

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



TUESDAY
MARCH 7, 2023
6:00 P.M.

MINUTES

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

Next City Council Ordinance No. 23-03

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 6:00 p.m. in the City Council Chambers, 33282 Golden Lantern, Dana Point.

CLOSED SESSION

Closed session was cancelled for lack of quorum.

ROLL CALL OF CITY COUNCIL MEMBERS:

Mike Frost, Mayor
Jamey M. Federico, Mayor Pro Tem
John Gabbard, Council Member - ABSENT
Matthew Pagano, 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; Captain Todd Hylton; Brenda Wisneski, Director of Community Development; Matthew Sinacori, Director of Public Works/City Engineer; James Shadle, Director of General Services; Jeff Rosaler, Deputy Director of Community Services; Sea Shelton, Finance Manager; and Jaimie To, Senior Management Analyst.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Villar.

INVOCATION

There was no Invocation.

PRESENTATIONS AND PROCLAMATIONS

Trauma Intervention Program

MaryEllen Lowrey (Executive Director, Trauma Intervention Program of OC) provided a presentation.

Pacific Pocket Mouse

William Miller (Biomonitor, US Fish and Wildlife Service) provided a presentation.

READING OF ORDINANCE TITLES

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

CONSENT CALENDAR

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

The motion carried by the following vote:

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

NOES: None

ABSENT: Council Member Gabbard

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 21, 2023

THE CITY COUNCIL APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, FEBRUARY 13, 2023

THE CITY COUNCIL RECEIVED AND FILED.

4. YOUTH BOARD MEETING MINUTES, JANUARY 5, 2023

THE CITY COUNCIL RECEIVED AND FILED.

5. CLAIMS AND DEMANDS

THE CITY COUNCIL RECEIVED AND FILED THE CLAIMS AND DEMANDS.

6. ADOPT AN ORDINANCE AMENDING DANA POINT MUNICIPAL CODE TITLE 12

THE CITY COUNCIL HELD A SECOND READING AND ADOPTED ORDINANCE 23-02 ENTITLED:

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

7. CONSIDERATION OF A RESOLUTION TO ADOPT AMENDMENTS TO THE EXCLUSIVE SOLID WASTE HANDLING AGREEMENT AND THE AGREEMENT FOR THE COLLECTION OF TEMPORARY WASTE WITH CR&R INCORPORATED

THAT THE CITY COUNCIL:

1) ADOPTED RESOLUTION 23-03-07-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, APPROVING THE FIFTH AMENDMENT TO THE AGREEMENTS BETWEEN THE CITY OF DANA POINT AND CR&R INCORPORATED FOR SOLID WASTE HANDLING SERVICES AND THE COLLECTION AND HANDLING OF TEMPORARY WASTE; AND

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

PUBLIC COMMENTS

Maria Elena Banks (Dana Point, DPEA) spoke regarding the upcoming Dana Point Film Festival and asked for Council's support in securing the rental of Sea Terrace Park for the event.

Laila Naji (Laguna Niguel, Interact Club) indicated the Dana Hills High Interact Club will be fundraising at the Dana Point Film Festival.

Sophie Andersen (Dana Point, Interact Club) shared that the Dana Hills High Interact Club will be working concession stands during the Dana Point Film Festival as part of their fundraising efforts, and asked the Council to support the use of Sea Terrace Park for the event.

Brent Neumeyer (Capistrano Beach) voiced concerns about Toll Brothers and their proposed Victoria Boulevard Apartments.

PUBLIC HEARINGS

8. RESOLUTION TO UPDATE FEES ASSOCIATED WITH ANIMAL SERVICES AND UPDATE THE DANA POINT MUNICIPAL CODE TITLE 10 AS IT RELATES TO ANIMAL CONTROL, WELFARE AND LICENSING REQUIREMENTS

Deputy Director of Community Services Jeff Rosaler provided a staff report.

Mayor Frost opened the Public Hearing at 6:57 p.m.

Mayor Frost closed the Public Hearing at 6:57 p.m.

Discussion ensued.

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

1) **ADOPT RESOLUTION 23-03-07-02 ENTITLED:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING THE FEE SCHEDULE FOR ANIMAL SERVICES PROVIDED BY THE COASTAL ANIMAL SERVICES AUTHORITY; AND

2) **RECEIVE, DISCUSS, AND ADVISE ON THE PROPOSED CHANGES TO TITLE 10 (ANIMAL CONTROL, WELFARE AND LICENSING REQUIREMENTS) OF THE DANA POINT MUNICIPAL CODE AS PART OF THE COMPREHENSIVE REVIEW OF THE CITY'S MUNICIPAL CODE.**

The motion carried by the following vote:

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

NOES: None

ABSENT: Council Member Gabbard

9. FEE SCHEDULE FOR COASTAL DEVELOPMENT PERMIT APPLICATIONS TO ALLOW HOMEOWNER ASSOCIATIONS TO REGULATE SHORT TERM RENTALS

Director of Community Development Brenda Wisneski provided a staff report.

Mayor Frost opened the Public Hearing at 7:01 p.m.

Deborah Derloshon (Dana Point) read a letter on behalf of Barbara Wilson in opposition to increasing the number of short-term rentals (STRs) and having homeowners' associations spend money to ban STRs in their communities.

