

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



TUESDAY
JUNE 15, 2021
4:30 P.M.

MINUTES

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

Next City Council Ordinance No. 21-03

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Jamey M. Federico at 5:00 p.m. in the City Council Chambers, 33282 Golden Lantern, Dana Point. All Council Members were present.

ROLL CALL OF CITY COUNCIL MEMBERS:

Jamey M. Federico, Mayor
Joseph L. Muller, Mayor Pro Tem
Mike Frost, 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), (1 case)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (1 case)

Name of Case: City of DP v. Sunshine Group LLC (Seaside Inn), Orange County Superior Court Case No. 30-2017- 00915900

- C. THREAT TO PUBLIC SERVICES OR FACILITIES – Government Code § 54957 (a): Consultation with Director of Emergency Services, Director of General Services
- D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957

Title: City Manager

Mayor Jamey M. Federico recessed the meeting into a Closed Session at 5:01 p.m. pursuant to Government Code Section 54957.

RECESS OF CITY COUNCIL MEETING UNTIL 6:00 P.M.

RECONVENE CITY COUNCIL MEETING

Mayor Jamey M. Federico reconvened the meeting at 6:04 p.m. All Council Members were present.

STAFF PRESENT: Michael A. Killebrew, City Manager, Kelly Reenders, Assistant City Manager; Patrick Munoz, City Attorney; Kathy Ward, City Clerk, Capt. Kirsten Monteleone, Robert Sedita, Director of General Services; Brenda Wisneski, Community Development Director; Matthew Sinacori, Public Works Director and City Engineer; Belinda Deines, Principal Planner, Jonathan Ciampa, Senior Planner; Jaimie To, Management Analyst; and Shayna Sharke, Deputy City Clerk.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pro Tem Joseph L. Muller.

INVOCATION

There was no Invocation.

PRESENTATIONS AND PROCLAMATIONS

Certificate of Recognition for Employee of the Quarter

Mayor Jamey M. Federico presented a Certificate of Recognition to Senior Planner Johnathan Ciampa.

Certificate for Drowning Prevention Awareness Proclamation

Mayor Jamey M. Federico presented a proclamation to Rob Capobianco, OCFA Division Chief.

Certificate of Recognition for Volunteer of the Quarter Lifetime Achievement Award

Mayor Jamey M. Federico presented a Certificate of Recognition to Maurice "Morrie" Neal Hansen.

Certificate of Recognition for City of Dana Point Deputy of the Year for 2020

Mayor Jamey M. Federico presented a Certificate of Recognition to Deputy Kendra Norwood.

Certificate of Recognition for VFW Law Enforcement Officer of the Year for 2021

Council Member Richard A. Viczorek presented a Certificate of Recognition to Deputy Thomas David "Dave" O'Neill. VFW Post Commander Rick Jauregui presented a plaque to O'Neill on behalf of the Veterans of Foreign Wars Post 9934. Senior Vice Commander Wayne Yost presented a Certificate of Recognition on behalf of VFW District 2.

READING OF ORDINANCE TITLES

There were no Ordinance titles.

CONSENT CALENDAR

IT WAS MOVED BY MAYOR JAMEY M. FEDERICO, SECONDED BY MAYOR PRO TEM JOSEPH L. MULLER THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR

The motion carried by the following vote:

AYES: Council Member Mike Frost, Council Member Richard A. Viczorek, Council Member Michael Villar, Mayor Pro Tem Joseph L. Muller, and Mayor Jamey M. Federico

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 1, 2021

APPROVED THE MEETING MINUTES.

3. ARTS AND CULTURE COMMISSION MEETING MINUTES, APRIL 14, 2021

RECEIVED AND FILED.

4. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

5. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

6. DANA POINT POLICE SERVICES MONTHLY REPORT.

RECEIVED AND FILED THE POLICE SERVICES MONTHLY REPORT.

7. DEVELOPMENT UPDATE

RECEIVED AND FILED THE DEVELOPMENT UPDATE.

8. AWARD OF CONTRACT FOR FLYPACK MOBILE BROADCAST SYSTEM

AUTHORIZED THE CITY MANAGER TO EXECUTE A CONTRACT WITH TRITON TECHNOLOGY SOLUTIONS FOR A FLYPACK MOBILE BROADCAST SYSTEM, AND THE BUDGET ADJUSTMENT DETAILED IN THE FISCAL IMPACT SECTION.

