

# CITY OF DANA POINT

## CITY COUNCIL REGULAR MEETING



**TUESDAY  
NOVEMBER 7, 2023  
5:00 P.M.**

## MINUTES

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

Next City Council Ordinance No. 23-08

## CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Mike Frost at 5:00 p.m. in the City Council Chambers, 33282 Golden Lantern, Dana Point.

## 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

STAFF PRESENT: Kelly Reenders, Assistant City Manager, Jennifer Farrell, Deputy City Attorney; Shayna Sharke, City Clerk; Captain Todd Hylton; Sea Shelton, Director of Administrative Services; Matthew Sinacori, Director of Public Works/City Engineer; Brenda Wisneski, Director of Community Development; James Shadle, Director of General Services; and Jaimie To, Senior Management Analyst.

## CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (4 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (1 case)
  - 1) Center For Natural Lands Management v City of Dana Point, Orange County Superior Court Case No: 30-2021-01219668 CU-OR-CJC
- C. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Government Code § 54956.9 (c), (1 case)
  - 1) Doheny Road Right-of-Way Acquisition

**D. CONFERENCE WITH LABOR NEGOTIATOR, Government Code § 54957.6**

Agency Designated Representatives: City Manager  
Unrepresented and Represented Employees: All positions in City

Mayor Frost recessed the meeting into a Closed Session at 5:02 p.m. pursuant to Government Code Section 54957.

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

**RECONVENE CITY COUNCIL MEETING**

Mayor Frost reconvened the meeting at 6:03 p.m.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Pro Tem Federico.

**INVOCATION**

**PRESENTATIONS AND PROCLAMATIONS**

Legislative Presentation

The Honorable California State Senator Janet Nguyen (36<sup>th</sup> Senate District) gave a presentation on current events and bill packages.

City of Hope Presentation

Alana Gebhart (Director of Strategic Services) provided a presentation highlighting the services City of Hope now provides as Orange County's first cancer-only hospital.

Business of the Quarter

Mayor Frost presented Damian Collins from Stillwater Food, Wine, Spirits & Sounds with a Certificate of Recognition.

Excellence in Arts and Culture Award

Mayor Frost and Robert Zasa presented Timothy Clark with a Certificate of Recognition.

**READING OF ORDINANCE TITLES**

City Clerk Shayna Sharke read one (1) Ordinance title.

**CONSENT CALENDAR**

Mayor Pro Tem Federico pulled Item 9 from the Consent Calendar.

IT WAS MOVED BY MAYOR PRO TEM FEDERICO, SECONDED BY COUNCIL MEMBER GABBARD, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 9.

The motion carried by the following vote:

AYES: Council Member Gabbard, Council Member Pagano, Council Member Villar, Mayor Pro Tem Federico, and Mayor Frost

NOES: None

ABSENT: None

**1. WAIVE THE READING OF ORDINANCES AND APPROVE READING BY TITLE ONLY**

APPROVED THE READING BY TITLE ONLY OF ALL ORDINANCES AND THAT FURTHER READING OF SUCH ORDINANCES BE WAIVED.

**2. REGULAR MEETING MINUTES, OCTOBER 3, 2023**

APPROVED THE MINUTES.

**3. PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 11, 2023**

RECEIVED AND FILED THE MINUTES.

**4. PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 25, 2023**

RECEIVED AND FILED THE MINUTES.

**5. FINANCIAL REVIEW COMMITTEE MINUTES, SEPTEMBER 12, 2023**

RECEIVED AND FILED THE MINUTES.

**6. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**7. TREASURER'S REPORT**

RECEIVED AND FILED THE TREASURER'S REPORT FOR SEPTEMBER 2023.

**8. QUARTERLY FINANCIAL REPORT**

RECEIVED AND FILED THE QUARTERLY FINANCIAL REPORT FOR THE PERIOD ENDING SEPTEMBER 2023.

**9. 2023-2024 DANA POINT YOUTH BOARD APPOINTMENTS**

Mayor Pro Tem Federico congratulated and read the names of the 2023-2024 Youth Board Members. He thanked them for their service to the community.

IT WAS MOVED BY MAYOR PRO TEM FEDERICO, SECONDED BY COUNCIL MEMBER GABBARD THAT THE CITY COUNCIL APPOINT ELEVEN (11) BOARD MEMBERS AND THREE (3) AT-LARGE MEMBERS TO THE DANA POINT YOUTH BOARD.

