

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
MARCH 3, 2020  
5:00 P.M.**

## **MINUTES**

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

Next City Council Ordinance No. 20-02

### **CALL TO ORDER**

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Richard A. Viczorek at 5:01 p.m. in the City Council Chambers, 33282 Golden Lantern, Dana Point.

### **ROLL CALL OF CITY COUNCIL MEMBERS:**

Richard A. Viczorek, Mayor  
Jamey M. Federico, Mayor Pro Tem  
Debra Lewis, Council Member  
Joseph L. Muller, Council Member  
Paul N Wyatt, Council Member

### **CLOSED SESSION**

City Attorney Patrick Munoz requested that the City Council add two additional items to the Closed Session Agenda entitled:

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (2 cases):

Name of Case: City of Dana Point v. Changes & Recovery, Inc., Shirley K. Zulauf, Case No. 30-2019-01059862

Name of Case: City of Dana Point v. Wings of Hope, Parissa Assadi, Hamid Rezaie, Case No. 30-2019-01059792

IT WAS MOVED BY COUNCIL MEMBER PAUL N WYATT, SECONDED BY COUNCIL MEMBER JOSEPH L. MULLER THAT THE CITY COUNCIL ADD THE SUGGESTED ITEMS TO THE AGENDA

The motion carried by the following vote:

AYES: Council Member Debra Lewis, Council Member Joseph L. Muller, Council Member Paul N Wyatt, Mayor Pro Tem Jamey M. Federico, and Mayor Richard A. Viczorek

NOES: None

ABSENT: None

B. PUBLIC EMPLOYMENT, Government Code § 54957: Title: City Manager

Mayor Richard A. Viczorek recessed the meeting into a Closed Session at 5:03 p.m. pursuant to Government Code Section 54956 et seq.

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

## **RECONVENE CITY COUNCIL MEETING**

Mayor Richard A. Viczorek reconvened the meeting at 6:00 p.m. All Council Members were present:

STAFF PRESENT: Mark Denny, City Manager; Patrick Munoz, City Attorney; Lt. Kirsten Monteleone; Mike Killebrew, Assistant City Manager; Kathy Ward, City Clerk; Brenda Wisneski, Director of Community Development; Matthew Sinacori, Director of Public Works and Engineering; Robert Sedita, Director of General Services; Jaimie To, Management Analyst, Shayna Sharke, Deputy City Clerk.

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Joseph L. Muller.

## **INVOCATION**

The invocation was provided by OCFA Chaplain Dave Keehn.

## **PRESENTATIONS AND PROCLAMATIONS**

OCFA recognition of Council Member Joseph L. Muller  
Shelley Hasselbrink, Los Alamitos Council Member and Chairman of the Board of OCFA recognized Council Member Joseph L. Muller as former Board Chair of OCFA and highlighted his accomplishments during his time as Board Chair.

## **READING OF ORDINANCE TITLES**

City Clerk Ward stated there were no Ordinance Titles.

## **CONSENT CALENDAR**

IT WAS MOVED BY MAYOR RICHARD A. VICZOREK, SECONDED BY COUNCIL MEMBER JOSEPH L. MULLER THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR.

The motion carried by the following vote:

AYES: Council Member Debra Lewis, Council Member Joseph L. Muller, Council Member Paul N Wyatt, Mayor Pro Tem Jamey M. Federico, and Mayor Richard A. Viczorek

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, FEBRUARY 18, 2020**

RECEIVED AND FILED.

**3. PLANNING COMMISSION MEETING MINUTES, FEBRUARY 10, 2020**

RECEIVED AND FILED.

**4. YOUTH BOARD MEETING MINUTES, FEBRUARY 6, 2020**

RECEIVED AND FILED.

**5. TRAFFIC IMPROVEMENT SUBCOMMITTEE MINUTES, AUGUST 21, 2019**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

**7. CLAIMS AND DEMANDS**

RECEIVED AND FILED.

**PUBLIC COMMENTS**

Donna Kalez (Dana Point) invited the community to the Festival of Whales this year and encouraged all to visit [festivalofwhales.com](http://festivalofwhales.com) for more information.

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

Council Member Paul N Wyatt stated that he turned in his list of meetings attended to the City Clerk. He announced that South Coast Water District has received a letter insisting that it elect its Board of Directors by Division to avoid a lawsuit based on the California Voters Rights Act and will hold public meeting on how to respond in the next few weeks. Additionally he announced that the next San Onofre Nuclear

Generating Station Community Engagement Panel will take place on March 26, 2020 at the San Juan Capistrano Community Center.

Council Member Joseph L. Muller will turn in his list of meetings attended to the City Clerk. He added that TCA is seeking alternative solutions for South Orange County and will be discussed and voted upon at the TCA meeting on Thursday, March 5, 2020.

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

Mayor Richard A. Viczorek stated that he will turn in his list of meetings attended to the City Clerk.

## **PUBLIC HEARINGS**

There were no Public Hearings.

## **UNFINISHED BUSINESS**

There were no Unfinished Business items.

## **NEW BUSINESS**

### **8. CITY MANAGER EMPLOYMENT AGREEMENT**

City Attorney Patrick Munoz provided a staff report.

Mayor Richard A. Viczorek opened Public Comment.

Wayne Yost (Dana Point / VFW Post 9934) thanked Mark Denny for his service and spoke in favor of selecting Michael Killebrew as City Manager.

Duane Cave (External Relations Manager for SDG&E) wished Mark Denny luck in Fontana and spoke in favor of selecting Michael Killebrew as City Manager.

