

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
NOVEMBER 19, 2024
5:00 P.M.**

MINUTES

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

Next City Council Ordinance No. 24-09

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

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; Grant Entsminger, ICMA Veterans Local Government Management Fellow; 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), (4 cases)

Mayor Federico recessed the meeting into a Closed Session at 5:00 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 6:00 P.M.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Frost.

PRESENTATIONS AND PROCLAMATIONS

Business of the Quarter – Carlos' Mexican Restaurant

Mayor Federico presented Mercedes Winvick from Carlos Mexican Restaurant & Cantina with a Certificate of Recognition as Business of the Quarter.

Dia de Los Muertos Performer Recognition

Mayor Federico and Council Member Villar thanked the members of the Dia de Los Muertos performance group. Richard Perez, Director of Mariachi Correcaminos of Marco Forester Middle School, along with Vanessa Leon, Marisol Huerta, Alberto Huerta, and Hector Leon from Codes de Mexico Grupo Folklorico were presented with Certificates of Recognition.

READING OF ORDINANCE TITLES

There were no 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, 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, OCTOBER 15, 2024

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 23, 2024

RECEIVED AND FILED THE MINUTES.

4. PLANNING COMMISSION MEETING MINUTES, OCTOBER 14, 2024

RECEIVED AND FILED THE MINUTES.

5. FINANCIAL REVIEW COMMITTEE MEETING MINUTES, SEPTEMBER 10, 2024

RECEIVED AND FILED THE MINUTES.

6. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

7. TREASURER'S REPORT

RECEIVED AND FILED THE TREASURER'S REPORT FOR SEPTEMBER 2024.

8. QUARTERLY FINANCIAL REPORT

RECEIVED AND FILED THE QUARTERLY FINANCIAL REPORT FOR THE PERIOD ENDING SEPTEMBER 2024.

9. DEVELOPMENT UPDATE

RECEIVED AND FILED THE REPORT.

10. DISPOSITION OF NON-ESSENTIAL CITY RECORDS

APPROVED THE 2024 DISPOSITION OF NON-ESSENTIAL CITY RECORDS IN ACCORDANCE WITH CALIFORNIA STATE LAW AND THE CITY'S APPROVED RECORDS RETENTION SCHEDULE AND ADOPTED RESOLUTION 24-11-19-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE DISPOSITION OF CERTAIN INACTIVE CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA

11. AWARD OF CONTRACT FOR THUNDERBIRD PARK PLAY STRUCTURE

- 1) AUTHORIZED THE CITY MANAGER, OR DESIGNEE, TO EXECUTE A CONTRACT WITH DAVE BANG ASSOCIATES INC., FOR THE PURCHASE AND INSTALLATION OF A NEW PLAY STRUCTURE AT THUNDERBIRD PARK; AND
- 2) AUTHORIZED THE BUDGET ADJUSTMENT.

12. FY23/24 M2 EXPENDITURE REPORT FOR FISCAL YEAR 2023-2024

1) ADOPTED RESOLUTION 24-11-19-02 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONCERNING THE MEASURE M (M2) EXPENDITURE REPORT FOR THE CITY OF DANA POINT FOR FISCAL YEAR 2023-2024; AND

2) AUTHORIZED THE MAYOR TO SIGN THE RESOLUTION ON BEHALF OF THE CITY; AND

3) DIRECTED STAFF TO SUBMIT THE ADOPTED RESOLUTION AND M2 EXPENDITURE REPORT FOR FISCAL YEAR 2023-2024 FOR THE CITY OF DANA POINT TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) TO MAINTAIN ELIGIBILITY IN THE MEASURE M (M2) PROGRAM.

13. ANNUAL REVIEW OF INVESTMENT POLICY

APPROVED THE CITY'S STATEMENT OF SAFEKEEPING AND INVESTMENT OF PUBLIC FUNDS POLICY ("INVESTMENT POLICY").

14. CAPITAL ASSET POLICY

ADOPTED FINANCIAL POLICY #234 – CAPITAL ASSET POLICY.

15. STORAGE AREA NETWORK (SAN) UPGRADE AND PROFESSIONAL SERVICES

1) AUTHORIZED THE PURCHASE OF A STORAGE AREA NETWORK (SAN) UPGRADE INCLUDING SUPPORTING COMPONENTS AND PROFESSIONAL SERVICES; AND,

2) AUTHORIZED THE BUDGET ADJUSTMENT.

