

# CITY OF DANA POINT

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## CITY COUNCIL REGULAR MEETING



**TUESDAY  
OCTOBER 3, 2023  
5:00 P.M.**

## AGENDA

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

Next City Council Ordinance No. 23-07

Public comment may be provided in-person, electronically, or by mail. Comments may be submitted via mail Attn: City Clerk, 33282 Golden Lantern, Dana Point, CA 92629; or via email at [comment@danapoint.org](mailto:comment@danapoint.org). In order to be provided to the City Council *prior* to the meeting, comments must be received by 4:00P.M. on the day of the meeting. All written comments should include the date of the meeting as well as reference to the Agenda Item number, if applicable. Written comments will not be read aloud during the meeting but will be included in the meeting record.

## CALL TO ORDER

## 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 – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (1 case)
- B. CONFERENCE WITH LABOR NEGOTIATOR, Government Code § 54957.6

Agency Designated Representatives: Assistant City Manager / Director of Admin. Services  
Unrepresented and Represented Employees: All positions in City

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

## RECONVENE CITY COUNCIL MEETING

## PLEDGE OF ALLEGIANCE

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## INVOCATION

## PRESENTATIONS AND PROCLAMATIONS

OCFA Fire Prevention Week

Arts and Humanities Month

## READING OF ORDINANCE TITLES

At this time, the City Clerk will read the title(s) of the ordinance(s) listed on the agenda.

## CONSENT CALENDAR

All matters listed under the Consent Calendar are considered to be routine and all will be enacted by one roll call vote. There will be no separate discussion of these items unless members of the City Council, the public, or staff request specific items be removed from the Consent Calendar for separate action.

### 1. WAIVE THE READING OF ORDINANCES AND APPROVE READING BY TITLE ONLY

RECOMMENDED ACTION: That the City Council approve the reading by title only of all ordinances and that further reading of such ordinances be waived.

### 2. [REGULAR MEETING MINUTES, SEPTEMBER 19, 2023](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

### 3. [PLANNING COMMISSION MEETING MINUTES, AUGUST 28, 2023](#)

RECOMMENDED ACTION: That the City Council receive and file.

### 4. [FINANCIAL REVIEW COMMITTEE MINUTES, APRIL 25, 2023](#)

RECOMMENDED ACTION: That the City Council receive and file.

### 5. [CLAIMS AND DEMANDS](#)

RECOMMENDED ACTION: That the City Council receive and file the Claims and Demands.

### 6. [TREASURER'S REPORT](#)

RECOMMENDED ACTION: That the City Council receive and file the Treasurer's Report for August, 2023.

### 7. [FIRST AMENDMENT TO AGREEMENT WITH JACOB GREEN & ASSOCIATES FOR ON-CALL PLANNING CONSULTING SERVICES](#)

RECOMMENDED ACTION: That the City Council:

- 1) Ratify Professional Services Agreement and approve First Amendment with Jacob Green & Associates for On-Call Planning Consulting Services; and
- 2) Authorize the City Manager or his Designee to execute the First Amendment to the Agreement.
- 3) Authorize the budget adjustment included in the Fiscal Impact section of this report.

8. **CONSULTANT SERVICES AGREEMENT WITH WESTLAND GROUP, INCORPORATED FOR DESIGN SURVEYING FOR FUNICULAR RAIL SYSTEM AND ANNUAL ROADWAY RESURFACING FY 2021-22 AS-BUILTS**

RECOMMENDED ACTION: That the City Council approve a Consultant Services Agreement with Westland Group, Incorporated for topographic surveying services needed for the Funicular Rail System and Annual Roadway Resurfacing FY 2021-22 As-Builts, and authorize the City Manager or designee to sign the agreement.

## **PUBLIC COMMENTS**

Any person wishing to address the City Council during the Public Comments section or on an Agenda item is asked to complete a "Request to Speak" form available on the table at the side of the Council Chamber. The completed form is to be submitted to the City Clerk prior to the Agenda item being called by the Mayor and prior to the individual being heard by the City Council.

