

# CITY OF DANA POINT

## CITY COUNCIL REGULAR MEETING



**TUESDAY  
FEBRUARY 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. 22-01

### 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

### CLOSED SESSION

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

Mayor Joseph L. Muller recessed the meeting into a Closed Session at 5:00 p.m. pursuant to Government Code Section 54957.

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

### RECONVENE CITY COUNCIL MEETING

Mayor Joseph L. Muller 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; Belinda Deines, Principal Planner; and Jaimie To, Management Analyst.

---

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Jamey M. Federico.

## **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**

Item 11 was pulled by the Public.

IT WAS MOVED BY COUNCIL MEMBER JAMEY M. FEDERICO, SECONDED BY MAYOR PRO TEM MIKE FROST, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 11.

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, JANUARY 18, 2022**

APPROVED THE MEETING MINUTES.

### **3. PLANNING COMMISSION MEETING MINUTES, DECEMBER 13, 2021**

RECEIVED AND FILED.

### **4. FINANCIAL REVIEW COMMITTEE MEETING MINUTES, OCTOBER 26, 2021**

RECEIVED AND FILED.

**5. YOUTH BOARD MEETING MINUTES, DECEMBER 2, 2021**

RECEIVED AND FILED.

**6. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR**

RECEIVED AND FILED.

**7. CITY TREASURER'S REPORT**

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF DECEMBER, 2021.

**8. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**9. QUARTERLY FINANCIAL REPORT, DECEMBER 2021**

RECEIVED AND FILED THE CITY FINANCIAL REPORT AND MANAGEMENT DISCUSSION FOR THE QUARTER ENDED DECEMBER 31, 2021.

**10. ANNUAL REVIEW OF INVESTMENT POLICY**

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

**11. 2022 SPECIAL EVENTS CALENDAR**

Item 11 was pulled by the Public.

Assistant City Manager Kelly Reenders provided a staff report.

Todd Wallin (Arts & Culture Commission) introduced the Dana Point Entertainment and Arts Council and board members to the City Council and answered questions from the City Council.

Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER MAYOR JOSEPH L. MULLER, SECONDED BY MICHAEL VILLAR, TO APPROVE THE SPECIAL EVENTS CALENDAR FOR 2022 AND THE RECOMMENDED VENUES WITH THE STIPULATION THAT STAFF ADD A DESCRIPTION ON THE WEBSITE TO INDICATE A TENTATIVE PAID SUMMER CONCERT OR SPECIAL EVENT IN JULY; AND AUTHORIZE THE CITY MANAGER TO EXECUTE TWO CONTRACTS WITH SOUTHERN CALIFORNIA SOUND, STAGE & LIGHTING CORPORATION FOR FESTIVAL OF WHALES CONCERT AND CONCERTS IN THE PARK.

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

## **12. CONSIDERATION OF AMENDMENT TO CITY MANAGER EMPLOYMENT AGREEMENT**

- 1) APPROVED A \$5,000 BONUS FOR THE CITY MANAGER AS AUTHORIZED BY EXISTING EMPLOYMENT AGREEMENT;
- 2) CONSIDERED A SECOND AMENDMENT TO THE CITY MANAGER EMPLOYMENT AGREEMENT; AND
- 3) ADOPTED RESOLUTION 22-02-01-01 OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING THE SALARY SCHEDULE FOR REPRESENTED AND NON-REPRESENTED CLASSIFICATIONS, EFFECTIVE JANUARY 1, 2022, ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING SALARY RANGES FOR REPRESENTED AND NON-REPRESENTED CLASSIFICATIONS

## **PUBLIC COMMENTS**

Dana Yarger (Dana Point) thanked the City and volunteers for their support of the Elephant Parade, which attracted many visitors.

