

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
NOVEMBER 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. 22-04

### **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 5:01 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 – EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (1 case)

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

- B. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Government Code § 54956.9 (c), (1 case)

- C. 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 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.

**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, Director of Community Development; Matthew Sinacori, Director of Public Works/City Engineer; James Shadle, Director of General Services; and Jaimie To, Management Analyst.

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Pro Tem Frost.

## **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, OCTOBER 18, 2022**

**APPROVED THE MINUTES.**

---

**3. PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 26, 2022**

RECEIVED AND FILED.

**4. FINANCIAL REVIEW COMMITTEE MEETING MINUTES, SEPTEMBER 13, 2022**

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. TREASURER'S REPORT**

RECEIVED AND FILED THE TREASURER'S REPORT FOR THE MONTH OF SEPTEMBER 2022.

**8. QUARTERLY FINANCIAL REPORT**

RECEIVED AND FILED THE CITY FINANCIAL REPORT AND MANAGEMENT DISCUSSION FOR THE QUARTER ENDED SEPTEMBER 30, 2022.

**9. ANNUAL REVIEW OF INVESTMENT POLICY**

APPROVED THE CITY'S STATEMENT OF SAFEKEEPING AND INVESTMENT OF PUBLIC FUNDS POLICY ("INVESTMENT POLICY").

**10. RECRUITMENT FOR THE OCEAN WATER QUALITY SUBCOMMITTEE**

DIRECTED STAFF TO PROCEED WITH THE RECRUITMENT OF ONE (1) OCEAN WATER QUALITY SUBCOMMITTEE MEMBER.

**11. AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE ANNUAL RESIDENTIAL ROADWAY RESURFACING PROJECT FY 21/22 AND THE CALLE PORTOLA STORM DRAIN IMPROVEMENTS PROJECT**

THE CITY COUNCIL:

1) ESTABLISHED A NEW CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECT ENTITLED "CALLE PORTOLA STORM DRAIN IMPROVEMENTS PROJECT", CIP #11-99-30-1350-3110, AND AUTHORIZE THE FUNDING TRANSFER NOTED IN THE FISCAL IMPACT SECTION;

2) APPROVED AWARD OF CONTRACT TO ONYX PAVING COMPANY, INCORPORATED FOR CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT FY 21/22

(CIP #1329) AND THE CALLE PORTOLA STORM DRAIN IMPROVEMENTS PROJECT (CIP #1350) AND AUTHORIZED THE CITY MANAGER TO SIGN THE CONTRACT, AND AUTHORITY TO APPROVE CHANGE ORDERS IF NECESSARY;

3) AUTHORIZED THE EXPENDITURE AS NOTED IN THE FISCAL IMPACT SECTION WITH GMU GEOTECHNICAL, INC. FOR MATERIALS TESTING AND QUALITY ASSURANCE FOR THE ANNUAL ROADWAY RESURFACING PROJECT FY 21/22 (CIP #1329) PER THE EXISTING AS-NEEDED CONSULTANT SERVICES AGREEMENT WITH GMU GEOTECHNICAL;

4) AUTHORIZED THE CITY MANAGER TO SIGN AN AGREEMENT WITH WESTLAND GROUP, INCORPORATED, FOR SURVEYING, CONSTRUCTION STAKING AND MONUMENT PRESERVATION FOR THE ANNUAL ROADWAY RESURFACING PROJECT FY 21/22 (CIP #1329) AND THE ASSOCIATED EXPENDITURE AS NOTED IN THE FISCAL IMPACT SECTION;

5) AUTHORIZED THE CITY MANAGER TO SIGN AN AGREEMENT WITH GHD, INC. FOR MATERIALS TESTING AND QUALITY ASSURANCE FOR THE CALLE PORTOLA STORM DRAIN IMPROVEMENTS PROJECT (CIP #1350) AND THE ASSOCIATED EXPENDITURE AS NOTED IN THE FISCAL IMPACT SECTION.

6) APPROVED EXPENDITURE AND BUDGET ADJUSTMENTS OUTLINED IN THE FISCAL IMPACT SECTION FOR THE ANNUAL ROADWAY RESURFACING PROJECT FY 21/22 (CIP #1329) AND THE CALLE PORTOLA STORM DRAIN IMPROVEMENTS PROJECT (CIP #1350);

7) AUTHORIZED THE CITY MANAGER TO SIGN AN AGREEMENT WITH WESTLAND GROUP, INCORPORATED, FOR SURVEYING SERVICES FOR THE ROADWAY REHAB AND REPAIR DESIGN PROJECT FY 22/23 (CIP #1342) WITH FUNDING AS DESCRIBED IN THE FISCAL IMPACT SECTION.

8) AUTHORIZED THE CITY MANAGER TO SIGN AN AGREEMENT WITH WEST COAST CIVIL, INCORPORATED, FOR DESIGN SERVICES FOR THE ROADWAY REHAB AND REPAIR DESIGN PROJECT FY 22/23 (CIP #1342) WITH FUNDING AS DESCRIBED IN THE FISCAL IMPACT SECTION.

