

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
MAY 21, 2024
5:00 P.M.**

MINUTES

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

Next City Council Ordinance No. 24-02

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; Captain Todd Hylton; Sea Shelton, Director of Administrative Services; Matthew Sinacori, Director of Public Works/City Engineer; Brenda Wisneski, Director of Community Development; Ryan Haworth, Deputy City Clerk; Kurth Nelson, Principal Planner.

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (1 case)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (2 cases)
 - 1. 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
 - 2. Name of Case: ST Apartments vs. City of Dana Point; OCSC Case NO 30-2024-01397922-CU-WM-CJC

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 6:01 P.M.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Gabbard.

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

OCFA – Quarterly Size Up

Division Chief Cheynne Maule played a video from OCFA regarding Quarterly Size Up and presented a slide on first quarter statistics for Dana Point.

OC Power Authority

Joe Mosca from OC Power Authority (OCPA) gave a presentation and answered questions from Council.

PUBLIC COMMENTS

Danny Gray (Capo Beach) spoke of climate change and was in favor of the OCPA program.

Clay Sandidge (Dana Point) spoke in favor of the OCPA program and renewable energy.

Wayne Yost (Dana Point) asked questions regarding risks of the OCPA program and invited the community to the Memorial Day celebration at Pines Park.

Brent Neumeyer (Capo Beach) spoke regarding the Victoria Apartments and voiced concerns about the density, height, and location of the project.

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 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. STATE OF THE CITY MINUTES, APRIL 24, 2024

APPROVED THE MINUTES.

3. REGULAR MEETING MINUTES, MAY 7, 2024

APPROVED THE MINUTES.

4. PLANNING COMMISSION MEETING MINUTES, APRIL 22, 2024

RECEIVED AND FILED THE MINUTES.

5. FINANCIAL REVIEW COMMITTEE MEETING MINUTES, OCTOBER 30, 2024

RECEIVED AND FILED THE MINUTES.

6. FINANCIAL REVIEW COMMITTEE MEETING MINUTES, JANUARY 30, 2024

RECEIVED AND FILED THE MINUTES.

7. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

8. ORANGE COUNTY SHERIFF DEPARTMENT CONTRACT FOR FY 25

AUTHORIZED THE CITY MANAGER TO ENTER INTO A CONTRACT AGREEMENT BETWEEN THE COUNTY OF ORANGE AND THE CITY OF DANA POINT FOR LAW ENFORCEMENT SERVICES FOR FISCAL YEAR 2024-25 (FY25).

9. DEVELOPMENT UPDATE

RECEIVED AND FILED THE DEVELOPMENT UPDATE.

10. CITY COUNCIL POLICY REVIEW – ADOPTING SERIES 100

ADOPTED RECOMMENDED REVISIONS TO CITY COUNCIL POLICY SERIES 100.

11. FUNDING FOR TRAFFIC SIGNAL BATTERY BACK UP SYSTEM AUTOMATION

APPROVED THE BUDGET ADJUSTMENT AS NOTED IN THE FISCAL IMPACT SECTION OF THE REPORT FOR AUTOMATION OF TRAFFIC SIGNAL BATTERY BACK UP SYSTEM OPERATIONS PER CITY POLICY.

12. SIXTH AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH MICHAEL BAKER INTERNATIONAL FOR PREPARATION OF THE VICTORIA BOULEVARD SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT

AUTHORIZED THE CITY MANAGER TO EXECUTE THE CONTRACT AMENDMENT WITH MICHAEL BAKER INTERNATIONAL – SIXTH AMENDMENT TO AGREEMENT FOR ADDITIONAL FUNDING.

