

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



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

MINUTES

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

Next City Council Ordinance No. 23-02

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Mike Frost at 5:00 p.m. in the City Council Chambers, 33282 Golden Lantern, Dana Point.

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

Mayor Frost recessed the meeting into a Closed Session at 5:01 p.m. pursuant to Government Code Section 54957.

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

RECONVENE CITY COUNCIL MEETING

Mayor Frost reconvened the meeting at 6:00 p.m.

STAFF PRESENT: Michael A. Killebrew, City Manager; Kelly Reenders, Assistant City Manager; Patrick Munoz, City Attorney; Shayna Sharke, City Clerk; Commander Kirsten Monteleone; Brenda Wisneski, Director of Community Development; Matthew Sinacori, Director of Public Works/City Engineer; James Shadle, Director of General Services; Belinda Deines, Principal Planner; and Jaimie To, Senior Management Analyst.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Pagano.

INVOCATION

There was no Invocation.

PRESENTATIONS AND PROCLAMATIONS

Providence Mission Hospital

Seth Tiegen (Chief Executive Officer, Providence Mission Hospital) provided a presentation.

Business of the Quarter

Mayor Frost presented a Certificate of Recognition to Jake Palmer, Robling Mill & Supply.

Presentation Honoring Commander Kirsten Monteleone

Mayor Frost presented a Certificate of Recognition to Kirsten Monteleone.

Vickie McMurchie (Chamber of Commerce) thanked Kirsten and wished her luck in her new role.

Commander Rick Jauregui and Wayne Yost (VFW Post 9934) presented Kirsten with a Certificate of Recognition.

City Manager Michael A. Killebrew and Assistant City Manager Kelly Reenders presented Kirsten with a City Tile and Street Sign and thanked her for her hard work.

READING OF ORDINANCE TITLES

City Clerk Shayna Sharke read one (1) ordinance title.

CONSENT CALENDAR

ITEM 8 WAS PULLED BY COUNCIL MEMBER VILLAR.

IT WAS MOVED BY MAYOR FROST, SECONDED BY MAYOR PRO TEM FEDERICO, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 8.

The motion carried by the following vote:

AYES: Council Member Gabbard, Council Member Pagano, Council Member Villar, Mayor Pro Tem Federico, and Mayor Frost
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, FEBRUARY 7, 2023

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, JANUARY 9, 2023

RECEIVED AND FILED.

4. ARTS & CULTURE MEETING MINUTES, NOVEMBER 9, 2022

RECEIVED AND FILED.

5. CITY TREASURER'S REPORT, JANUARY 2023

RECEIVED AND FILED THE CITY TREASURER'S REPORT, JANUARY 2023.

6. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

7. DEVELOPMENT UPDATE

RECEIVED AND FILED THE DEVELOPMENT UPDATE.

8. INTRODUCTION OF AN ORDINANCE AMENDING DANA POINT MUNICIPAL CODE TITLE 12

Item 8 was pulled by Council.

Director of Public Works/City Engineer Matthew Sinacori provided a brief staff report.

Discussion ensued.

IT WAS MOVED BY MAYOR FROST, SECONDED BY COUNCIL MEMBER VILLAR, 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

The motion carried by the following vote:

AYES: Council Member Gabbard, Council Member Pagano, Council Member Villar, Mayor Pro Tem Federico, and Mayor Frost

NOES: None

ABSENT: None

9. EMERGENCY PURCHASE OF AUTOMATIC EXTERNAL DEFIBRILLATORS FOR CITY SHERIFF VEHICLES

RATIFIED 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

Larry Robinson (Dana Point) voiced his concerns regarding the scope and density of the proposed Victoria Boulevard Apartments and referenced the handout he brought showing Attachment 5 of the Draft EIR.

Brent Neumeyer (Capistrano Beach) voiced his concerns regarding the height of the proposed Victoria Boulevard Apartments and referenced the handout he brought.

Vickie McMurchie (Chamber of Commerce) spoke about the upcoming Festival of Whales activities.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

10. PLAN DANA POINT – GENERAL PLAN VISIONING INTRODUCTION

Principal Planner Belinda Deines introduced the item.

Diane Bathgate (RRM Design Group) provided a presentation.

Theresa C. Morrison (Newport Beach, Cagney Enterprises, LLC) referenced her ownership of Monarch Bay Plaza and stated she is looking forward to being involved in the General Plan Update process.

Discussion ensued.

THE CITY COUNCIL PROVIDED FEEDBACK ON THE PROPOSED COMMUNITY ENGAGEMENT PROGRAM FOR THE GENERAL PLAN VISIONING PHASE AND RECEIVED AND FILED 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

Council Member Villar recused himself at 7:10 p.m.

Director of Public Works/City Engineer Matthew Sinacori provided a staff report and answered questions of the Council.

Discussion ensued.

IT WAS MOVED BY MAYOR FROST, SECONDED BY MAYOR PRO TEM FEDERICO, 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.

Discussion ensued.

The motion carried by the following vote:

AYES: Council Member Gabbard, Council Member Pagano, Mayor Pro Tem Federico, and Mayor Frost

NOES: None

ABSENT: None

ABSTAIN: Council Member Villar

Council Member Villar re-entered Council Chambers at 7:15 p.m.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Gabbard turned in his list of meetings attended to the City Clerk.

Council Member Pagano turned in his list of meetings attended to the City Clerk.

Council Member Villar turned in his list of meetings attended to the City Clerk.

Mayor Pro Tem Federico turned in his list of meetings attended to the City Clerk and thanked Commander Monteleone for her service.

Mayor Frost stated he will turn in his list of meetings attended to the City Clerk.

STAFF REPORTS

Assistant City Attorney Jessica Sanders stated she had nothing to report.

City Manager Michael A. Killebrew introduced Captain Todd Hylton.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Frost adjourned the meeting at 7:20 p.m. in honor of Dr. Michael Mammone. He announced that 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.


SHAYNA SHARKE

CITY CLERK

APPROVED AT THE MEETING OF MARCH 7, 2023

Meetings attended since February 8, 2023

Mayor Mike Frost

Mayor Pro Tem Jamey M. Federico

02/08/2023 TCA Indoc
02/09/2023 TCA Board
02/09/2023 Dana Hills Girls Basketball Playoff Game
02/10/2023 OCTA Meeting with Staff
02/11/2023 Meeting with Assemblywoman Davies
02/13/2023 OCTA Board Meeting
02/16/2023 Chamber of Commerce Mixer
02/16/2023 Tip-A-Cop Fundraiser

Council Member John Gabbard

02/13/2023 CDP Process Meeting
02/15/2023 Emergency Operation Center Tour
02/15/2023 Dana Point Historical Society Annual Dinner
02/16/2023 ACC-OC Mass Shooting & Incident Preparedness Forum
02/16/2023 Tip-A-Cop Special Olympics Fundraiser
02/17/2023 Coastal Animal Services Authority Tour

Council Member Matthew Pagano

No meetings attended.

Council Member Michael Villar

02/13/2023 Tour of Seaside Inn