Toni Nelson (Capistrano Beach) spoke regarding Hugs for Heroes which started again in January and provided 953 meals to healthcare workers and 140 meals from Brio Tuscany Grill and Subway. She thanked all of the restaurants that participated, including John's Fish Market, as well as Capo Beach Church, Dana Point Women's Club, Monarch Bay Sunrise Rotary Club, and City Staff.

## **PUBLIC HEARINGS**

### **13. GENERAL PLAN AMENDMENT (GPA20-0003) TO UPDATE THE 2021-2029 HOUSING ELEMENT**

Principal Planner Belinda Deines provided a Staff report.

Colin Drukker (Placeworks) provided a presentation.

Mayor Joseph L. Muller opened the Public Hearing at 6:41 p.m.

Maura Mikulec (Capistrano Beach) founded the South County Homeless Task Force and is also a member of Welcoming Neighbors Home. She spoke regarding a resident with mental health issues who received a housing voucher but cannot find housing that will accept it. She illustrated the need for affordable housing outreach to landlords to promote acceptance of vouchers.

Mayor Joseph L. Muller closed the Public Hearing at 6:44 p.m.

IT WAS MOVED BY COUNCIL MEMBER JAMEY M. FEDERICO, SECONDED BY COUNCIL MEMBER MICHAEL VILLAR, THAT THE CITY COUNCIL ADOPT RESOLUTION 22-02-01-02, APPROVING GENERAL PLAN AMENDMENT (GPA 20-0003) FOR THE 2021-2029 HOUSING ELEMENT, AND AUTHORIZING THE SUBMISSION OF THE HOUSING ELEMENT FOR CERTIFICATION BY THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) ENTITLED:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADOPTING GENERAL PLAN AMENDMENT (GPA 20-0003) FOR THE 2021-2029 HOUSING ELEMENT, AND AUTHORIZING SUBMISSION OF THE HOUSING ELEMENT FOR CERTIFICATION BY THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD).**

Discussion ensued.

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

## **UNFINISHED BUSINESS**

### **14.LETTER OF SUPPORT FOR ASSEMBLY BILL 1595, VETERANS CEMETERY IN ORANGE COUNTY**

Assistant City Manager Kelly Reenders provided a Staff report.

Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER RICHARD A. VICZOREK, SECONDED BY COUNCIL MEMBER JAMEY M. FEDERICO, THAT THE CITY COUNCIL APPROVE A LETTER OF SUPPORT FOR ASSEMBLY BILL (AB) 1595 TO ALLOW THE CALIFORNIA DEPARTMENT OF VETERANS AFFAIRS TO DESIGN, DEVELOP, AND CONSTRUCT A STATE-OPERATED VETERANS CEMETERY IN ORANGE COUNTY; AND DIRECT THE MAYOR TO SIGN AND SUBMIT THE LETTER ON BEHALF OF THE CITY OF DANA POINT.

Discussion ensued.

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

## **NEW BUSINESS**

### **15. CANNABIS POLICY AND SURVEY RESULTS**

City Manager Michael A. Killebrew introduced the item.

Adam Sonenshein (FM3 Research) provided a presentation with survey results and answered questions from the City Council.

Discussion ensued.

Dave McPherson (HdL Companies) provided a presentation and answered questions from the City Council.

Discussion ensued.

Mayor Joseph L. Muller opened Public Comment.

Chuck Pillsbury (Dana Point) spoke against cannabis dispensaries in town.

Katie Armstrong (Capistrano Beach) encouraged the City Council to speak with other city councils that have allowed cannabis sales and spoke in opposition to them.

Toni Nelson (Capistrano Beach) spoke against cannabis dispensaries in town, stating that they do not fit with the town and that the City Council should consider public safety and the previous proposed tax measure, which failed.

Damian Collins (San Clemente, Dana Point business owner) spoke in favor of cannabis dispensaries in town, stating that they would be reputable buildings with security and community outreach would take place. He spoke of customers and how they would benefit, and stated that any dispensary would be regulated.

