

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
DECEMBER 5, 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. 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 - LITIGATION STRATEGY REVIEW INCLUDING POTENTIAL DISCUSSION OF ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (1 case) AND THE FOLLOWING EXISTING LITIGATION, Government Code 54956.9 (d)(1), (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. Center For Natural Lands Management v City of Dana Point, Orange County Superior Court Case No: 30-2021-01219668 CU-OR-CJC

- d. Mitchell Carr vs. City of Dana Point, County of Orange (1973115) (Ironshore Claim No.: SANCAS000317850) (AWNAC Ref. No.: 2021007664) (AWAC Ref. No.: 2021007660)

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Employee of the Quarter – David Nett, Management Analyst

Volunteer of the Quarter – Dave DuRee

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 21, 2023](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, OCTOBER 23, 2023](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

4. [CLAIMS AND DEMANDS](#)

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

5. [CITY COUNCIL 2024 MEETING SCHEDULE](#)

RECOMMENDED ACTION: That the City Council approve the 2024 City Council meeting schedule.

6. **2024 SPECIAL EVENT CALENDAR**

RECOMMENDED ACTION: That the City Council approve the Special Event Calendar for 2024.

7. **STATE OF THE CITY 2024 SPONSORSHIP**

RECOMMENDED ACTION: That the City Council:

- 1) Approve the release of a Request for Sponsorship (RFS) for the 2024 State of the City event;
- 2) Approve the Sponsorship Agreement template, subject to such changes as may be approved by the City Manager and City Attorney;
- 3) Authorize the City Manager or Assistant City Manager to evaluate submitted Requests for Sponsorship and select sponsors; and
- 4) Authorize the City Manager to execute the Sponsorship Agreements.

8. **PROFESSIONAL SERVICES AGREEMENT WITH 4LEAF INC. FOR BUILDING AND CODE ENFORCEMENT STAFF SUPPORT**

RECOMMENDED ACTION: That the City Council:

- 1) Approve the Professional Services Agreement with 4 LEAF Inc. for Building and Code Enforcement staff support; and
- 2) Authorize the City Manager or his Designee to execute the Agreement.

9. **SECOND READING AND ADOPTION OF AN ORDINANCE TO APPROVE LOCAL COASTAL PROGRAM AMENDMENT LCPA23-0001 AND ZONE TEXT AMENDMENT ZTA22-0002, AND AUTHORIZING SUBMITTAL OF THE ORDINANCE TO THE CALIFORNIA COASTAL COMMISSION FOR FINAL CERTIFICATION**

RECOMMENDED ACTION: That the City Council hold a second reading and adopt 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

10. **ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE CITYWIDE SLURRY SEAL FY21/22 PROJECT**

RECOMMENDED ACTION: That the City Council adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PROJECT ENTITLED "SLURRY SEAL FY21/22 PROJECT".

11. **CONSIDERATION OF THE INCLUSION OF THE PROPERTY LOCATED AT 24722 DEL PRADO, DANA POINT, CALIFORNIA IN THE CSCDA OPEN PACE PROGRAM; AND OTHER MATTERS RELATED THERETO; AND OTHER MATTERS**

RECOMMENDED ACTION: That the Council adopt a Resolution authorizing the property located at 24722 Del Prado, Dana Point, California to participate in the California Statewide Communities Development Authority (CSCDA) Property Assessed Clean Energy (PACE) Program so that CSCDA can provide financing for the installation of Improvements on the property entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA CONSENTING TO THE INCLUSION OF THE PROPERTY LOCATED 24722 DEL PRADO, DANA POINT, CALIFORNIA IN THE CSCDA OPEN PACE PROGRAM; AUTHORIZING THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO ACCEPT AN APPLICATION FROM THE OWNER OF SUCH PROPERTY, CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS ON SUCH PROPERTY; AND AUTHORIZING RELATED ACTIONS

12. **FIFTH AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH MICHAEL BAKER INTERNATIONAL FOR PREPARATION OF THE VICTORIA BOULEVARD SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT**

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute the contract amendment with Michael Baker International – Fifth Amendment to Agreement for an extension to August 31, 2024.

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

None.

NEW BUSINESS

None.

CITY COUNCIL REORGANIZATION

- A. COUNCIL REORGANIZATION
- B. RECOGNITION OF OUTGOING MAYOR

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 January 16, 2024, 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 Thursday, November 30, 2023, by 5:00 p.m.


SHAYNA SHARKE, CITY CLERK

11/30/23

DATE

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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.

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.