

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
FEBRUARY 6, 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 5:00 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
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; Brenda Wisneski, Director of Community Development; James Shadle, Director of General 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), (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

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Frost.

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Employee of the Quarter – Oscar Garcia

Mayor Federico presented Oscar Garcia with a Certificate of Recognition.

READING OF ORDINANCE TITLES

There were no Ordinance Titles.

CONSENT CALENDAR

Item 8 was pulled from the Consent Calendar by Council Member Villar and Council Member Gabbard.

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, JANUARY 16, 2024

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, NOVEMBER 27, 2023

RECEIVED AND FILED.

4. CITY TREASURER'S REPORT, DECEMBER 2023

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

5. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

6. QUARTERLY FINANCIAL REPORT, DECEMBER 2023

RECEIVED AND FILED THE CITY FINANCIAL REPORT AND MANAGEMENT DISCUSSION FOR THE QUARTER ENDED DECEMBER 31, 2023.

7. AWARD OF CONTRACT FOR AUDIT SERVICES

AUTHORIZED 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)

Item 8 was pulled from the Consent Calendar by Council Member Villar and Council Member Gabbard.

Discussion ensued.

- 1) APPROVED 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) APPROVED 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) AUTHORIZED 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) AUTHORIZED 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

AUTHORIZED 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

- 1) APPROVED A COOPERATIVE AGREEMENT WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) FOR THE COUNTYWIDE SIGNAL SYNCHRONIZATION BASELINE PROJECT; AND
- 2) AUTHORIZED THE CITY MANAGER TO SIGN THE AGREEMENT INCLUDING ANY NON-SUBSTANTIVE CHANGES MADE AFTER THE CITY COUNCIL'S APPROVAL.

IT WAS MOVED BY MAYOR FEDERICO, SECONDED COUNCIL MEMBER GABBARD, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR, INCLUDING ITEM 8.

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

Mary Herron (Dana Point) asked questions regarding future development and the use of cameras within the City.

PUBLIC HEARINGS

11. 2024 WEED ABATEMENT

Ray Oropeza, Code Enforcement Supervisor, provided a Staff Report.

Mayor Federico opened the Public Hearing at 6:15 p.m.

It was noted that one public comment was received via email.

Mayor Federico closed the Public Hearing at 6:15 p.m.

Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER FROST, SECONDED BY _____, THAT THE CITY COUNCIL ADOPT **RESOLUTION 24-02-06-01** ENTITLED:

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

ADOPT RESOLUTION 24-02-06-02 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

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

12. CODE ENFORCEMENT OPERATIONS AND STRATEGIC PLAN UPDATE

Ray Oropeza, Code Enforcement Supervisor, provided a Staff Report.

There were no public comments.

Discussion ensued.

RECEIVED AND FILED THE 2024 CODE ENFORCEMENT OPERATIONS AND STRATEGIC PLAN UPDATE; and

DIRECTED 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

John Ciampa, Principal Planner, provided a Staff Report.

Don Russell (Capistrano Bay District) spoke in favor of participation in the project.

Discussion ensued.

IT WAS MOVED BY MAYOR FEDERICO, SECONDED BY COUNCIL MEMBER GABBARD 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.

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

NEW BUSINESS

14. STATE OF CALIFORNIA PROPOSITION 1

Mayor Federico provided a report.

There were no public comments.

Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER GABBARD THAT THE CITY COUNCIL TAKE A STANCE TO OPPOSE STATE PROPOSITION 1.

COUNCIL MEMBER FROST SECONDED THE MOTION WITH A FRIENDLY AMENDMENT ADDING THAT THE CITY FOCUS ON IMPROVING THE MENTAL HEALTH SERVICES ACT (MHSA)

COUNCIL MEMBER GABBARD ACCEPTED THE FRIENDLY AMENDMENT

Discussion ensued.

It was clarified that the City would compose a letter to the Governor in opposition to the Proposition signed by the Mayor.

The motion carried by the following vote:

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

NOES: Council Member Villar

ABSENT: None

PUBLIC COMMENTS (Continued)

STAFF REPORTS

City Attorney Patrick Munoz reported that during Closed Session, it was moved by Council Member Frost, seconded by Council Member Gabbard, that the City Council approve the settlement agreement involving the Pickering property in Doheny Village, with the motion passing 4-0-1 with Mayor Federico abstaining.

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

Captain Hylton announced that Deputy Maggie Torres, School Resources Officer, was selected for the Elks Lodge Deputy of the Year.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Gabbard stated that he has turned in his list of meetings attended. He announced on behalf of the Library Advisory Board that the Dana Point Public Library would be closed for renovations during the next year. He stated that other local libraries could be located at ocpl.org.

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

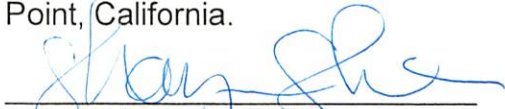
Council Member Villar stated that he has turned in his list of meetings attended.

Mayor Pro Tem Pagano stated that he will turn in his list of meetings attended.

Mayor Federico stated that he has turned in his list of meetings attended. He added that he is available to connect those with questions regarding OCTA projects, including the San Clemente railroad tracks to OCTA staff. He also encouraged the community to attend the Re-Do Vinyl Market on February 17th at the Community Center. Additionally, he report that land use was discussed at the prior General Plan Advisory Committee Meeting and announced the next meeting would be February 27th at 6:00 p.m and invited the public to attend.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Federico adjourned the meeting at 7:17 p.m. He announced that 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.



SHAYNA SHARKE, CITY CLERK

APPROVED AT THE MEETING OF FEBRUARY 20, 2024

Meetings attended since January 17, 2023

Mayor Jamey Federico

01/24/2024 Dana Point Chamber of Commerce Annual Dinner and Installation
01/24/2024 OCTA Finance Committee
01/26/2024 Senator Nguyen visit to Animal Shelter
01/31/2024 Rotary Club Mixer
02/01/2024 DHHS Girls Basketball
02/03/2024 My Creative PTSD Comedy Night
02/05/2024 CASA Board Meeting
02/05/2024 OCTA RTP Committee
02/05/2024 Historical Society Annual Meeting

Mayor Pro Tem Matthew Pagano

01/10/2024 Harbor Advisory Committee

Council Member Mike Frost

01/18/2024 Chris Hamm and OCFA
01/24/2024 TCA
01/24/2024 Dana Point Chamber of Commerce Annual Dinner and Installation
01/25/2024 ACC-OC
01/25/2024 OCFA
01/31/2024 Ocean Institute Board Meeting
02/01/2024 DPHOC with Bob Langan
02/05/2024 Historical Society Yearly Meeting

Council Member John Gabbard

01/24/2024 Dana Point Chamber of Commerce Annual Dinner and Installation
01/25/2024 OC Library Advisory Board
01/26/2024 Assemblymember Davies San Juan Capistrano Office Grand Opening
02/01/2024 SCAG CEHD Policy Committee and Regional Council

Council Member Michael Villar

No meetings to report.