

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
JUNE 7, 2022
5:00 P.M.**

MINUTES

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

Next City Council Ordinance No. 22-03

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), (3 cases)

B. ANNUAL PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957
Title: City Attorney

and

CONFERENCE WITH LEGAL COUNSEL - LITIGATION STRATEGY REVIEW INCLUDING POTENTIAL DISCUSSION OF THE FOLLOWING EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (4 cases)

- a. City of DP v. Sunshine Group LLC (Seaside Inn), Orange County Superior Court Case No. 30-2017- 00915900
- b. Concerned Residents of Dana Point vs. City of Dana Point Case No. 2019-01117892-CU-TT-CXC

- c. Susan A. Aguirre, Trustee Of The Aguirre Family Trust Dated December 29, 1993 v. City of Dana Point, Orange County Superior Court Case No: 30-2021-01217610 CU-WM-CJC
- d. Center For Natural Lands Management v City of Dana Point, Orange County Superior Court Case No: 30-2021-01219668 CU-OR-CJC

Mayor Muller 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 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; Staci Sheaks, Deputy City Clerk; Captain Kirsten Monteleone; Brenda Wisneski, Community Development Director; James Shadle, Director of General Services; Sea Shelton, Finance Manager; and Jaimie To, Management Analyst.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Harrison Reich, Dana Point Youth Baseball.

INVOCATION

There was no Invocation.

PRESENTATIONS AND PROCLAMATIONS

Volunteer of the Quarter

Mayor Muller presented a Certificate of Recognition to Dana Kislig, Dana Point Youth Baseball.

Boys and Girls Club Youth of the Year

The presentation of a Certificate of Recognition to Xitalic Rojas, Boys and Girls Club Youth of the Year, was rescheduled due to scheduling conflicts.

READING OF ORDINANCE TITLES

Deputy City Clerk Staci Sheaks read one (1) Ordinance Title.

CONSENT CALENDAR

IT WAS MOVED BY MAYOR MULLER, SECONDED BY MAYOR PRO TEM FROST, 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, MAY 17, 2022

The City Council approved the minutes.

3. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

The City Council received and filed.

4. CLAIMS AND DEMANDS

The City Council received and filed the Claims and Demands.

5. CITY TREASURER'S REPORT

The City Council received and filed the City Treasurer's Report for the month of April 2022.

6. SECOND READING AND ADOPTION OF ORDINANCE FOR A LOCAL COASTAL PROGRAM AMENDMENT AND ZONE TEXT AMENDMENT TO AMEND VARIOUS PORTIONS OF THE ZONING CODE

The City Council conducted a second reading and adopted **ORDINANCE 22-03** entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA22-0001 TO MODIFY AND ADD VARIOUS PROVISIONS TO THE ZONING ORDINANCE AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA22-0002 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

PUBLIC COMMENTS

Jackie Cordova (Santa Ana) spoke regarding the Planning Commission's approval of the short-term rental program, homelessness, and cannabis dispensaries.

PUBLIC HEARINGS

1. CREDIT CARD PROCESSING FEE

Finance Manager Sea Shelton provided a staff report.

Mayor Muller opened the Public Hearing at 6:17 p.m.

There were no Public Comments.

Mayor Muller closed the Public Hearing at 6:17 p.m.

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

1) ADOPT RESOLUTION 22-06-07-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING A CREDIT CARD PROCESSING FEE FOR THE USE OF CREDIT CARDS TO PAY FOR FEES, SERVICES AND OTHER DEBTS OWED TO THE CITY OF DANA POINT; AND

2) AUTHORIZE THE CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS TO PARTICIPATE IN THE VISA GOVERNMENT AND HIGHER EDUCATION PAYMENT PROGRAM (GHEP).

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

NEW BUSINESS

8. APPOINTMENT TO THE ARTS AND CULTURE COMMISSION

The City Council interviewed the following applicants for one (1) position on the Arts and Culture Commission:

- Marco Scognamiglio
- Jen Brennan

- o Daisy Howell
- o Patti Short
- o Laura Smith
- o Marco A. Carralero (via Zoom)

Discussion ensued.

