

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
JULY 16, 2024
5:00 P.M.**

MINUTES

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

Next City Council Ordinance No. 24-08

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.

Mayor Federico stated that yesterday an Amended Agenda was published to add Item 12 regarding the Short-Term Rental Ballot Initiative at the first regular meeting following receipt of certification but did not receive the certification until after the agenda was posted.

Patrick Munoz City Attorney further clarified that Item 12 must be added to the agenda because the City received information from the county after the agenda had already been posted and according to the elections code action is required at the next regular meeting.

IT WAS MOVED BY MAYOR FEDERICO, SECONDED BY COUNCIL MEMBER VILLAR, THAT THE CITY COUNCIL ADD ITEM 12 TO THE AGENDA ENTITLED:

CITY COUNCIL DIRECTION PER ELECTIONS CODE SECTION 9215 IN CONNECTION WITH ORANGE COUNTY REGISTRAR OF VOTERS CERTIFICATION OF PETITION RELATED TO SHORT TERM RENTAL BALLOT INITIATIVE.

The motion carried by the following vote:

AYES: Frost, Gabbard, Pagano, Villar, Federico

NOES: None

ABSENT: None

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; Kelly Reenders, Assistant City Manager; Patrick Munoz, City Attorney; Shayna Sharke, City Clerk; Sea Shelton, Director of Administrative Services; Captain Todd Hylton; Matthew Sinacori, Director of Public Works/City Engineer; Brenda Wisneski, Director of Community Development; Kurth Nelson, Principal Planner; John Ciampa, Principal Planner; Ray Oropeza, Code Enforcement Supervisor; Ryan Haworth, Deputy City Clerk; Jaimie To, Sr. Management Analyst.

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL - DISCUSSION OF ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (2 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Government Code § 54956.9 (c), (1 case)

Mayor Federico recessed the meeting into a Closed Session at 5:03 PM. 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 6:05 P.M. He announced that by a unanimous vote, the Council added Item 12 to the agenda to address actions needed in relation to the submitted petition and Registrar of Voter Certification submitted on Friday, after the Agenda's original publication. He stated that per the Elections Code it is required to be heard at the next Regular Meeting of the City Council.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Gabbard.

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Business of the Quarter – Minuteman Press

Mayor Federico presented Simon Arayama and Maryann Inoue from Minuteman Press with a Certificate of Recognition as Business of the Quarter.

OCFA Wildfire Prevention

Chief Cheyne Maule presented on wildfire awareness and prevention and was presented with a Proclamation from Mayor Federico.

READING OF ORDINANCE TITLES

City Clerk Shayna Sharke read one (1) ordinance title.

CONSENT CALENDAR

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

The motion carried by the following vote:

AYES: Frost, Gabbard, Pagano, Villar, 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, JULY 2, 2024

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, JUNE 24, 2024

RECEIVED AND FILED THE MINUTES.

4. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

5. DEVELOPMENT UPDATE WITH QUARTERLY REPORT

RECEIVED AND FILED THE DEVELOPMENT UPDATE.

6. SERVICES CONTRACT WITH AGE WELL SENIOR SERVICES FOR MEAL SERVICES, CASE MANAGEMENT, AND TRANSPORTATION

1) AWARDED A CONTRACT WITH AGE WELL SENIOR SERVICES FOR SENIOR MEAL SERVICE, CASE MANAGEMENT, AND TRANSPORTATION SERVICES FOR THREE YEARS BEGINNING JULY 1, 2024; AND

2) AUTHORIZED THE CITY MANAGER OR DESIGNEE TO EXECUTE THE CONTRACT INCLUDING THE ANNUAL CONSUMER PRICE INDEX (CPI) WITH THE OPTION TO EXTEND THE CONTRACT FOR TWO ADDITIONAL ONE-YEAR TERMS.

7. ADOPTION OF RESOLUTIONS APPROVING NOTICES OF COMPLETION FOR THE CONSTRUCTION OF THE ANNUAL RESIDENTIAL ROADWAY RESURFACING PROJECT

FY 22/23, THE VIOLET LANTERN STORM DRAIN IMPROVEMENT PROJECT, AND THE ROADWAY RESURFACING – OVERLAY ASPHALT REPAIRS PROJECT FY 23/24, PHASE 1

1) ADOPTED RESOLUTION 24-07-16-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PROJECT ENTITLED "ANNUAL RESIDENTIAL ROADWAY RESURFACING PROJECT FY 22/23"; and

2) ADOPTED RESOLUTION 24-07-16-02 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PROJECT ENTITLED "VIOLET LANTERN STORM DRAIN IMPROVEMENT PROJECT"; and

3) ADOPTED RESOLUTION 24-07-16-03 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PROJECT ENTITLED "ROADWAY RESURFACING – OVERLAY/ASPHALT REPAIRS PROJECT FY 23/24, PHASE 1".