PUBLIC COMMENTS

Denise Erkeneff (Dana Point) thanked the City Council and Staff for their support during her husband Rick's illness. She also thanked the Dana Point EMT's and First Responders for their swift action in helping Rick. She spoke in support of the adopted proper budget for First Responders and thanked the community for their continued support.

Mary Herron (Dana Point) spoke against the Voter Choice Act and expressed her lack of trust in California's government.

Maria Elena Banks (Dana Point) thanked the City Council and Staff for their work on the Dia de los Muertos event and highlighted its success.

PUBLIC HEARINGS

16. ELECTRONIC PAYMENT PROCESSING SERVICES AND FEE UPDATES

Sea Shelton, Director of Administrative Services, provided a staff report.

Mayor Federico opened the Public Hearing at 6:25 PM.

Mayor Federico recognized the public comments received via email.

Mayor Federico closed the Public Hearing at 6:25 PM.

Discussion ensued.

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

1. AUTHORIZE THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AN AGREEMENT WITH PAYMENTUS CORPORATION FOR CREDIT CARD, DEBIT CARD, AND ELECTRONIC FUNDS TRANSFER PAYMENT PROCESSING SERVICES; AND

2. ADOPT **RESOLUTION 24-11-19-03** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA APPROVING UPDATED PROCESSING FEES FOR THE USE OF CREDIT CARD, DEBIT CARD, OR ELECTRONIC FUNDS TRANSFERS TO PAY FOR FEES, SERVICES AND OTHER DEBTS OWED TO THE CITY OF DANA POINT; AND

3. ADOPT **RESOLUTION 24-11-19-04** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA APPROVING PASS-THROUGH OF THIRD-PARTY FEES INCLUDING CITY ATTORNEY FEES FOR PLANNING AND BUILDING PROJECTS AND AN UPDATED FEE FOR ENCROACHMENT PERMITS FOR COMMERCIAL TRASH CONTAINERS.

The motion carried by the following vote:

AYES: Frost, Gabbard, Pagano, Villar, Federico

NOES: None

ABSENT: None

UNFINISHED BUSINESS

None.

NEW BUSINESS

17. PROPOSED BATTERY ENERGY STORAGE SYSTEM (BESS) IN SAN JUAN CAPISTRANO

Grant Entsminger, ICMA Veterans Local Government Management Fellow, provided a staff report.

Discussion ensued.

Mayor Federico suggested Staff provide City Council with continued updates on BESS and to announce any upcoming outreach events to the community.

Council Member Frost asked Mike Killebrew City Manager to reach out to other City Managers to see if they need support from Dana Point City Council.

THE CITY COUNCIL RECEIVED AND FILED THE REPORT AND ATTACHMENTS.

18. STATUE COMMISSION FOR WATERMAN'S PLAZA – MICKEY MUNOZ

Jaimie To, Economic Development and Housing Manager, provided a staff report.

Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER GABBARD, SECONDED BY COUNCIL MEMBER VILLAR, THAT THE CITY COUNCIL AUTHORIZE THE COMMISSION OF A STATUE OF MICKEY MUNOZ TO BE INSTALLED AT WATERMAN'S PLAZA; AND AUTHORIZE THE CITY MANAGER OR DESIGNEE TO EXECUTE A CONTRACT WITH ARTIST BILL LIMEBROOK.

The motion carried by the following vote:

AYES: Frost, Gabbard, Pagano, Villar, Federico

NOES: None

ABSENT: None

19. REQUEST FROM THE CENTER OF NATURAL LANDS MANAGEMENT TO WAIVE PERMIT FEES TO ESTABLISH HEADLANDS PRESERVE TRAIL HOURS

Brenda Wisneski, Community Development Director, provided a staff report.

Discussion ensued.

Denise Erkeneff (Dana Point) spoke in favor of waiving fees only if the CNLM resumes the access hours agreed upon when it was established.

Discussion ensued.

IT WAS MOVED BY MAYOR FEDERICO, SECONDED BY MAYOR PRO TEM PAGANO, THAT THE CITY COUNCIL CONSIDER THE REQUEST FROM THE CENTER OF NATURAL LANDS MANAGEMENT (CNLM) TO WAIVE PERMIT FEES ASSOCIATED WITH THEIR PENDING APPLICATION FOR A COASTAL DEVELOPMENT PERMIT TO ESTABLISH TRAILS HOURS FOR THE DANA POINT HEADLANDS PRESERVE.

