

# CITY OF DANA POINT

## CITY COUNCIL REGULAR MEETING



**TUESDAY  
JULY 18, 2023  
5:00 P.M.**

## MINUTES

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

Next City Council Ordinance No. 23-05

## 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 5:01 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; Patrick Munoz, City Attorney; Shayna Sharke, City Clerk; Captain Todd Hylton; Sea Shelton, Director of Administrative Services; Matthew Sinacori, Director of Public Works/City Engineer; Belinda Deines, Principal Planner; and Jaimie To, Senior Management Analyst.

## CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (1 case)
2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957  
Title: City Attorney
3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (2 cases)
  - 1) Center For Natural Lands Management v City of Dana Point, Orange County Superior Court Case No: 30-2021-01219668 CU-OR-CJC
  - 2) The City of Dana Point v. MSSK Ventures, LLC, Orange County Superior Court Case No: 30-2023-01320859-CU-PT-CTL

Mayor Frost recessed the meeting into a Closed Session at 5:04 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 6:10 p.m.

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Gabbard.

## **INVOCATION**

## **PRESENTATIONS AND PROCLAMATIONS**

### Employee of the Quarter

Mayor Frost presented Ray Oropeza, Code Enforcement Supervisor, with a proclamation.

## **READING OF ORDINANCE TITLES**

City Clerk Sharke read two (2) Ordinance titles.

## **CONSENT CALENDAR**

Item 8 was pulled from the Consent Calendar by a member of the public. Item 11 was pulled by Staff, and Item 12 was pulled by Council Member Villar.

IT WAS MOVED BY COUNCIL MEMBER VILLAR, SECONDED BY MAYOR FROST, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 8, 11, AND 12.

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, JUNE 20, 2023**

APPROVED THE MINUTES.

**3. PLANNING COMMISSION MEETING MINUTES, JUNE 12, 2023**

RECEIVED AND FILED THE MINUTES.

**4. ARTS & CULTURE COMMISSION MEETING MINUTES, APRIL 12, 2023**

RECEIVED AND FILED THE MINUTES.

**5. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**6. TREASURER'S REPORT, JUNE 2023**

RECEIVED AND FILED THE TREASURER'S REPORT FOR JUNE 2023.

**7. DEVELOPMENT UPDATE WITH QUARTERLY REPORT**

RECEIVED AND FILED THE DEVELOPMENT UPDATE.

**8. ZONE TEXT AMENDMENT ZTA23-0001 TO MODIFY THE ZONING CODE SECTION 9.07.210 RELATED TO ACCESSORY DWELLING UNITS**

Item 8 was pulled by a member of the public.

Director of Community Development Brenda Wisneski provided a brief staff report.

Mayor Frost opened Public Comment.

Liz Rotelink (San Diego) urged Council to amend language in the Ordinance requiring a Site Development Permit when a property has an existing non-conforming structure or use including a short driveway.

Mayor Frost closed Public Comment.

Discussion ensued.

IT WAS MOVED BY MAYOR PRO TEM FEDERICO, SECONDED BY COUNCIL MEMBER JOHN GABBARD, THAT THE CITY COUNCIL ADOPT **ORDINANCE 23-05** ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA23-0001 TO MODIFY THE ZONING CODE SECTION 9.07.210 RELATED TO ACCESSORY DWELLING UNITS

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

**9. AMENDMENT TO THE DANA POINT MUNICIPAL CODE TITLE 8 BUILDINGS AND CONSTRUCTION**

HELD A SECOND READING AND ADOPTED **ORDINANCE 23-06** ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 8.02.010 OF TITLE 8 OF THE DANA POINT MUNICIPAL CODE

**10. LICENSING AGREEMENT WITH LIGHTBOX PARENT, LP FOR PROPERTY INFORMATION UPDATES AND GIS SERVICES**

AUTHORIZED THE CITY MANAGER TO EXECUTE THE LICENSING AGREEMENT WITH LIGHTBOX PARENT, L.P. FOR PROPERTY INFORMATION UPDATES AND GIS SOFTWARE AND SERVICES.