PUBLIC COMMENTS

The following volunteers with United Sovereign Americans provided comment regarding California's voter database and election data and encouraged Council to read their proposed resolution:

- Linda Pillsbury (Dana Point)
- George Garrett (Trabuco Canyon)
- Linda Mortimer (Rancho Santa Margarita)
- Nancy McCain (Dana Point)
- Michelle Morgan (Dana Point)
- Lisa Hazelton (San Clemente)
- Lynn Bridges (Dana Point)
- Constance Esposito (Dana Point)
- Lynn Muslin (San Clemente)
- Susan Stivers (Coto de Caza)
- Cheryl Frink (Laguna Niguel)
- Urson Russell (Costa Mesa) distributed a document for City Council to review.

Mary Jeffries (Dana Point) voiced concerns about cloud seeding and chem trails from the Santa Ana River Project and distributed a document to City Council.

Cathleen Pryor (Laguna Niguel) voiced concerns regarding lithium battery storage facilities and urged City Council to add information to the City's website regarding the location and dangers of lithium battery storage.

Mary Herron (Dana Point) spoke regarding the number of state regulations and encouraged City Council to stop the government overreach from Sacramento.

PUBLIC HEARINGS

8. CALIFORNIA COASTAL COMMISSION SUGGESTED MODIFICATIONS TO THE CITY'S PRIOR APPROVAL OF LOCAL COASTAL PROGRAM LCPA19-0003/ZONE TEXT AMENDMENT ZTA19-0003 AMENDING PLANNING AREA 3 (VISITOR SERVING COMMERCIAL) OF THE DANA POINT HARBOR REVITALIZATION PLAN AND DISTRICT REGULATIONS

CITY COUNCIL CONDUCTED A PUBLIC HEARING:

Kurth Nelson Principal Planner provided a staff report.

Mayor Federico opened the Public Hearing at 6:48 PM.

Supervisor Katrina Foley spoke in favor of the projects.

Mayor Federico closed the Public Hearing at 6:50 PM.

Discussion ensued.

RD Olson spoke in response to Council questions and stated that the construction should start in August of next year and will be a two-year process to build. He also provided additional information about the hotels.

IT WAS MOVED BY MAYOR FEDERICO, SECONDED BY COUNCIL MEMBER GABBARD, THAT THE CITY COUNCIL:

- 1) REVIEW AND FORWARD ADOPTED MODIFICATIONS TO THE CALIFORNIA COASTAL COMMISSION FOR FINAL CERTIFICATION BY ADOPTING RESOLUTION **24-07-16-04** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS TO LOCAL COASTAL PROGRAM AMENDMENT LCPA19-0003 FOR PLANNING AREA 3 OF THE DANA POINT HARBOR REVITALIZATION PLAN AND DISTRICT REGULATIONS AND REQUESTING SUBMISSION TO AND FINAL CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION; AND

- 2) INTRODUCE AND HOLD THE FIRST READING OF ORDINANCE **24-XX** ADOPTING THE SUGGESTED MODIFICATIONS APPROVED BY THE CALIFORNIA COASTAL COMMISSION FOR ZONE TEXT AMENDMENT ZTA19-0003 AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA190003 ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING ZONE TEXT AMENDMENT ZTA19-0003 WITH THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS TO AMEND THE DANA POINT HARBOR

REVITALIZATION PLAN AND DISTRICT REGULATIONS FOR PLANNING AREA 3 AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA19-0003 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

The motion carried by the following vote:

AYES: Frost, Gabbard, Pagano, Villar, Federico

NOES: None

ABSENT: None

UNFINISHED BUSINESS

9. POLICE SERVICES UPDATE

Captain Todd Hylton provided a staff report.

Discussion ensued.

THE CITY COUNCIL RECEIVED AND FILED THE POLICE SERVICES UPDATE.

10. CAPITAL IMPROVEMENT PROGRAM SUBCOMMITTEE RECOMMENDATIONS FOR UNFUNDED PROJECTS

Matt Sinacori Director of Public Works and Engineering provided a staff report.

Discussion ensued.

