

# CITY OF DANA POINT

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## CITY COUNCIL REGULAR MEETING



**TUESDAY**  
**June 18, 2024**  
**5:00 P.M.**

## AGENDA

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

Next City Council Ordinance No. 24-02

Public comment may be provided in-person, electronically, or by mail. Comments may be submitted via mail Attn: City Clerk, 33282 Golden Lantern, Dana Point, CA 92629; or via email at [comment@danapoint.org](mailto:comment@danapoint.org). In order to be provided to the City Council *prior* to the meeting, comments must be received by 4:00P.M. on the day of the meeting. All written comments should include the date of the meeting as well as reference to the Agenda Item number, if applicable. Written comments will not be read aloud during the meeting but will be included in the meeting record.

## CALL TO ORDER

## 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

## 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), (6 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
  - f. Name of Case: ST Apartments vs. City of Dana Point; OCSC Case NO 30-2024-01397922-CU-WM-CJC
- B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957  
Title: City Manager

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

## **RECONVENE CITY COUNCIL MEETING**

## **PLEDGE OF ALLEGIANCE**

## **PRESENTATIONS AND PROCLAMATIONS**

Volunteer of the Quarter – Kip and KC Kinning

Dana Hills High School Student – Evan Noonan

## **READING OF ORDINANCE TITLES**

At this time, the City Clerk will read the title(s) of the ordinance(s) listed on the agenda.

## **CONSENT CALENDAR**

All matters listed under the Consent Calendar are considered to be routine and all will be enacted by one roll call vote. There will be no separate discussion of these items unless members of the City Council, the public, or staff request specific items be removed from the Consent Calendar for separate action.

### **1. WAIVE THE READING OF ORDINANCES AND APPROVE READING BY TITLE ONLY**

RECOMMENDED ACTION: That the City Council approve the reading by title only of all ordinances and that further reading of such ordinances be waived.

### **2. [REGULAR MEETING MINUTES, MAY 21, 2024](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

### **3. [PLANNING COMMISSION MEETING MINUTES, MAY 13, 2024](#)**

RECOMMENDED ACTION: That the City Council receive and file the minutes.

4. **YOUTH BOARD MEETING MINUTES, MARCH 21, 2024**

RECOMMENDED ACTION: That the City Council receive and file the minutes.

5. **CLAIMS AND DEMANDS**

RECOMMENDED ACTION: That the City Council receive and file the Claims and Demands.

6. **TREASURER'S REPORT**

RECOMMENDED ACTION: That the City Council receive and file the Treasurer's Report for April, 2024.

7. **DEVELOPMENT UPDATE**

RECOMMENDED ACTION: That the City Council receive and file the Development Update.

8. **AWARD OF CONTRACT FOR SPORTS FIELD MAINTENANCE**

RECOMMENDED ACTION: That the City Council:

- 1) Award a contract to Professional Sports Field Maintenance, Inc. For maintenance of all City sports fields located at Del Obispo Park and the bocce ball court located at Lantern Bay Park plus a 10% contingency; and
- 2) Authorize the City Manager or designee to execute the contract including the option of three, one-year extensions with annual Consumer Price Index (CPI) adjustments, if mutually agreed upon.

9. **SECOND READING OF AN ORDINANCE APPROVING ZONE CHANGE ZC23-0001 AND ZONE TEXT AMENDMENT ZTA07-01 TO ESTABLISH A PLANNED RESIDENTIAL DEVELOPMENT OVERLAY (PRDO) DISTRICT AND ASSOCIATED DEVELOPMENT STANDARDS FOR THE LOT IDENTIFIED BY ASSESSOR'S PARCEL NUMBER 691-401-37 (SOUTH OF CAMINO CAPISTRANO AND VIA CANON INTERSECTION)**

RECOMMENDED ACTION: That the City Council hold a second reading and adopt an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE CHANGE ZC23-0001 AND ZONE TEXT AMENDMENT ZTA07-01 ESTABLISHING A PLANNED RESIDENTIAL DEVELOPMENT OVERLAY DISTRICT BY CHANGING THE ZONING MAP FROM RESIDENTIAL SINGLE FAMILY 7 TO PLANNED RESIDENTIAL DEVELOPMENT PRD 28 AND ADDING DEVELOPMENT REGULATIONS FOR PRD 28 TO APPENDIX B OF THE DANA POINT ZONING CODE AT THE PARCEL IDENTIFIED BY ASSESSOR'S PARCEL NUMBER 691-401-37.

