

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
DECEMBER 6, 2022
5:00 P.M.**

MINUTES

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

Next City Council Ordinance No. 22-05

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), (2 cases)

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 6:01 p.m.

STAFF PRESENT: Michael A. Killebrew, City Manager; Kelly Reenders, Assistant City Manager; Patrick Munoz, City Attorney; Shayna Sharke, City Clerk; Sergeant Jeff Jacques; 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 Villar.

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

IT WAS MOVED BY MAYOR MULLER, SECONDED BY COUNCIL MEMBER FEDERICO, 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. SPECIAL MEETING MINUTES, NOVEMBER 8, 2022

APPROVED THE MINUTES.

3. REGULAR MEETING MINUTES, NOVEMBER 15, 2022

APPROVED THE MINUTES.

4. JOINT CITY COUNCIL AND PLANNING COMMISSION WORKSHOP MINUTES, NOVEMBER 16, 2022

APPROVED THE MINUTES.

5. PLANNING COMMISSION MEETING MINUTES, OCTOBER 24, 2022

RECEIVED AND FILED.

6. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

7. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

8. TREASURER'S REPORT

RECEIVED AND FILED THE TREASURER'S REPORT FOR OCTOBER 2022.

9. POLICE SERVICES UPDATE

RECEIVED AND FILED THE POLICE SERVICES UPDATE.

10. STATE OF THE CITY SPONSORSHIP

- 1) APPROVED THE RELEASE OF A REQUEST FOR SPONSORSHIP (RFS) FOR THE 2023 STATE OF THE CITY EVENT;
- 2) AUTHORIZED THE CITY MANAGER OR ASSISTANT CITY MANAGER TO EVALUATE SUBMITTED REQUEST FOR SPONSORSHIPS AND SELECT SPONSORS;
- 3) APPROVED THE SPONSORSHIP AGREEMENT TEMPLATE, SUBJECT TO SUCH CHANGES AS MAY BE APPROVED BY THE CITY MANAGER AND CITY ATTORNEY; AND
- 4) AUTHORIZED THE CITY MANAGER TO EXECUTE THE SPONSORSHIP AGREEMENTS.

11. SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT FOR WILL DAN GROUP, INC.

RATIFIED THE CONTRACT WITH WILL DAN GROUP, INC. AND AUTHORIZED THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO EXTEND THE AGREEMENT TERMINATION DATE TO JUNE 30, 2023, AND TO INCREASE THE CONTRACT AMOUNT.

12. CONSULTANT SERVICES AGREEMENT WITH WESTLAND GROUP, INCORPORATED FOR TOPOGRAPHIC SURVEYING SERVICES FOR STONEHILL DRIVE

- 1) APPROVED A CONSULTANT SERVICES AGREEMENT WITH WESTLAND GROUP, INCORPORATED FOR TOPOGRAPHIC SURVEYING SERVICES FOR STONEHILL DRIVE,

AND AUTHORIZED THE CITY MANAGER TO SIGN THAT DOCUMENT ON BEHALF OF THE CITY; AND

2) FUNDED THE WORK EFFORT FROM THE GENERAL FUND UNASSIGNED FUND BALANCE AS NOTED IN THE FISCAL IMPACT SECTION.

13. 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.

HELD A SECOND READING AND ADOPTED ORDINANCE 22-04 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.

PUBLIC COMMENTS

Mike Yousef (Dana Point, PAL) showed a video about fire safety issues relating to overhead utilities and requested that the City Council add a line item in the budget to allocate funds towards undergrounding utilities.

Marilyn Gardner (Dana Point, PAL) spoke in favor of finding creative funding solutions for undergrounding utilities.

Kiana Berkman (Dana Point, PAL) spoke in favor of the Council creating a subcommittee to identify funding sources for undergrounding utilities.

Vickie McMurchie (Dana Point Chamber of Commerce) spoke about the Turkey Trot and thanked the Council for their continued support of the event.

