

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



TUESDAY
JUNE 1, 2021
5:00 P.M.

MINUTES

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

Next City Council Ordinance No. 21-02

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 – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (1 case)
- B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957
Title: City Manager
- C. CONFERENCE WITH LABOR NEGOTIATOR, Government Code § 54957.6
Agency Designated Representatives: City Manager
Unrepresented and Represented Employees: All positions in City

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 6:04 p.m. and announced that Item 14 was pulled from the Agenda.

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Mike Frost.

INVOCATION

There was no Invocation.

PRESENTATIONS AND PROCLAMATIONS

There were no Presentations or Proclamations.

READING OF ORDINANCE TITLES

City Clerk Kathy Ward read one (1) Ordinance title.

CONSENT CALENDAR

Item 10 was pulled by the Public. Item 9 was pulled by Staff.

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 WITH THE EXCEPTION OF ITEMS 9 AND 10.

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, MAY 18, 2021

APPROVED THE MEETING MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, MAY 10, 2021

RECEIVED AND FILED.

4. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

5. CITY TREASURER'S REPORT, APRIL 2021

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR MARCH, 2021.

6. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

7. AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE SLURRY SEAL PROGRAM FY20/21 PROJECT

1) APPROVED THE AWARD OF A CONTRACT TO AMERICAN ASPHALT SOUTH, INCORPORATED, FOR CONSTRUCTION OF THE SLURRY SEAL FY 20/21 PROJECT (PROJECT), AND WAIVED ANY IRREGULARITY ASSOCIATED WITH THE INADVERTENT CLERICAL ERROR MADE BY THE BIDDER AS STATED IN THE LETTER INCLUDED IN SUPPORTING DOCUMENT B; AND

2) AUTHORIZED THE CITY MANAGER OR HIS DESIGNEE TO SIGN AND ADMINISTER THE SUBJECT CONTRACT AND APPROVE ADDITIONAL PAYMENT FOR CHANGE ORDERS, CONTINGENCIES, AND SOILS AND MATERIAL TESTING FOR THE PROJECT AS OUTLINED IN THE FISCAL IMPACT SECTION; AND

3) AUTHORIZED ADDITIONAL MATERIALS INSPECTION AND TESTING SERVICES PER THE AS-NEEDED CONSULTANT SERVICES AGREEMENT WITH GMU GEOTECHNICAL FOR GEOTECHNICAL ENGINEERING AND MATERIALS TESTING

8. STATE OF THE CITY SPONSORSHIP

1) APPROVED THE RELEASE OF A REQUEST FOR SPONSORSHIP (RFS) FOR 2021 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 SPONSORSHIP AGREEMENT TEMPLATE, SUBJECT TO SUCH CHANGES AS MAY BE APPROVED BY THE CITY MANAGER AND CITY ATTORNEY; AND

4) AUTHORIZE THE CITY MANAGER TO EXECUTE THE SPONSORSHIP AGREEMENTS.

9. ASSIGNMENT AGREEMENT FOR INFORMATION TECHNOLOGY SERVICES FOR THE CITY OF DANA POINT

Item 9 was pulled by Staff.

City Manager Michael A. Killebrew provided a brief Staff Report.

Assistant City Attorney Jennifer Farrell clarified that the recommended action should read, "That the City Council authorize the City Manager to execute the assignment for Information Technology Services contingent upon an Assignment and Assumption Agreement being approved by both the City Attorney and City Manager.

IT WAS MOVED BY MAYOR JAMEY M. FEDERICO, SECONDED BY COUNCIL MEMBER MIKE FROST THAT THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO EXECUTE THE ASSIGNMENT FOR INFORMATION TECHNOLOGY SERVICES FOR THE CITY OF DANA POINT CONTINGENT UPON AN ASSIGNMENT AND ASSUMPTION AGREEMENT BEING APPROVED BY BOTH THE CITY ATTORNEY AND CITY MANAGER.

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

10. SECOND READING OF AN AMENDMENT OF DANA POINT MUNICIPAL CODE CHAPTER 5.38 FOR NEW AND ENHANCED REGULATIONS AND PENALTIES AFFECTING SHORT-TERM RENTALS

Item 10 was pulled by the public.

Mayor Jamey M. Federico opened Public Comment.

Paul N Wyatt (Dana Point) discussed Coastal Commission leverage, HOA concerns, and noise level concerns in regards to Short Term Rentals.