Marla Freeman (Dana Point) spoke against cannabis dispensaries in town and stated that delivery is available for residents.

Discussion ensued.

IT WAS MOVED BY MAYOR JOSEPH L. MULLER, SECONDED BY MAYOR PRO TEM MIKE FROST, TO DIRECT STAFF TO RESEARCH WHAT AN ORDINANCE SHOULD LOOK LIKE REGARDING CANNABIS DISPENSARIES IN TOWN.

A FRIENDLY AMENDMENT WAS MADE BY COUNCIL MEMBER JAMEY M. FEDERICO TO DIRECT STAFF TO INVESTIGATE BEST PRACTICES FOR CONTROLS, MITIGATION EFFORTS AND REGULATIONS ON CANNABIS DISPENSARIES, INCLUDING TAX MEASURES.

Discussion ensued.

THE FRIENDLY AMENDMENT WAS ACCEPTED BY MAYOR JOSEPH L. MULLER AND SECONDED BY MAYOR PRO TEM MIKE FROST.

The amended motion carried by the following vote:

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

NOES: Council Member Viczorek and Council Member Villar

ABSENT: None

## **COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED**

Council Member Michael Villar stated that he has turned in his list of meetings attended to the City Clerk and added that council members always vote for what they think is best for the city. He stated he is proud to be a member of the City Council.

Council Member Richard A. Viczorek stated he has turned in his list of meetings attended to the City Clerk. He introduced a podcast called Modern Architect available for streaming on Modlar that he appeared on recently to highlight Dana Point.

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

Mayor Pro Tem Mike Frost stated that he has turned in his list of meetings attended to the City Clerk. He stated that the Joyce Hoffman statue unveiling was great and the calendar of events in the city is impressive.

Mayor Joseph L. Muller agreed that the Joyce Hoffman event was fantastic. He stated that he has turned in his list of meetings attended to the City Clerk and announced he is no longer on the OCFA board, and Council Member Richard A. Viczorek will be taking his spot.

## **STAFF REPORTS**

City Manager Killebrew thanked Staff for the Joyce Hoffman event.

City Attorney Patrick Munoz had nothing to report.

---

## ADJOURNMENT

There being no further business before the City Council at this session, Mayor Muller adjourned the meeting at 9:00 p.m in honor of Tris Krogus and Joe Sinacori. He announced that the next Regular Meeting of the City Council will be February 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 FEBRUARY 15, 2022



---

**Meetings attended since January 19, 2022:**

**Mayor Joseph L. Muller**

01/20/2022 Festival of Whales, High School  
01/20/2022 Sergerstrom Shelby Museum Reception  
01/20/2022 Coastal Cities Group  
01/20/2022 OC Mayors Call  
01/21/2022 Dana Point Civic Association  
01/24/2022 OCTA  
01/25/2022 Residents Meeting  
01/26/2022 TCA  
01/26/2022 OCTA  
01/26/2022 PAL  
01/26/2022 Ocean Institute  
01/27/2022 Joyce Hoffman Dedication  
01/27/2022 OCFA  
01/28/2022 Arts and Entertainment  
01/29/2022 Don Hansen Celebration of Life  
02/01/2022 TCA

**Mayor Pro Tem Mike Frost**

01/25/2022 Human Trafficking Meeting  
01/26/2022 PAL Meeting with Mayor and BOD  
01/27/2022 ACC-OC Meeting  
01/27/2022 OC Watershed  
01/27/2022 Joyce Hoffman Statue Unveiling

**Council Member Jamey M. Federico**

01/19/2022 OCHFT  
01/21/2022 ACC-OC  
01/25/2022 Financial Review Committee

**Council Member Richard A. Viczorek**

01/20/2022 OCMVCD Board of Trustees Meeting  
01/27/2022 OCFA Board of Directors Meeting  
01/29/2022 Don Hansen Celebration of Life

**Council Member Michael Villar**

No meetings to report.