

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
NOVEMBER 15, 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 - ABSENT

CLOSED SESSION

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

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; Jennifer Farrell, Deputy 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 Council Member Viczorek.

INVOCATION

There was no Invocation.

PRESENTATIONS AND PROCLAMATIONS

There were no Presentations or Proclamations.

READING OF ORDINANCE TITLES

City Clerk Shayna Sharke read one (1) Ordinance title.

CONSENT CALENDAR

Item 7 was pulled by the Public.

IT WAS MOVED BY MAYOR MULLER, SECONDED BY COUNCIL MEMBER FEDERICO, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR, WITH THE EXCEPTION OF ITEM NUMBER 7.

The motion carried by the following vote:

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

NOES: None

ABSENT: Council Member Villar

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, NOVEMBER 1, 2022

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, OCTOBER 10, 2022

RECEIVED AND FILED.

4. ARTS & CULTURE COMMISSION MEETING MINUTES, SEPTEMBER 14, 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. DEVELOPMENT UPDATE

Item 7 was pulled by the Public.

Brenda Wisneski provided a brief staff report.

Paul Wyatt (Dana Point) asked that the City Council withdraw the Coastal Development Permit for Short-Term Rentals in the Coastal Zone from the California Coastal Commission.

Discussion ensued.

THE CITY COUNCIL RECEIVED AND FILED THE DEVELOPMENT UPDATE.

8. DISPOSITION OF NON-ESSENTIAL CITY RECORDS AND RECORDS RETENTION SCHEDULE UPDATE

APPROVED THE 2022 DISPOSITION OF NON-ESSENTIAL CITY RECORDS IN ACCORDANCE WITH CALIFORNIA STATE LAW AND THE CITY'S APPROVED RECORDS RETENTION SCHEDULE AND ADOPTED:

RESOLUTION NO. 22-11-15-01, ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE DISPOSITION OF CERTAIN INACTIVE CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA; AND

RESOLUTION NO. 22-11-15-02, ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING REVISED RECORDS RETENTION SCHEDULES FOR CERTAIN CITY DEPARTMENTS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

9. PROFESSIONAL SERVICES AGREEMENT FOR COASTAL ENGINEERING SERVICES

1) RATIFIED THE AGREEMENT AND APPROVED THE FIRST AMENDMENT TO CONSULTANT SERVICES AGREEMENT BY AND BETWEEN THE CITY AND MOFFATT AND NICHOL FOR COASTAL ENGINEERING SERVICES FOR THE COMMUNITY DEVELOPMENT

DEPARTMENT, WHICH WILL BE REIMBURSED THROUGH DEVELOPER FEES COLLECTED PRIOR TO SERVICES RENDERED, AND

2) AUTHORIZED THE CITY MANAGER OR DESIGNEE TO EXECUTE THE AMENDMENT.

10. FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT FOR CENTRAL SQUARE TECHNOLOGIES, LLC

AUTHORIZED THE CITY MANAGER TO EXECUTE A FIRST AMENDMENT TO THE CONTRACT WITH CENTRAL SQUARE TECHNOLOGIES TO UPGRADE THE CITY'S PERMITTING AND LICENSING SOFTWARE TO INCREASE THE NOT-TO-EXCEED AMOUNT FROM \$159,000 TO \$199,000, AND AMENDED THE BUDGET AS DESCRIBED IN THE FISCAL IMPACT SECTION.

11. MEASURE M2 EXPENDITURE REPORT FOR FISCAL YEAR 2021-2022

1) ADOPTED RESOLUTION NO. 22-11-15-03, ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONCERNING THE MEASURE M (M2) EXPENDITURE REPORT FOR THE CITY OF DANA POINT FOR FISCAL YEAR 2021-2022; AND

2) AUTHORIZED THE MAYOR TO SIGN THE RESOLUTION ON BEHALF OF THE CITY; AND

3) DIRECTED STAFF TO SUBMIT THE ADOPTED RESOLUTION AND M2 EXPENDITURE REPORT FOR FISCAL YEAR 2021-2022 FOR THE CITY OF DANA POINT TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) TO MAINTAIN ELIGIBILITY IN THE MEASURE M (M2) PROGRAM.

PUBLIC COMMENTS

There were no Public Comments.

PUBLIC HEARINGS

12. ADOPTION BY REFERENCE THE CALIFORNIA CODES OF REGULATIONS TITLE 24, PARTS 1-12, KNOWN AND DESIGNATED AS THE 2022 EDITION OF THE CALIFORNIA BUILDING CODE, 2022 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, 2022 EDITION OF THE CALIFORNIA ELECTRICAL CODE, 2022 EDITION OF THE CALIFORNIA PLUMBING CODE, 2022 EDITION OF THE CALIFORNIA MECHANICAL CODE, 2022 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2022 EDITION OF THE CALIFORNIA REFERENCE STANDARDS CODE, 2022 EDITION OF THE CALIFORNIA ENERGY CODE, 2022 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2022 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2022 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2022 EDITION OF THE CALIFORNIA FIRE CODE, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS.