Joyce Clark (Capistrano Beach) stated her concerns with space between Short Term Rentals.

Mayor Jamey M. Federico closed Public Comment.

Community Development Director Brenda Wisneski provided a brief Staff Report.

Discussion ensued.

IT WAS MOVED BY MAYOR PRO TEM JOSEPH L. MULLER, SECONDED BY COUNCIL MEMBER RICHARD A. VICZOREK THAT THE CITY COUNCIL HOLD A SECOND READING AND ADOPT ORDINANCE 21-02 ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 5.38 OF THE DANA POINT MUNICIPAL CODE AMENDING REGULATIONS AND PENALTIES AFFECTING SHORT-TERM RENTALS

The motion carried by the following vote:

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

NOES: Council Member Michael Villar

ABSENT: None

11. ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE ANNUAL RESIDENTIAL ROADWAY RESURFACING PROJECT FY 19/20

ADOPTED RESOLUTION 21-06-01-01 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 "ANNUAL RESIDENTIAL ROADWAY RESURFACING PROJECT FY 19/20"

PUBLIC COMMENTS

Wayne Yost (VFW Post 9934) thanked Staff, Orange County Fire Authority, and Orange County Sheriff's Department for helping with the Memorial Day Ceremony and spoke of the event's impact on the community.

PUBLIC HEARINGS

12. CONDUCT PUBLIC HEARING AND TAKE ACTIONS NECESSARY TO ADOPT THE FISCAL YEAR 2021-2022 (FY22) AND 2022-2023 (FY23) BUDGETS INCLUDING ADOPTION OF A RESOLUTION TO ADOPT THE PROPOSED OPERATING AND CAPITAL IMPROVEMENT BUDGETS FOR FISCAL YEARS 2021-2022 (FY22) AND 2022-2023 (FY23); ADOPTION OF A RESOLUTION ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2021-2022 (FY22); AUTHORIZE FY21 REVENUE BUDGET INCREASE; ADOPTION OF A RESOLUTION ESTABLISHING SALARY RANGES AND ADDITIONAL REPRESENTED TITLES AND CLASS SPECIFICATIONS; APPROVAL OF FY22 BUDGET CALENDAR; ADOPTION OF A RESOLUTION FOR FY21/22 M2 ELIGIBILITY SUBMITTAL ITEMS TO ORANGE COUNTY TRANSPORTATION AUTHORITY; ADOPTION OF A RESOLUTION APPROVING THE SB-1 PROJECT LIST FOR FISCAL YEAR 2021-2022; AND OTHER ACTIONS AS LISTED IN THE RECOMMENDED ACTIONS

City Manager Michael A. Killebrew provided a Staff Report.

Mayor Jamey M. Federico opened the Public Hearing at 6:52 p.m.

There were no Public Comments.

Mayor Jamey M. Federico closed the Public Hearing at 6:52 p.m.

Discussion ensued.

IT WAS MOVED BY MAYOR JAMEY M. FEDERICO, SECONDED BY MAYOR PRO TEM JOSEPH L. MULLER THAT THE CITY COUNCIL:

1) **ADOPT RESOLUTION 21-06-01-02 ENTITLED:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING AN OPERATING AND CAPITAL IMPROVEMENT BUDGET FOR THE CITY OF DANA POINT FOR FISCAL YEARS 2021-2022 AND 2022-2023;

2) **ADOPT RESOLUTION 21-06-01-03 ENTITLED:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING AND ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2021-2022;

3) **APPROVE FY21 REVENUE BUDGET ADJUSTMENT AS DESCRIBED IN THE FISCAL IMPACT SECTION;**

4) **ADOPT RESOLUTION 21-06-01-04 ENTITLED:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING SALARY RANGES AND CLASS SPECIFICATIONS FOR REPRESENTED AND NON-REPRESENTED CLASSIFICATIONS ESTABLISHING ADDITIONAL REPRESENTED POSITION TITLES AND CLASS SPECIFICATIONS;

5) **APPROVE THE CALENDAR OF BUDGET-RELATED ACTIVITY TO OCCUR IN FISCAL YEAR 2021-2022;**

6) **ADOPT A RESOLUTION 21-06-01-05 ENTITLED:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT CONCERNING THE STATUS AND UPDATE OF THE CIRCULATION ELEMENT, AND MITIGATION FEE PROGRAM FOR THE MEASURE M (M2) PROGRAM;