**11. REVISION OF THE CALIFORNIA COASTAL COMMISSION GRANT TO MONITOR SHORELINE CONDITIONS SOUTH OF THE DANA POINT HARBOR**

Item 11 was pulled by Staff.

City Attorney Patrick Munoz proposed an amendment to approve the recommended action with an addition stating that the agreement can be approved by the City Manager subject to approval by the City Attorney on the legal issues raised by UCI prior to the meeting.

IT WAS MOVED BY COUNCIL MEMBER JOHN GABBARD, SECONDED BY COUNCIL MEMBER VILLAR, THAT THE CITY COUNCIL AMEND THE RECOMMENDED ACTION WITH CITY ATTORNEY MUNOZ'S ADDITION AND:

- 1) AUTHORIZE THE COMMUNITY DEVELOPMENT DIRECTOR TO REVISE THE AGREEMENT WITH THE CALIFORNIA COASTAL COMMISSION TO UTILIZE THE GRANT FUNDS FOR SHORELINE MONITORING SOUTH OF THE DANA POINT HARBOR; AND
- 2) AUTHORIZE THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH BRETT SANDERS OF UCI TO CONDUCT THE SHORELINE MONITORING AND PROVIDE SHORELINE RESILIENCY RECOMMENDATIONS TO BE USED TO RETAIN AND ACCUMULATE SAND ON THE BEACHES, ONCE THE AGREEMENT IS APPROVED BY THE CITY ATTORNEY'S OFFICE.

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

## **12. SISTER CITIES FRIENDSHIP DELEGATION TO SORRENTO, ITALY**

Item 12 was pulled by Council Member Villar.

City Manager Michael Killebrew provided a Staff Report.

Discussion ensued.

Mayor Pro Tem suggested an amendment to the recommended action that the Mayor ask Visit Dana Point and the Chamber of Commerce to also send a representative.

IT WAS MOVED BY COUNCIL MEMBER VILLAR, SECONDED BY MAYOR PRO TEM FEDERICO, THAT THE CITY COUNCIL:

- 1) APPROVE TRAVEL EXPENSES TO THE CITY OF SORRENTO, ITALY FOR THE MAYOR, MAYOR PRO TEM AND ONE CITY STAFF MEMBER;
- 2) AUTHORIZE THE MAYOR TO EXECUTE CEREMONIAL DOCUMENTS RELATED TO A FRIENDSHIP AGREEMENT WITH SORRENTO, ITALY;
- 3) AUTHORIZE STAFF TO WORK WITH DANA POINT SISTER CITIES INTERNATIONAL TO ORGANIZE CULTURAL EVENTS AND ACTIVITIES RELATED TO THE CITY'S DELEGATION TO SORRENTO, ITALY AND INVITING A POTENTIAL DELEGATION FROM SORRENTO IN SPRING 2024;
- 4) SPONSOR DANA POINT SISTER CITIES INTERNATIONAL IN THE AMOUNT OF \$10,000 TO SUPPORT THE ARTISTS EXHIBITION; AND
- 5) AUTHORIZE THE BUDGET ADJUSTMENTS OUTLINED IN THE FISCAL IMPACT SECTION OF THIS REPORT; AND
- 6) AUTHORIZE THE MAYOR TO SEND A LETTER TO THE CHAMBER OF COMMERCE AND VISIT DANA POINT TO ALSO SEND A REPRESENTATIVE TO PARTICIPATE IN THE FRIENDSHIP DELEGATION.

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

## PUBLIC COMMENTS

Elizabeth Ray (Dana Point) spoke regarding parking issues and tickets received by her Short-Term Rental guests. She proposed a parking permit system and handed out an example.

Lisa Mers (President of VFW Auxiliary 9934) spoke regarding the dedication of benches to Gold Star Families at Strands and invited the City Council to attend the ceremony on September 23<sup>rd</sup>.

Wayne Yost (VFW Post 9934) spoke regarding the support that the VFW has recently provided to Veterans and thanked the community for their generosity.

