

# CITY OF DANA POINT

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## CITY COUNCIL REGULAR MEETING



**TUESDAY  
MARCH 5, 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](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:

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 - LITIGATION STRATEGY REVIEW INCLUDING POTENTIAL DISCUSSION OF ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (3 cases) AND THE FOLLOWING EXISTING LITIGATION, Government Code 54956.9 (d)(1), (5 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)
- e. City of Dana Point v. Paul Frederic Meyers, Trustee of the Meyers Family Trust, Orange County Superior Court Case No: 30-2022-01301502-CU-PT-CJC

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

## **RECONVENE CITY COUNCIL MEETING**

## **PLEDGE OF ALLEGIANCE**

## **PRESENTATIONS AND PROCLAMATIONS**

League of California Cities – Connor Medina

## **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, FEBRUARY 6, 2024](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

### **3. [PLANNING COMMISSION MEETING MINUTES, JANUARY 22, 2024](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

### **4. [CITY TREASURER'S REPORT, JANUARY 2024](#)**

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report, January 2024.

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

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

**6. NAVIANT CONTRACT AMENDMENT**

RECOMMENDED ACTION: That the City Council:

- 1) Authorize the City Manager or his designee to Execute a First Amendment to the Contract Agreement with Naviant, Inc.
- 2) Authorize the City Manager or his designee to renew the contract annually for two consecutive years with an annual increase of 7.5%.

**7. AWARD OF CONTRACT FOR THE 4<sup>TH</sup> OF JULY AERIAL FIREWORKS DISPLAY AND BARGE SERVICES**

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a contract with Garden State Fireworks, Inc., for the 2024 4<sup>th</sup> of July fireworks and barge services.

**8. STAGE, SOUND AND LIGHTING CONTRACT FOR OC SHAKESBEER IN THE PARK AND SUMMER CONCERT SERIES**

RECOMMENDED ACTION: That the City Council:

- 1) Authorize the City Manager or his designee to execute a contract with Southern California Sound, Stage & Lighting Corporation for stage and sound for Concerts in the Park; and
- 2) Authorize the City Manager or his designee to execute a contract with Select Multimedia for stage, sound and lighting for OC ShakesBEER in the Park.

**9. ROAD AND STORM DRAIN MAINTENANCE SERVICES AGREEMENT WITH THE COUNTY OF ORANGE**

RECOMMENDED ACTION: That the City Council approve the Cooperative Services Agreement between the City of Dana Point and the County of Orange for Road and Storm Drain Maintenance Services and authorize the City Manager or his designee to execute the Agreement.

**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**

### **10. MID-FISCAL YEAR 2023-24 BUDGET STATUS REPORT**

RECOMMENDED ACTION: That the City Council:

- 1) Receive and file the Mid-Fiscal Year 2023-24 Budget Status Report and authorize the budget amendments detailed within this report; and
- 2) Authorize the City Manager to make an Additional Discretionary Payment to CalPERS towards the City's "Classic" pension plan unfunded liability; and
- 3) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA,  
ESTABLISHING SALARY RANGES FOR REPRESENTED AND NON-REPRESENTED  
CLASSIFICATIONS AND ADOPTING NEW JOB TITLES AND CLASS SPECIFICATIONS

### **11. DAYLIGHTING OF AN ORDINANCE AMENDING DANA POINT MUNICIPAL CODE CHAPTER 5.42, SMALL WIRELESS FACILITY BUSINESS REGULATIONS**

RECOMMENDED ACTION: That the City Council receive, discuss and advise on the proposed changes to portions of Chapter 5.42 of the Dana Point Municipal Code pertaining to Small Wireless Facility Business Regulations as part of the comprehensive review of the City's Municipal Code.

## **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 agendaized 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-agendaized 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 March 19, 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](http://www.danapoint.org) by February 29, 2024, at 5:30 p.m.



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SHAYNA SHARKE, CITY CLERK

2/29/2024  
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.