

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
JANUARY 16, 2024
5:00 P.M.**

REVISED AGENDA

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

Next City Council Ordinance No. 24-01

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:

Jamey M. Federico, Mayor
Matthew Pagano, Mayor Pro Tem
Mike Frost, Council Member
John Gabbard, 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

ACC-OC Presentation – Kris Murray

Volunteer of the Quarter – David DuRee

Business of the Quarter - Capo Beach Equipment

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, DECEMBER 5, 2023

RECOMMENDED ACTION: That the City Council approve the minutes.

3. CITY TREASURER'S REPORT, NOVEMBER 2023

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

4. CLAIMS AND DEMANDS

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

5. DEVELOPMENT UPDATE

RECOMMENDED ACTION: That the City Council receive and file the Development Update.

6. APPROVAL OF A COOPERATIVE AGREEMENT AND VARIOUS ORANGE COUNTY TRANSPORTATION AUTHORITY PROJECT "V" COMMUNITY-BASED TRANSIT/CIRCULATORS RELATED ITEMS

RECOMMENDED ACTION: That the City Council:

1) Approve the attached Cooperative Agreement with the Orange County Transportation Authority (OCTA) and authorize the City Manager to sign the Agreement; and

2) Approve a Third Amendment with LAZ Parking California, LLC , previously known as Professional Parking, Incorporated to extend the trolley service years, and authorize the City Manager to sign the Third Amendment; and

3) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA APPROVING THE SUBMITTAL OF AN APPLICATION TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR ADDITIONAL FUNDING UNDER THE PROJECT V COMMUNITY-BASED TRANSIT/CIRCULATORS PROGRAM;

4) Authorize the use of designated City funds for the City's portion of match funding for the Dana Point Trolley Program as outlined in the Fiscal Impact Section of this report.

7. ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT FY 21/22 (CIP #1329) AND THE CALLE PORTOLA STORM DRAIN IMPROVEMENTS PROJECT (CIP #1350)

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 ANNUAL ROADWAY RESURFACING PROJECT FY 21/22 (CIP #1329) AND THE CALLE PORTOLA STORM DRAIN IMPROVEMENTS PROJECT (CIP #1350)

8. AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE ANNUAL RESIDENTIAL ROADWAY RESURFACING PROJECT FY 22/23, THE VIOLET LANTERN STORM DRAIN IMPROVEMENT PROJECT, AND THE ROADWAY RESURFACING – OVERLAY/ASPHALT REPAIRS PROJECT FY23/24, PHASE 1

RECOMMENDED ACTION: That the City Council:

- 1) Approve award of a contract to Onyx Paving Company, Incorporated for construction of the Annual Roadway Resurfacing Project FY 22/23, Phase 1 (CIP #1337), and deletion of Bid Schedule E from the Project, and authorize the City Manager to sign the contract and approve change orders if necessary; and
- 2) Approve award of a contract to Onyx Paving Company, Incorporated for construction of the Violet Lantern Storm Drain Improvements (CIP #1354), bid in conjunction with this work effort, and authorize the City Manager to sign the contract and approve change orders if necessary; and
- 3) Approve award of a contract to Onyx Paving Company, Incorporated for construction of asphalt repairs and improvements associated with the Roadway Resurfacing – Overlay/Asphalt Repairs Project FY 23/24, Phase 1 (CIP #1352), bid in conjunction with this work effort, and authorize the City Manager to sign the contract and approve change orders if necessary; and
- 4) Authorize the expenditure as noted in the Fiscal Impact Section with GMU Geotechnical, Inc. for materials testing and quality assurance for the Annual Roadway Resurfacing Project FY 22/23 (CIP #1337) per the existing As-Needed Consultant Services Agreement with GMU Geotechnical; and