Terry Rifkin (Dana Point / Monarch Beach Sunrise Rotary) wished Mark Denny luck and spoke in favor of selecting Michael Killebrew as City Manager.

Patti Short (Dana Point / 5<sup>th</sup> Marine Regiment Support Group) spoke in favor of selecting Michael Killebrew as City Manager.

Mayor Richard A. Viczorek closed Public Comment.

**IT WAS MOVED BY MAYOR RICHARD A. VICZOREK, SECONDED BY COUNCIL MEMBER JOSEPH L. MULLER THAT THE CITY COUNCIL APPOINT ASSISTANT CITY MANAGER/DIRECTOR OF ADMINISTRATIVE SERVICES MICHAEL KILLEBREW AS CITY MANAGER, AND APPROVE AND EXECUTE A CITY MANAGER EMPLOYMENT AGREEMENT EFFECTIVE APRIL 4, 2020.**

Discussion ensued.

Mayor Richard A. Viczorek amended his original motion, accepted by Council Member Joseph L. Muller, to bifurcate the recommended action into two separate votes per Council Member Debra Lewis' request.

IT WAS MOVED BY MAYOR RICHARD A. VICZOREK, SECONDED BY COUNCIL MEMBER JOSEPH L. MULLER THAT THE CITY COUNCIL APPOINT ASSISTANT CITY MANAGER/DIRECTOR OF ADMINISTRATIVE SERVICES MICHAEL KILLEBREW AS CITY MANAGER

The motion carried by the following vote:

AYES: Council Member Paul N Wyatt, Council Member Joseph L. Muller, Mayor Pro Tem Jamey M. Federico, and Mayor Richard A. Viczorek

NOES: Council Member Debra Lewis

ABSENT: None

IT WAS MOVED BY CITY MAYOR RICHARD A. VICZOREK, SECONDED BY COUNCIL MEMBER JOSEPH L. MULLER THAT THE CITY COUNCIL APPROVE AND EXECUTE A CITY MANAGER EMPLOYMENT AGREEMENT EFFECTIVE APRIL 4, 2020.

The motion carried by the following vote:

AYES: Council Member Debra Lewis, Council Member Paul N Wyatt, Mayor Pro Tem Jamey M. Federico, Council Member Joseph L. Muller, and Mayor Richard A. Viczorek

NOES: None

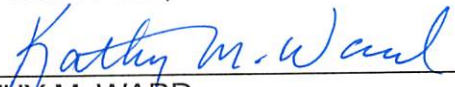
ABSENT: None

## STAFF REPORTS

City Manager Mark Denny congratulated Michael Killebrew. He also invited the community to the Festival of Whales Parade and events.

## ADJOURNMENT

There being no further business before the City Council at this session, Mayor Richard A. Viczorek adjourned the meeting at 6:46. p.m. He announced that the next Regular Meeting of the City Council will be March 17, 2020, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

  
KATHY M. WARD  
CITY CLERK  
APPROVED AT THE MEETING OF MARCH 17, 2020.

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**Meetings attended since February 19, 2020:**

**Mayor Richard A. Viczorek**

02/20/2020 OCMVCD Board of Trustees Meeting  
02/24/2020 American Legion Post 862 South County Law & Order Awards  
02/26/2020 City Council Special Meeting  
03/01/2020 CERT Graduation

**Mayor Pro Tem Jamey M. Federico**

02/29/2020 DPYB Opening Day  
02/29/2020 CASA Adoption Event

**Council Member Joseph L. Muller**

02/19/2020 Resident meeting  
02/20/2020 TCA  
02/20/2020 RHNA Symposium  
02/24/2020 OCTA  
02/26/2020 TCA  
02/26/2020 OCTA  
02/27/2020 TCA  
02/27/2020 OCFA  
02/29/2020 Dana Point Youth Baseball  
02/26/2020 Resident meeting  
03/02/2020 Ocean Institute

**Council Member Paul N Wyatt**

02/20/2020 Regional Housing Needs Assessment (RHNA) Workshop  
02/25/2020 Short Term Rental Subcommittee Meeting  
02/25/2020 Ocean Water Quality Subcommittee Meeting  
02/26/2020 Sue Parks, United Way OC CEO regarding homelessness prevention  
02/26/2020 Dana Point City Council Closed Session  
02/27/2020 South Coast Water District Board of Directors Meeting  
03/03/2020 Adam Sonenshein, FM3 Research; Debra Lewis, Dana Point City Councilmember; Mark Denny, Dana Point City Manager regarding Short Term Rental Survey

South Coast Water District has received a letter insisting that it elect its Board of Directors by Division to avoid a lawsuit based on the California Voters Rights Act. Public hearings on the decision to change from at-large elections of its directors to by-division elections will take place in the next few weeks. If you have an interest in providing input to this decision, information is available on the South Coast Water District website [www.scwd.org](http://www.scwd.org).

The next San Onofre Nuclear Generating Station Community Engagement Panel will take place on March 26, 2020 at the San Juan Capistrano Community Center. This meeting will cover plausible outlier events,

risks to the San Onofre Interim Spent Fuel Store Infrastructure (ISFSI), and responses. This will include natural and manmade events, potential consequences, remedies and levels of emergency response. It will cover the basics of radiation as it is key to understanding potential consequences explained by expert panelists who understand potential events and the design of the dry fuel storage systems in place at San Onofre. Go to [www.songscommunity.com](http://www.songscommunity.com) for more information