Toni Nelson (Capistrano Beach) spoke in opposition to the STR program and voiced concerns that the Coastal Development Permit Applications would benefit certain communities while harming others.

Steve Stewart (Dana Point) voiced concerns about potential legal and permit fees that homeowners' associations may incur during the application process, as well as STRs being concentrated in communities without homeowners' associations.

Mayor Frost closed the Public Hearing at 7:12 p.m.

Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER PAGANO, SECONDED BY MAYOR FROST, THAT THE CITY COUNCIL **ADOPT RESOLUTION 23-03-07-03, ENTITLED:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A FEE SCHEDULE FOR COASTAL DEVELOPMENT PERMIT APPLICATIONS TO ALLOW HOMEOWNER ASSOCIATIONS TO REGULATE SHORT TERM RENTALS.

The motion carried by the following vote:

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

NOES: Council Member Villar

ABSENT: Council Member Gabbard

10. FEE SCHEDULE FOR PROCESSING PRELIMINARY APPLICATIONS FOR HOUSING DEVELOPMENT IN ACCORDANCE WITH SENATE BILL 330

Director of Community Development Brenda Wisneski provided a staff report and answered questions of the Council.

Mayor Frost opened the Public Hearing at 7:16 p.m.

Mayor Frost closed the Public Hearing at 7:16 p.m.

Discussion ensued.

IT WAS MOVED BY MAYOR FROST, SECONDED BY COUNCIL MEMBER VILLAR, THAT THE CITY COUNCIL ADOPT **RESOLUTION 23-03-07-04**, ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A FEE SCHEDULE FOR PROCESSING PRELIMINARY APPLICATIONS FOR HOUSING DEVELOPMENT IN ACCORDANCE WITH SENATE BILL 330.

The motion carried by the following vote:

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

NOES: None

ABSENT: Council Member Gabbard

UNFINISHED BUSINESS

11. APPOINTMENTS TO THE TRAFFIC IMPROVEMENT SUBCOMMITTEE

City Clerk Shayna Sharke provided a staff report.

The City Council interviewed the following applicants for three (3) positions on the Traffic Improvement Subcommittee:

1. Douglas Anderson
2. Luke Boughen
3. Michael Meek
4. Kyle Carroll
5. Kelly Smith
6. Jeff Pedersen
7. John Hatch

Discussion ensued.

City Clerk Shayna Sharke read into the record the votes of the City Council, with the majority of the votes for Kelly Smith, Jeff Pedersen, and John Hatch.

IT WAS MOVED BY MAYOR FROST, SECONDED BY COUNCIL MEMBER VILLAR, TO APPOINT KELLY SMITH, JEFF PEDERSEN, AND JOHN HATCH TO THE TRAFFIC IMPROVEMENT SUBCOMMITTEE.

The motion carried by the following vote:

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

NOES: None

ABSENT: Council Member Gabbard

NEW BUSINESS

12. MID-FISCAL YEAR 2022-23 BUDGET STATUS REPORT

Finance Manager Sea Shelton 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) RECEIVE AND FILE THE MID-FISCAL YEAR 2022-23 BUDGET STATUS REPORT AND AUTHORIZE THE BUDGET AMENDMENTS DETAILED WITHIN THIS REPORT; AND
- 2) AUTHORIZE THE CITY MANAGER TO MAKE AN ADDITIONAL DISCRETIONARY PAYMENT IN THE AMOUNT OF \$2.0 MILLION TO CALPERS TOWARDS THE CITY'S "CLASSIC" PENSION PLAN UNFUNDED LIABILITY; AND
- 3) **ADOPT RESOLUTION 23-03-07-05 ENTITLED:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING SALARY RANGES FOR REPRESENTED AND NON-REPRESENTED CLASSIFICATIONS AND ADOPTING NEW JOB TITLES AND CLASS SPECIFICATIONS.

The motion carried by the following vote:

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

NOES: None

ABSENT: Council Member Gabbard

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

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.

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

STAFF REPORTS

City Manager Michael A. Killebrew thanked staff, the Chamber of Commerce, and the Festival of Whales committee for a great Festival of Whales event and invited the community to attend the General Plan Update Community Workshop at the Community House on March 8th from 6-8pm.

City Attorney Patrick Munoz reported that the Seaside Inn Case has been resolved and the City received the final ruling in which the receiver was discharged, and the previous property owner must pay receivership costs.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Frost adjourned the meeting at 7:55 p.m. He announced that the next Regular Meeting of the City Council will be March 21, 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 21, 2023

Meetings attended since February 21, 2023

Mayor Mike Frost

Mayor Pro Tem Jamey M. Federico

02/25/2023 See's Candy Ribbon Cutting
02/27/2023 OCTA Board Meeting
02/28/2023 CASA Employment Meeting
03/04/2023 Festival of Whales
03/06/2023 – 03/07/2023 ACC-OC Sacramento Legislative Advocacy Trip

Council Member John Gabbard

02/22/2023 Fire Station ride along Station 29
02/23/2023 OCFA Board of Director meeting

Council Member Matthew Pagano

Council Member Michael Villar

03/03/2023 Welcoming of the Whales
03/04/2023 Festival of the Whales Parade