The motion carried by the following vote:

AYES: Council Member Gabbard, Council Member Pagano, Council Member Villar, Mayor Pro Tem Federico, and Mayor Frost

NOES: None

ABSENT: None

**10. SECOND READING OF ORDINANCE AMENDING DANA POINT MUNICIPAL CODE TITLE 1: GENERAL PROVISIONS AND TITLE 2: ADMINISTRATION AND PERSONNEL**

HELD A SECOND READING AND ADOPTED **ORDINANCE 23-07** OF THE CITY OF DANA POINT OF ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING IN ITS ENTIRETY TITLE 1 PERTAINING TO GENERAL PROVISIONS AND TITLE 2 PERTAINING TO ADMINISTRATION AND PERSONNEL OF THE DANA POINT MUNICIPAL CODE

**11. ANNUAL REVIEW OF INVESTMENT POLICY AND PARTICIPATION IN THE CALIFORNIA ASSET MANAGEMENT PROGRAM CASH RESERVE PORTFOLIO**

1. APPROVED THE CITY'S STATEMENT OF SAFEKEEPING AND INVESTMENT OF PUBLIC FUNDS POLICY ("INVESTMENT POLICY"); AND
2. AUTHORIZED THE CITY MANAGER, OR DESIGNEE TO EXECUTE THE NECESSARY DOCUMENTS FOR THE CITY TO PARTICIPATE IN THE CALIFORNIA ASSET MANAGEMENT PROGRAM CASH RESERVE PORTFOLIO AS AN INVESTOR.

**12. CONTRACT AGREEMENT WITH CLIENTFIRST TECHNOLOGY CONSULTING**

AUTHORIZED THE CITY MANAGER TO EXECUTE A CONTRACT AGREEMENT BETWEEN CLIENTFIRST TECHNOLOGY CONSULTING TO PERFORM A GAP ANALYSIS ON THE CITY'S PERMITTING AND LICENSING SYSTEM (CENTRALSQUARE) AND CONDUCT AN ASSESSMENT OF THE CITY'S GEOGRAPHIC INFORMATION SYSTEMS (GIS).

**13. ADOPT RESOLUTIONS TO ADDRESS FEDERAL AND LOCAL FUNDING FOR CITY PROJECTS**

- 1) ADOPTED **RESOLUTION 23-11-07-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, WHICH CERTIFIES THAT THE CITY OF DANA POINT HAS THE RESOURCES TO FUND THE PROJECT IN FEDERAL FISCAL YEARS 2024/25 THROUGH 2029/30 TRANSPORTATION IMPROVEMENT PROGRAM AND AFFIRMS ITS COMMITMENT TO IMPLEMENT THE PROJECT IN THE PROGRAM; AND

2) ADOPTED **RESOLUTION 23-11-07-02** ENTITLED:

A RESOLUTION OF THE CITY OF DANA POINT, CALIFORNIA APPROVING THE SUBMITTAL OF AN APPLICATION FOR DESIGN OF THE STONEHILL DRIVE WIDENING IMPROVEMENT PROJECT TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE REGIONAL CAPACITY PROGRAM (PROJECT O) WITHIN THE COMPREHENSIVE TRANSPORTATION PROGRAM

2) AUTHORIZED THE MAYOR TO SIGN THE RESOLUTIONS ON BEHALF OF THE CITY.

## **PUBLIC COMMENTS**

Wayne Yost (VFW Post 9934) invited the community to the Veterans Day Ceremony on November 11<sup>th</sup>.

Vickie McMurchie (Dana Point Chamber of Commerce) invited the community to the annual Turkey Trot and encouraged local holiday shopping through the Loyal to Local Passport program.

Erica Buday (Dana Point) spoke regarding e-bikes.

Anne Hensley (Laguna Niguel) spoke regarding e-bikes.

Captain Hylton briefly addressed e-bike safety issues.

## **PUBLIC HEARINGS**

**14. APPEAL OF PLANNING COMMISSION DECISION TO DENY SITE DEVELOPMENT PERMIT SDP22-0025 TO CONVERT AN EXISTING ATTACHED TWO-CAR GARAGE INTO AN ACCESSORY DWELLING UNIT IN CONJUNCTION WITH AN EXISTING NON-CONFORMING MULTI-FAMILY DWELLING LOCATED AT 33861 MALAGA DRIVE**

Director of Community Development Brenda Wisneski provided a staff report.

Mayor Frost opened the Public Hearing at 7:04 p.m.

Ryan Smith (Representative for Appellant) spoke regarding the application process and in support of the project.

Travis Mellum (Property Owner/Appellant) provided history of application and process.

Mayor Pro Tem Federico indicated the City received three emailed public comments.

Mayor Frost closed the Public Hearing at 7:12 p.m.

Discussion ensued.