9. FY22 PROFESSIONAL SERVICES AGREEMENTS FOR BUILDING DIVISION

AUTHORIZED THE CITY MANAGER TO EXECUTE THE FOLLOWING CONTRACT AMENDMENTS:

1. MELAD & ASSOCIATES – FIRST AMENDMENT FOR PLAN CHECK AND INSPECTION SERVICES; AND
2. CSG CONSULTANTS – FIRST AMENDMENT FOR PLAN CHECK AND INSPECTION SERVICES; AND
3. TRUE NORTH COMPLIANCE SERVICES (TRUE NORTH) – SECOND AMENDMENT FOR PLAN CHECK, PERMIT TECHNICIAN, AND INSPECTION SERVICES; AND
4. WEST COAST CODE CONSULTANTS (WC3) – FOURTH AMENDMENT FOR PLAN CHECK, PERMIT TECHNICIAN, AND INSPECTION SERVICES.

10. COOPERATIVE AGREEMENT WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY TO PROVIDE GRANT FUNDING FOR THE SENIOR MOBILITY PROGRAM

APPROVED THE COOPERATIVE AGREEMENT WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) TO PROVIDE GRANT FUNDING FOR THE SENIOR MOBILITY PROGRAM (SMP) AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT, AND ANY ASSOCIATED AMENDMENTS.

PUBLIC COMMENTS

Christy Culp (Dana Point) urged the City Council to reconsider allowing chickens in Dana Point.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

11. APPOINTMENTS TO THE ARTS AND CULTURE COMMISSION

Mayor Jamey M. Federico announced that Scott Schoeffel has withdrawn his application and thanked him for his consideration for applying and his years of service to the City. City Council interviewed the following applicants for positions on the Arts and Culture Commission:

Barbara Hendricks
Ashley Keene
Todd Wallin
Jody Marcon
Marco Carralero (teleconference via Zoom)

BY A MAJORITY VOTE OF THE CITY COUNCIL, TODD WALLIN AND ASHLEY KEENE WERE APPOINTED TO THE ARTS AND CULTURE COMMISSION.

Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER MIKE FROST THAT THE CITY COUNCIL APPOINT BARBARA HENDRICKS AND JODY MARCON AS EX-OFFICIO MEMBERS OF THE ARTS AND CULTURE COMMISSION.

Discussion ensued.

A SUBSTITUTE MOTION WAS MADE BY COUNCIL MEMBER MICHAEL FROST THAT THE CITY COUNCIL APPOINT BARBARA HENDRICKS, JODY MARCON, AND MARCO CARRALERO AS EX-OFFICIO MEMBERS OF THE ARTS AND CULTURE COMMISSION.

Discussion ensued.

The substitute motion failed by the following vote:

AYES: Council Member Mike Frost and Council Member Michael Villar

NOES: Council Member Richard A. Viczorek, Council Member Joseph L. Muller, Mayor Jamey M. Federico

ABSENT: None

IT WAS MOVED BY MAYOR JAMEY M. FEDERICO, SECONDED BY COUNCIL MEMBER MICHAEL VILLAR THAT THE CITY COUNCIL APPOINT TODD WALLIN AND ASHLEY KEENE TO THE ARTS AND CULTURE COMMISSION.

The motion carried by the following vote:

AYES: Council Member Mike Frost, Council Member Richard A. Viczorek, Council Member Michael Villar, Mayor Pro Tem Joseph L. Muller, and Mayor Jamey M. Federico

NOES: None

ABSENT: None

MAYOR JAMEY M. FEDERICO CALLED FOR A BRIEF RECESS OF CITY COUNCIL MEETING AT 8:25 P.M.

MAYOR JAMEY M. FEDERICO RECONVENED THE CITY COUNCIL MEETING AT 8:31 P.M.

12. AUTHORIZATION TO SUBMIT DRAFT 2021-2029 HOUSING ELEMENT UPDATE TO CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Principal Planner Belinda Deines introduced Colin Drukker from Placeworks. He provided a Power Point Presentation and answered questions of the City Council.

Discussion ensued.

Mayor Jamey M. Federico opened public comment.

John Tafoya (Buena Park / Southwest Carpenters Union) encouraged the City Council to include investment in skilled and trained workforce as part of the Housing Element Update.

Mayor Jamey M. Federico closed public comment.

Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER MICHAEL VILLAR THAT THE CITY COUNCIL DIRECT STAFF TO CREATE A TACTICAL PLAN TO IMPLEMENT A PLANNED NUMBER OF HOUSING UNITS WITHIN A SPECIFIED AMOUNT OF TIME.

Motion failed due to lack of a second.

