

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
JANUARY 21, 2025
5:00 P.M.**

MINUTES

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

Next City Council Ordinance No. 25-01

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Matthew Pagano at 5:00 P.M. in the City Council Chambers, 33282 Golden Lantern, Dana Point.

ROLL CALL OF CITY COUNCIL MEMBERS:

Matthew Pagano, Mayor
John Gabbard, Mayor Pro Tem
Jamey Federico, Council Member
Mike Frost, 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; John Ciampa, Planning Manager; Ryan Haworth, Deputy City Clerk; Jaimie To, Sr. Management Analyst.

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL - LITIGATION STRATEGY REVIEW INCLUDING POTENTIAL DISCUSSION OF ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (3 cases) AND THE FOLLOWING EXISTING LITIGATION, Government Code 54956.9 (d)(1), (6 cases)
- a. City of DP v. Sunshine Group LLC (Seaside Inn), Orange County Superior Court Case No. 30-2017- 00915900
 - b. Concerned Residents of Dana Point vs. City of Dana Point Case No. 2019- 01117892-CU-TT-CXC

- c. Center For Natural Lands Management v City of Dana Point, Orange County Superior Court Case No: 30-2021-01219668 CU-OR-CJC
- d. Mitchell Carr vs. City of Dana Point, County of Orange (1973115) (Ironshore Claim No.: SANCAS000317850) (AWNAC Ref. No.: 2021007664) (AWAC Ref. No.: 2021007660)
- e. City of Dana Point v. Paul Frederic Meyers, Trustee of the Meyers Family Trust, Orange County Superior Court Case No: 30-2022-01301502-CU-PT-CJC
- f. Name of Case: ST Apartments vs. City of Dana Point; OCSC Case NO 30-2024-01397922-CU-WM-CJC

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

RECONVENE CITY COUNCIL MEETING

Mayor Pagano reconvened the meeting at 6:01 PM.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Villar.

PRESENTATIONS AND PROCLAMATIONS

Employee of the Quarter – Robin Gray, Records Coordinator

Mayor Pagano and City Clerk Shayna Sharke presented Robin Gray with a Certificate of Recognition.

Candy Cane Lanes Home Decorating Contest Awards

Mayor Pagano and Members of the Dana Point Youth Board presented Certificates of Recognition to the winners of the Candy Cane Lanes Home Decorating Contest: The Beverly Family, The Bauer Family, and The Wilinsky Family.

Trauma Intervention Program Proclamation

Jennifer Anderson, Senior Management Analyst and TIP volunteer, provided an overview of TIP and introduced the members of the organization. Mayor Pagano presented the TIP volunteers with a Proclamation.

READING OF ORDINANCE TITLES

City Clerk, Shayna Sharke, read three (3) ordinance titles.

CONSENT CALENDAR

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

The motion carried by the following vote:

AYES: Federico, Frost, Gabbard, Villar, Pagano
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, DECEMBER 3, 2024

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, NOVEMBER 25, 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 NOVEMBER, 2024.

6. DEVELOPMENT UPDATE

RECEIVED AND FILED THE REPORT.

7. SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING DANA POINT MUNICIPAL CODE CHAPTER 4.04, FIREWORKS

HELD A SECOND READING AND ADOPTED **ORDINANCE 25-01** ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING IN ITS ENTIRETY DANA POINT MUNICIPAL CODE CHAPTER 4.04, FIREWORKS

8. INFINITY TECHNOLOGIES CONTRACT AMENDMENT

AUTHORIZED THE CITY MANAGER, OR DESIGNEE, TO EXECUTE A SIXTH AMENDMENT TO THE ORIGINAL AGREEMENT WITH INFINITY TECHNOLOGIES FOR INFORMATION TECHNOLOGY MANAGEMENT SERVICES ADJUSTING THE MONTHLY IT MANAGEMENT SERVICES FEE.

PUBLIC COMMENTS

Kelly Chapman (Dana Point) spoke regarding his opposition to replacing the cul-de-sac fence on Santa Clara Ave. with the current gate.

Bruce Gordon (Dana Point) spoke regarding his opposition to replacing the cul-de-sac fence on Santa Clara Ave. with the current gate.

Craig McCall (Dana Point) spoke regarding the large pine trees at Heritage Park, which border his property. He expressed concern about the overgrown branches and shrubbery, and requested that the City undertake maintenance on these trees.

