

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



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

MINUTES

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

Next City Council Ordinance No. 24-01

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 5:01 p.m. in the City Council Chambers, 33282 Golden Lantern, Dana Point.

ROLL CALL OF CITY COUNCIL MEMBERS:

Jamey M. Federico, Mayor
Matthew Pagano, Mayor Pro Tem (Entered at 5:02 p.m.)
Mike Frost, Council Member
John Gabbard, 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; James Shadle, Director of General Services; Jeff Rosaler, Deputy Director of Community Services; John Ciampa, Principal Planner; Ray Oropeza, Code Enforcement Supervisor; 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), (2 cases)

Mayor Federico recessed the meeting into a Closed Session at 5:01 p.m. pursuant to Government Code Section 54957.

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

RECONVENE CITY COUNCIL MEETING

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Villar.

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Association of California Cities – Orange County – Kris Murray

Kris Murray, Executive Director of the Association of California Cities, provided a presentation on updates within the organization on don regional policy issues.

Volunteer of the Quarter – David DuRee

Mayor Federico presented David DuRee with a Certificate of Recognition.

Business of the Quarter – Capo Beach Equipment Rental

Mayor Federico presented Edward and Alvina Lloyd, owners, with a Certificate of Recognition.

READING OF ORDINANCE TITLES

There were no Ordinance Titles.

CONSENT CALENDAR

IT WAS MOVED BY MAYOR FEDERICO, SECONDED BY COUNCIL MEMBER FROST, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR.

The motion carried by the following vote:

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

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, DECEMBER 5, 2023

APPROVED THE MINUTES.

3. CITY TREASURER'S REPORT, NOVEMBER 2023

RECEIVED AND FILED THE CITY TREASURER'S REPORT, NOVEMBER 2023.

4. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

5. DEVELOPMENT UPDATE

RECEIVED AND FILED THE DEVELOPMENT UPDATE.

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

1) APPROVED THE ATTACHED COOPERATIVE AGREEMENT WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) AND AUTHORIZE THE CITY MANAGER TO SIGN THE AGREEMENT; AND

2) APPROVED 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) ADOPTED RESOLUTION 24-01-16-01 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) AUTHORIZED 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 THE 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)

ADOPTED RESOLUTION 24-01-16-02 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

- 1) APPROVED 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 AUTHORIZED THE CITY MANAGER TO SIGN THE CONTRACT AND APPROVE CHANGE ORDERS IF NECESSARY; AND
- 2) APPROVED 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 AUTHORIZED THE CITY MANAGER TO SIGN THE CONTRACT AND APPROVE CHANGE ORDERS IF NECESSARY; AND
- 3) APPROVED 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 AUTHORIZED THE CITY MANAGER TO SIGN THE CONTRACT AND APPROVE CHANGE ORDERS IF NECESSARY; AND
- 4) AUTHORIZED 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) AUTHORIZED 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) AUTHORIZED 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) APPROVED 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

- 1) RATIFIED THE CONTRACT WITH PARK CONSULTING GROUP AND AUTHORIZED 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) AUTHORIZED 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

RECEIVED AND FILED 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

- 1) RATIFIED THE CITY MANAGER’S APPROVAL TO EXECUTE A FIVE-YEAR AGREEMENT WITH FLOCK SAFETY FOR AUTOMATED LICENSE PLATE READER CAMERAS; AND
- 2) AUTHORIZED THE CITY MANAGER TO EXECUTE AMENDMENTS TO IMPLEMENT UP TO AN ADDITIONAL 10 CAMERAS, IF NEEDED TO FURTHER PUBLIC SAFETY RELATED ACTIVITIES.

PUBLIC COMMENTS

There were no Public Comments.

PUBLIC HEARINGS

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

Mayor Federico continued the Public Hearing from November 21, 2023 at 6:33 p.m.

Jeff Rosaler, Deputy Director of Community Services provided a brief Staff Report.

There were no Public Comments.

Mayor Federico closed the Public Hearing at 6:34 p.m.

Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER GABBARD, SECONDED BY MAYOR PRO TEM PAGANO, THAT THE CITY COUNCIL ADOPT **RESOLUTION 24-11-21-06** ENTITLED:

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

The motion carried by the following vote:

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

NOES: None

ABSENT: None

UNFINISHED BUSINESS

13. POLICE SERVICES UPDATE

Captain Todd Hylton provided a Staff Report.

Discussion ensued.

THE CITY COUNCIL RECEIVED AND FILED THE POLICE SERVICES UPDATE.

NEW BUSINESS

14. SUBCOMMITTEE REPORT AND DISCUSSION ON E-BIKES

Michael Killebrew, City Manager, provided a Staff Report.

Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER VILLAR THAT THE CITY COUNCIL SEND A LETTER IN SUPPORT OF ASSEMBLY BILL 530 WITH SPECIFIC LANGUAGE REQUESTS REGARDING E-BIKE USE.

MAYOR FEDERICO SECONDED WITH A FRIENDLY AMENDMENT THAT STAFF DRAFT THE LETTER WITH SPECIFIC REQUESTS.

COUNCIL MEMBER VILLAR ACCEPTED THE FRIENDLY AMENDMENT.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

15. STRATEGIC PLAN REVIEW – PERFORMANCE MEASURES

Jaimie To, Senior Management Analyst, provided a Staff Report.

Discussion ensued.

THE CITY COUNCIL RECEIVED AND FILED THE STRATEGIC PLAN REVIEW.

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

Shayna Sharke, City Clerk, provided a Staff Report.

Discussion ensued.

Staff members, Matthew Kunk, Principal Engineer, and Lisa Zawaski, Sr. Water Quality Engineer, were appointed to the South Orange County Watershed Management Area Partners Executive Committee.

IT WAS MOVED BY MAYOR FEDERICO, SECONDED BY COUNCIL MEMBER VILLAR, 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 RESOLUTION 24-01-16-03 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

The motion carried by the following vote:

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

NOES: None

ABSENT: None

PUBLIC COMMENTS (Continued)

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

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

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

Council Member Villar stated that he has turned in his list of meetings attended and complimented how great the City looked during the holiday season. He also recognized and thanked residents, Leo and Dawn Guerrero, for their efforts in cleaning up graffiti at the look-out point on Camino de Estrella.

Mayor Pro Tem Pagano stated that he has turned in his list of meetings attended.

Mayor Federico stated that he has turned in his list of meetings attended.

STAFF REPORTS

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

City Attorney Patrick Munoz stated that he had nothing to report.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Federico adjourned the meeting at 8:05 p.m. in honor of Tom Baron, Recreation Leader. He announced that 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.



SHAYNA SHARKE, CITY CLERK
APPROVED AT THE MEETING OF FEBRUARY 6, 2024

Meetings attended since December 6, 2023

Mayor Jamey Federico

12/06/2023 Seaside Chat / Townhall at Ocean Institute
12/08/2023 Harbor Boat Parade at DP Harbor
12/11/2023 OCTA Board Meeting
12/12/2023 Cityside Fiber Ribbon Cutting at Dana Point Chamber of Commerce
12/13/2023 DHHS Groundbreaking
12/14/2023 TCA Joint Meeting Board of Directors
01/08/2024 OCTA Board Meeting
01/11/2024 TCA Board Meeting
01/12/2024 Meeting with Monarch Villas Ownership

Mayor Pro Tem Matthew Pagano

01/10/2024 Harbor Advisory Committee

Council Member Mike Frost

Council Member John Gabbard

12/07/2023 SCAG Economic Summit
12/10/2023 Menorah Lighting Doheny State Beach
12/10/2023 Dana Point Boat Parade
12/13/2023 Dana Point Chamber of Commerce Holiday Mixer
12/16/2023 Dana Point Police Services Appreciation Party
12/17/2023 OCFA Holiday Party
01/10/2023 E-Bike Subcommittee Meeting
01/11/2023 OCCOG January Meeting

Council Member Michael Villar

01/10/2024 E-Bike Subcommittee Meeting