IT WAS MOVED BY MAYOR FROST, SECONDED BY COUNCIL MEMBER VILLAR, THAT THE CITY COUNCIL APPROVE **RESOLUTION 23-11-07-03** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DENYING THE APPEAL AND SUSTAINING THE PLANNING COMMISSION'S DECISION TO DENY SITE DEVELOPMENT PERMIT SDP22-0025 TO CONVERT AN EXISTING ATTACHED TWO-CAR GARAGE INTO AN ACCESSORY DWELLING UNIT IN CONJUNCTION WITH AN EXISTING NON-CONFORMING MULTI-FAMILY DWELLING LOCATED AT 33861 MALAGA DRIVE.

The motion carried by the following vote:

AYES: Council Member Gabbard, Council Member Pagano, Council Member Villar, Mayor Pro Tem Federico, and Mayor Frost

NOES: None

ABSENT: None

## UNFINISHED BUSINESS

None.

## NEW BUSINESS

### 15. ESTABLISHMENT OF GENERAL PLAN ADVISORY COMMITTEE

Director of Community Development Brenda Wisneski provided a staff report.

Discussion ensued.

IT WAS MOVED BY MAYOR FROST, SECONDED BY COUNCIL MEMBER PAGANO, THAT THE CITY COUNCIL:

1. ADOPT **RESOLUTION 23-11-07-04** TO ESTABLISH THE DANA POINT GENERAL PLAN ADVISORY COMMITTEE ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING THE DANA POINT GENERAL PLAN ADVISORY COMMITTEE

2. APPOINT MAYOR PRO TEM FEDERICO, WITH COUNCIL MEMBER PAGANO AS AN ALTERNATE, TO SERVE AS A REPRESENTATIVE TO THE DANA POINT GENERAL PLAN ADVISORY COMMITTEE.

The motion carried by the following vote:

AYES: Council Member Gabbard, Council Member Pagano, Council Member Villar, Mayor Pro Tem Federico, and Mayor Frost

NOES: None

ABSENT: None

## **PUBLIC COMMENTS (Continued)**

### **COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED**

Council Member Gabbard stated that he turned in his list of meetings attended.

Council Member Pagano stated that he will turn in his list of meetings attended.

Council Member Villar stated that he turned in his list of meetings attended.

Mayor Pro Tem Federico stated that he turned in his list of meetings attended and provided a summary of the Sister Cities trip to Sorrento, Italy and the student exchange pen pal program.

Mayor Frost stated that he turned in his list of meetings attended and shared the current timeline and goals of the Harbor Advisory Committee.

## **STAFF REPORTS**

City Manager Michael A. Killebrew shared that the holiday lights begin on November 15th.

City Attorney Patrick Munoz reported out from Closed Session that the Council, by a motion from Mayor Frost, seconded by Council Member Gabbard, and approved on a 4-0-1 vote, with Mayor Pro Tem Federico abstaining due to conflict of interest, authorized City staff to move forward with gathering information regarding a potential Doheny Road Improvement Project, but did not move forward at this time to authorize the initiation of litigation in connection therewith.

## **ADJOURNMENT**

There being no further business before the City Council at this session, Mayor Frost adjourned the meeting at 7:38 p.m. He announced that the next Regular Meeting of the City Council will be November 21, 2023, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.



SHAYNA SHARKE, CITY CLERK

APPROVED AT THE MEETING OF NOVEMBER 21, 2023



**Meetings attended since October 3, 2023**

**Mayor Mike Frost**

10/07/2023-10/13/2023 Sorrento, Italy for Sister Cities Visit  
10/19/2023 Coastal Cities Group Leadership Committee Meeting  
10/20/2023 Principle for the Day CUSD  
10/22/2023 Fish for Life  
10/26/2023 OC – Housing and Community Development Committee  
10/26/2023 ACC/OC Legislative Review  
10/27/2023 Dana Point Healthy at Home Event  
10/31/2023 Orange County Power Authority  
11/01/2023 Dana Point Harbor Oversight Committee  
11/04/2023 Hōkūkle'a Event at Ocean Institute

**Mayor Pro Tem Jamey M. Federico**

10/05/2023 Meeting with TCA CEO  
10/07/2023-10/13/2023 Sorrento, Italy for Sister Cities Visit  
10/23/2023 OCTA Board Meeting  
10/30/2023 Homeslice Ribbon Cutting  
11/02/2023 City Selection Committee  
11/06/2023 OCTA Reg Transportation Planning Committee

**Council Member John Gabbard**

10/05/2023 SCAG Committee and Regional Council Meeting  
10/11/2023 Supervisor Foley Mayor Meeting  
10/12/2023 TCA Joint Meeting

**Council Member Matthew Pagano**

**Council Member Michael Villar**

No meetings to report.