Donna Kalez (Dana Point, Festival of Whales Foundation) thanked Council Member Viczorek and Mayor Muller for their support of the Festival of Whales over the years.

Jerry Lansky (Dana Point) thanked Council Member Viczorek and Mayor Muller for their efforts in Capistrano Beach and Doheny Village.

James Surber (Costa Mesa, Doheny Village Merchants Association) thanked Council Member Viczorek and Mayor Muller for their efforts during their time on the City Council.

Steve Carpenter (Capistrano Beach) thanked Council Member Viczorek, Mayor Muller, and staff for their help with Doheny Village.

Robert Chade (Capistrano Beach) thanked Council Member Viczorek and Mayor Muller for their service on City Council.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

14. SISTER CITIES FRIENDSHIP AGREEMENT WITH SORRENTO, ITALY

Assistant City Manager Kelly Reenders provided a staff report.

Bob Zasa (Dana Point, Sister Cities International) gave a history of the development of the proposed Sister Cities agreement with Sorrento, Italy.

Barbara Johannes (Dana Point) spoke in support of the Sister Cities agreement and gave a history of the correlation between Sorrento and Dana Point.

Discussion ensued.

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

- 1) APPROVE AND ESTABLISH A FRIENDSHIP AGREEMENT WITH THE CITY OF SORRENTO, ITALY;

- 2) AUTHORIZE THE MAYOR TO EXECUTE THE MEMORANDUM OF AGREEMENT AND ANY OTHER CEREMONIAL DOCUMENTS;

- 3) ADOPT **RESOLUTION NO. 22-12-06-01** ENTITLED:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA
APPROVING A FRIENDSHIP AGREEMENT AND DECLARING ITS INTENT TO FORM A
SISTER CITY RELATIONSHIP WITH SORRENTO, ITALY; AND**

- 4) AUTHORIZE STAFF TO WORK WITH DANA POINT SISTER CITIES INTERNATIONAL TO BUILD A CITY-TO-CITY RELATIONSHIP WITH SORRENTO, ITALY

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

RECOGNITION OF OUTGOING CITY COUNCIL MEMBER

Mayor Muller presented a proclamation to Council Member Viczorek on behalf of Congressman Mike Levin.

Candice Burroughs presented a proclamation to Council Member Viczorek on behalf of State Senator Patricia Bates.

Assemblywoman Laurie Davies presented a proclamation to Council Member Viczorek.

Orange County Supervisor Lisa Bartlett presented a proclamation to Council Member Viczorek.

Dana Point Chamber of Commerce (Vickie McMurchie) presented a certificate to Council Member Viczorek.

VFW Post 9934 (Commander Rick Jauregui and Past Commander Wayne Yost) presented a Certificate of Appreciation to Council Member Viczorek.

Mayor Muller presented a Certificate of Recognition to Council Member Viczorek.

City Manager Michael A. Killebrew presented a City tile and City Street Sign to Council Member Viczorek on behalf of the City.

Council Member Villar, Council Member Federico, and Mayor Pro Tem Frost thanked Council Member Viczorek for his efforts and time on the City Council.

Council Member Viczorek thanked those who spoke and reflected on his time as a Council Member.

RECOGNITION OF OUTGOING MAYOR/CITY COUNCIL MEMBER

Mayor Pro Tem Frost presented a proclamation to Mayor Muller on behalf of Congressman Mike Levin.

Candice Burroughs presented a proclamation to Mayor Muller on behalf of State Senator Patricia Bates.

Assemblywoman Laurie Davies presented a proclamation to Mayor Muller.

Orange County Supervisor Lisa Bartlett presented a proclamation to Mayor Muller.

Dana Point Chamber of Commerce (Vickie McMurchie) presented a certificate to Mayor Muller.

VFW Post 9934 (Commander Rick Jauregui) presented a Certificate of Appreciation to Mayor Muller.

Mayor Pro Tem Frost presented a Certificate of Recognition and Gavel Plaque to Mayor Muller.

