

# CITY OF DANA POINT

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## CITY COUNCIL REGULAR MEETING



**TUESDAY**  
**July 2, 2024**  
**5:00 P.M.**

## AGENDA

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

Next City Council Ordinance No. 24-03

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 - DISCUSSION OF ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (2 cases)
- B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957  
Title: City Attorney

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

## RECONVENE CITY COUNCIL MEETING

## PLEDGE OF ALLEGIANCE

## PRESENTATIONS AND PROCLAMATIONS

OCSD Presentation to Local Heroes

## 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, JUNE 18, 2024](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

### 3. [PLANNING COMMISSION MEETING MINUTES, JUNE 10, 2024](#)

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

### 4. [CLAIMS AND DEMANDS](#)

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

### 5. [TREASURER'S REPORT](#)

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

### 6. [ZONE CHANGE ZC24-0001, SPECIFIC PLAN SP24-0001, AND DEVELOPMENT AGREEMENT DA24-0001, TO CHANGE THE ZONING OF THE PROPERTY FROM COMMUNITY FACILITIES AND RECREATION TO THE VICTORIA BOULEVARD SPECIFIC AND APPROVAL OF THE DEVELOPMENT AGREEMENT AT 26126 VICTORIA BOULEVARD](#)

RECOMMENDED ACTION: That the City Council:

1. That the City Council hold a second reading and adopt an Ordinance for 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

2. That the City Council hold a second reading and adopt an Ordinance for Specific Plan SP24-0001 entitled:

AN 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

3. That the City Council hold a second reading and adopt an Ordinance for Development Agreement DA24-0001 entitled:

AN 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

7. **SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING DANA POINT MUNICIPAL CODE TITLE 14 STREETS AND SIDEWALKS**

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 AMENDING IN ITS ENTIRETY TITLE 14 OF THE DANA POINT MUNICIPAL CODE PERTAINING TO STREETS AND SIDEWALKS

8. **SECOND READING AND ADOPTION OF ORDINANCE AMENDING DANA POINT MUNICIPAL CODE CHAPTER 11.10, NOISE CONTROL**

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 AMENDING IN ITS ENTIRETY DANA POINT MUNICIPAL CODE CHAPTER 11.10, NOISE CONTROL

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9. **PROFESSIONAL SERVICES AGREEMENT FOR COASTAL ENGINEERING SERVICES**

RECOMMENDED ACTION: That the City Council:

1. Approve the second amendment to consultant services agreement by and between the City and Moffatt and Nichol for coastal engineering services for the Community Development Department, which will be reimbursed through developer fees collected prior to services rendered, and;
2. Authorize the City Manager to execute the amendment.

**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.

**PUBLIC HEARINGS**

10. **2024 WEED ABATEMENT PROGRAM**

RECOMMENDED ACTION: That the City Council conduct a hearing on the Weed Abatement Cost Report and thereafter, adopt the Resolution confirming the cost report and providing for the collection on the regular tax bill, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA,  
CONFIRMING THE COST OF WEED ABATEMENT AND PROVIDING FOR THE COLLECTION  
ON THE REGULAR TAX BILL

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## UNFINISHED BUSINESS

## NEW BUSINESS

### 11. CONSIDERATION OF AMENDMENT TO THE CITY MANAGER EMPLOYMENT AGREEMENT

RECOMMENDED ACTION: That the City Council:

1. Approve a performance bonus in the amount of 5.0% of base salary as authorized by the existing Employment Agreement; and
2. Approve and authorize the Mayor to sign the Fifth Amendment to the City Manager Employment Agreement; and
3. 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.

## 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 agendaized 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-agendaized 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 16, 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 27, 2024, at 5:30 p.m.



SHAYNA SHARKE, CITY CLERK

6/13/2024  
DATE

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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.