

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
DECEMBER 5, 2023
5:00 P.M.**

MINUTES

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

Next City Council Ordinance No. 23-09

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: Michael A. Killebrew, City Manager, Patrick Munoz, City Attorney; Kelly Reenders, Assistant City Manager; 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; Jeff Rosaler, Deputy Director of Community Services; and Jaimie To, Senior Management Analyst.

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)

Mayor Frost recessed the meeting into a Closed Session at 5:00 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 Council Member Pagano.

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Employee of the Quarter

Mayor Frost and Deputy Director of Community Services Jeff Rosaler presented David Nett, Management Analyst, with a Certificate of Recognition.

READING OF ORDINANCE TITLES

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

CONSENT CALENDAR

ITEM 6 WAS PULLED BY COUNCIL MEMBER VILLAR.

IT WAS MOVED BY COUNCIL MEMBER VILLAR, SECONDED BY MAYOR PRO TEM FEDERICO, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR, WITH THE EXCEPTION OF ITEM 6.

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, NOVEMBER 21, 2023

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, OCTOBER 23, 2023

APPROVED THE MINUTES.

4. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

5. CITY COUNCIL 2024 MEETING SCHEDULE

APPROVED THE 2024 CITY COUNCIL MEETING SCHEDULE.

6. 2024 SPECIAL EVENT CALENDAR

Item 6 was pulled by Council Member Villar, who thanked Staff and community partners for the many great events scheduled in 2024.

Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER VILLAR, SECONDED BY MAYOR FROST, THAT THE CITY COUNCIL APPROVE THE SPECIAL EVENT CALENDAR FOR 2024.

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

7. STATE OF THE CITY 2024 SPONSORSHIP

THE CITY COUNCIL:

- 1) APPROVED THE RELEASE OF A REQUEST FOR SPONSORSHIP (RFS) FOR THE 2024 STATE OF THE CITY EVENT;
- 2) APPROVED THE SPONSORSHIP AGREEMENT TEMPLATE, SUBJECT TO SUCH CHANGES AS MAY BE APPROVED BY THE CITY MANAGER AND CITY ATTORNEY;

- 3) AUTHORIZED THE CITY MANAGER OR ASSISTANT CITY MANAGER TO EVALUATE SUBMITTED REQUESTS FOR SPONSORSHIP AND SELECT SPONSORS; AND
- 4) AUTHORIZED THE CITY MANAGER TO EXECUTE THE SPONSORSHIP AGREEMENTS.

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

THE CITY COUNCIL:

- 1) APPROVED THE PROFESSIONAL SERVICES AGREEMENT WITH 4 LEAF INC. FOR BUILDING AND CODE ENFORCEMENT STAFF SUPPORT; AND
- 2) AUTHORIZED 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

THE CITY COUNCIL HELD A SECOND READING AND ADOPTED ORDINANCE 23-08 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

THE CITY COUNCIL ADOPTED RESOLUTION 23-12-05-01 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

THE COUNCIL ADOPTED RESOLUTION 23-12-05-02 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

THE CITY COUNCIL AUTHORIZED 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

None.

PUBLIC HEARINGS

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

CITY COUNCIL REORGANIZATION

A. CITY COUNCIL REORGANIZATION

Mayor Frost opened nominations for the position of Mayor and Mayor Pro Tem.

Mayor Frost nominated Mayor Pro Tem Federico to serve as Mayor, and Council Member Pagano to serve as Mayor Pro Tem. Council Member Gabbard seconded the nominations.

The nominations for Mayor and Mayor Pro Tem 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

B. RECOGNITION OF OUTGOING MAYOR

Vickie McMurchie (Dana Point Chamber of Commerce) thanked Council Member Frost for his service as Mayor and support for the community and the Dana Point Chamber of Commerce.

City Manager Mike Killebrew thanked Council Member Frost for challenging City Staff to make the community better.

Mayor Federico presented Council Member Frost with a Gavel Plaque and thanked him for his service as Mayor.

PUBLIC COMMENTS (Continued)

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Villar stated that he turned in his list of meetings attended and thanked Council Member Frost for his service as Mayor. He expressed interest in forming a subcommittee with Council Member Gabbard to address e-bike safety concerns.

Council Member Gabbard stated that he turned in his list of meetings attended and thanked Council Member Frost for his service as Mayor, while wishing Mayor Federico luck in his new role. He also expressed his interest in forming an e-bike safety subcommittee.

City Manager Mike Killebrew stated City Staff will add e-bike safety to the January 16, 2024 City Council Agenda to continue discussions related to a subcommittee.

Mayor Federico stated that he turned in his list of meetings attended and thanked Council Member Frost again for his service as Mayor.

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

STAFF REPORTS

City Manager Michael A. Killebrew stated he had nothing to report.

City Attorney Patrick Munoz stated he had nothing to report.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Federico adjourned the meeting at 6:33 p.m. He announced that 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.


SHAYNA SHARKE, CITY CLERK

APPROVED AT THE MEETING OF JANUARY 16, 2024

Meetings attended since November 21, 2023

Mayor Mike Frost

11/23/2023 Annual Dana Point Turkey Trot
11/29/2023 Meeting with Supervisor Foley – Quarterly Elected Officials Meeting at UCI Health Center
11/29/2023 Ribbon Cutting at Coast Medical Aesthetics
12/02/2023 Holiday Tree Lighting Ceremony at La Plaza Park
12/02/2023 Marine Corps League South Coast Detachment Birthday Ball
12/04/2023 Ribbon Cutting at Vida Organic Wellness
12/04/2023 Holiday Tree Lighting Ceremony at Pines Park

Mayor Pro Tem Jamey M. Federico

11/23/2023 Annual Dana Point Turkey Trot
11/27/2023 OCTA Board
11/29/2023 OCTA Finance Committee
11/29/2023 ACC-OC Annual Meeting
11/30/2023 DPSCI Event Planning
12/01/2023 OCTA 405 Express Lane Grand Opening
12/02/2023 Marine Corps League South Coast Detachment Birthday Ball
12/04/2023 OCTA RTP Committee

Council Member John Gabbard

11/08/2023 OCFA Budget Committee Meeting
11/08/2023 OCFA Wildfire Camp Site Visit – RMV
11/09/2023 Supervisor Foley Veteran Honoree Event
11/13/2023 OCFA Wildfire Camp Site Visit – SC
11/16/2023 OCMVCD Board Meeting
11/16/2023 OCFA Board Meeting
11/17/2023 Emerald Ridge Community Meeting
11/23/2023 Annual Dana Point Turkey Trot
11/30/2023 OCCOG Board of Directors Meeting
12/02/2023 Marine Corps League South Coast Detachment Birthday Ball

Council Member Matthew Pagano

12/02/2023 Holiday Tree Lighting Ceremony at La Plaza Park
12/02/2023 Marine Corps League South Coast Detachment Birthday Ball

Council Member Michael Villar

No meetings to report.