

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



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

MINUTES

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

Next City Council Ordinance No. 24-03

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 - ABSENT

STAFF PRESENT: Michael A. Killebrew, City Manager; Patrick Munoz, City Attorney; Shayna Sharke, City Clerk; Sheryl Mariano, Accounting Supervisor; Captain Todd Hylton; Matthew Sinacori, Director of Public Works/City Engineer; Brenda Wisneski, Director of Community Development; 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. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957
Title: City Attorney

Mayor Federico recessed the meeting into a Closed Session at 5:01 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 6:04 P.M.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Frost.

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

OCSD Presentation to Local Heroes

Mayor Federico presented Certificates of Recognition to Miguel Aguilar and Oswaldo Pinto for their selfless and courageous act of identifying a lost child and promptly calling for police assistance, as well as staying with the child throughout the ordeal to ensure their safety.

PUBLIC COMMENTS

None.

READING OF ORDINANCE TITLES

City Clerk Shayna Sharke read five (5) ordinance titles.

CONSENT CALENDAR

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

The motion carried by the following vote:

AYES: Frost, Gabbard, Pagano, Federico

NOES: None

ABSENT: Villar

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, JUNE 18, 2024

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, JUNE 10, 2024

RECEIVED AND FILED THE MINUTES.

4. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

5. TREASURER'S REPORT

RECEIVED AND FILED 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

- 1) HELD A SECOND READING AND ADOPTED **ORDINANCE 24-03** 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) HELD A SECOND READING AND ADOPTED **ORDINANCE 24-04** 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) HELD A SECOND READING AND ADOPTED **ORDINANCE 24-05** 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**

HELD A SECOND READING AND ADOPTED **ORDINANCE 24-06** 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**

HELD A SECOND READING AND ADOPTED **ORDINANCE 24-07** 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

9. PROFESSIONAL SERVICES AGREEMENT FOR COASTAL ENGINEERING SERVICES

1) APPROVED 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) AUTHORIZED THE CITY MANAGER TO EXECUTE THE AMENDMENT.

PUBLIC HEARINGS

10. 2024 WEED ABATEMENT PROGRAM

CITY COUNCIL CONDUCTED A PUBLIC HEARING

Brenda Wisneski Director of Community Development provided a staff report.

Mayor Federico opened the Public Hearing at 6:18 PM.

There were no public comments.

Mayor Federico closed the Public Hearing at 6:18 PM

Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER FROST, SECONDED BY COUNCIL MEMBER GABBARD, THAT THE CITY COUNCIL ADOPT **RESOLUTION 24-07-02-01** 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

The motion carried by the following vote:

AYES: Frost, Gabbard, Pagano, Federico

NOES: None

ABSENT: Villar

UNFINISHED BUSINESS

None.

NEW BUSINESS

11. CONSIDERATION OF AMENDMENT TO THE CITY MANAGER EMPLOYMENT AGREEMENT

Patrick Munoz City Attorney provided a staff report.

Discussion ensued.

IT WAS MOVED BY MAYOR FEDERICO, SECONDED BY COUNCIL MEMBER FROST, 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 **RESOLUTION 24-07-02-02** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING SALARY RANGES FOR REPRESENTED AND NON-REPRESENTED CLASSIFICATIONS.

The motion carried by the following vote:

AYES: Frost, Gabbard, Pagano, Federico

NOES: None

ABSENT: Villar

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 and commented that he is looking forward to the 4th of July in Dana Point.

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

Mayor Federico thanked the Dana Point Police Services for the work that they will be doing on the 4th of July and commented on the success of the ShakesBEER Festival put on by the Dana Point Arts and Culture Ambassadors.

STAFF REPORTS

City Manager Michael A. Killebrew thanked the City Council for their positive comments and encouraged the public to arrive early to get a spot for the fireworks show in Dana Point for the 4th of July.

City Attorney Patrick Munoz commented on the recent Supreme Court decisions and referenced the case of the City of Grants Pass regarding anti-camping laws on public property. He stated that the City will continue to coordinate with the OC Sheriff's Department and prioritize safety in the community.

Mayor Federico acknowledged Joe Masi in the audience who is a City Council member in Middletown, New York and spends summers in Dana Point.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Federico adjourned the meeting at 6:30 PM. He announced that 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.



SHAYNA SHARKE, CITY CLERK

APPROVED AT THE MEETING OF JULY 16, 2024

Meetings attended since June 19, 2024

Mayor Jamey Federico

Mayor Pro Tem Matthew Pagano

06/28/2024 Salt Creek Grille Ribbon Cutting
06/28/2024 Movies in the Park
06/29/2024 ShakesBEER
06/25/2024 Meeting with Brenda wisneski

Council Member Mike Frost

Council Member John Gabbard

06/20/2024 OCMVC Board meeting
06/21/2024 Dana Point Hardware Ribbon Cutting
06/21/2024 Strand Funicular meeting
06/22/2024 Strand Funicular meeting
06/22/2024 Salt Creek Grille DPYB and First Responder Benefit Dinner
06/26/2024 Sister City Sorrento Debrief
06/27/2024 OCCOG Board of Director meeting
06/28/2024 Salt Creek Grille Ribbon Cutting

Council Member Michael Villar

No meetings attended.