

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
JANUARY 17, 2023  
4:30 P.M.**

## **MINUTES**

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

Next City Council Ordinance No. 23-01

### **CALL TO ORDER**

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Mike Frost at 4:30 p.m. in the City Council Chambers, 33282 Golden Lantern, Dana Point.

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

Mike Frost, Mayor  
Jamey M. Federico, Mayor Pro Tem  
John Gabbard, Council Member  
Matthew Pagano, Council Member  
Michael Villar, Council Member

### **CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL - LITIGATION STRATEGY REVIEW INCLUDING POTENTIAL DISCUSSION OF THE FOLLOWING EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (4 cases), AND POTENTIAL DISCUSSION OF ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (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

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**B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (2 cases)**

Mayor Frost recessed the meeting into a Closed Session at 4:31 p.m. pursuant to Government Code Section 54957.

**RECESS OF CITY COUNCIL MEETING**

**RECONVENE CITY COUNCIL MEETING**

Mayor Frost reconvened the meeting at 5:06 p.m.

Toni Nelson (Capistrano Beach) encouraged the Council to accept the California Coastal Commission's recommended cap of 66 un-hosted short-term rentals in the Coastal Zone.

Kim Tarantino (Capistrano Beach) requested that the City's zoning code language be clarified before the new short-term rental program becomes operational and encouraged the Council to direct staff to develop a detailed implementation plan and create a subcommittee to help streamline program implementation.

Mayor Frost recessed the meeting into a Closed Session at 5:11 p.m. pursuant to Government Code Section 54957.

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

**RECONVENE CITY COUNCIL MEETING**

Mayor Frost 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; KC Calder, Administrative Sergeant; Brenda Wisneski, Director of Community Development; Matthew Sinacori, Director of Public Works/City Engineer; James Shadle, Director of General Services; and Jaimie To, Senior Management Analyst.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Pro Tem Federico.

**INVOCATION**

There was no Invocation.

**PRESENTATIONS AND PROCLAMATIONS**

Employee of the Quarter

Mayor Frost presented a Certificate of Recognition to Belinda Deines, Principal Planner.

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## READING OF ORDINANCE TITLES

There were no Ordinance titles.

## CONSENT CALENDAR

Council Member Villar thanked staff for their efforts in developing Item 13 and pointed out all of the upcoming events on the calendar.

IT WAS MOVED BY COUNCIL MEMBER VILLAR, SECONDED BY MAYOR PRO TEM FEDERICO, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR.

The motion carried by the following vote:

AYES: Council Member Gabbard, Council Member Pagano, Council Member Villar, Mayor Pro Tem Federico, and Mayor Frost

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, DECEMBER 6, 2022

APPROVED THE MINUTES.

### 3. PLANNING COMMISSION MEETING MINUTES, NOVEMBER 28, 2022

RECEIVED AND FILED.

### 4. YOUTH BOARD MEETING MINUTES, OCTOBER 20, 2022

RECEIVED AND FILED.

### 5. YOUTH BOARD MEETING MINUTES, NOVEMBER 17, 2022

RECEIVED AND FILED.

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

RECEIVED AND FILED.

### 7. CITY TREASURER'S REPORT, NOVEMBER 2022

RECEIVED AND FILED THE CITY TREASURER'S REPORT, NOVEMBER 2022.

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**8. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**9. ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2022**

RECEIVED AND FILED THE ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2022.

**10. DEVELOPMENT UPDATE**

RECEIVED AND FILED THE DEVELOPMENT UPDATE.

**11. CITY COUNCIL 2023 MEETING SCHEDULE**

APPROVED THE 2023 CITY COUNCIL MEETING SCHEDULE.

**12. RECRUITMENT FOR THE PLANNING COMMISSION AND TRAFFIC IMPROVEMENT SUBCOMMITTEE**

DIRECTED STAFF TO PROCEED WITH THE RECRUITMENT FOR PLANNING COMMISSION AND TRAFFIC IMPROVEMENT SUBCOMMITTEE.

**13. 2023 SPECIAL EVENTS CALENDAR AND CONCERT SERIES CONTRACT(S)**

THE CITY COUNCIL:

1. APPROVED THE SPECIAL EVENT CALENDAR FOR 2023 WITH THE RECOMMENDED VENUES; AND
2. AUTHORIZED THE CITY MANAGER TO EXECUTE TWO CONTRACTS WITH SOUTHERN CALIFORNIA SOUND, STAGE & LIGHTING CORPORATION FOR: 1) FESTIVAL OF WHALES CONCERT, AND 2) CONCERTS IN THE PARK.