City Manager Michael A. Killebrew presented a City tile and City Street Sign to Mayor Muller on behalf of the City.

Mayor Muller thanked those who spoke and reflected on his time as a Council Member.

SWEARING IN OF NEWLY ELECTED CITY COUNCIL MEMBERS

City Clerk Shayna Sharke administered the Oath of Office to John Gabbard, Matthew Pagano, and Jamey Federico.

CITY COUNCIL REORGANIZATION

A. COUNCIL REORGANIZATION

Mayor Pro Tem Frost opened nominations for the position of Mayor.

COUNCIL MEMBER FEDERICO NOMINATED MAYOR PRO TEM FROST TO SERVE AS MAYOR AND COUNCIL MEMBER VILLAR TO SERVE AS MAYOR PRO TEM.

COUNCIL MEMBER VILLAR DECLINED HIS NOMINATION TO SERVE AS MAYOR PRO TEM.

COUNCIL MEMBER VILLAR MADE A SUBSTITUTE MOTION TO NOMINATE MAYOR PRO TEM FROST TO SERVE AS MAYOR AND COUNCIL MEMBER FEDERICO TO SERVE AS MAYOR PRO TEM.

The nomination for Mayor and Mayor Pro Tem carried by the following vote:

AYES: Council Member Federico, Council Member Gabbard, Council Member Pagano, Council Member Villar, and Council Member Frost

NOES: None

ABSENT: None

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Villar stated that he turned in his list of meetings attended to the City Clerk and stated he is looking forward to working with Council Member Gabbard and Council Member Pagano.

Council Member Gabbard stated he has big shoes to fill and that he's looking forward to the next four years.

Council Member Pagano stated he looks forward to learning from and working with the Council.

Council Member Federico stated that he will turn in his list of meetings attended to the City Clerk, congratulated the new Council Members, and stated that cat and rabbit adoptions are 50% off through December 23rd.

Mayor Frost stated that he will turn in his list of meetings attended to the City Clerk and provided a glimpse into the new year. He encouraged the Council to read the City's Strategic Plan.

STAFF REPORTS

City Manager Michael A. Killebrew welcomed the new Council Members and invited residents to the Boat Parade in the Harbor this weekend, December 9-11, and gave credit to former Mayor Muller for the new holiday lights on Del Prado.

City Attorney Patrick Munoz welcomed the new Council Members and congratulated Mayor Pro Tem Federico on returning to the Council.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Frost adjourned the meeting in honor of OCFA Fire Apparatus Engineer Mike Tooley at 7:53 p.m. He announced that the next Regular Meeting of the City Council will be January 17, 2023, 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 JANUARY 17, 2023

Meetings attended since November 15, 2022

Mayor Joseph L. Muller

11/16/2022 TCA
11/16/2022 Coastal Commission
11/16/2022 Toll Brothers
11/17/2022 TCA
11/23/2022 Resident Meeting
11/24/2022 Turkey Trot
11/28/2022 OCTA
11/29/2022 OCTA
11/29/2022 TCA
11/29/2022 DP Times
11/30/2022 Chamber of Commerce
12/01/2022 City Selection
12/03/2022 Tree Lighting
12/04/2022 Sleigh the Holidays
12/05/2022 OCTA
12/05/2022 Tree Lighting
12/06/2022 LOOSAN

Mayor Pro Tem Mike Frost

11/17/2022 HCD Committee Meeting
11/17/2022 South Orange County Watershed
11/30/2022 Chamber of Commerce – Capt. Daves
12/04/2022 Dana Point Historical Society
12/05/2022 Pines Park Tree Lighting

Council Member Jamey M. Federico

Council Member Richard A. Viczorek

11/17/2022 SJHTCA Board of Directors Meeting/Strategic Plan Workshop
11/17/2022 OCMVCD Board of Trustees Meeting
11/17/2022 OCFA Board of Directors Meeting
11/24/2022 Turkey Trot

Council Member Michael Villar

12/05/2022 Pines Park Tree Lighting Ceremony