Building Official Joe Romero provided a staff report.

Mayor Muller opened the Public Hearing at 6:12 p.m.

There were no Public Comments.

Mayor Muller closed the Public Hearing at 6:12 p.m.

Discussion ensued.

Lynne Pivaroff (OCFA) answered questions of the Council.

Discussion ensued.

IT WAS MOVED BY MAYOR PRO TEM FROST, SECONDED BY COUNCIL MEMBER FEDERICO, THAT THE CITY COUNCIL INTRODUCE A FIRST READING OF **ORDINANCE 22-XX**, ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTERS 8.02, 8.03, 8.12, 8.14, 8.16, 8.20, 8.24, 8.26, 8.28, 8.30, 8.32, 8.34, 8.36 AND 8.38 OF TITLE 8 OF THE DANA POINT MUNICIPAL CODE ADOPTING BY REFERENCE THE CALIFORNIA CODES OF REGULATIONS TITLE 24, PARTS 1-12, KNOWN AND DESIGNATED AS THE 2022 EDITION OF THE CALIFORNIA BUILDING CODE, 2022 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, 2022 EDITION OF THE CALIFORNIA ELECTRICAL CODE, 2022 EDITION OF THE CALIFORNIA PLUMBING CODE, 2022 EDITION OF THE CALIFORNIA MECHANICAL CODE, 2022 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2022 EDITION OF THE CALIFORNIA REFERENCE STANDARDS CODE, 2022 EDITION OF THE CALIFORNIA ENERGY CODE, 2022 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2022 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2022 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2022 EDITION OF THE CALIFORNIA FIRE CODE, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS; AND

ADOPT RESOLUTION NO. 22-11-15-04, ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, SETTING FORTH FINDINGS WITH RESPECT TO LOCAL CONDITIONS WITHIN THE CITY OF DANA POINT WHICH MAKE CERTAIN MODIFICATIONS AND CHANGES TO THE CALIFORNIA BUILDING CODE, THE CALIFORNIA RESIDENTIAL CODE, THE CALIFORNIA PLUMBING CODE, THE CALIFORNIA MECHANICAL CODE, THE CALIFORNIA ELECTRICAL CODE, THE CALIFORNIA GREEN BUILDING STANDARDS CODE AND THE CALIFORNIA FIRE CODE AND FIRE CODE STANDARDS REASONABLY NECESSARY FOR DIFFERENT OCCUPANCIES; AND

INSTRUCT THE BUILDING OFFICIAL TO FILE THE RESOLUTION WITH THE CALIFORNIA BUILDING STANDARDS COMMISSION AND A COPY TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT; AND

FORM A SUBCOMMITTEE TO DISCUSS THE AMENDMENTS MADE BY STAFF, TO RETURN TO THE CITY COUNCIL AT A TIME UNCERTAIN

Discussion ensued.

A FRIENDLY AMENDMENT WAS MADE BY COUNCIL MEMBER FEDERICO TO INSTRUCT THE SUBCOMMITTEE TO TAKE A LOOK AT PRIORITIES WITH COMMUNITY DEVELOPMENT STAFF AND CONSIDER GENERAL CONTRACTOR AND RESIDENT INPUT, AND TO RETURN TO COUNCIL IN FOUR MONTHS.

Discussion ensued.

A FRIENDLY AMENDMENT WAS MADE BY MAYOR MULLER TO NOMINATE MAYOR PRO TEM FROST TO THE SUBCOMMITTEE.

THE FRIENDLY AMENDMENTS WERE ACCEPTED BY MAYOR PRO TEM FROST AND COUNCIL MEMBER FEDERICO.

Discussion ensued.

The motion carried by the following vote:

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

NOES: None

ABSENT: Council Member Villar

UNFINISHED BUSINESS

13. DISCUSSION OF STATUS FOR GENERAL PLAN AMENDMENT AND SPECIFIC PLAN, AND ENVIRONMENTAL IMPACT REPORT FOR 26126 VICTORIA BLVD.

Mayor Muller provided a report.

Discussion ensued.

14. CONSULTANT SERVICES AGREEMENT WITH ARDURRA GROUP, INCORPORATED TO PREPARE DESIGN DOCUMENTS FOR THE DOHENY VILLAGE CONNECTIVITY IMPROVEMENT PROJECT

Director of Public Works/City Engineer Matthew Sinacori provided a staff report and answered questions of the Council.

Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER FEDERICO, SECONDED BY COUNCIL MEMBER VICZOREK, THAT THE CITY COUNCIL:

- 1) APPROVE A CONSULTANT SERVICES AGREEMENT WITH ARDURRA GROUP, INCORPORATED FOR PREPARATION OF DESIGN DOCUMENTS FOR THE DOHENY VILLAGE CONNECTIVITY IMPROVEMENT PROJECT, AND AUTHORIZE THE CITY MANAGER TO SIGN THAT DOCUMENT ON BEHALF OF THE CITY; AND

2) FUND THE WORK EFFORT FROM CIP #1340 DOHENY VILLAGE CONNECTIVITY IMPROVEMENTS/DESIGN PROJECT PER THE FISCAL IMPACT SECTION.

Discussion ensued.

The motion carried by the following vote:

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

NOES: None

ABSENT: Council Member Villar

15. CITYWIDE ASSESSMENT REPORT OF OVERHEAD UTILITIES

Director of Public Works/City Engineer Matthew Sinacori provided a staff report, introduced Jeff Cooper (NV5), and answered questions of the Council.

Kiana Berkman (Dana Point, PAL) spoke in favor of undergrounding utilities in residential areas and the safety of the community.

Marilyn and Len Gardner (Dana Point, PAL) thanked Council for their efforts and suggested that the surplus be allocated towards undergrounding and the City seek cost sharing with SDG&E and telephone companies.

Bonni Pomush (Dana Point, PAL) spoke in favor of creating a budget line item and leveraging dollars with other fundraising opportunities.

Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER FEDERICO, SECONDED BY COUNCIL MEMBER VICZOREK, THAT THE CITY COUNCIL APPROVE THE REVISED UTILITY UNDERGROUNDING ASSESSMENT DISTRICT PROCEDURES GUIDE AND RECEIVE AND FILE THE REPORT ENTITLED "CITYWIDE ASSESSMENT OF OVERHEAD UTILITIES."

Discussion ensued.

City Clerk Shayna Sharke confirmed that the Procedures Guide was approved with the amended section provided by memorandum.

The motion carried by the following vote:

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

NOES: None

ABSENT: Council Member Villar

16. LONG TERM FINANCIAL PLAN / BUDGET PRIORITIES – UNFUNDED CAPITAL IMPROVEMENT AND FACILITIES PROJECTS

City Manager Michael A. Killebrew provided a brief report.

Subcommittee Member Federico provided a brief report out of priority discussions.

Jill Richardson (Dana Point) requested that public workshop information from the 2018 districting process be disclosed, and that the City revise election process with surplus funds.

Discussion ensued.

NEW BUSINESS

There was no New Business.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Viczorek stated that he turned in his list of meetings attended to the City Clerk.

Council Member Federico stated that he turned in his list of meetings attended to the City Clerk.

Mayor Pro Tem Frost stated that he will turn in his list of meetings attended to the City Clerk.

Mayor Muller stated that he turned in his list of meetings attended to the City Clerk and invited residents to the Turkey Trot, where he will be getting a pie in the face and reminded everyone that the holiday lights will turn on tomorrow night.

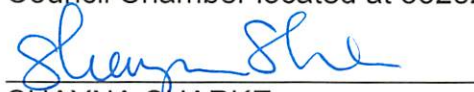
STAFF REPORTS

City Manager Michael A. Killebrew wished everyone a happy Thanksgiving and shared the Stocking Stuffers for Seniors event at the Community Center will start on November 28th.

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

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Muller adjourned the meeting in honor of Tom Cataldo, VFW Member and WWII Navy Veteran, at 8:46 p.m. He announced that the next Regular Meeting of the City Council will be December 6th, 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 DECEMBER 6, 2022

Meetings attended since November 1, 2022

Mayor Joseph L. Muller

11/03/2022 Ribbon Cutting Ceremony at Yoga Six
11/07/2022 OCTA
11/08/2022 TCA
11/09/2022 OCTA
11/09/2022 TCA
11/10/2022 TCA
11/11/2022 Veterans Day
11/14/2022 TCA
11/15/2022 LOOSAN

Mayor Pro Tem Mike Frost

Council Member Jamey M. Federico

11/05/2022 DPWC Chili Cookoff
11/08/2022 LTFP/Budget Priority Subcommittee
11/12/2022 Marine Corps League Birthday Ball
11/14/2022 OCTA
11/15/2022 CASA Board

Council Member Richard A. Viczorek

11/10/2022 SJHTCA Board of Directors Special Meeting
11/11/2022 VFW Veterans Day Ceremony

Council Member Michael Villar

None.