

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
NOVEMBER 2, 2021
5:00 P.M.**

MINUTES

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

Next City Council Ordinance No. 21-07

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 5:02 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 – EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (2 cases):

A. Mitchell Carr v. City of Dana Point, et al, Orange County Superior Court Case No. 30-2018-00970749

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

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

Mayor Jamey M. Federico recessed the meeting into a Closed Session at 5:03 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 6:00 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, Community Development Director; Matthew Sinacori, Public Works Director and City Engineer; James Shadle, General Services Director; Belinda Deines, Principal Planner; and Jaimie To, Management Analyst.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Richard A. Viczorek.

INVOCATION

There was no Invocation.

PRESENTATIONS AND PROCLAMATIONS

Certificate of Recognition

Mayor Jamey M. Federico presented a Certificate of Recognition to Lillian Boyd, Dana Point Times.

READING OF ORDINANCE TITLES

City Clerk Shayna Sharke read two (2) Ordinance Titles.

CONSENT CALENDAR

IT WAS MOVED BY MAYOR JAMEY M. FEDERICO, SECONDED BY COUNCIL MEMBER MIKE FROST 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, OCTOBER 19, 2021

APPROVED THE MEETING MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 27, 2021

RECEIVED AND FILED.

4. FINANCIAL REVIEW COMMITTEE MEETING MINUTES, SEPTEMBER 13, 2021

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. QUARTERLY FINANCIAL REPORT, SEPTEMBER 2021

RECEIVED AND FILED THE CITY FINANCIAL REPORT AND MANAGEMENT DISCUSSION FOR THE QUARTER ENDED SEPTEMBER 30, 2021.

8. AMENDMENT TO TITLE 1 AND TITLE 5 OF THE DANA POINT MUNICIPAL CODE PERTAINING TO THE ENFORCEMENT OF VIOLATIONS OF THE MUNICIPAL CODE BY WAY OF ADMINISTRATIVE CITATIONS

INTRODUCED A FIRST READING OF ORDINANCE 21-XX ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING TITLE 1 AND TITLE 5 OF THE DANA POINT MUNICIPAL CODE PERTAINING TO THE ENFORCEMENT OF VIOLATIONS OF THE MUNICIPAL CODE BY WAY OF ADMINISTRATIVE CITATION

9. ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE CITYWIDE SLURRY SEAL FY20/21 PROJECT

1) ADOPTED RESOLUTION 21-11-02-01 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 SLURRY SEAL FY20/21 PROJECT"; AND

2) APPROVED A CONSULTANT SERVICES AGREEMENT FOR DESIGN SERVICES FOR THE ANNUAL ROADWAY RESURFACING FY 21/22 PROJECT WITH WEST COAST CIVIL.

10. SECOND READING AND ADOPTION OF AN ORDINANCE TO APPROVE AMENDING IN ITS ENTIRETY TITLE 6, CHAPTER 6.10 OF THE DANA POINT MUNICIPAL CODE PERTAINING TO THE REGULATION OF SOLID WASTE INCLUDING ORGANIC WASTE

HELD A SECOND READING AND ADOPTED ORDINANCE 21-07 ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING IN ITS ENTIRETY TITLE 6, CHAPTER 6.10 OF THE DANA POINT MUNICIPAL CODE PERTAINING TO THE REGULATION OF SOLID WASTE INCLUDING ORGANIC WASTE

11. FISCAL YEAR 2021-22 (FY22) PROPOSED BUDGET ADJUSTMENT FOR BUILDING DIVISION

AUTHORIZED A BUDGET ADJUSTMENT TO INCREASE FUNDS IN THE BUILDING DIVISION'S PROFESSIONAL SERVICES ACCOUNT.

PUBLIC COMMENTS

Wayne Yost (VFW Post 9934 / Dana Point) invited the community to the Veterans Day Ceremony on Thursday, November 11th at 10:00 a.m. at Strands Vista Park. He also announced that all 30 participating cities have voted to approve the Gypsum Canyon State Veterans Cemetery in Irvine with an adjoining civilian cemetery.

Vickie McMurchie (Dana Point Chamber of Commerce) thanked the Staff for their support with the Classic Car and Motorcycle Show and invited the community to participate in the Turkey Trot on Thanksgiving morning. Additionally, she urged residents to review their purchases and consider buying locally from small businesses whenever possible.

PUBLIC HEARINGS

12. APPEAL OF THE PLANNING COMMISSION'S DECISION TO DENY THE APPEAL AND UPHOLD THE COMMUNITY DEVELOPMENT DIRECTOR'S APPROVAL OF MINOR SITE DEVELOPMENT PERMIT SDP21-0009(M) TO CONSTRUCT AN ADDITION GREATER THAN 10 PERCENT TO A NONCONFORMING STRUCTURE AT 34732 CALLE FORTUNA

Principal Planner Belinda Deines provided a staff report.

Discussion ensued.

Mayor Jamey M. Federico opened the Public Hearing at 6:18 p.m.

Presentation: Jerry Enger (Appellant) provided background and his testimony regarding the project and his reason for his appeal. He referenced lack of notification and interaction with the homeowner and stated that the proposed project would negatively impact his property value and home conditions.

Presentation: Rob Williams (Applicant/Architect) provided background on how the project was designed and developed. He cited comparisons to other homes in the neighborhood and requested that the City Council allow the project to continue.