The motion carried by the following vote:

AYES: Frost, Gabbard, Pagano, Villar, Federico
NOES: None
ABSENT: None

20. CITY COUNCIL POLICY UPDATE – DAYLIGHTING SERIES 201-210

Shayna Sharke, City Clerk, provided a staff report.

Council Member Gabbard suggested an edit for Policy 207.

Discussion ensued.

THE CITY COUNCIL REVIEWED, DISCUSSED AND PROVIDED RECOMMENDATIONS TO STAFF ON PROPOSED REVISIONS TO CITY COUNCIL POLICIES WITHIN THE 200 SERIES.

21. DAYLIGHTING OF AN ORDINANCE AMENDING DANA POINT MUNICIPAL CODE CHAPTER 4.04, FIREWORKS

Brenda Wisneski Community Development Director provided a staff report.

Discussion ensued.

IT WAS MOVED BY MAYOR FEDERICO, SECONDED BY COUNCIL MEMBER FROST, THAT STAFF FURTHER AGENDIZE THE RECOMMENDED EDITS FOR THE FORMAL ORDINANCE PROCESS AS PART OF THE COMPREHENSIVE REVIEW OF THE CITY'S MUNICIPAL CODE.

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 and discussed the success of the Dia de los Muertos event.

Council Member Villar stated that he has turned in his list of meetings, thanked Jeff Rosaler Director of Community Services for his work on the Dia de los Muertos event, and congratulated the Dana Point Tsunami Baseball Team for winning a championship game over the weekend.

Mayor Pro Tem Pagano stated that he has turned in his list of meetings and expressed his gratitude to Captain Hylton and his team for their dedication and efforts in ensuring the City's safety. He also wished his wife Danielle a happy 14th anniversary.

Mayor Federico stated that he has turned in his list of meetings.

STAFF REPORTS

City Attorney Patrick Munoz stated that he had nothing to report.

City Manager Michael A. Killebrew congratulated the Dana Hills High School Football Team for advancing to the CIF semifinals, thanked Council Member Villar and the Staff for putting on the Dia de los Muertos event, wished a happy Thanksgiving to everyone, and congratulated Grant Entsminger ICMA Veterans Local Government Management Fellow on his retirement from the program.

Mayor Federico announced the upcoming events occurring around Dana Point.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Federico and Council Member Villar adjourned the meeting at 7:16 PM in honor of Ty Torres. Mayor Federico announced that the next Regular Meeting of the City Council will be December 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 DECEMBER 3, 2024

Meetings attended since October 16, 2024

Mayor Jamey Federico

10/16/2024 ACC-OC BOD
10/16/2024 GPAC
10/17/2024 Meet with Kiana Berkman re: powerlines
10/17/2024 Ribbon cutting for Chamber
10/19/2024 Fish for Life welcome
10/23/2024 OCTA Finance
10/25/2024 Ribbon Cutting for Chamber
10/28/2024 OCTA BOD
11/04/2024 OCTA RTP
11/06/2024 OCTA EOC
11/07/2024 USMC Birthday ball DP5MRSG
11/10/2024 249th Marine Corps Birthday
11/11/2024 Veterans Day Ceremony VFW 9934
11/12/2024 OCTA BOD
11/13/2024 OCTA Finance
11/14/2024 Ribbon Cutting for Chamber
11/14/2024 City Selection Committee
11/15/2024 Ribbon Cutting for Chamber
11/15/2024 VLI Lawyers for Warriors
11/16/2024 USMC Birthday ball Marine Corps League

Mayor Pro Tem Matthew Pagano

10/04/2024 Bryon Ward (Harbor Partners lunch)
10/09/2024 Coffee with resident Benjamin Nolot
10/25/2024 Exodus Cry Gala
11/02/2024 Dia de los Muertos
11/10/2024 Board Swap Vintage Market
11/11/2024 Veteran's Day Ceremony
11/13/2024 Coffee with Mayor Federico

Council Member Mike Frost

Council Member John Gabbard

10/24/2024 OCCOG Board
10/24/2024 Library Advisory Board
10/31/2024 ACC-OC Metrolink brief
11/04/2024 OCCOG Executive Management Committee
11/07/2024 SCAG CEHD and Regional Council
11/13/2024 OCMVCD Facilities/Budget and Finance Committees
11/16/2024 Marine Corps League Birthday Ball

Council Member Michael Villar

11/18/2024 Meeting with Dana Point Harbor Partners