

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



TUESDAY
MARCH 5, 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 Jamey M. Federico 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 (ABSENT)
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; Danny Giometti, Senior Planner; 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), (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

Mayor Federico 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 Federico reconvened the meeting at 6:00 P.M.

PLEDGE OF ALLEGIANCE

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

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

League of California Cities – Connor Medina

Connor Medina, Regional Public Affairs Manager OC Division, provided a slideshow presentation.

READING OF ORDINANCE TITLES

There were no Ordinance Titles.

CONSENT CALENDAR

IT WAS MOVED BY MAYOR JAMEY M FEDERICO, SECONDED BY MAYOR PRO TEM MATTHEW PAGANO, 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 Villar, Mayor Pro Tem Pagano, and Mayor Federico

NOES: None

ABSENT: 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, FEBRUARY 6, 2024

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, JANUARY 22, 2024

RECEIVED AND FILED.

4. CITY TREASURER'S REPORT, JANUARY 2024

RECEIVED AND FILED THE CITY TREASURER'S REPORT, JANUARY 2024.

5. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

6. NAVIANT CONTRACT AMENDMENT

- 1) AUTHORIZED THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A FIRST AMENDMENT TO THE CONTRACT AGREEMENT WITH NAVIANT, INC.
- 2) AUTHORIZED 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 4TH OF JULY AERIAL FIREWORKS DISPLAY AND BARGE SERVICES

AUTHORIZED THE CITY MANAGER TO EXECUTE A CONTRACT WITH GARDEN STATE FIREWORKS, INC., FOR THE 2024 4TH OF JULY FIREWORKS AND BARGE SERVICES.

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

- 1) AUTHORIZED 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) AUTHORIZED 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

APPROVED 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

Danny Gray (Capistrano Beach) encouraged Council to invite Orange County Power Authority (OCPA) to speak regarding the benefits of Community Choice Energy (CCE).

Hoiyin Ip (Dana Point) encouraged Council to invite OCPA to speak regarding funds for home upgrades.

PUBLIC HEARINGS

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

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

Director of Administrative Services, Sea Shelton, provided a staff report.

There were no public comments.

Discussion ensued.

IT WAS MOVED BY MAYOR JAMEY M. FREDERICO SECONDED BY COUNCIL MEMBER MIKE FROST 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 **RESOLUTION 24-03-05-01** 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

The motion carried by the following vote:

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

NOES: None

ABSENT: Council Member Gabbard

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

Danny Giometti, Senior Planner, provided a staff report.

There were no public comments.

Discussion ensued.

THE CITY COUNCIL RECEIVED AND FILED THE AMENDMENTS.

PUBLIC COMMENTS (Continued)

None.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Frost stated that he will turn in his list of meetings attended and stated that would like to evaluate OCPA and CCE further.

Council Member Villar stated that he turned in his list of meetings attended and expressed appreciation for the Festival of Whales Parade.

Mayor Pro Tem Pagano stated that he turned in his list of meetings attended and expressed appreciation for the Festival of Whales Parade.

Mayor Federico stated that he turned in his list of meetings attended. He also expressed appreciation for the Festival of Whales parade and thanked Kelly Reenders for her work with Dana Point's Sister City.

STAFF REPORTS

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

City Manager Michael A. Killebrew thanked staff for their help with the Festival of Whales Parade. He provided information regarding a draft development agreement that will be coming before the Planning Commission and City Council for the Capistrano Unified School District bus yard property in Doheny Village.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Federico adjourned the meeting at 6:36 p.m. He announced that 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.



SHAYNA SHARKE, CITY CLERK

APPROVED AT THE MEETING OF MARCH 19, 2024

Meetings attended since January 17, 2023

Mayor Jamey Federico

02/13/2024 Meeting with San Manuel Band of Mission Indians
02/17/2024 Redo Vinyl Market
02/21/2024 ACC-OC Executive Committee
02/21/2024 OCTA Real Estate Ad Hoc Committee
02/26/2024 OCTA Board meeting
02/26/2024 Ribbon Cutting Spine and Sport
02/27/2024 General Plan Advisory Committee
02/28/2024 DP/Sorrento welcome dinner
03/02/2024 Festival of Whales
03/04/2024 OCTA RTP Committee

Mayor Pro Tem Matthew Pagano

01/24/2024 Dana Point Chamber of Commerce Awards and Reception
02/24/2024 Dana Point Youth Baseball opening day
02/02/2024 Sister Cities Meeting with Sorrento Delegation
03/02/2024 Festival of the Whales
03/02/2024 Sister Cities Dinner with Sorrento Delegation

Council Member Mike Frost

Council Member Michael Villar

03/02/2024 Festival of Whales Parade