**14. AWARD OF CONTRACT FOR THE 4<sup>TH</sup> OF JULY AERIAL FIREWORKS DISPLAY AND BARGE SERVICES**

AUTHORIZED THE CITY MANAGER TO EXECUTE A CONTRACT WITH GARDEN STATE FIREWORKS, INC., FOR THE 2023 4<sup>TH</sup> OF JULY FIREWORKS AND BARGE SERVICES.

**15. CODE ENFORCEMENT OPERATIONS AND STRATEGIC PLAN UPDATE**

RECEIVED AND FILED THE CODE ENFORCEMENT OPERATIONS AND STRATEGIC PLAN UPDATE.

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## **PUBLIC COMMENTS**

Lucinda Salinas (Laguna Niguel, Monarch Beach Sunrise Rotary) stated that Sleigh the Holidays was a successful new holiday event that raised \$3,000 for the Rotary.

Todd Wallin (Dana Point, DPEAC) provided an update on the Dana Point Film Festival and asked for public screening funds from the City to screen Endless Summer 60<sup>th</sup> Anniversary, Birth of Endless Summer, and 40 hours of movies.

Maria Elena Banks (Dana Point, Arts & Culture Commission) thanked the Council and Rotary for their support of Sleigh the Holidays.

Joy Rossello (Dana Point) spoke of a neighborhood nuisance in Doheny Village regarding oversized commercial vehicles and asked the Council for help in resolving the issue.

Larry White (Dana Point) spoke regarding Creekside Dog Park issues with maintenance and lack of trees/shade, as well as the benefits of adding traffic circles and rebuilding historical Quonset huts in the City.

Sherrie Adcock (Dana Point) spoke regarding Creekside Dog Park and getting trees replaced, as well as safety issues in the community.

## **PUBLIC HEARINGS**

There were no Public Hearings.

## **UNFINISHED BUSINESS**

### **16.APPOINTMENT TO THE OCEAN WATER QUALITY SUBCOMMITTEE AND PLANNING COMMISSION**

City Clerk Shayna Sharke provided a staff report.

Katie Armstrong introduced herself to the City Council.

IT WAS MOVED BY MAYOR PRO TEM FEDERICO, SECONDED BY COUNCIL MEMBER VILLAR, TO APPOINT KATIE ARMSTRONG TO THE OCEAN WATER QUALITY SUBCOMMITTEE.

The motion carried by the following vote:

AYES: Council Member Gabbard, Council Member Pagano, Council Member Villar, Mayor Pro Tem Federico, and Mayor Frost

NOES: None

ABSENT: None

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

- Roland Sansone
- Richard Michaels
- Abigail Margolle
- Philip Vandermost
- Nickolas St. George

Discussion ensued.

## **RECESS OF CITY COUNCIL MEETING**

Mayor Frost recessed the meeting for a five-minute break at 7:14 p.m.

## **RECONVENE CITY COUNCIL MEETING**

Mayor Frost reconvened the meeting at 7:19 p.m.

Discussion ensued.

City Clerk Shayna Sharke read into the record the votes of the City Council, with the majority of votes for Abigail Margolle.

IT WAS MOVED BY COUNCIL MEMBER VILLAR, SECONDED BY MAYOR PRO TEM FEDERICO, TO APPOINT ABIGAIL MARGOLLE TO THE PLANNING COMMISSION.

The motion carried by the following vote:

AYES: Council Member Gabbard, Council Member Pagano, Council Member Villar, Mayor Pro Tem Federico, and Mayor Frost

NOES: None

ABSENT: None

## **NEW BUSINESS**

### **17. 2022 COMMUNITY SURVEY RESULTS**

City Manager Michael Killebrew introduced the item.

Adam Sonenshein (FM3 Research) provided a presentation on the 2022 Dana Point Community Survey and answered questions of the Council.

### **18. STRATEGIC PLAN REVIEW – PERFORMANCE MEASURES**

Senior Management Analyst Jaimie To provided a staff report.

Assistant City Manager Kelly Reenders answered questions of the Council.

Discussion ensued.

THE CITY COUNCIL RECEIVED AND FILED THE UPDATE ON STRATEGIC PLAN MEASUREMENTS.

**19. CITY COUNCIL APPOINTED REPRESENTATIVES AND CITY COMMISSIONS, COMMITTEES, SUBCOMMITTEES AND TASK FORCES**

City Clerk Shayna Sharke provided a staff report.

Discussion ensued.