**10. APPROVAL AND AUTHORIZATION TO SUBMIT THE REQUIRED FY24/25 MEASURE M2 ELIGIBILITY SUBMITTAL ITEMS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY**

RECOMMENDED ACTION: That the City Council That the City Council:

- 1) Approve the Seven-Year Capital Improvement Program (CIP) for FY 2024-25 through FY 2030-31 and certify compliance, as required by the Orange County Transportation Authority (OCTA), Renewed Measure M2 (M2) Program; and
- 2) Authorize Staff to forward the necessary Renewed Measure M2 eligibility documentation to OCTA.

**11. INTRODUCTION OF AN ORDINANCE AMENDING DANA POINT MUNICIPAL CODE CHAPTER 14, STREETS AND SIDEWALK**

RECOMMENDED ACTION: That the City Council hold a first reading and introduce an Ordinance entitled:

- 1) Introduce and hold the First Reading of an Ordinance of the City of Dana Point entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING IN ITS ENTIRETY TITLE 14 OF THE DANA POINT MUNICIPAL CODE PERTAINING TO STREETS AND SIDEWALKS

- 2) Direct Staff to schedule a second reading and adoption of the proposed Ordinance amending Title 14 for the July 16, 2024 Regular City Council meeting.

**PUBLIC COMMENTS**

Any person wishing to address the City Council during the Public Comments section or on an Agenda item is asked to complete a "Request to Speak" form available on the table at the side of the Council Chamber. The completed form is to be submitted to the City Clerk prior to the Agenda item being called by the Mayor and prior to the individual being heard by the City Council.

In order to conduct a timely meeting, there will be a three-minute time limit per person and an overall time limit of thirty minutes for this Public Comments portion of the agenda. At the Mayor's discretion, the balance of public comments will be heard after the New Business portion of the agenda. All comments are to be directed to the City Council and shall not consist of any personal attacks. Members of the public are expected to maintain a professional, courteous decorum during their comments. State law prohibits the City Council from taking action on a specific item unless it appears on the posted Agenda.

If anyone has handouts to distribute to the City Council, please follow proper procedure and hand them to the City Clerk. The City Clerk will see that they are distributed.

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## PUBLIC HEARINGS

**12. GENERAL PLAN AMENDMENT GPA20-0002, ZONE CHANGE ZC24-0001, SPECIFIC PLAN SP24-0001, LOCAL COASTAL PROGRAM AMENDMENT LCPA20-0002, DEVELOPMENT AGREEMENT DA24-0001, AND APPEAL OF COASTAL DEVELOPMENT PERMIT CDP20-0005, SITE DEVELOPMENT PERMIT SDP20-0007, AND TENTATIVE PARCEL MAP TPM20-0001 TO CONSTRUCT A 306 UNIT APARTMENT COMPLEX WITH AN ATTACHED SIX STORY PARKING STRUCTURE, ASSOCIATED AMENITIES, AND SITE IMPROVEMENTS AT 26126 VICTORIA BOULEVARD**

RECOMMENDED ACTION: That the City Council:

- 1) Conduct a public hearing; and
- 2) Approve Resolution approving General Plan Amendment GPA20-0002 entitled:

AN RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING OF GENERAL PLAN AMENDMENT (GPA20-0002), WHICH AMENDS THE GENERAL PLAN LAND USE ELEMENT BY MODIFYING THE LAND USE DESIGNATION OF "COMMUNITY FACILITIES" AND "RECREATION/OPEN SPACE" AND CREATE A NEW LAND USE DESIGNATION "VICTORIA BOULEVARD SPECIFIC PLAN" AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT (LCPA20-0002) FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION FOR THE PROPERTY AT 26126 VICTORIA BOULEVARD (ACTION DOCUMENT A)

- 3) Introduce and hold the first reading of an Ordinance approving Zone Change ZC24-0001 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE CHANGE (ZC24-0001) TO CHANGE THE ZONING DESIGNATION FROM COMMUNITY FACILITY AND RECREATION TO "VICTORIA BOULEVARD SPECIFIC PLAN", AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT (LCPA20-0002) FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION AT 26126 VICTORIA BOULEVARD (ACTION DOCUMENT B)

- 4) Introduce and hold the first reading of an Ordinance approving Specific Plan SP24-0001 entitled:

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING THE VICTORIA BOULEVARD SPECIFIC PLAN (SP24-0001) AND INCORPORATE IT AS APPENDIX G OF THE ZONING CODE, AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT (LCPA20-0002) FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION FOR THE PROPERTY LOCATED AT 26126 VICTORIA BOULEVARD (ACTION DOCUMENT C)

- 5) Review and adopt a Resolution approving Local Coastal Program Amendment LCPA20-0002 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING LOCAL COASTAL PROGRAM AMENDMENT (LCPA20-0002), WHICH AMENDS

THE GENERAL PLAN GPA20-0002 AND ZONING CODE ZC24-0001 AND ADOPTION OF SPECIFIC PLAN SP24-0001 AND SUBMISSION OF GENERAL PLAN AMENDMENT GPA20-0002, ZONING CODE ZC24-0001, SPECIFIC PLAN SP24-0001 AS LOCAL COASTAL PROGRAM AMENDMENT LCPA20-0002 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION FOR THE PROPERTY AT 26126 VICTORIA BOULEVARD (ACTION DOCUMENT D)

- 6) Review and adopt a Resolution approving certification of the EIR (SCH# 2021070304) entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING THE VICTORIA BOULEVARD APARTMENTS ENVIRONMENTAL IMPACT REPORT (SCH# 2021070304) FOR GENERAL PLAN AMENDMENT GPA20-0002, ZONE CHANGE ZC24-0001, SPECIFIC PLAN SP24-0001, LOCAL COASTAL PLAN AMENDMENT LCPA20-0002, DEVELOPMENT AGREEMENT DA24-0001 AND COASTAL DEVELOPMENT PERMIT CDP20-0005, SITE DEVELOPMENT PERMIT SDP20-0007, TENTATIVE PARCEL MAP TPM20-0001 FOR THE VICTORIA BOULEVARD APARTMENTS

- 7) Introduce and hold the first reading of an Ordinance approving Development Agreement DA24-0001 entitled:

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING DEVELOPMENT AGREEMENT DA24-0001 BETWEEN THE CITY, TOLL BROTHERS APARTMENT LIVING, AND CAPISTRANO UNIFIED SCHOOL DISTRICT FOR THE VICTORIA BOULEVARD APARTMENTS PROJECT

- 8) Review and adopt a Resolution denying the appeal and upholding the Planning Commission's approval of Coastal Development Permit CDP20-0005, Site Development Permit SDP20-0007, and Tentative Parcel Map TPM20-0001 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION APPROVAL OF COASTAL DEVELOPMENT PERMIT CDP20-0005, SITE DEVELOPMENT PERMIT SDP20-0007, AND TENTATIVE PARCEL MAP TPM20-0001 TO CONSTRUCT A 306 UNIT APARTMENT COMPLEX WITH AN ATTACHED SIX STORY PARKING STRUCTURE, ASSOCIATED AMENITIES, AND SITE IMPROVEMENTS AT 26126 VICTORIA BOULEVARD