BY A MAJORITY VOTE OF THE CITY COUNCIL, LAURA SMITH WAS APPOINTED TO THE ARTS AND CULTURE COMMISSION.

9. FISCAL YEAR 2022-2023 (FY23) BUDGET ADJUSTMENTS; LONG TERM FINANCIAL PLAN; AMENDMENTS TO FINANCIAL POLICIES; FY 23 BUDGET CALENDAR; ADOPTION OF A RESOLUTION ESTABLISHING THE APPROPRIATIONS LIMIT FOR FY23

Finance Manager Sea Shelton provided a staff report.

IT WAS MOVED BY MAYOR PRO TEM FROST, SECONDED BY COUNCIL MEMBER VICZOREK, THAT THE CITY COUNCIL:

- 1.) APPROVE FISCAL YEAR 2022-23 BUDGET ADJUSTMENTS; AND,
- 2.) ADOPT THE LONG-TERM FINANCIAL PLAN UPDATE FOR FISCAL YEARS 2023 – 2029; AND
- 3.) APPROVE AMENDMENTS TO FINANCIAL POLICIES; AND
- 4.) APPROVE THE UPDATED FISCAL YEAR 2022-23 BUDGET CALENDAR; AND
- 5.) ADOPT RESOLUTION 22-06-07-02 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2022-23.

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

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 thanked Karin Schnell and Nancy Jenkins (Arts and Culture Commission) for their help in making the Dana Point ArtFest a successful event.

Mayor Muller turned in his list of meetings attended to the City Clerk and invited residents to the Fish for Life event on Sunday, June 12, 2022 at Dana Wharf.

STAFF REPORTS

City Manager Michael A. Killebrew thanked Mayor Pro Tem Frost and Council Member Federico for volunteering at the Dana Point ArtFest.

City Attorney Patrick Munoz stated he had nothing to report.

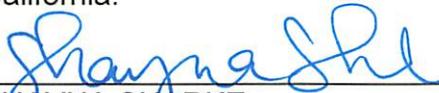
RECESS OF CITY COUNCIL MEETING TO CLOSED SESSION AT 7:50 P.M.

RECONVENE CITY COUNCIL MEETING AT 9:15 P.M.

There were no reportable items.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Muller adjourned the meeting at 9:15 p.m. He announced that the next Regular Meeting of the City Council will be June 21, 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 JUNE 21, 2022

Meetings attended since May 18, 2022

Mayor Joseph L. Muller

05/18/2022 Governor's Regional Office
05/18/2022 Sea Canyon Park Ground Breaking
05/19/2022 TCA
05/19/2022 Cal Cities
05/19/2022 City Selection
05/23/2022 OCTA
05/23/2022 ICSC
05/24/2022 ICSC
05/24/2022 Capo Beach Special District
05/25/2022 TCA
05/26/2022 TCA
05/30/2022 Memorial Day Ceremony
05/31/2022 OCTA
05/31/2022 TCA
06/01/2022 OCTA
06/02/2022 LOSSAN
06/02/2022 Chamber Mixer
06/06/2022 OCTA

Mayor Pro Tem Mike Frost

05/18/2022 Groundbreaking at Sea Canyon Park
05/22/2022 Dana Point Yacht Club Opening Day
05/26/2022 ACC/OC
05/30/2022 Memorial Day Ceremony
06/05/2022 Dana Point Art Festival

Council Member Jamey M. Federico

05/18/2022 OCHFT
05/18/2022 ACCOC
05/27/2022 Trolley Hop
06/02/2022 Snyder Langston Golf Tournament
06/04/2022 Pet Project Foundation Fundraiser

Council Member Richard A. Viczorek

05/19/2022 OCMVCD Board of Trustees Meeting
05/25/2022 SJHTCA/F-ETCA Joint Operations and Finance Committee Meeting
05/26/2022 OCFA Board of Directors Meeting
05/30/2022 VFW Memorial Day Ceremony

Council Member Michael Villar

- 05/19/2022 San Juan Hills High School Senior Awards
- 05/24/2022 Meeting with Beach Road Residents