IT WAS MOVED BY MAYOR PRO TEM PAGANO, SECONDED BY COUNCIL MEMBER FROST, THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS EXCLUDING ITEM 4 ON THE STAFF REPORT:

- 1) CONSIDER RECOMMENDATIONS FROM THE CAPITAL IMPROVEMENT PROGRAM (CIP) SUBCOMMITTEE (FEDERICO/FROST) AND PROVIDE DIRECTION TO STAFF; AND
- 2) SUNSET THE CIP SUBCOMMITTEE

The motion carried by the following vote:

AYES: Frost, Gabbard, Pagano, Villar, Federico

NOES: None

ABSENT: None

11. SHORT TERM RENTAL PROGRAM REVIEW

John Ciampa Principal Planner and Ray Oropeza Code Enforcement Supervisor provided a staff report.

Discussion ensued.

Betty Hill (Dana Point) provided a document to City Council and spoke against the increase in Short Term Rental permits.

Barbara Wilson (Dana Point) spoke against the increase in Short Term Rental permits.

Mark Zanides (Dana Point) spoke against the increase in Short Term Rental permits.

Discussion ensued.

A MOTION WAS MADE BY COUNCIL MEMBER VILLAR THAT ITEM 12 BE DISCUSSED AND VOTED ON PRIOR TO DISCUSSING ITEM 11.

THE MOTION FAILED DUE TO LACK OF A SECOND.

Discussion ensued.

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

- 1) AUTHORIZE STAFF TO APPROVE 5 TOTAL PERMITS FROM THE WAIT LIST TO INCLUDE 3 PRIMARY HOME STAYS AND 2 MULTI FAMILY HOME STAYS ONLY
- 2) DIRECT STAFF TO CONTINUE PROVIDING ANNUAL REPORTS TO THE CITY COUNCIL ON THE SHORT-TERM RENTAL PROGRAM.

The motion carried by the following vote:

AYES: Frost, Gabbard, Pagano, Federico

NOES: Villar

ABSENT: None

NEW BUSINESS

12. CITY COUNCIL DIRECTION PER ELECTIONS CODE SECTION 9215 IN CONNECTION WITH ORANGE COUNTY REGISTRAR OF VOTERS CERTIFICATION OF PETITION RELATED TO SHORT TERM RENTAL BALLOT INITIATIVE

Patrick Munoz provided a staff report.

Discussion ensued.

Betty Hill (Dana Point) provided a document to City Council and spoke regarding the ballot initiative and provided more details about it.

Igal Israel spoke in favor of short-term rentals and the benefits provided from the existing ordinance.

Yuri Cramer (Dana Point) spoke in favor of short-term rentals and voiced concern about the feasibility of the proposed ordinance.

Carla Moore (Irvine) spoke in favor of short-term rentals and voiced opposition to the ballot initiative.

Mark Zanides (Dana Point) spoke in favor of the ballot initiative.

Miriam Rupke (Capistrano Beach) spoke regarding short-term rentals and issues that owners may not be aware of.

Stephanie Harvey (Dana Point) spoke in favor of short-term rentals.

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

ADOPT RESOLUTION **24-07-16-05** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ACCEPTING THE CERTIFICATION OF THE COUNTY OF ORANGE REGISTRAR OF VOTERS AS TO THE SUFFICIENCY OF THE INITIATIVE PETITION ENTITLED "AN INITIATIVE TO REPEAL AND REPLACE THE CITY'S EXISTING SHORT TERM RENTAL ORDINANCE"

The motion carried by the following vote:

AYES: Frost, Gabbard, Pagano, Villar, Federico

NOES: None

ABSENT: None

Discussion ensued.

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

ADOPT A RESOLUTION BY WHICH TO SUBMIT THE BALLOT INITIATIVE TO THE VOTERS AT THE NEXT REGULAR GENERAL MUNICIPAL ELECTION, NOVEMBER 5, 2024, BY APPROVING RESOLUTION **24-07-16-06** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF A CERTAIN MEASURE ENTITLED, "AN INITIATIVE TO REPEAL AND REPLACE THE CITY'S EXISTING SHORT TERM RENTAL ORDINANCE" AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024

The motion carried by the following vote:

AYES: Frost, Gabbard, Pagano, Villar, Federico

NOES: None

ABSENT: None

Discussion ensued.

IT WAS MOVED BY MAYOR FEDERICO, SECONDED BY COUNCIL MEMBER FROST, THAT THE CITY COUNCIL:

ADOPT A RESOLUTION BY WHICH TO REQUEST THAT THE GENERAL MUNICIPAL ELECTION WITH RESPECT TO "AN INITIATIVE TO REPEAL AND REPLACE THE CITY'S EXISTING SHORT TERM RENTAL ORDINANCE" BE CONSOLIDATED WITH THE NEXT REGULAR GENERAL STATEWIDE ELECTION ON NOVEMBER 5, 2024, BY APPROVING RESOLUTION **24-07-16-07** ENTITLED:

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 ELECTION TO BE HELD ON NOVEMBER 5, 2024, WITH THE STATEWIDE ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE

The motion carried by the following vote:

AYES: Frost, Gabbard, Pagano, Villar, Federico

NOES: None

ABSENT: None

Discussion ensued.