- 5) Authorize the City Manager to sign a Standard Consultant Services Agreement with WestLAND Group, Incorporated, for surveying, construction staking and monument preservation for the Annual Roadway Resurfacing Project FY 22/23 (CIP #1337), and the associated expenditure as noted in the Fiscal Impact Section; and
- 6) Authorize the City Manager to sign a Standard Consultant Services Agreement with GHD, Inc. for professional engineering services support during construction of the Violet Lantern Storm Drain Improvements Project (CIP #1354) and the associated expenditure as noted in the Fiscal Impact Section.
- 7) Approve expenditure and budget adjustments outlined in the Fiscal Impact Section for the Annual Roadway Resurfacing Project FY 22/23 (CIP #1337), the Violet Lantern Storm Drain Improvement Project (CIP #1354), and Roadway Resurfacing – Overlay/Asphalt Repairs Project FY 23/24, Phase 1 (CIP #1352).

9. **FIRST AMENDMENT TO AGREEMENT WITH PARK CONSULTING GROUP FOR PROFESSIONAL SERVICES**

RECOMMENDED ACTION: That the City Council:

- 1) Ratify the contract with Park Consulting Group and authorize the City Manager to execute a First Amendment to Agreement to extend the agreement termination date to June 30, 2025; and to increase the not-to-exceed amount from \$35,000 to \$70,000; and
- 2) Authorize the budget adjustment outlined in the Fiscal Impact section of the report.

10. **ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2023**

RECOMMENDED ACTION: That the City Council receive and file the Annual Comprehensive Financial Report ("ACFR") for the fiscal year ended June 30, 2023.

11. **RATIFY FLOCK SAFETY AGREEMENT FOR THE AUTOMATED LICENSE PLATE READER CAMERAS**

RECOMMENDED ACTION: That the City Council:

- 1) Ratify the City Manager's approval to execute a five-year agreement with Flock Safety for Automated License Plate Reader Cameras; and
- 2) Authorize the City Manager to execute amendments to implement up to an additional 10 cameras, if needed to further public safety related activities.

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

12. [ADOPTION OF A RESOLUTION TO AMEND THE PARK USE POLICY AND ASSOCIATED PARK RENTAL FEES \(PUBLIC HEARING CONTINUED\)](#)

RECOMMENDED ACTION: That the City Council:

- 1) Continue the public hearing from the November 21, 2023, meeting to review the Park Use Policy and associated park rental fees; and
- 2) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA,
AMENDING THE PARK USE POLICY AND ASSOCIATED PARK RENTAL FEES

UNFINISHED BUSINESS

13. [POLICE SERVICES UPDATE](#)

RECOMMENDED ACTION: That the City Council receive and file the Police Services Update.

NEW BUSINESS

14. [SUBCOMMITTEE REPORT AND DISCUSSION ON E-BIKES](#)

RECOMMENDED ACTION: That the City Council discuss issues related to e-bikes in Dana Point.

15. [STRATEGIC PLAN REVIEW – PERFORMANCE MEASURES](#)

RECOMMENDED ACTION: That the City Council receive an update from Staff on the City's Strategic Plan 2023 Measurements and provide direction should any amendments to the Plan or measures be deemed necessary.

16. CITY COUNCIL APPOINTED REPRESENTATIVES AND CITY COMMISSIONS, COMMITTEES, SUBCOMMITTEES AND TASK FORCES

RECOMMENDED ACTION: That the City Council:

- 1) Approve appointments of City Council representatives to outside agencies; and
- 2) Approve appointments to City Committees, Subcommittees and Task Forces; and
- 3) Direct Staff to notify affected agencies as necessary; and
- 4) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA,
DESIGNATING AND APPOINTING ITS REPRESENTATIVE TO THE ORANGE COUNTY
FIRE AUTHORITY'S BOARD OF DIRECTORS

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)

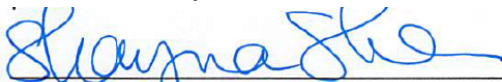
(City Attorney Patrick Muñoz)

ADJOURNMENT

The next Regular Meeting of the City Council will be February 6, 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 www.danapoint.org by Friday, January 12, 2024, at 5:00 p.m.


SHAYNA SHARKE, CITY CLERK

1/12/24
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. 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.

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.