

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
FEBRUARY 6, 2024
5:00 P.M.**

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), (3 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (1 case)

Name of Case: Center for Natural Lands Management v City of Dana Point, Orange County Superior Court Case No: 30-2021-01219668 CU-OR-CJC

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 – Oscar Garcia

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, JANUARY 16, 2024](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, NOVEMBER 27, 2023](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

4. [CITY TREASURER'S REPORT, DECEMBER 2023](#)

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

5. [CLAIMS AND DEMANDS](#)

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

6. [QUARTERLY FINANCIAL REPORT, DECEMBER 2023](#)

RECOMMENDED ACTION: That the City Council receive and file the City Financial Report and Management Discussion for the quarter ended December 31, 2023.

7. AWARD OF CONTRACT FOR AUDIT SERVICES

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a contract for audit services with Lance, Soll & Lunghard, LLP (LSL), covering the fiscal years ending June 30, 2024, 2025, and 2026, with the option to extend the agreement for two, one (1) year extensions.

8. AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE SLURRY SEAL FY24 PROJECT (CIP #1353) AND THE COAST HIGHWAY COMPLETE STREET PROJECT (CIP #1368)

RECOMMENDED ACTION: That the City Council:

- 1) Approve the award of a Contract to Roy Allan Slurry Seal, Inc. for the construction of the Slurry Seal FY 23/24 Project (CIP #1353); and
- 2) Approve the award of a Contract to Roy Allan Slurry Seal, Inc. for the construction of the Coast Highway Complete Street Project (CIP #1368); and
- 3) Authorize the City Manager or his designee to sign and administer the subject Contracts and approve additional payment for change orders, and contingencies as outlined in the Fiscal Impact Section; and
- 4) Authorize the City Manager to sign a Standard Consultant Services Agreement with GMU Geotechnical for additional materials inspection and testing services and pavement design review services as outlined in the Fiscal Impact Section.

9. SECOND AMENDMENT OF PROFESSIONAL SERVICES AGREEMENT WITH LSA ASSOCIATES, INC. TO CONDUCT ENVIRONMENTAL REVIEW FOR THE DANA POINT HARBOR HOTELS PROJECT

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a second amendment to the professional services agreement, with LSA Associates, Inc. to increase the project budget and continue work on the Environmental Impact Report for the Dana Point Harbor Hotels project.

10. APPROVAL OF A COOPERATIVE AGREEMENT WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR THE COUNTYWIDE SIGNAL SYNCHRONIZATION BASELINE PROJECT

RECOMMENDED ACTION: That the City Council:

- 1) That the City Council approve a Cooperative Agreement with the Orange County Transportation Authority (OCTA) for the Countywide Signal Synchronization Baseline Project; and
- 2) Authorize the City Manager to sign the Agreement including any non-substantive changes made after the City Council's approval.

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

11. 2024 WEED ABATEMENT

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA,
DECLARING WEEDS A PUBLIC NUISANCE AND INITIATING ABATEMENT PROCEEDINGS;
and

Conduct a public hearing and thereafter adopt Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, TO
PROCEED WITH WEED ABATEMENT ON PROPERTIES THAT DO NOT ABATE THE
WEEDS WITHIN THE PRESCRIBED TIME

UNFINISHED BUSINESS

12. CODE ENFORCEMENT OPERATIONS AND STRATEGIC PLAN UPDATE

RECOMMENDED ACTION: That the City Council:

- 1) Receive and file 2024 Code Enforcement Operations and Strategic Plan Update; and
- 2) Direct staff to continue including the Code Enforcement Performance Measures in the annual citywide Strategic Plan report and cease reporting annually on the Code Enforcement Strategic Plan.

13. MEMORANDUM OF UNDERSTANDING TO PARTICIPATE IN THE SAN DIEGO ASSOCIATION OF GOVERNMENTS REGIONAL BEACH SAND PROJECT III PHASE I

RECOMMENDED ACTION: That the City Council:

- 1) Authorize the City Manager to enter into a Memorandum of Understanding (MOU) with the San Diego Association of Governments (SANDAG) for the Regional Beach Sand Project III, Phase I activities; and
- 2) Authorize the City Manager to enter into a future MOU with the County of Orange and a reimbursement agreement Capistrano Community Services District to share in the City's contributions for Phase I; and
- 3) Authorize a budget adjustment as discussed in the Fiscal Impact section of this report.

NEW BUSINESS

14. STATE OF CALIFORNIA PROPOSITION 1

RECOMMENDED ACTION: That the City Council discuss State of California Proposition 1.

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 20, 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 February 1, 2024, at 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. 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.