IT WAS MOVED BY MAYOR JAMEY M. FEDERICO, SECONDED BY COUNCIL MEMBER MICHAEL VILLAR THAT THE CITY COUNCIL AUTHORIZE SUBMITTAL OF THE DRAFT 2021-2029 HOUSING ELEMENT UPDATE TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD).

Discussion ensued.

The motion carried by the following vote:

AYES: Council Member Mike Frost, Council Member Richard A. Viczorek, Council Member Michael Villar, Mayor Pro Tem Joseph L. Muller, and Mayor Jamey M. Federico

NOES: None

ABSENT: None

NEW BUSINESS

13. AMERICAN RESCUE PLAN ACT (ARPA) OF 2021 FUND ALLOCATION

City Manager Michael Killebrew provided a staff report.

Discussion ensued.

IT WAS MOVED BY MAYOR PRO TEM JOSEPH L. MULLER, SECONDED BY COUNCIL MEMBER MICHAEL VILLAR, THAT THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO SIGN ANY AND ALL DOCUMENTATION NECESSARY TO RECEIVE THE CITY'S ALLOCATION OF THE 2021 AMERICAN RESCUE PLAN FUNDS.

The motion carried by the following vote:

AYES: Council Member Mike Frost, Council Member Richard A. Viczorek, Council Member Michael Villar, Mayor Pro Tem Joseph L. Muller, and Mayor Jamey M. Federico

NOES: None

ABSENT: None

14. CONSIDERATION OF AMENDMENT TO CITY MANAGER EMPLOYMENT AGREEMENT

Mayor Jamey M. Federico provided a brief report.

IT WAS MOVED BY MAYOR JAMEY M. FEDERICO, SECONDED BY COUNCIL MEMBER MICHAEL VILLAR THAT THE CITY COUNCIL APPROVE AN AMENDMENT TO THE CITY MANAGER'S CONTRACT.

Discussion ensued.

The motion carried by the following vote:

AYES: Council Member Mike Frost, Council Member Richard A. Viczorek, Council Member Michael Villar, Mayor Pro Tem Joseph L. Muller, and Mayor Jamey M. Federico

NOES: None

ABSENT: None

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Mike Frost stated that he will turn in his list of meetings attended to the City Clerk.

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

Council Member Richard A. Viczorek stated that he will turn in his list of meetings attended to the City Clerk.

Mayor Pro Tem Muller stated that he has turned in his list of meetings attended to the City Clerk.

Mayor Jamey M. Federico stated that he has turned in his list of meetings attended to the City Clerk.

STAFF REPORTS

City Manager Michael A. Killebrew encouraged the community to enjoy the trolley and the upcoming summer events. He announced that City Clerk Kathy Ward and Gail Roseen, Administrative Assistant have announced their retirement at the end of July.

City Attorney Patrick Munoz reported that the Court approved a partial settlement of the Sea Side Inn case, by which the property will be sold to Artist Guild who plans to have it open as a boutique hotel by Spring of next year. Additionally, he stated that the Emergency Plan was approved by a motion from Mayor Jamey M. Federico and a second from Council Member Richard A. Viczorek with a 5-0 vote. Lastly, he stated that the lawsuit filed against the City and County by Nancy Leonard has been dismissed by the Court.

RECESS OF CITY COUNCIL MEETING TO CLOSED SESSION AT 9:37 P.M.

RECONVENED CITY COUNCIL MEETING AT 10:18 P.M.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Jamey M. Federico adjourned the meeting at 10:18 p.m. He announced that the next Regular Meeting of the City Council will be July 20, 2021, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.



KATHY M. WARD
CITY CLERK

APPROVED AT THE MEETING OF JULY 20, 2021

Meetings attended since June 2, 2021:

Mayor Jamey M. Federico

06/03/2021 RH Dana and DHHS Graduations
06/05/2021 Doheny Village Community Engagement Event
06/07/2021 CASA Board of Directors Meeting

Mayor Pro Tem Joseph L. Muller

06/03/2021 DHHS Graduation
06/04/2021 OC Parks
06/05/2021 League of Cities
06/07/2021 OCTA
06/07/2021 OCFA
06/08/2021 OCTA
06/09/2021 OCTA
06/09/2021 OCFA
06/10/2021 TCA
06/10/2021 Resident Meeting
06/11/2021 Ritz Carlton
06/11/2021 League of Cities
06/14/2021 OCTA
06/15/2021 OCTA

Council Member Mike Frost

Council Member Richard A. Viczorek

06/09/2021 OCMVCD Board of Trustees Special Meeting
06/10/2021 SJHTCA Board of Directors Meeting

Council Member Michael Villar

06/07/2021 Tour of Ecology Center in San Juan Capistrano