

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
APRIL 15, 2025
5:00 P.M.**

MINUTES

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

Next City Council Ordinance No. 25-08

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 Frank Gonzalez; Matthew Sinacori, Director of Public Works/City Engineer; Brenda Wisneski, Director of Community Development; Jess McCloskey, Building Official; 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), (4 cases) AND THE FOLLOWING EXISTING LITIGATION, Government Code 54956.9 (d)(1), (7 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
- g. City of Dana Point v. Mazzy Development Center dba Mission Recovery, LLC, et al OCSC Case No. 30-2025-01468977

B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957

Title: City Manager

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

RECONVENE CITY COUNCIL MEETING

Mayor Pagano reconvened the meeting at 6:00 PM.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Villar.

PRESENTATIONS AND PROCLAMATIONS

Festival of Whales Art Contest Winner – Caleb Cole

Mayor Pagano and Melissa Muraira from the Dana Point Community Center presented Caleb Cole with a Certificate of Recognition and a gift from Dana Wharf Sportfishing & Whale Watching for winning the Festival of Whales Art Contest.

VFW Law Enforcement Officer of the Year - Deputy Tyler John McLurg

Mayor Pagano, Commander Rick Jauregui from VFW Post 9934, and Wayne Yost from VFW Post 9934 presented Deputy Tyler John McLurg with a Certificate of Recognition for VFW Law Enforcement Officer of the Year.

VFW Firefighter of the Year - Fire Apparatus Engineer Kyle Mochizuki

Mayor Pagano, Commander Rick Jauregui from VFW Post 9934, and Wayne Yost from VFW Post 9934 presented Fire Apparatus Engineer Kyle Mochizuki with a Certificate of Recognition for VFW Firefighter of the Year.

VFW EMT of the Year - EMT Serge Morosoff

Mayor Pagano, Commander Rick Jauregui from VFW Post 9934, and Wayne Yost from VFW Post 9934 presented EMT Serge Morosoff with a Certificate of Recognition for VFW EMT of the Year.

VFW City of Dana Point Employee Recognition – Juan Ruano

Mayor Pagano, Commander Rick Jauregui from VFW Post 9934, and Wayne Yost from VFW Post 9934 presented Juan Ruano with a Certificate of Recognition for his dedicated efforts in supporting the VFW.

READING OF ORDINANCE TITLES

City Clerk, Shayna Sharke, read one (1) Ordinance Title.

CONSENT CALENDAR

Item 4 and 5 were pulled from the Consent Calendar by Council Member Frost.

IT WAS MOVED BY COUNCIL MEMBER FROST, SECONDED BY COUNCIL MEMBER FEDERICO, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 4 AND 5. COUNCIL MEMBER FROST RECUSED HIMSELF FROM THE ITEM 5 VOTE.

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, APRIL 1, 2025

APPROVED THE MINUTES.

3. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

5. CONSULTANT SERVICES AGREEMENT WITH WEST COAST CIVIL FOR DESIGN SURVEYING FOR THE ANNUAL ROADWAY RESURFACING FY 2024-2025 PROJECT

Council Member Frost moved Item 5 to be heard prior to Item 4 and recused himself from the vote.

IT WAS MOVED BY COUNCIL MEMBER VILLAR, SECONDED BY COUNCIL MEMBER FEDERICO, THAT THE CITY COUNCIL APPROVE A CONSULTANT SERVICES AGREEMENT WITH WEST COAST CIVIL FOR TOPOGRAPHIC SURVEYING SERVICES NEEDED FOR THE

ANNUAL ROADWAY RESURFACING FY 2024-25 PROJECT DESIGN AND AUTHORIZE THE CITY MANAGER OR DESIGNEE TO SIGN THE AGREEMENT.

The motion carried by the following vote:

AYES: Federico, Gabbard, Villar, Pagano

NOES: None

ABSTAIN: Frost

ABSENT: None

4. DEVELOPMENT UPDATE

Item 4 was pulled by Council Member Frost.

Brenda Wisneski, Director of Community Development, answered questions of the Council.

IT WAS MOVED BY COUNCIL MEMBER VILLAR, SECONDED BY MAYOR PRO TEM GABBARD, THAT THE CITY COUNCIL RECEIVE AND FILE THE DEVELOPMENT UPDATE.

The motion carried by the following vote:

AYES: Federico, Frost, Gabbard, Villar, Pagano

NOES: None

ABSENT: None

PUBLIC COMMENTS

Mary Herron (Dana Point) spoke against lithium battery facilities.

Len Gardner (Dana Point) provided a handout to Council and spoke regarding Southern California Edison's underground power lines.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

6. POLICE SERVICES QUARTERLY REPORT

Captain Frank Gonzalez provided a staff report.

Discussion ensued.

THE CITY COUNCIL RECEIVED AND FILED THE POLICE SERVICES QUARTERLY REPORT.