IT WAS MOVED BY MAYOR FROST, SECONDED BY COUNCIL MEMBER GABBARD, THAT THE CITY COUNCIL:

- 1) APPROVE THE MAYOR'S SUGGESTED APPOINTMENTS OF CITY COUNCIL REPRESENTATIVES TO OUTSIDE AGENCIES AND TASK FORCES, WITH THE EXCEPTION OF COUNCIL MEMBER PAGANO SERVING ON THE FINANCIAL REVIEW COMMITTEE IN LIEU OF MAYOR PRO TEM FEDERICO; COUNCIL MEMBER VILLAR SERVING AT SONGS; AND THE REMAINING APPOINTMENTS TO BE DETERMINED DURING COUNCIL DISCUSSION.
- 2) APPROVE APPOINTMENTS TO CITY COMMITTEES, SUBCOMMITTEES AND TASK FORCES; AND
- 3) DIRECT STAFF TO NOTIFY AFFECTED AGENCIES AS NECESSARY; AND
- 4) ADOPT RESOLUTION 23-01-17-01 ENTITLED:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DESIGNATING AND APPOINTING ITS REPRESENTATIVE TO THE ORANGE COUNTY FIRE AUTHORITY'S BOARD OF DIRECTORS**

The motion carried by the following vote:

AYES: Council Member Gabbard, Council Member Pagano, Council Member Villar, Mayor Pro Tem Federico, and Mayor Frost

NOES: None

ABSENT: None

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

Council Member Gabbard turned in his list of meetings attended to the City Clerk.

Council Member Pagano stated he has not attended any meetings and shared his thoughts and prayers for Evan McMillin who recently passed away.

Council Member Villar turned in his list of meetings attended to the City Clerk.

Mayor Pro Tem Federico turned in his list of meetings attended to the City Clerk and stated the Pet Project Foundation is beginning construction to renovate the dog kennels at the San Clemente-Dana Point Animal Shelter.

Mayor Frost stated he will turn in his list of meetings attended to the City Clerk and spoke about signing the Sister Cities agreement with Sorrento, Italy and thanked those involved in the effort.

## STAFF REPORTS

City Manager Michael A. Killebrew stated he had nothing to report.

City Attorney Patrick Munoz shared that Heather Johnston has been appointed as the new Executive Director of Visit Dana Point.

## PUBLIC COMMENTS (CONTINUED)

Terry Rifkin (Dana Point, Dana Point 5<sup>th</sup> Marine Regiment Support Group) spoke about Hank Snyder and honored his memory.

Mayor Frost spoke about Hank Snyder and his contributions to the community and adjourned the meeting back into closed session in his honor.

## RECESS OF CITY COUNCIL MEETING TO CLOSED SESSION AT 8:33 P.M.

## RECONVENE CITY COUNCIL MEETING AT 9:59 P.M.

There were no reportable items.

## ADJOURNMENT

There being no further business before the City Council at this session, Mayor Frost adjourned the meeting at 9:59 p.m. in honor of Hank Snyder. He announced that the next Regular Meeting of the City Council will be February 7, 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 FEBRUARY 7, 2023

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**Meetings attended since December 7, 2023**

**Mayor Mike Frost**

12/07/2022 Ribbon Cutting Young Beach Schack  
12/07/2022 Ribbon Cutting Berkshire Hathaway  
12/10/2022 Boat Parade  
12/14/2022 City Auditor Call  
12/15/2022 Orange County Housing and Community Development Committee  
12/15/2022 Dana Point Chamber Holiday Mixer  
12/17/2022 Dana Point Police Services Holiday Party  
12/21/2022 Janet Nguyen Swearing in Ceremony  
01/10/2023 Katrina Foley Swearing in Ceremony  
01/12/2023 Dana Point Harbor Boat Parade Awards Ceremony  
01/13/2023 Sister Cities Friendship Agreement

**Mayor Pro Tem Jamey M. Federico**

12/09/2022 Boat Parade  
12/14/2022 OCHFT  
01/09/2023 OCTA  
01/11/2023 ACC-OC  
01/13/2023 Dana Point Sister Cities MOU Signing Ceremony

**Council Member John Gabbard**

12/07/2022 Young's Beach Shack Ribbon Cutting  
12/15/2022 Chamber of Commerce Holiday Mixer  
12/17/2022 Dana Point Police Services Appreciation Party  
12/18/2022 La Plaza Menorah Lighting  
12/21/2022 Senator Janet Nguyen Oath of Office  
01/10/2023 Supervisor Katrina Foley Oath of Office  
01/12/2023 ACC-OC Newly Elected Councilmember Training

**Council Member Matthew Pagano**

No meetings to report.

**Council Member Michael Villar**

01/12/2023 Ethics Training