Joe Muller (Dana Point) spoke regarding his desire to have a two-day concert at Sea Terrace Park in November using local Dana Point musicians with some of the proceeds going back to the City.

Rick Erkeneff (Dana Point) spoke regarding his desire to have a two-day concert at Sea Terrace Park and mentioned that it will be organized by the locals and for the locals.

Sam Simmons (San Diego) spoke regarding his desire to have a two-day concert at Sea Terrace Park, highlighting his experience in deploying infrastructure and collaborating with police departments and fire marshals to ensure safe entry and exit for attendees.

John Reese (Dana Point) spoke regarding his desire to have a two-day concert at Sea Terrace Park and highlighted his involvement in various festivals.

Joe Muller (Dana Point) spoke again regarding the proposed concert and added that will include "Dana Point" providing recognition.

Brian Porter (Dana Point) spoke regarding his desire to have a two-day concert at Sea Terrace Park. He urged the Council to consider the previous speakers' comments regarding the Sea Terrace Park concert.

Council Member Frost asked Staff about the permitting process for large events like the proposed concert.

Swati Patel (Dana Point) spoke regarding the estimated project costs of building a new funicular and the ongoing neglect of the project, highlighting the lack of progress towards restoration.

Vincent Giovinazzo (Dana Point) spoke regarding the estimated costs of building a new funicular and highlighted the service it provides to those who may have difficulty walking the distance, as well as its benefit in providing beach access to the public.

Greg Miller-Jones (Capistrano Beach) spoke regarding abandoned vehicles and street parking in Capistrano Beach.

PUBLIC HEARINGS

9. ZONE TEXT AMENDMENT ZTA22-0002/LCPA23-0001 RELATED TO COMPLIANCE WITH STATE HOUSING LAW

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

Mayor Pagano opened the Public Hearing at 6:53 PM.

There were no public comments.

Mayor Pagano closed the Public Hearing at 6:53 PM.

Discussion ensued.

IT WAS MOVED BY MAYOR PRO TEM GABBARD, SECONDED BY COUNCIL MEMBER VILLAR, THAT THE CITY COUNCIL:

- 1) REVIEW AND FORWARD ADOPTED MODIFICATIONS TO THE CALIFORNIA COASTAL COMMISSION FOR FINAL CERTIFICATION BY ADOPTING **RESOLUTION 25-01-21-01** 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 LCPA23-0001, FOR SUBMISSION OF ZTA22-0002 AS LOCAL COASTAL PROGRAM AMENDMENT LCPA23-0001 AND REQUESTING SUBMITTAL TO AND FINAL CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

- 2) INTRODUCE AND HOLD THE FIRST READING OF **ORDINANCE 25-XX** ADOPTING THE SUGGESTED MODIFICATIONS APPROVED BY THE CALIFORNIA COASTAL COMMISSION FOR ZONE TEXT AMENDMENT ZTA22-0002 AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA23-0001 ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING ZONE TEXT AMENDMENT ZTA22-0002 WITH THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS TO AMEND THE ZONING ORDINANCE IN COMPLIANCE WITH STATE HOUSING LAWS AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA23-0001 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

The motion carried by the following vote:

AYES: Federico, Frost, Gabbard, Villar, Pagano

NOES: None

ABSENT: None

10. GENERAL PLAN AMENDMENT GPA24-0001, ZONE TEXT AMENDMENT ZTA24-0002, AND LOCAL COASTAL PROGRAM AMENDMENT LCPA24-0001; AMENDMENT TO THE HEADLANDS DEVELOPMENT AND CONSERVATION PLAN (HDCP) TO REPLACE THE TERMS "FUNICULAR" AND "INCLINED ELEVATOR" WITH "STRAND TRANSIT SYSTEM (STS)"

John Ciampa, Planning Manager, provided a staff report.

Mayor Pagano opened the Public Hearing at 6:58 PM.

One public comment was received via email.

Mayor Pagano closed the Public Hearing at 6:58 PM.

Discussion ensued.