In order to conduct a timely meeting, there will be a three-minute time limit per person and an overall time limit of thirty minutes for this Public Comments portion of the agenda. At the Mayor's discretion, the balance of public comments will be heard after the New Business portion of the agenda. All comments are to be directed to the City Council and shall not consist of any personal attacks. Members of the public are expected to maintain a professional, courteous decorum during their comments. State law prohibits the City Council from taking action on a specific item unless it appears on the posted Agenda.

If anyone has handouts to distribute to the City Council, please follow proper procedure and hand them to the City Clerk. The City Clerk will see that they are distributed.

## **PUBLIC HEARINGS**

None.

## **UNFINISHED BUSINESS**

9. **PROFESSIONAL SERVICES AGREEMENT FOR PLACEWORKS TO UPDATE THE DANA POINT GENERAL PLAN LAND USE ELEMENT AND CIRCULATION ELEMENT**

RECOMMENDED ACTION: That the City Council:

- 1) Approve and authorize the City Manager to execute the Professional Services Agreement between the City of Dana Point and PlaceWorks for preparation of updates to the Land Use and Circulation Elements with associated environmental review; and
- 2) Authorize a budget appropriation from the General Plan Update set aside as detailed in the fiscal impact section of this report.

**10. INTRODUCTION OF ORDINANCE AMENDING DANA POINT MUNICIPAL CODE TITLE 1: GENERAL PROVISIONS AND TITLE 2: ADMINISTRATION AND PERSONNEL**

RECOMMENDED ACTION: That the City Council:

- 1) Introduce and hold the First Reading of an Ordinance of the City of entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING IN ITS ENTIRETY TITLE 1 PERTAINING TO GENERAL PROVISIONS AND TITLE 2 PERTAINING TO ADMINISTRATION AND PERSONNEL OF THE DANA POINT MUNICIPAL CODE

- 2) Direct Staff to schedule a second reading and adoption of the proposed Ordinance.

**11. POLICE SERVICES – DANA POINT COMMUNITY REPORT**

RECOMMENDED ACTION: That the City Council receive and file the report.

**NEW BUSINESS**

**12. MOU WITH CAPISTRANO UNIFIED SCHOOL DISTRICT FOR AN AFTER-SCHOOL PROGRAM AT PALISADES ELEMENTARY SCHOOL**

RECOMMENDED ACTION: That the City Council authorize the Mayor to enter into a Memorandum of Understanding (MOU) with Capistrano Unified School District (CUSD) for an after-school program at Palisades Elementary School to be operated by City staff.

**PUBLIC COMMENTS (Continued)**

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

The City Council may discuss, act upon or seek consensus on matters described under Council Reports only if: they are agendaized with a complete written report included; or, if an item arose subsequent to the posting of the agenda and the Council determines that an emergency exists. Non-agendaized items may be presented as informational only.

**STAFF REPORTS**

(City Manager Michael Killebrew)

(City Attorney Patrick Muñoz)

## ADJOURNMENT

The next Regular Meeting of the City Council will be October 17, 2023, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

## CERTIFICATION

I, Shayna Sharke, City Clerk of the City of Dana Point, do hereby certify that a copy of the foregoing Agenda was posted at Dana Point City Hall, the Dana Point Post Office, and the Capistrano Beach Post Office, and Dana Point Library by Thursday, September 28, 2023, at 5:30 p.m.

  
SHAYNA SHARKE, CITY CLERK

9/28/23  
DATE

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PURSUANT TO THE AMERICANS WITH DISABILITIES ACT, PERSONS WITH A DISABILITY WHO REQUIRE A DISABILITY-RELATED MODIFICATION OR ACCOMMODATION IN ORDER TO PARTICIPATE IN A MEETING, INCLUDING AUXILIARY AIDS OR SERVICES, MAY REQUEST SUCH MODIFICATION OR ACCOMMODATION FROM THE CITY CLERK AT (949) 248-3500 (TELEPHONE) OR (949) 248-9920 (FACSIMILE). NOTIFICATION 48 HOURS PRIOR TO THE MEETING WILL ENABLE THE CITY TO MAKE REASONABLE ARRANGEMENTS TO ASSURE ACCESSIBILITY TO THE MEETING.