PUBLIC HEARINGS

13. ZONE CHANGE ZC23-0001 AND ZONE TEXT AMENDMENT ZTA07-01 TO ESTABLISH A PLANNED RESIDENTIAL DEVELOPMENT OVERLAY (PRDO) DISTRICT AND ASSOCIATED DEVELOPMENT STANDARDS AND THE ADOPTION OF THE ASSOCIATED MITIGATED NEGATIVE DECLARATION FOR THE LOT IDENTIFIED BY ASSESSOR'S PARCEL NUMBER 691-401-37 (SOUTH OF CAMINO CAPISTRANO AND VIA CANON INTERSECTION)

Principal Planner Kurth Nelson provided a staff report.

Mayor Federico opened the Public Hearing at 7:10 PM.

Diane Harkey (Dana Point) spoke in favor of the project.

Mayor Federico closed the Public Hearing at 7:12 PM.

Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER GABBARD, SECONDED BY MAYOR FEDERICO, THAT THE CITY COUNCIL ADOPT **RESOLUTION 24-05-21-01** FOR THE MITIGATED NEGATIVE DECLARATION ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION (SCH NO. 2024031110) FOR THE ZONE CHANGE (ZC23-0001), ZONE TEXT AMENDMENT (ZTA07-01), TENTATIVE TRACT MAP TTM 16970, AND SITE DEVELOPMENT PERMIT SDP07-06 AT THE PARCEL IDENTIFIED BY ASSESSOR'S PARCEL NUMBER 691-401-37.);AND

INTRODUCE AND HOLD THE FIRST READING OF AN ORDINANCE APPROVING ZONE CHANGE ZC23-0001 AND ZONE TEXT AMENDMENT ZTA07-01 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. (ACTION DOCUMENT B)

The motion carried by the following vote:

AYES: Frost, Gabbard, Pagano, Federico

NOES: None

ABSENT: Villar

UNFINISHED BUSINESS

None.

NEW BUSINESS

14. DAYLIGHTING OF AN ORDINANCE AMENDING DANA POINT MUNICIPAL CODE CHAPTER 14, STREETS AND SIDEWALK

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

Discussion ensued.

CITY COUNCIL RECEIVED, DISCUSSED, AND ADVISED ON THE PROPOSED CHANGES TO PORTIONS OF CHAPTER 14 OF THE DANA POINT MUNICIPAL CODE PERTAINING TO STREETS AND SIDEWALKS AS PART OF THE COMPREHENSIVE REVIEW OF THE CITY'S MUNICIPAL CODE.

PUBLIC COMMENTS (Continued)

None.

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.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Gabbard stated that he turned in his list of meetings and announced his appointment to the OC Parks Commission.

Council Member Frost stated that he turned in his list of meetings and expressed his interest in receiving a proposal from OCPA.

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

Mayor Federico stated that he will turn in his list of meetings and reminded the community to join the Memorial Day Ceremony at Pines Park and that the summer season is kicking off with the Dana Point trolleys and the Trolley Hop.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Federico adjourned the meeting at 7:24 PM. He announced that the next Regular Meeting of the City Council will be June 4, 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 JUNE 18, 2024

Meetings attended since May 8, 2024

Mayor Jamey Federico

Mayor Pro Tem Matthew Pagano

05/18/2024 DPYC Opening Day
05/20/2024 Moon-tree ribbon cutting

Council Member Mike Frost

05/09/2024 TCA
05/15/2024 Orange County Housing Finance Trust
05/16/2024 Dana Point Chamber
05/19/2024 AquaFest DP Harbor
05/20/2024 Moon Tree Ribbon Cutting

Council Member John Gabbard

05/09/2024 Monarch Beach Community Meeting with City Staff to discuss Mariner's Villas project
05/13/2024 OCCOG Executive Management Meeting
05/16/2024 OCMVCD Board meeting and Budget Committee Meeting
05/16/2024 Community Event honoring Joe Alexander, 101 years old and holocaust concentration camp survivor
05/17/2024 Statewide Ballot Initiative Update-OC Tax
05/20/2024 OC Park Commission Orientation and
05/20/2024 Moon tree Ribbon Cutting

Council Member Michael Villar

No meetings attended.