

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
FEBRUARY 21, 2023  
5:00 P.M.**

## **AGENDA**

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

Next City Council Ordinance No. 23-02

### **REVISED SAFETY ALERT (EFFECTIVE AS OF MARCH 1, 2022)**

**AS COVID-19 RELATED RESTRICTIONS ARE UPDATED, THE PUBLIC WILL BE ALLOWED TO ATTEND COUNCIL MEETINGS PROVIDED SOCIAL DISTANCING GUIDELINES ARE FOLLOWED. THESE GUIDELINES WILL RESULT IN VERY LIMITED OPPORTUNITIES, ON A FIRST COME BASIS, FOR THE PUBLIC TO OBSERVE THE COUNCIL MEETING FROM THE COUNCIL CHAMBER AND ADJACENT FOYER. MEMBERS OF THE PUBLIC MAY CHOOSE TO PARTICIPATE ELECTRONICALLY BY WATCHING THE MEETING LIVE ON COX CABLE CHANNEL 855 OR VIA THE CITY'S YOUTUBE CHANNEL.**

**PUBLIC COMMENT: PUBLIC COMMENT MAY BE PROVIDED IN PERSON, ELECTRONICALLY, OR BY MAIL. CITY STAFF WILL BE COORDINATING ENTRY TO THE COUNCIL CHAMBERS DURING PUBLIC COMMENT AND MANAGING AVAILABLE SEATING CAPACITY THROUGHOUT THE MEETING. THEIR DIRECTIONS MUST BE FOLLOWED. ALTERNATIVELY, COMMENTS MAY BE SUBMITTED ON ANY AGENDA ITEM OR ON ANY ITEM NOT ON THE AGENDA IN WRITING VIA MAIL TO "CITY COUNCIL" 33282 GOLDEN LANTERN, DANA POINT, CA 92629 OR BY EMAIL TO COMMENT@DANAPOINT.ORG. TO BE CONSIDERED AS PART OF THE MEETING TO WHICH THIS AGENDA APPLIES AND PROVIDED TO CITY COUNCIL PRIOR TO THE MEETING, COMMENTS MUST BE RECEIVED NO LATER THAN 4:00 P.M. ON THE DAY OF THE MEETING. ALL COMMENTS, WHENEVER RECEIVED, WILL BE SHARED WITH THE CITY COUNCIL. EMAILS SHOULD INCLUDE "PUBLIC COMMENT", THE DATE OF THE MEETING IN THE SUBJECT LINE, AS WELL AS REFERENCE TO THE AGENDA ITEM NUMBER, IF APPLICABLE. MAILED COMMENTS SHOULD PROMINENTLY INCLUDE A SIMILAR REFERENCE AT THE TOP OF THE FIRST PAGE. MAILED AND EMAILED COMMENTS WILL NOT BE READ BY THE CITY CLERK DURING THE MEETING, BUT WILL BE INCLUDED IN THE RECORD.**

## **CALL TO ORDER**

## **ROLL CALL OF CITY COUNCIL MEMBERS:**

Mike Frost, Mayor  
Jamey M. Federico, Mayor Pro Tem

John Gabbard, Council Member  
Matthew Pagano, Council Member  
Michael Villar, Council Member

## **CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (1 case)
  - a. City of DP v. Sunshine Group LLC (Seaside Inn), Orange County Superior Court Case No. 30-2017- 00915900

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

## **RECONVENE CITY COUNCIL MEETING**

## **PLEDGE OF ALLEGIANCE**

## **PRESENTATIONS AND PROCLAMATIONS**

Business of the Quarter – Robling Mill & Supply

Providence Mission Hospital – Seth Teigen

Presentation Honoring Commander Kirsten Monteleone

## **READING OF ORDINANCE TITLES**

At this time, the City Clerk will read the title(s) of the ordinance(s) listed on the agenda.

## **CONSENT CALENDAR**

All matters listed under the Consent Calendar are considered to be routine and all will be enacted by one roll call vote. There will be no separate discussion of these items unless members of the City Council, the public, or staff request specific items be removed from the Consent Calendar for separate action.

### **1. WAIVE THE READING OF ORDINANCES AND APPROVE READING BY TITLE ONLY**

RECOMMENDED ACTION: That the City Council approve the reading by title only of all ordinances and that further reading of such ordinances be waived.

### **2. [REGULAR MEETING MINUTES, FEBRUARY 7, 2023](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, JANUARY 9, 2023](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [ARTS & CULTURE MEETING MINUTES, NOVEMBER 9, 2022](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [CITY TREASURER'S REPORT, JANUARY 2023](#)

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report, January 2023.

6. [CLAIMS AND DEMANDS](#)

RECOMMENDED ACTION: That the City Council receive and file the Claims and Demands.

7. [DEVELOPMENT UPDATE](#)

RECOMMENDED ACTION: That the City Council receive and file the Development Update.

8. [INTRODUCTION OF AN ORDINANCE AMENDING DANA POINT MUNICIPAL CODE TITLE 12](#)

RECOMMENDED ACTION: That the City Council:

- 1) Introduce and hold the First Reading of an Ordinance of the City of Dana Point as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING IN ITS ENTIRETY TITLE 12 OF THE DANA POINT MUNICIPAL CODE PERTAINING TO THE REGULATION OF VEHICLES AND TRAFFIC

- 2) Direct Staff to schedule a second reading and adoption of the proposed Ordinance amending Title 12 for the March 7, 2023 Regular City Council meeting.