Jeremy Culp (Homeowner) requested that the City Council allow the project to continue as the additional room meets the needs of his family.

Discussion ensued and the homeowner, applicant, and appellant answered questions of the City Council.

Rebuttal: Rob Williams (Applicant/Architect) asked questions of Council requesting clarification on statements made and outcomes of redesigning the project into conformity.

Discussion ensued.

Rebuttal: Jerry Enger (Appellant) stated that he is open to a conversation and compromise with the Applicant.

Mayor Jamey M. Federico closed the Public Hearing at 6:58 p.m.

Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER MICHAEL VILLAR THAT THE CITY COUNCIL CONTINUE THE PUBLIC HEARING TO A DATE CERTAIN OF DECEMBER 7, 2021 AND ALLOW THE APPELLANT AND APPLICANT TO REACH A RESOLUTION BY DECEMBER 1, 2021.

Discussion ensued.

COUNCIL MEMBER MICHAEL VILLAR WITHDREW HIS MOTION.

Discussion ensued.

IT WAS MOVED BY MAYOR JAMEY M. FEDERICO, SECONDED BY COUNCIL MEMBER MIKE FROST THAT THE CITY COUNCIL ADOPT THE RESOLUTION DENYING THE APPEAL AND SUSTAIN THE PLANNING COMMISSION'S DECISION TO UPHOLD THE COMMUNITY DEVELOPMENT DIRECTOR'S APPROVAL OF MINOR SITE DEVELOPMENT PERMIT SDP21-0009(M) TO CONSTRUCT A 739 SQUARE-FOOT LIVING AREA ADDITION TO A NONCONFORMING SINGLE-FAMILY DWELLING.

Discussion ensued.

A SUBSTITUTE MOTION WAS MADE BY COUNCIL MEMBER MICHAEL VILLAR, SECONDED BY MAYOR PRO TEM JOSEPH L. MULLER THAT THE CITY COUNCIL RE-OPEN THE PUBLIC HEARING.

The motion carried by the following vote:

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

NOES: Council Member Mike Frost

ABSENT: None

Mayor Jamey M. Federico re-opened the Public Hearing at 7:24 p.m.

IT WAS MOVED BY COUNCIL MEMBER MICHAEL VILLAR, SECONDED BY MAYOR PRO TEM JOSEPH L. MULLER THAT THE CITY COUNCIL CONTINUE THE PUBLIC HEARING TO A DATE CERTAIN OF DECEMBER 7, 2021.

Discussion ensued.

The motion carried by the following vote:

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

NOES: Council Member Mike Frost

ABSENT: None

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

There was no New Business.

STAFF REPORTS

Captain Kirsten Monteleone invited the community to an eBike Safety Symposium at the Community Center on November 17, 2021 at 6:00 p.m.

City Attorney Patrick Munoz reminded the community that the Redistricting Public Hearing was continued to November 16, 2021 at 6:30 p.m. He announced that information will be posted to the City's website and encouraged the public to submit their comments and draft maps prior to the hearing.

City Manager Michael A. Killebrew stated that the International Bike Association Conference will be held in Dana Point in March and will include information on eBike Regulations. He also announced that a Zoom meeting regarding Short-Term Rentals will be held on November 8, 2021 at 6:00 p.m. and encouraged the community to visit the website for access information. Additionally, he announced that the Monarch Beach Sunrise Rotary and the City of Dana Point will be hosting a Senior Thanksgiving Luncheon on November 20, 2021.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Mike Frost stated that he has turned 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.

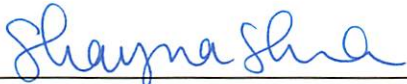
Council Member Richard A. Viczorek stated that he has turned in his list of meetings attended to the City Clerk.

Mayor Pro Tem Joseph L. Muller stated that he will turn in his list of meetings attended to the City Clerk. He also announced that OCTA and Assembly Member Laurie Davies are working to create legislation regarding eBikes and safety course requirements for children under the age of 16.

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

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Jamey M. Federico adjourned the meeting at 7:33 p.m. in memory of dedicated community volunteer and Korean War Veteran, Luigi Lavallo. He announced that the next Regular Meeting of the City Council will be November 16, 2021, 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 16, 2021

Meetings attended since October 20, 2021:

Mayor Jamey M. Federico

10/26/2021 Financial Review Committee
10/27/2021 ACC-OC Board of Directors
10/27/2021 Surf Heritage and Culture Center Update
10/27/2021 Strategic Plan Subcommittee
10/28/2021 DHHS Football Boosters
10/29/2021 Poles and Lines Coalition Steering Committee
10/29/2021 Coastal Conservation Association California Award Dinner

Mayor Pro Tem Joseph L. Muller

10/20/2021 Ocean Institute
10/26/2021 TCA
10/27/2021 OCTA
10/27/2021 TCA
10/28/2021 OCFA
11/01/201 OCTA

Council Member Mike Frost

10/21/2021 Chamber Networking Mixer
10/26/2021 Financial Review Committee
10/28/2021 DHHS Football Meet and Greet

Council Member Richard A. Viczorek

10/21/2021 OCMVCD Board of Trustees Meeting
10/28/2021 TCA Board of Directors Meeting

Council Member Michael Villar

No meetings to report.