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

1) ADOPT RESOLUTION 25-01-21-02 ADOPTING THE GENERAL PLAN AMENDMENT GPA24-0001 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING OF GENERAL PLAN AMENDMENT GPA24-0001, TO AMEND THE HEADLANDS DEVELOPMENT AND CONSERVATION PLAN (HDCP), TO REPLACE THE TERMS "FUNICULAR" AND "INCLINED ELEVATOR" WITH "STRAND TRANSIT SYSTEM" (STS) TO PROVIDE FLEXIBILITY FOR A FUTURE REPLACEMENT TRANSPORTATION SYSTEM

2) INTRODUCE AND HOLD THE FIRST READING OF ORDINANCE 25-XX APPROVING ZONE TEXT AMENDMENT ZTA24-0002 ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA24-0002 AMENDING THE HEADLANDS DEVELOPMENT AND CONSERVATION PLAN TO REPLACE THE TERMS "FUNICULAR" AND "INCLINED ELEVATOR" TO "STRAND TRANSIT SYSTEM" (STS) TO PROVIDE FLEXIBILITY FOR A FUTURE REPLACEMENT TRANSPORTATION SYSTEM, AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA24-0001 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION

3) ADOPT RESOLUTION 25-01-21-03 APPROVING LOCAL COASTAL PROGRAM AMENDMENT LCPA24-0002 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING LOCAL COASTAL PROGRAM AMENDMENT LCPA24-0001, WHICH AMENDS THE HEADLANDS DEVELOPMENT AND CONSERVATION PLAN WITH GENERAL PLAN AMENDMENT GPA24-0001 AND ZONING TEXT

AMENDMENT ZTA24-0002, AS LOCAL COASTAL PROGRAM AMENDMENT LCPA24-0001 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION

The motion carried by the following vote:

AYES: Federico, Frost, Gabbard, Villar, Pagano

NOES: None

ABSENT: None

UNFINISHED BUSINESS

11. POLICE SERVICES QUARTERLY REPORT

Captain Todd Hylton provided a staff report.

Discussion ensued.

THE CITY COUNCIL RECEIVED AND FILED THE POLICE SERVICES QUARTERLY REPORT

12. 2024 COMMUNITY SURVEY RESULTS

Jaimie To, Economic Development & Housing Manager, introduced Adam Sonenshein from FM3 Research.

Adam Sonenshein (FM3 Research) presented the 2024 Community Survey results.

Discussion ensued.

THE CITY COUNCIL RECEIVED AND FILED THE PRESENTATION FROM FM3 RESEARCH ON THE 2024 DANA POINT COMMUNITY SURVEY

13. STRATEGIC PLAN REVIEW – PERFORMANCE MEASURES

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

Council Member Federico suggested that the City Council establish an Ad Hoc Committee to look at the City's Strategic Plan. Council Member Frost agreed with Council Member Federico's suggestion.

Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER FROST, SECONDED BY COUNCIL MEMBER VILLAR, THAT THE CITY COUNCIL ESTABLISH AN AD HOC COMMITTEE MADE UP OF MAYOR PAGANO AND MAYOR PRO TEM GABBARD TO REVIEW THE STRATEGIC PLAN AND PROVIDE FEEDBACK TO CITY COUNCIL.

The motion carried by the following vote:

AYES: Federico, Frost, Gabbard, Villar, Pagano

NOES: None

ABSENT: None

NEW BUSINESS

14. RECRUITMENT FOR THE PLANNING COMMISSION AND TRAFFIC IMPROVEMENT SUBCOMMITTEE

Shayna Sharke, City Clerk, provided a staff report.

Discussion ensued.

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

- 1) REAPPOINT MARY OPEL AND DEANA CHRISTAKES TO THE PLANNING COMMISSION FOR A FOUR-YEAR TERM AND JEFF HOWELL TO THE TRAFFIC IMPROVEMENT SUBCOMMITTEE FOR A FOUR-YEAR TERM; AND
- 2) OPEN THE RECRUITMENT FOR ONE MEMBER OF THE TRAFFIC IMPROVEMENT SUBCOMMITTEE

The motion carried by the following vote:

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

- 3) IT WAS MOVED BY MAYOR PAGANO, SECONDED BY COUNCIL MEMBER FEDERICO, THAT MAYOR PRO TEM GABBARD AND COUNCIL MEMBER VILLAR FORM A SUBCOMMITTEE TO INTERVIEW APPLICANTS FOR THE OPEN VACANCY IN THE TRAFFIC IMPROVEMENT SUBCOMMITTEE AND RECOMMEND APPOINTMENTS FOR COUNCIL APPROVAL

The motion carried by the following vote:

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

15. CITY COUNCIL APPOINTED REPRESENTATIVES ON CITY AND OUTSIDE AGENCY BOARDS AND DISSOLUTION OF OCEAN WATER QUALITY SUBCOMMITTEE

Shayna Sharke, City Clerk, provided a staff report.

