

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
MARCH 21, 2023
6:00 P.M.**

MINUTES

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

Next City Council Ordinance No. 23-03

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 5:00 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

STAFF PRESENT: Michael A. Killebrew, City Manager; Kelly Reenders, Assistant City Manager; Patrick Munoz, City Attorney; Shayna Sharke, City Clerk; Captain Todd Hylton; Sea Shelton, Director of Administrative Services; Brenda Wisneski, Director of Community Development; Matthew Sinacori, Director of Public Works/City Engineer; James Shadle, Director of General Services; Jeff Rosaler, Deputy Director of Community Services; Belinda Deines, Principal Planner, and Jaimie To, Senior Management Analyst.

CLOSED SESSION

City Attorney Patrick Munoz requested to add one (1) item to the Closed Session Agenda:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

In re National Prescription Opioid Litigation 1:17(m)(b)02804 District of Ohio

IT WAS MOVED BY MAYOR PRO TEM FEDERICO, SECONDED BY MAYOR FROST, TO ADD THE ONE ADDITIONAL EXISTING LITIGATION CLOSED SESSION ITEM AS RECOMMENDED BY THE CITY ATTORNEY.

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

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

B. 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

Mayor Frost 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 Frost reconvened the meeting at 6:03 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Villar.

INVOCATION

There was no Invocation.

PRESENTATIONS AND PROCLAMATIONS

Volunteer of the Quarter

Mayor Frost and Deputy Director of Community Services Jeff Rosaler presented Kevin Van Fleet (Docent, Nature Interpretive Center) with a Certificate of Recognition.

Red Cross Month

Mayor Frost presented Laura Nguyen (Board of Directors, Orange County American Cross) with a Certificate of Proclamation.

READING OF ORDINANCE TITLES

City Clerk Shayna Sharke read one (1) ordinance title.

CONSENT CALENDAR

Item 7 was pulled from the Consent Calendar by Council Member Villar.

IT WAS MOVED BY MAYOR FROST, SECONDED BY MAYOR PRO TEM FEDERICO, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR, WITH THE EXCEPTION OF ITEM 7.

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, MARCH 7, 2023

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, FEBRUARY 27, 2023

RECEIVED AND FILED.

4. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

5. TREASURER'S REPORT

RECEIVED AND FILED THE TREASURER'S REPORT FOR THE MONTH OF FEBRUARY, 2023.

6. DEVELOPMENT UPDATE

RECEIVED AND FILED THE DEVELOPMENT UPDATE.

7. POLICE SERVICES QUARTERLY UPDATE

Item 7 was pulled by Council.

Council Member Villar asked questions of Captain Todd Hylton.

Discussion ensued.

IT WAS MOVED BY MAYOR FROST, SECONDED BY COUNCIL MEMBER VILLAR, THAT THE CITY COUNCIL RECEIVE AND FILE THE POLICE SERVICES QUARTERLY UPDATE.

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

8. INFINITY TECHNOLOGIES BUDGET INCREASE IN FY2023

AUTHORIZED THE CITY MANAGER TO:

- 1) EXECUTE A THIRD AMENDMENT TO THE CONTRACT AGREEMENT WITH INFINITY TECHNOLOGIES FOR THE REMAINDER OF FY23; AND
- 2) APPROVE THE BUDGET ADJUSTMENT INCLUDED IN THE FISCAL IMPACT SECTION OF THIS REPORT.

9. INTRODUCTION OF AN ORDINANCE AMENDING DANA POINT MUNICIPAL CODE TITLE 10 AS IT RELATES TO ANIMAL CONTROL, WELFARE AND LICENSING REQUIREMENTS

- 1) INTRODUCED AND HELD THE FIRST READING OF AN ORDINANCE OF THE CITY OF DANA AS FOLLOWS:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING IN ITS ENTIRETY TITLE 10 OF THE DANA POINT MUNICIPAL CODE PERTAINING TO ANIMAL CONTROL, WELFARE AND LICENSING REQUIREMENTS; AND

- 2) DIRECTED STAFF TO SCHEDULE A SECOND READING AND ADOPTION OF THE PROPOSED ORDINANCE AMENDING TITLE 10 FOR THE APRIL 18, 2023, REGULAR CITY COUNCIL MEETING

PUBLIC COMMENTS

Jeremy Hohnbaum (Dana Point) voiced concerns about the City's ADU Ordinance.