**12. ADOPTION OF RESOLUTIONS APPROVING A NOTICE OF COMPLETION FOR BOTH THE CITYWIDE ASPHALT REPAIRS PROJECT FY 21/22 AND CONSTRUCTION OF THE ANNUAL RESIDENTIAL ROADWAY SLURRY PROJECT FY 21/22**

THE CITY COUNCIL:

1) ADOPTED RESOLUTION 22-11-01-01, 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 "CITYWIDE ASPHALT REPAIRS PROJECT FY 21/22"**

AND RESOLUTION 22-11-01-02, 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 SLURRY PROJECT FY 21/22”; AND**

2) AUTHORIZED A BUDGET ADJUSTMENT TO REALLOCATE PROJECT #1330 SAVINGS TO CIP UNASSIGNED FUND BALANCE PER THE FISCAL IMPACT SECTION.

**PUBLIC COMMENTS**

There were no Public Comments.

**PUBLIC HEARINGS**

There were no Public Hearings.

**UNFINISHED BUSINESS**

There was no Unfinished Business.

**NEW BUSINESS**

**13. LONG-TERM FINANCIAL PLAN / BUDGET PRIORITIES – UNFUNDED CAPITAL IMPROVEMENT AND FACILITIES PROJECTS**

City Manager Michael A. Killebrew introduced the item.

Dana Yarger (Dana Point) thanked staff and Council for their management of the budget and provided a letter with suggestions for the use of surplus funds.

Mike Yousef (Dana Point, PAL) asked for a budget line item for undergrounding of utilities, as well as allocating staff time to grant writing for additional funding.

Jill Richardson (Dana Point) spoke regarding the budget surplus and indicated the funds should be used to address election inconsistencies and the lack of a mayor at-large.

Len Gardner (Dana Point, PAL) spoke of recent fires and the dangers of overhead powerlines.

Susan Berkman (Dana Point, PAL) suggested allocating funds to utility undergrounding.

Discussion ensued.

**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 and spoke about an upcoming artist showcase on November 19<sup>th</sup> with Jeff Perkins, Cliff Wassman, and Ashley Keene.

Mayor Muller turned in his list of meetings attended to the City Clerk and invited the community to the Veterans Day Ceremony on November 11<sup>th</sup> at Strands Vista Park and the Holiday Bazaar on November 12<sup>th</sup> at the Community Center.

## STAFF REPORTS

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

City Attorney Patrick Munoz reported that the closed session item for the initiation of litigation resulted in a motion by Council Member Villar, seconded by Mayor Pro Tem Frost which carried 4-0-1 with Mayor Muller abstaining by which the Council approved bringing a receivership action against the property located at 25 Monarch Bay.

City Attorney Patrick Munoz also reported that the California Coastal Commission will be conducting a public hearing on the appeal of the Short-Term Rental Coastal Development Permit on November 16<sup>th</sup> and provided details on the upcoming process and procedures.

## 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 November 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 NOVEMBER 15, 2022

---

---

**Meetings attended since October 18, 2022**

**Mayor Joseph L. Muller**

10/19/2022 LOOSAN  
10/19/2022 DPCC Anniversary  
10/20/2022 DPHP  
10/24/2022 OCTA  
10/24/2022 DPHP  
10/26/2022 OCTA  
10/26/2022 TCA  
10/27/2022 Sea Canyon Park Re Opening  
11/01/2022 OCTA  
11/01/2022 Community Gardens

**Mayor Pro Tem Mike Frost**

**Meetings attended between September 21 – October 18, 2022**

09/22/2022 ACC-OC Legislation Committee  
09/30/2022 ACC-OC Leadership Conference  
10/06/2022 DP Chamber Networking  
10/11/2022 SHACC 5<sup>th</sup> Annual Golf Tournament  
10/13/2022 Orange County Housing and Community Development Committee

**Meetings attended since October 18, 2022**

10/19/2022 DP Chamber of Commerce 75<sup>th</sup> Anniversary  
10/20/2022 4<sup>th</sup> Quarter CEP (SONGS) Meeting  
10/21/2022 CUSD Principle for the Day  
10/25/2022 FRC Meeting  
10/27/2022 Orange County Housing and Community Development Committee  
10/29/2022 5<sup>th</sup> Marines 247<sup>th</sup> Birthday Carlsbad  
10/30/2022 REDO Market Del Prado

**Council Member Jamey M. Federico**

10/25/2022 FRC Meeting  
10/28/2022 5<sup>th</sup> Marines Marine Corps Birthday Ball  
10/30/2022 REDO Market

**Council Member Richard A. Viczorek**

10/20/2022 OCMVCD Board of Trustees Meeting  
10/27/2022 OCFA Board of Directors Meeting

**Council Member Michael Villar**

None.