Discussion ensued.

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

- 1) APPROVE APPOINTMENTS OF CITY COUNCIL REPRESENTATIVES TO OUTSIDE AGENCIES WITH CHANGES DISCUSSED; AND
- 2) APPROVE APPOINTMENTS TO CITY COMMITTEES, SUBCOMMITTEES AND TASK FORCES; AND
- 3) DIRECT STAFF TO NOTIFY AFFECTED AGENCIES AS NECESSARY; AND
- 4) ADOPT **RESOLUTION 25-01-21-04** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DESIGNATING AND APPOINTING ITS REPRESENTATIVE TO THE ORANGE COUNTY FIRE AUTHORITY'S BOARD OF DIRECTORS; AND

- 5) DISSOLVE THE OCEAN WATER QUALITY SUBCOMMITTEE BY ADOPTING **RESOLUTION 25-01-21-05** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DISSOLVING THE OCEAN WATER QUALITY SUBCOMMITTEE

The motion carried by the following vote:

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

PUBLIC COMMENTS (Continued)

None.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Federico stated that he has turned in his list of meetings and thanked Staff for their work on the Strategic Plan. He addressed the public comments concerning the gate on Santa Clara Ave.

Council Member Villar stated that he has turned in his list of meetings and expressed gratitude to the residents of Dana Point for their solidarity and support for the fire victims in Los Angeles. He highlighted the efforts at Stillwater, where Damian opened his business to accommodate overwhelming donations. He also thanked City Manager, Mike Killebrew, for promptly renting a U-Haul to assist with the donations and recognized Vickie McMurchie from the Dana Point Chamber of Commerce for coordinating restaurant donations for the fire victims.

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

Mayor Pro Tem Gabbard stated that he has turned in his list of meetings and shared his experience attending the Mayor's Conference in Washington, D.C. over the past weekend.

Mayor Pagano stated that he has turned in his list of meetings and acknowledged the community's strong turnout in visiting local restaurants to support fire victims through donations. He expressed continued sympathy for those affected in Los Angeles and highlighted the upcoming events in Dana Point.

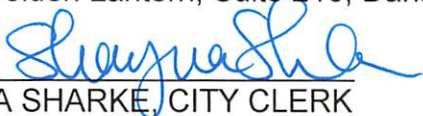
STAFF REPORTS

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 Pagano adjourned the meeting at 8:54 PM in honor of Dana Friedman (Animal Services Officer), Kevin Skinner (OCFA Fire Apparatus Engineer), Carma Jean Tomlinson, and Leo Chade. He announced that the next Regular Meeting of the City Council will be February 4, 2025 at 6:00 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 FEBRUARY 4, 2025

Meetings attended since December 4, 2024

Mayor Pagano

 12/05/2024 Ribbon Cutting Plunge Performance & Recovery
12/14/2024 Boat Parade
12/16/2024 Mike Recupero Holiday event
12/18/2024 Dana Point Times meeting and meeting with Staff regarding State of the City
01/10/2025 Breakfast with Jamey Federico
01/14/2025 Luciana's on the Wild Fire Donation Night
01/15/2025 Meeting with Randy Hild Redo Market
01/17/2025 Coffee Chat for Chamber

Mayor Pro Tem Gabbard

12/05/2024 SCAG CEHD Committee and Regional Council Meeting
12/06/2024 DP Police Services Appreciation Party
12/07/2024 Strand Community Party
12/11/2024 MHET Annual Holiday Party
12/11/2024 Meeting with Bob Madian re: Harpoon Henry's lease
12/12/2024 DP Chamber Holiday Mixer
12/13/2024 DP Harbor Boat Parade
12/18/2024 Meeting with Pointe Monarch HOA President re: fuel mod zone maintenance
12/19/2024 OCMVCB Meeting
01/17/2025 Mayor's Conference - Washington DC
01/18/2025 Mayor's Conference - Washington DC

Council Member Mike Frost

Council Member Federico

01/13/2025 OCTA
01/15/2025 ACC-OC

Council Member Michael Villar

 12/15/2024 49th Annual Harbor Parade of Lights