9. [EMERGENCY PURCHASE OF AUTOMATIC EXTERNAL DEFIBRILLATORS FOR CITY SHERIFF VEHICLES](#)

RECOMMENDED ACTION: That the City Council Ratify the City Manager's purchase of twenty-three (23) Automatic External Defibrillator (AED) units for all City-based Orange County Sheriff's vehicles.

## **PUBLIC COMMENTS**

Any person wishing to address the City Council during the Public Comments section or on an Agenda item is asked to complete a "Request to Speak" form available on the table at the side of the Council Chamber. The completed form is to be submitted to the City Clerk prior to the Agenda item being called by the Mayor and prior to the individual being heard by the City Council.

In order to conduct a timely meeting, there will be a three-minute time limit per person and an overall time limit of thirty minutes for this Public Comments portion of the agenda. At the Mayor's discretion, the balance of public comments will be heard after the New Business portion of the agenda. All comments are to be directed to the City Council and shall not consist of any personal attacks. Members of the public are expected to maintain a professional, courteous decorum during their comments. State law prohibits the City Council from taking action on a specific item unless it appears on the posted Agenda.

If anyone has handouts to distribute to the City Council, please follow proper procedure and hand them to the City Clerk. The City Clerk will see that they are distributed.

## **PUBLIC HEARINGS**

## **UNFINISHED BUSINESS**

### **10. PLAN DANA POINT – GENERAL PLAN VISIONING INTRODUCTION**

RECOMMENDED ACTION: That the City Council provide feedback on the proposed Community Engagement Program for the General Plan visioning phase and receive and file the presentation from RRM Design Group.

## **NEW BUSINESS**

### **11. AMENDMENT FOR STORM DRAIN MASTER PLAN UPDATE AND AUTHORIZATION OF DESIGN SERVICES FOR A STORM DRAIN ON CALLE REAL/CALLE PORTOLA**

RECOMMENDED ACTION: That the City Council:

- 1) Approve a Second Amendment to the Original Agreement with GHD, Incorporated (Action Document A) for Storm Drain Master Plan Update (CIP #1332), and approve the associated expenditures as described in the Fiscal Impact Section; and
- 2) Authorize the City Manager to sign a Standard Consultant Services Agreement with GHD, Inc. for final engineering and design of a new storm drain system on Calle Portola/Calle Real, and approve the associated expenditures as noted in the Fiscal Impact Section; and
- 3) Authorize the City Manager to sign a Standard Consultant Services Agreement with West Coast Civil, Incorporated, to develop associated civil engineering construction documents for a new storm drain system on Calle Portola/Calle Real, and approve the associated expenditures as noted in the Fiscal Impact Section; and
- 4) Authorize the City Manager to sign a Standard Consultant Services Agreement with WestLAND Group, Incorporated for topographic survey services for a new storm drain system on Calle Portola/Calle Real, and approve the associated expenditure as noted in the Fiscal Impact Section; and
- 5) Authorize the funding transfer as noted in the Fiscal Impact Section.

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## PUBLIC COMMENTS (Continued)

### COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

The City Council may discuss, act upon or seek consensus on matters described under Council Reports only if: they are agendized with a complete written report included; or, if an item arose subsequent to the posting of the agenda and the Council determines that an emergency exists. Non-agendized items may be presented as informational only.

### STAFF REPORTS

(City Manager Michael Killebrew)

(City Attorney Patrick Muñoz)

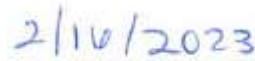
### ADJOURNMENT

The next Regular Meeting of the City Council will be March 7, 2023, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

### CERTIFICATION

I, Shayna Sharke, City Clerk of the City of Dana Point, do hereby certify that a copy of the foregoing Agenda was posted at Dana Point City Hall, the Dana Point Post Office, and the Capistrano Beach Post Office, and Dana Point Library by Thursday, February 16, 2023, at 5:30 p.m.

  
\_\_\_\_\_  
SHAYNA SHARKE, CITY CLERK

  
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DATE

Subscriptions to receive City Council Agendas on a regular basis are available through the City Clerk's Office. Agendas are also available on the City's website at [www.danapoint.org](http://www.danapoint.org). In addition, Agenda related materials (including materials, if any, provided to the City Council after the Agenda was posted) may be reviewed in the office of the City Clerk during regular business hours or on the website at [www.danapoint.org](http://www.danapoint.org).

PURSUANT TO THE AMERICANS WITH DISABILITIES ACT, PERSONS WITH A DISABILITY WHO REQUIRE A DISABILITY-RELATED MODIFICATION OR ACCOMMODATION IN ORDER TO PARTICIPATE IN A MEETING, INCLUDING AUXILIARY AIDS OR SERVICES, MAY REQUEST SUCH MODIFICATION OR ACCOMMODATION FROM THE CITY CLERK AT (949) 248-3500 (TELEPHONE) OR (949) 248-9920 (FACSIMILE). NOTIFICATION 48 HOURS PRIOR TO THE MEETING WILL ENABLE THE CITY TO MAKE REASONABLE ARRANGEMENTS TO ASSURE ACCESSIBILITY TO THE MEETING.