- 9) Authorize the City Manager to execute the final Affordable Housing Agreement

## UNFINISHED BUSINESS

### 13. INTRODUCTION OF AN ORDINANCE AMENDING DANA POINT MUNICIPAL CODE CHAPTER 11.10, NOISE CONTROL

RECOMMENDED ACTION: That the City Council:

- 1) Introduce and hold the First Reading of an Ordinance of the City of Dana Point entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING IN ITS ENTIRETY DANA POINT MUNICIPAL CODE CHAPTER 11.10, NOISE CONTROL

- 2) Direct Staff to schedule a second reading and adoption of the proposed Ordinance amending Chapter 11.10.

**14. FISCAL YEAR 2024-2025 (FY25) BUDGET ADJUSTMENTS; FY25 BUDGET CALENDAR, ADOPTION OF A RESOLUTION ESTABLISHING THE APPROPRIATIONS LIMIT FOR FY25**

RECOMMENDED ACTION: That the City Council:

- 1) Approve the Budget Adjustments; and,
- 2) Approve the Fiscal Year 2024-25 Budget Calendar; and
- 3) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2024-25; and

- 4) Adopt a Resolution 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

**NEW BUSINESS**

**15. CALLING FOR A GENERAL MUNICIPAL ELECTION ON NOVEMBER 5, 2024 TO FILL TWO CITY COUNCIL SEATS FOR DISTRICTS 4 AND 5**

RECOMMENDED ACTION: That the City Council adopt the following Resolutions entitled:

- 1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES; and
- 2) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2024 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE; and
- 3) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO



CANDIDATE'S STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024.

**16. RFP PARKS AND MEDIANS LANDSCAPING CONTRACT**

RECOMMENDED ACTION: That the City Council:

- 1) Award a contract to The Soto Company, LLC for Parks, Medians, and Parkway Landscape Maintenance, plus a 10% contingency; and
- 2) Authorize the City Manager or his designee to execute the contract including the option of four, one-year extensions with annual Consumer Price Index (CPI) adjustments if mutually agreed upon.

**PUBLIC COMMENTS (Continued)**

**COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED**

The City Council may discuss, act upon or seek consensus on matters described under Council Reports only if: they are agendized with a complete written report included; or, if an item arose subsequent to the posting of the agenda and the Council determines that an emergency exists. Non-agendized items may be presented as informational only.

**STAFF REPORTS**

(City Manager Michael Killebrew)

(City Attorney Patrick Muñoz)

**ADJOURNMENT**

The next Regular Meeting of the City Council will be July 2, 2024, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

**CERTIFICATION**

I, Shayna Sharke, City Clerk of the City of Dana Point, do hereby certify that a copy of the foregoing Agenda was posted at Dana Point City Hall and [www.danapoint.org](http://www.danapoint.org) by June 13, 2024, at 5:30 p.m.



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SHAYNA SHARKE, CITY CLERK

6/13/2024  
DATE

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related materials (including materials, if any, provided to the City Council after the Agenda was posted) may be reviewed in the office of the City Clerk during regular business hours or on the website at [www.danapoint.org](http://www.danapoint.org).

PURSUANT TO THE AMERICANS WITH DISABILITIES ACT, PERSONS WITH A DISABILITY WHO REQUIRE A DISABILITY-RELATED MODIFICATION OR ACCOMMODATION IN ORDER TO PARTICIPATE IN A MEETING, INCLUDING AUXILIARY AIDS OR SERVICES, MAY REQUEST SUCH MODIFICATION OR ACCOMMODATION FROM THE CITY CLERK AT (949) 248-3500 (TELEPHONE) OR (949) 248-9920 (FACSIMILE). NOTIFICATION 48 HOURS PRIOR TO THE MEETING WILL ENABLE THE CITY TO MAKE REASONABLE ARRANGEMENTS TO ASSURE ACCESSIBILITY TO THE MEETING.