7) **APPROVE THE SEVEN-YEAR CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FY 2021-22 THROUGH FY 2028-29 AND CERTIFY COMPLIANCE, AS REQUIRED BY THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA), RENEWED MEASURE M2 (M2) PROGRAM AS PROVIDED;**

8) AUTHORIZE STAFF TO FORWARD THE NECESSARY RENEWED MEASURE M2 ELIGIBILITY DOCUMENTATION TO THE OCTA;

9) ADOPT RESOLUTION 21-06-01-06 ENTITLED:

A RESOLUTION OF THE CITY OF DANA POINT, CALIFORNIA ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 21-22 FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

10) AUTHORIZE THE CITY MANAGER OR DESIGNEE TO SUBMIT ALL REQUIRED DOCUMENTATION TO MAINTAIN FUNDING ELIGIBILITY FOR FY21-22.

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

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

13. ORANGE COUNTY SHERIFF'S DEPARTMENT CONTRACT FOR FY22

City Manager Michael A. Killebrew provided a Staff Report.

Discussion ensued.

IT WAS MOVED BY MAYOR JAMEY M. FEDERICO, SECONDED BY COUNCIL MEMBER MIKE FROST, THAT THE CITY COUNCIL

1) CONSIDER THE LAW ENFORCEMENT SERVICES AGREEMENT WITH THE COUNTY OF ORANGE FOR LAW ENFORCEMENT SERVICES FOR FISCAL YEAR 2021-22 (FY22) AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND, AUTHORIZE THE CITY MANAGER TO EXECUTE AMENDMENTS TO THE AGREEMENT IN AN AMOUNT NOT TO EXCEED THE RELATED COUNCIL APPROVED BUDGET.

2) ADOPT RESOLUTION 21-06-01-07 OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING AN UPDATED SCHEDULE OF ADMINISTRATION FEES FOR TRAFFIC VIOLATORS ENTITLED:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT,
CALIFORNIA, APPROVING AN UPDATED SCHEDULE OF ADMINISTRATION
FEES FOR TRAFFIC VIOLATORS**

- 3) **ADOPT RESOLUTION 21-06-01-08 OF THE CITY OF DANA POINT,
CALIFORNIA, APPROVING AN UPDATED SCHEDULE OF FEES FOR FALSE
ALARMS ENTITLED:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT,
CALIFORNIA, APPROVING AN UPDATED SCHEDULE OF FEES FOR FALSE
ALARMS**

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. SHORT TERM RENTALS PHASE 2

Item 14 was pulled from the Agenda.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

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

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

Mayor Pro Tem Joseph L. Muller stated 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.

Council Member Michael Villar stated he has turned in his list of meetings attended to the City Clerk and announced the success of the Dana Point Youth Baseball teams in recent tournaments.

STAFF REPORTS

City Manager Michael A. Killebrew stated that the City will be sponsoring the Dana Point Youth Baseball Tsunami team for their tournament in Georgia. He congratulated all of the Dana Point Youth Baseball teams on their recent tournaments.

Assistant City Attorney Jennifer Farrell stated she had nothing to report.

RECESS OF CITY COUNCIL MEETING TO CLOSED SESSION AT 7:11 P.M.

RECONVENED CITY COUNCIL MEETING AT 8:25 P.M.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Jamey M. Federico adjourned the meeting at 8:25 p.m. He announced that the next Regular Meeting of the City Council will be June 15, 2021, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

Shamash for:

KATHY M. WARD
CITY CLERK

APPROVED AT THE MEETING OF JUNE 15, 2021

Meetings attended since May 19, 2021:

Mayor Jamey M. Federico

05/20/2021 City Selection Committee
05/28/2021 Call with Senator Padilla

Mayor Pro Tem Joseph L. Muller

05/24/2021 OCTA
05/24/2021 Doheny Building Ribbon Cutting
05/26/2021 TCA
05/26/2021 OCTA
05/27/2021 OCTA
06/01/2021 TCA

Council Member Mike Frost

Council Member Richard A. Viczorek

05/20/2021 OCMVCD Board of Trustees Meetings
05/26/2021 SJHTCA Budget Workshop
05/31/2021 VFW Memorial Day Ceremony

Council Member Michael Villar

No meetings to report.