Luchy Rodelink (San Diego) urged Council to implement an individual review of ADU parking and facilitate a solution oriented process.

## PUBLIC HEARINGS

### 13. WEED ABATEMENT

Director of Community Development Brenda Wisneski provided a Staff Report.

Mayor Frost opened the Public Hearing at 6:43 p.m.

There were no Public Comments.

Mayor Frost closed the Public Hearing at 6:45 p.m.

Discussion ensued.

IT WAS MOVED BY MAYOR FROST, SECONDED BY MAYOR PRO TEM FEDERICO, THAT THE CITY COUNCIL CONDUCT A HEARING ON THE WEED ABATEMENT COST REPORT AND THEREAFTER, ADOPT **RESOLUTION 23-07-18-01** CONFIRMING THE COST REPORT AND PROVIDING FOR THE COLLECTION ON THE REGULAR TAX BILL, ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA,  
CONFIRMING THE COST OF WEED ABATEMENT AND PROVIDING FOR THE  
COLLECTION ON THE REGULAR TAX BILL

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

**14. ESTABLISHMENT OF A FEE FOR SITE DEVELOPMENT PERMITS PROCESSED IN ASSOCIATION WITH AN ACCESSORY DWELLING UNIT**

Director of Community Development Brenda Wisneski provided a Staff Report.

Mayor Frost opened the Public Hearing at 6:45 p.m.

There were no Public Comments.

Mayor Frost closed the Public Hearing at 6:45 p.m.

Discussion ensued.

IT WAS MOVED BY MAYOR FROST, SECONDED BY COUNCIL MEMBER GABBARD THAT THE CITY COUNCIL ADOPT **RESOLUTION 23-07-18-02** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING A FEE FOR SITE DEVELOPMENT PERMITS PROCESSED IN ASSOCIATION WITH AN ACCESSORY DWELLING UNIT.

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

**UNFINISHED BUSINESS**

**15. PLAN DANA POINT: GENERAL PLAN VISIONING FRAMEWORK**

Principal Planner Belinda Deines provided a brief Staff Report and introduced Consultants, Diane Bathgate and Elizabeth Ocampo-Vivero from RSM Design Group who provided a presentation.

Discussion ensued.

THE CITY COUNCIL RECEIVED AND FILED THE REPORT.

**NEW BUSINESS**

**16. PLAN DANA POINT: SCOPE OF WORK FOR THE COMPREHENSIVE GENERAL PLAN UPDATE REQUEST FOR PROPOSALS**

Principal Planner Belinda Deines provided a Staff Report.

Discussion ensued.

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

- 1) CONFIRM THE SCOPE OF WORK TO UPDATE THE DANA POINT GENERAL PLAN;  
AND
- 2) DIRECT STAFF TO REQUEST PROPOSALS FROM QUALIFIED CONSULTING FIRMS  
TO DEVELOP AND EXECUTE THE GENERAL PLAN UPDATE.

The motion carried by the following vote:

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

NOES: Mayor Frost

ABSENT: None

#### **17. DPMC UPDATE PORTIONS OF TITLE 1 GENERAL PROVISIONS AND TITLE 2 ADMINISTRATION AND PERSONNEL**

City Clerk Shayna Sharke provided a Staff Report.

Discussion ensued and Council Member Gabbard proposed that a Council Policy be developed to advise future Council on the frequency of Municipal Code reviews and updates.

IT WAS MOVED BY MAYOR FROST, SECONDED BY MAYOR PRO TEM FEDERICO THAT THE CITY COUNCIL RECEIVE AND FILE THE PROPOSED CHANGES TO PORTIONS OF TITLE 1 GENERAL PROVISIONS AND TITLE 2 ADMINISTRATION AND PERSONNEL DANA POINT MUNICIPAL CODE AS PART OF THE COMPREHENSIVE REVIEW OF THE CITY'S MUNICIPAL CODE.

The motion carried by the following vote:

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

NOES: Mayor Frost

ABSENT: None

#### **PUBLIC COMMENTS (Continued)**

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

Council Member Gabbard stated that he has turned in his list of meetings attended to the City Clerk. He added that he attended the SCAG Board Meeting in Los Angeles and was reminded what a great job Dana Point does on public safety in regards to individuals experiencing homelessness.

