIENDLY AMENDMENT WAS MADE BY COUNCIL MEMBER FEDERICO THAT THE CITY COUNCIL:

- 1) BIFURCATE THE RECOMMENDED ACTION;
- 2) APPOINT JOHN GABBARD AS A COUNCILMEMBER TO REPRESENT DISTRICT 1 AND APPOINT MATTHEW PAGANO AS A COUNCILMEMBER TO REPRESENT DISTRICT 2;
- 3) ADOPT **RESOLUTION 22-08-25-01** CANCELLING THE GENERAL MUNICIPAL ELECTION ON NOVEMBER 8, 2022 FOR DISTRICT 1 AND 2, ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, RECOGNIZING THE APPOINTED COUNCILMEMBERS AND THEREFORE CANCELLING THE NOVEMBER 8, 2022 GENERAL MUNICIPAL ELECTION FOR CITY COUNCIL MEMBERS FROM DISTRICTS 1 AND 2, PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10229

- 4) CONDUCT A SEPARATE VOTE TO APPOINT JAMEY FEDERICO AS A COUNCILMEMBER TO REPRESENT DISTRICT 3; AND
- 5) ADOPT **RESOLUTION 22-08-25-02** CANCELLING THE GENERAL MUNICIPAL ELECTION FOR DISTRICT 3, ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, RECOGNIZING THE APPOINTED COUNCILMEMBER AND THEREFORE CANCELLING THE

NOVEMBER 8, 2022 GENERAL MUNICIPAL ELECTION FOR CITY COUNCIL MEMBER FROM DISTRICT 3, PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10229

COUNCIL MEMBER VICZOREK AND MAYOR PRO TEM FROST ACCEPTED THE FRIENDLY AMENDMENT.

The motions carried by the following votes:

TO APPOINT JOHN GABBARD AS A COUNCILMEMBER TO REPRESENT DISTRICT 1 AND APPOINT MATTHEW PAGANO AS A COUNCILMEMBER TO REPRESENT DISTRICT 2; AND ADOPT **RESOLUTION 22-08-25-01** CANCELLING THE GENERAL MUNICIPAL ELECTION ON NOVEMBER 8, 2022 FOR DISTRICT 1 AND 2:

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

NOES: None

ABSENT: None

TO APPOINT JAMEY FEDERICO AS A COUNCILMEMBER TO REPRESENT DISTRICT 3 AND ADOPT **RESOLUTION 22-08-25-02** CANCELLING THE GENERAL MUNICIPAL ELECTION ON NOVEMBER 8, 2022 FOR DISTRICT 3:

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

NOES: None

ABSENT: None

ABSTAIN: Council Member Federico

3. SPECIAL EVENT PROPOSAL – CONCERT IN SEA TERRACE PARK

Mayor Muller provided a report.

John Reese (CTS EVENTIM) spoke regarding his company's experience with events and answered questions of the Council.

Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER FEDERICO, SECONDED BY MAYOR MULLER, THAT THE CITY COUNCIL DIRECT STAFF TO WORK ON AN AGREEMENT WITH THE APPROPRIATE ENTITY TO HOLD A TWO-DAY CONCERT IN NOVEMBER AND TO PROVIDE THE CITY WITH \$40,000 TO USE FOR FUTURE ARTS & CULTURAL EVENTS.

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

4. DANA POINT FILM FESTIVAL EVENT PROPOSAL

City Manager Michael A. Killebrew introduced Todd Wallin.

Todd Wallin (Dana Point Entertainment and Arts Council) provided a presentation and answered questions of the Council.

Maria Elena Banks (Dana Point Entertainment and Arts Council) spoke in favor of the film festival.

Discussion ensued.

IT WAS MOVED BY MAYOR MULLER, SECONDED BY COUNCIL MEMBER VILLAR, THAT THE CITY COUNCIL DIRECT STAFF TO AUTHORIZE THE USE OF LANTERN BAY PARK AND SEA TERRACE PARK AND RESERVE THE DATES FOR THE EVENT AS DETAILED IN THE STAFF REPORT.

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 residents to attend the Classic Car Show on Sunday, August 28, 2022.

STAFF REPORTS

City Manager Michael A. Killebrew stated he had nothing to report.

Deputy City Attorney Jennifer Farrell stated she had nothing to report.

CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (1 case)

Mayor Muller recessed the meeting into a Closed Session at 8:03 p.m. pursuant to Government Code Section 54957.

RECESS OF CITY COUNCIL MEETING TO CLOSED SESSION AT 8:03 P.M.

RECONVENE CITY COUNCIL MEETING AT 8:20 PM

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Muller adjourned the meeting at 8:20 p.m. He announced that the next Regular Meeting of the City Council will be September 20, 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 SEPTEMBER 20, 2022

Meetings attended since July 19, 2022

Mayor Joseph L. Muller

07/25/2022 OCTA
07/26/2022 Chamber Legislation Day
07/27/2022 TCA
07/28/2022 Chamber Legislation Day
08/01/2022 OCTA
08/01/2022 League of Cities
08/02/2022 TCA
08/03/2022 OI
08/04/2022 DPHP
08/07/2022 Fish for Life
08/08/2022 OCTA
08/08/2022 League of Cities
08/09/2022 Chamber Mixer
08/09/2022 DPFF
08/10/2022 OCTA
08/11/2022 TCA
08/15/2022 LOOSAN
08/16/2022 TCA
08/22/2022 Waldorf
08/22/2022 OCTA
08/22/2022 Chamber Legislative Luncheon
08/22/2022 Wind and Sea 50th Anniversary
08/23/2022 TCA
08/23/2022 DPHP
08/24/2022 TCA
08/25/2022 OCTA
08/25/2022 TCA
08/25/2022 OCSD
08/25/2022 Chamber of Commerce

Mayor Pro Tem Mike Frost

07/21/2022 Dana Point Art Project Doheny Village
07/22/2022 Ocean Institute Summer Concerts with Music Preserves
07/28/2022 ACC/OC Legislative Review Session
08/03/2022 Hansen Plaza Dana Point Harbor
08/09/2022 Dana Point Chamber Luncheon at Brio
08/22/2022 Dana Point Chamber Luncheon with Mike Levin
08/25/2022 ACC/OC Legislative Review Session

Council Member Jamey M. Federico

No meetings attended.

Council Member Richard A. Viczorek

07/20/2022 CJPIA Board of Directors Meeting
07/21/2022 OCMVCD Board of Trustees Meeting
07/28/2022 OCFA Board of Directors Meeting
08/18/2022 OCMVCD Board of Trustees Meeting
08/25/2022 OCFA Board of Directors Special Meeting

Council Member Michael Villar

No meetings attended.