IT WAS MOVED BY MAYOR FEDERICO, SECONDED BY MAYOR PRO TEM PAGANO, THAT THE CITY COUNCIL CONSIDER ADOPTING A MOTION DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS IN CONNECTION WITH THE BALLOT INITIATIVE

The motion carried by the following vote:

AYES: Frost, Gabbard, Pagano, Villar, Federico

NOES: None

ABSENT: None

Discussion ensued.

IT WAS MOVED BY MAYOR FEDERICO, SECONDED BY MAYOR PRO TEM PAGANO, THAT THE COUNCIL SUBMIT A STATEMENT THAT WILL GO IN THE BALLOT BOOK.

Discussion ensued.

A SUBSTITUTE MOTION WAS MADE BY COUNCIL MEMBER FROST THAT CITY COUNCIL MAKE A TRANSPARENT OPPOSITION ARGUMENT STATING THAT IT IS INFORMATION ONLY AND EMPHASIZING THAT IT IS NOT IN OPPOSITION.

Discussion ensued.

COUNCIL MEMBER FROST WITHDREW HIS SUBSTITUTE MOTION.

A SUBSTITUTION MOTION WAS MADE BY COUNCIL MEMBER VILLAR TO ASSIGN MAYOR FEDERICO AND COUNCIL MEMBER FROST WITH THE TASK OF DRAFTING THE ARGUMENT.

THE SUBSTITUTE MOTION FAILED DUE TO LACK OF A SECOND.

A SECOND SUBSTITUTION MOTION WAS MADE BY COUNCIL MEMBER VILLAR, SECONDED BY COUNCIL MEMBER FROST, THAT COUNCIL MEMBER VILLAR AND MAYOR FEDERICO DRAFT THE ARGUMENT.

The motion carried by the following vote:

AYES: Frost, Gabbard, Pagano, Villar, Federico

NOES: None

ABSENT: None

Discussion ensued.

IT WAS MOVED BY MAYOR PRO TEM PAGANO, SECONDED BY COUNCIL MEMBER VILLAR, THAT THE CITY COUNCIL DENY ADOPTING A RESOLUTION ALLOWING REBUTTAL ARGUMENTS FOR THE BALLOT INITIATIVE

Discussion ensued.

The motion carried by the following vote:

AYES: Frost, Gabbard, Pagano, Villar, Federico

NOES: None

ABSENT: None

PUBLIC COMMENTS (Continued)

None.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

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

Council Member Frost stated that he will turn in his list of meetings.

Council Member Villar stated that he has turned in his list of meetings and expressed appreciation for the Harbor Sheriffs who playfully sprayed the beach and children with a water gun.

Mayor Pro Tem Pagano stated that he will turn in his list of meetings and expressed his condolences to his neighbor Bonnie who passed away last week.

Mayor Federico stated that he will turn in his list of meetings and stated that all upcoming events are now listed on the agenda and highlighted the Organic Market that is being held on Amber Lantern. He also discussed the success of Concerts in the Park and expressed gratitude to the Staff, especially the Recreation Department.

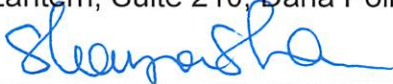
STAFF REPORTS

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 in honor of Walter Hoffman at 8:58 PM. He announced that the next Regular Meeting of the City Council will be September 3, 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 SEPTEMBER 3, 2024

Meetings attended since July 3, 2024

Mayor Jamey Federico

06/24/2024	OCTA board meeting
06/25/2024	GPAC meeting
06/26/2024	OCTA finance committee
06/26/2024	Dana Point Sister Cities student exchange debrief
06/28/2024	OCSD teen academy graduation
06/28/2024	Ribbon cutting Salt Creek Grill
06/30/2024	Shakebeer in the park
07/01/2024	OCTA regional transportation planing committee
07/02/2024	Video filming with Congressman Levin re: Stonehill widening project
07/08/2024	CASA special board meeting
07/08/2024	OCTA board meeting
07/10/2024	OCTA finance committee meeting
07/12/2024	Ribbon cutting Teaspoon
07/15/2024	OCTA real estate ad hoc committee
07/16/2024	ACC-OC meeting
07/16/2024	Ribbon cutting Dana Crest Park

Mayor Pro Tem Matthew Pagano

Council Member Mike Frost

Council Member John Gabbard

07/10/2024 OC Park Commission

Council Member Michael Villar

07/15/2024 Dana Point Harbor Hotels Update