Council Member Pagano stated that he will turn in his list of meetings attended to the City Clerk. He added that he attended and enjoyed the Dana Hills High School Golf Tournament.

Council Member Villar stated that he has turned in his list of meetings attended to the City Clerk.



Mayor Pro Tem Federico stated that he will turn in his list of meetings attended to the City Clerk. He added that the train is once again running from San Clemente to Oceanside. He also encouraged the community to ride the trolley to ensure Measure M2 funding to enhance the program.

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


## STAFF REPORTS

City Manager Michael Killebrew reported that the mosaic installation for the stairs near Lantern Bay Park has started and will be under construction for about 4 weeks. He also reported that the Arts and Culture Ambassador program received 12 applications for the first review.

City Attorney Patrick Muñoz provided an update on the CUSD/Toll Brothers Project (aka Victoria Apartment). He stated that Staff is working with CUSD/Toll to bring the project forward on August 28<sup>th</sup> for a Public Hearing, however issues have arisen making that timeline unfeasible. A Development Agreement (DA) is required between the City and CUSD/Toll Bros to ensure a commitment that funds CUSD receives from the project be allocated to improve Dana Hills High School. To date, there has not yet been a commitment from CUSD to be a party to the DA, or sufficient input on the DA from CUSD/Toll to enable Staff to present the project to the Planning Commission. Additionally, Toll Bros has substantially revised the project in response to public input. While the revisions are such that it is not legally necessary to recirculate the EIR, a public workshop will be scheduled for August 28<sup>th</sup> to allow further public input on the project revisions. Staff will be scheduling a public hearing after we have a commitment that CUSD will be a party to the DA, and have a DA that is substantially complete, meaning its complete enough that it can be fully considered by the PC for recommendation to the Council.

## ADJOURNMENT

There being no further business before the City Council at this session, Mayor Frost adjourned the meeting at 7:43 p.m. He announced that the next Regular Meeting of the City Council will be September 5, 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 SEPTEMBER 5, 2023

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**Meetings attended since June 21, 2023**

**Mayor Mike Frost**

06/08/2023 TCA Joint Meeting of the Boards of Directors (SJHTCA & F/ETCA)  
06/19/2023 CHFT New Board Member  
06/19/2023 ACC-OC - L&R committee prep  
06/22/2023 ACC-OC Legislative and Regulatory Committee Meeting  
07/13/2023 TCA Joint Meeting of the Boards of Directors (SJHTCA & F/ETCA)

**Mayor Pro Tem Jamey M. Federico**

06/21/2023 ACC-OC Executive Committee  
06/22/2023 Color of Warriors Art Show and Benefit  
06/26/2023 OCTA  
06/28/2023 TCA Special Meeting  
06/29/2023 OCTA Regional Transportation Planning  
06/30/2023 3<sup>rd</sup> Marine Aircraft Wing Change of Command  
07/10/2023 Meeting with Terry Rifkin – 5<sup>th</sup> Marines Support Group  
07/12/2023 OCTA Finance and Administration Meeting  
07/12/2023 Dana Point Sister Cities Meeting  
07/13/2023 TCA Board Meeting

**Council Member John Gabbard**

06/22/2023 OCCOG Board Meeting  
06/22/2023 OCFA Board Meeting  
06/23/2023 5<sup>th</sup> Marine Regiment CoC  
06/24/2023 RH Dana / Lantern District Block Party  
06/29/2023 OCCOG Special Meeting  
07/06/2023 SCAG Committee and Regional Council Meeting  
07/10/2023 5<sup>th</sup> Marines Support Group Memorial Presentation  
07/12/2023 OCFA Budget and Finance Committee Meeting  
07/14/2023 Dana Hill Football Golf Classic

**Council Member Matthew Pagano**

**Council Member Michael Villar**

07/17/2023 Meeting with Terry Rifkin – 5<sup>th</sup> Marines Support Group