NEW BUSINESS

7. LONG TERM FINANCIAL PLAN UPDATE

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

Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER VILLAR, SECONDED BY MAYOR PRO TEM GABBARD, THAT THE CITY COUNCIL RECEIVE THE LONG-TERM FINANCIAL PLAN UPDATE AND RECOMMENDED REFERRAL TO THE FINANCIAL REVIEW COMMITTEE.

The motion carried by the following vote:

AYES: Federico, Frost, Gabbard, Villar, Pagano

NOES: None

ABSENT: None

10. HERITAGE PARK MONUMENT IN COORDINATION WITH THE DANA POINT 5TH MARINE REGIMENT SUPPORT GROUP

Mayor Pagano moved Item 10 to be heard prior to Item 8.

Matt Sinacori, Director of Public Works/City Engineer, introduced the item.

Terry Rifkin (President of the Dana Point 5th Marine Regiment Support Group) provided a presentation on the Heritage Park Welcome Home Monument.

Matthew Sinacori, Director of Public Works/City Engineer, provided Council with additional information regarding the monument.

Bill Green (Dana Point) spoke in support of the project but voiced concern about the new trees that would be planted.

Discussion ensued.

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

1. AUTHORIZE THE CITY MANAGER TO SIGN THE MEMORANDUM OF UNDERSTANDING AND AUTHORIZE NON-SUBSTANTIVE CHANGES IF NEEDED; and
2. APPROVE A NEW CAPITAL IMPROVEMENT PROJECT ENTITLED "HERITAGE PARK MONUMENT PROJECT"; and

3. AUTHORIZE AMOUNT PER THE FISCAL IMPACT SECTION FOR THE HERITAGE PARK MONUMENT PROJECT.

The motion carried by the following vote:

AYES: Federico, Frost, Gabbard, Villar, Pagano

NOES: None

ABSENT: None

8. CITY COUNCIL POLICY UPDATE – DAYLIGHTING SERIES 211-221

Shayna Sharke, City Clerk, provided a staff report.

Brief discussion ensued.

THE CITY COUNCIL REVIEWED RECOMMENDATIONS ON PROPOSED REVISIONS TO CITY COUNCIL POLICIES WITHIN THE 200 SERIES.

9. AMENDMENT OF DANA POINT MUNICIPAL CODE CHAPTER 8.42.010 AND ADOPTING THE FIRE HAZARD SEVERITY MAP

Brenda Wisneski, Director of Community Development, introduced Jess McCloskey, Building Official.

Jess McCloskey, Building Official, provided a staff report.

Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER FROST, SECONDED BY MAYOR PRO TEM GABBARD, THAT THE CITY COUNCIL HOLD A FIRST READING AND INTRODUCE **ORDINANCE 25-XX** ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING DANA POINT MUNICIPAL CODE CHAPTER 8.42.010 AND ADOPTING THE FIRE HAZARD SEVERITY MAP

The motion carried by the following vote:

AYES: Federico, Frost, Gabbard, Villar, Pagano

NOES: None

ABSENT: None

10. SECOND AMENDMENT TO THE WASTE DISPOSAL AGREEMENT WITH THE COUNTY OF ORANGE

Mike Killebrew, City Manager, provided a staff report.

Discussion ensued.

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

1) **ADOPT RESOLUTION 25-04-15-01, ENTITLED:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, APPROVING THE SECOND AMENDMENT TO THE WASTE DISPOSAL AGREEMENT BETWEEN THE CITY OF DANA POINT AND THE COUNTY OF ORANGE; and

2) **AUTHORIZE THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE SECOND AMENDMENT TO THE WASTE DISPOSAL AGREEMENT WITH THE COUNTY OF ORANGE.**

The motion carried by the following vote:

AYES: Federico, Frost, Gabbard, Villar, Pagano

NOES: None

ABSENT: None

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Federico stated that he will turn in his list of meetings and had nothing to report.

Council Member Villar stated that he turned in his list of meetings and had nothing to report.

Council Member Frost stated that he has turned in his list of meetings and had nothing to report.

Mayor Pro Tem Gabbard stated that he has turned in his list of meetings. He gave a report out from OC Vector Control regarding Hantavirus found in deer mice and urged residents who live near wildlife space to clean their spaces frequently.

Mayor Pagano stated that he will turn in his list of meetings and announced upcoming events.

STAFF REPORTS

City Manager, Mike Killebrew, welcomed Captain Gonzalez to the Dana Point team.

City Attorney, Patrick Munoz, 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 7:14 PM. He announced that the next Regular Meeting of the City Council will be May 6, 2025 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 MAY 6, 2025

Meetings attended since April 2, 2025

Mayor Pagano

Mayor Pro Tem Gabbard

04/07/2025 OCCOG Executive Management Committee
04/09/2025 Rose Institute Housing Symposium at Claremont McKenna College

Council Member Mike Frost

04/14/2025 SHACC Golfing Fundraiser

Council Member Federico

04/07/2025 OCTA Exec Committee/ RTP Committee
04/09/2025 OCTA Exec Briefing
04/10/2025 TCA Board meeting
04/14/2025 OCTA Board Meeting

Council Member Michael Villar

No meetings attended.