

# CITY OF DANA POINT

## CITY COUNCIL REGULAR MEETING



**TUESDAY  
MARCH 19, 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  
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; Natalie Tran, Assistant Planner; 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)
- 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 5:01 P.M. pursuant to Government Code Section 54957.

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

## **RECONVENE CITY COUNCIL MEETING**

Mayor Pro Tem Pagano reconvened the meeting at 6:00 P.M.

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Gabbard.

## **INVOCATION**

## **PRESENTATIONS AND PROCLAMATIONS**

### Certificate of Recognition – Margaret Lang

Mayor Pro Tem Pagano presented Margaret Lang with a Certificate of Recognition to honor her 105 ½ years of age and involvement in the community.

### Volunteer of the Quarter – Wayne and Debbie Yost

Mayor Federico presented Wayne and Debbie Yost with a Certificate of Recognition as the Volunteer of the Quarter.

## **READING OF ORDINANCE TITLES**

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

## **CONSENT CALENDAR**

IT WAS MOVED BY COUNCIL MEMBER FROST, SECONDED BY COUNCIL MEMBER VILLAR, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 2.

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, MARCH 5, 2024**

COUNCIL MEMBER GABBARD REQUESTED TO ABSTAIN FROM THE VOTE.

IT WAS MOVED BY MAYOR FEDERICO, SECONDED BY COUNCIL MEMBER FROST, THAT THE CITY COUNCIL APPROVE THE MINUTES.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

ABSTAIN: Council Member Gabbard

**3. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**4. DEVELOPMENT UPDATE**

RECEIVED AND FILED THE DEVELOPMENT UPDATE.

**PUBLIC COMMENTS**

Susan Reese (Dana Point) and Fransisco Marmolejo (Dana Point) provided an annual report on the success of their nonprofit, Groundswell, and thanked the City for their membership.

**PUBLIC HEARINGS**

None.

**UNFINISHED BUSINESS**

**5. 2023 ANNUAL HOUSING ELEMENT PROGRESS REPORT**

Assistant Planner Natalie Tran provided a Staff Report.

There were no Public Comments.

Discussion ensued.

THE CITY COUNCIL RECEIVED AND FILED THE 2023 ANNUAL HOUSING ELEMENT PROGRESS REPORT.

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**6. LANTERN DISTRICT COMMUNITY BENEFIT DISTRICT PETITION**

Mayor Federico excused himself from the Council Chamber at 6:24 P.M. due to a conflict of interest.

Senior Management Analyst Jaimie To provided a Staff Report.

There were no Public Comments.

Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER GABBARD, SECONDED BY COUNCIL MEMBER FROST, THAT THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO SIGN THE PETITION TO ESTABLISH THE LANTERN DISTRICT COMMUNITY BENEFIT DISTRICT ON BEHALF OF THE CITY COUNCIL.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

REFUSAL: Mayor Federico

Mayor Federico returned to the Council Chamber at 6:26 P.M.

**7. AGREEMENT FOR ENGINEERING ASSOCIATED WITH PROCESSING THE FIRST PHASE OF THE CHULA VISTA UNDERGROUNDING ASSESSMENT DISTRICT**

Director of Public Works and Engineering Matthew Sinacori provided a Staff Report.

There were no Public Comments.

Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER FROST, SECONDED BY MAYOR FEDERICO, THAT THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO SIGN A STANDARD CONSULTANT SERVICES AGREEMENT WITH NV5, INCORPORATED FOR ASSESSMENT DISTRICT ENGINEERING FOR THE INITIAL PHASE OF THE CHULA VISTA UNDERGROUNDING ASSESSMENT DISTRICT AS OUTLINED IN THE CITY COUNCIL POLICY.

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

**8. INTRODUCTION OF AN ORDINANCE AMENDING DANA POINT MUNICIPAL CODE CHAPTER 5.42, PERTAINING TO SMALL WIRELESS FACILITY BUSINESS REGULATIONS**

Senior Planner Danny Giometti provided a Staff Report.

There were no Public Comments.

Discussion ensued.

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

1) INTRODUCE AND HOLD THE FIRST READING **ORDINANCE 24-XX** TITLED:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING IN ITS ENTIRETY CHAPTER 5.42 OF THE DANA POINT MUNICIPAL CODE PERTAINING TO SMALL WIRELESS FACILITY BUSINESS REGULATIONS; AND**

2) DIRECT STAFF TO SCHEDULE A SECOND READING AND ADOPTION OF THE PROPOSED ORDINANCE AMENDING CHAPTER 5.42.

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**

None.

**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.

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

Council Member Gabbard stated that he has turned in his list of meetings attended and announced that he was reelected to District 12 for OCCOG.

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

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Mayor Federico stated that he will turn in his list of meetings.

## STAFF REPORTS

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

City Manager Michael A. Killebrew 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 6:36 P.M. He announced that the next Regular Meeting of the City Council will be April 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 APRIL 16, 2024

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**Meetings attended since March 6, 2023**

**Mayor Jamey Federico**

03/11/2024 March OCTA Board Meeting  
03/13/2024 March OCTA Finance Committee Meeting

**Mayor Pro Tem Matthew Pagano**

No meetings to report.

**Council Member Mike Frost**

No meetings to report.

**Council Member John Gabbard**

2/15/2024 OCMVC District Board meeting  
2/22/2024 OCCOG Board Meeting  
2/28/2024 OCMVC Joint Budget Committee and Facilities Committee Meeting  
2/28/2024 Sorrento Delegation Gift Exchange and Dinner

**Council Member Michael Villar**

No meetings to report.