

# CITY OF DANA POINT

---

## CITY COUNCIL REGULAR MEETING



**TUESDAY  
NOVEMBER 21, 2023  
5:00 P.M.**

## AGENDA

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

Next City Council Ordinance No. 23-08

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), (2 cases)

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

## RECONVENE CITY COUNCIL MEETING

## PLEDGE OF ALLEGIANCE

## INVOCATION

## PRESENTATIONS AND PROCLAMATIONS

---

## 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, NOVEMBER 7, 2023](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

### 3. **[TRAFFIC IMPROVEMENT SUBCOMMITTEE MINUTES, AUGUST 24, 2023](#)**

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

### 4. **[YOUTH BOARD MEETING MINUTES, MAY 18, 2023](#)**

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

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

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

### 6. **[TREASURER'S REPORT, OCTOBER 2023](#)**

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

### 7. **[DEVELOPMENT UPDATE WITH QUARTERLY REPORT](#)**

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

### 8. **[DISPOSITION OF NON-ESSENTIAL CITY RECORDS](#)**

RECOMMENDED ACTION: That the City Council approve the 2023 disposition of non-essential City records in accordance with California State law and the City's approved Records Retention Schedule and adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE DISPOSITION OF CERTAIN INACTIVE CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA

**9. MEASURE M2 EXPENDITURE REPORT FOR FISCAL YEAR 2022-2023**

RECOMMENDED ACTION: That the City Council:

1) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONCERNING THE MEASURE M (M2) EXPENDITURE REPORT FOR THE CITY OF DANA POINT FOR FISCAL YEAR 2022-2023; and

2) Authorize the Mayor to sign the Resolution on behalf of the City; and

3) Direct Staff to submit the adopted Resolution and M2 Expenditure Report for Fiscal Year 2022-2023 for the City of Dana Point to the Orange County Transportation Authority (OCTA) to maintain eligibility in the Measure M (M2) program.

**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**

**10. PROPOSED UPDATES TO THE PARK USE POLICY AND ASSOCIATED PARK RENTAL FEES**

RECOMMENDED ACTION: That the City Council open the Public Hearing, receive, direct, discuss and advise on the proposed changes to the City's park rental fees and policy.

11. [LOCAL COASTAL PROGRAM AMENDMENT LCPA23-0001 AND ZONE TEXT AMENDMENT ZTA22-0002 TO AMEND THE ZONING CODE TO COMPLY WITH STATE HOUSING LAWS AND CITY'S HOUSING ELEMENT](#)

RECOMMENDED ACTION: That the City Council:

- 1) Conduct a Public Hearing;
- 2) Adopt the following Resolution approving and requesting certification of LCPA23-0001 from the California Coastal Commission:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING LOCAL COASTAL PROGRAM AMENDMENT LCPA23-0001 AND SUBMISSION OF ZTA22-0002 AS LOCAL COASTAL PROGRAM AMENDMENT LCPA23-0001 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION; and

- 3) Introduce for first reading an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA22-0002 TO AMEND THE ZONING ORDINANCE IN COMPLIANCE WITH STATE HOUSING LAWS AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA23-0001 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION

## UNFINISHED BUSINESS

12. [SHORT-TERM RENTAL PROGRAM EVALUATION](#)

RECOMMENDED ACTION: That the City Council:

- 1) Authorize Staff to implement the maximum permit cap for areas outside the Coastal Zone (115 total permits or 37 new permits), as stated in Dana Point Municipal Code Section 5.38; and
- 2) Direct Staff to provide annual reports to the City Council on the Short-Term Rental Program.

## NEW BUSINESS

13. [ADOPTION OF MEMORANDUM OF UNDERSTANDING WITH DANA POINT EMPLOYEES' ASSOCIATION \(DPEA\) AND ADOPTION OF CERTAIN COMPENSATION AND BENEFITS FOR NON-REPRESENTED EMPLOYEES](#)

RECOMMENDED ACTION: That the City Council:

- 1) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE OF DANA POINT, CALIFORNIA, ADOPTING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF DANA POINT AND THE DANA POINT EMPLOYEES' ASSOCIATION

2) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE OF DANA POINT, CALIFORNIA, ADOPTING CERTAIN COMPENSATION AND BENEFITS FOR NON-REPRESENTED EMPLOYEES

## **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 agendized 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-agendized items may be presented as informational only.

## **STAFF REPORTS**

(City Manager Michael Killebrew)  
(City Attorney Patrick Muñoz)

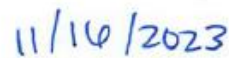
## **ADJOURNMENT**

The next Regular Meeting of the City Council will be December 5, 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 and danapoint.org by Thursday, November 16, 2023, no later than 5:30 p.m.

  
SHAYNA SHARKE, CITY CLERK

  
DATE

Subscriptions to receive City Council Agendas on a regular basis are available through the City Clerk's Office. Agendas are also available on the City's website at [www.danapoint.org](http://www.danapoint.org). In addition, Agenda related materials (including materials, if any, provided to the City Council after the Agenda was posted) may be reviewed in the office of the City Clerk during regular business hours or on the website at [www.danapoint.org](http://www.danapoint.org).

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.