Ken and Rebecca Ennis (Dana Point) expressed their desire to add an ADU on their property and frustrations with the City's regulations preventing them from completing the project.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

10.APPOINTMENTS TO THE PLANNING COMMISSION

City Clerk Shayna Sharke provided a staff report.

The City Council interviewed the following applicants for three (3) positions on the Planning Commission:

1. Thomas Diaz
2. Ashok Dhingra
3. Luke Boughen
4. Eric Nelson
5. Ian Burroughs (not present)
6. Philip Vandermost
7. Nickolas Saint George (not present)

Discussion ensued.

Thomas Burns (Dana Point) spoke in support of the recent efforts of the Dana Point City Council and voiced concerns about future congestion.

City Clerk Shayna Sharke read into the record the votes of the City Council, with the majority of the votes for Ashok Dhingra, Luke Boughen, and Eric Nelson.

IT WAS MOVED BY MAYOR FROST, SECONDED BY COUNCIL MEMBER GABBARD, TO APPOINT ASHOK DHINGRA, LUKE BOUGHEN, AND ERIC NELSON 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

11. 2022 ANNUAL HOUSING ELEMENT PROGRESS REPORT

Principal Planner Belinda Deines provided a staff report and answered questions of the Council.

Discussion ensued.

THE CITY COUNCIL RECEIVED AND FILED THE 2022 ANNUAL HOUSING ELEMENT PROGRESS REPORT.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Gabbard stated he did not attend any meetings and he had nothing to report.

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

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

Mayor Pro Tem Federico stated he will turn in his list of meetings attended to the City Clerk.

Mayor Frost turned in his list of meetings attended to the City Clerk.

STAFF REPORTS

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

City Attorney Patrick Munoz reported that on a motion made by Council Member Villar, seconded by Mayor Pro Tem Federico, the City Council voted 5-0-0 to participate in an opiate settlement as part of the National Prescription Opiate Litigation and authorized the City Manager to execute (1) all necessary documents related to the settlement of this matter and (2) any documents necessary to settle any future similar settlements resulting from the ongoing National Prescription Opiate Litigation.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Frost adjourned the meeting at 7:36 p.m. in honor of Wit Muller. He announced that the next Regular Meeting of the City Council will be April 18, 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 APRIL 18, 2023

Meetings attended since March 7, 2023

Mayor Mike Frost

Meetings attended since February 7, 2023:

02/08/2023 – TCA Introduction
02/09/2023 – TCA Toll Operations
02/09/2023 – City Selection
02/10/2023 – HOFER RANCH ONTARIO
02/15/2023 – Girl n Curl Community Meeting
02/15/2023 – Historical Society Yearly Meeting
02/16/2023 – Coastal Cities Leadership Group
02/16/2023 – Dana Point Chamber Mixer
02/22/2023 – TCA Toll Operations
02/23/2023 – ACC-OC Legislative Review
03/02/2023 – Coastal Cities Discussion with President
03/03/2023 – Janet Nguyen meeting
03/04/2023 – FOW / Cardboard Derby / Fish for Life
03/06/2023 – ACC – OC legislative group Sacramento
03/07/2023 – ACC – OC legislative group Sacramento
03/08/2023 – The Lukes Network
03/09/2023 – Dana Point Chamber
03/14/2023 – DPEAC meeting
03/16/2023 – Coastal Cities Leadership group
03/21/2023 – Meeting with Chris Hamm (Fire)

Mayor Pro Tem Jamey M. Federico

03/08/2023 – OCHFT Project Groundbreaking in SJC
03/09/2023 – TCA Board Meeting
03/13/2023 – OCTA Board Meeting
03/14/2023 – Meeting with DPEAC Representatives
03/14/2023 – Seaside Villas HOA Meeting/Town Hall
03/15/2023 – OCHFT Board Meeting
03/15/2023 – ACC-OC Board Meeting

Council Member John Gabbard

No meetings attended.

Council Member Matthew Pagano

Council Member Michael Villar

No meetings attended.