

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
JUNE 6, 2023  
5:00 P.M.**

## **AGENDA**

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

Next City Council Ordinance No. 23-04

Public comment may be provided in-person, electronically, or by mail. Comments may be submitted via mail Attn: City Clerk, 33282 Golden Lantern, Dana Point, CA 92629; or via email at [comment@danapoint.org](mailto:comment@danapoint.org). In order to be provided to the City Council *prior* to the meeting, comments must be received by 4:00P.M. on the day of the meeting. All written comments should include the date of the meeting as well as reference to the Agenda Item number, if applicable. Written comments will not be read aloud during the meeting but will be included in the meeting 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), (2 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (1 case)

Name of Case: Center for Natural Lands Management v City of Dana Point, Orange County Superior Court Case No: 30-2021-01219668 CU-OR-CJC

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

### **RECONVENE CITY COUNCIL MEETING**

---

---

## PLEDGE OF ALLEGIANCE

## INVOCATION

## PRESENTATIONS AND PROCLAMATIONS

Volunteer of the Quarter – Darryl Siminuk (Harry Otsubo Community Garden Committee)

## 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, MAY 16, 2023](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

### 3. **[PLANNING COMMISSION MEETING MINUTES, APRIL 24, 2023](#)**

RECOMMENDED ACTION: That the City Council receive and file.

### 4. **[PLANNING COMMISSION SPECIAL MEETING MINUTES, MAY 15, 2023](#)**

RECOMMENDED ACTION: That the City Council receive and file.

### 5. **[YOUTH BOARD MEETING MINUTES, MARCH 16, 2023](#)**

RECOMMENDED ACTION: That the City Council receive and file.

### 6. **[CLAIMS AND DEMANDS](#)**

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

### 7. **[AWARD OF CONTRACT FOR CITY-WIDE CUSTODIAL SERVICES](#)**

RECOMMENDED ACTION: That the City Council:

- 1) Award a contract to Allied Universal Janitorial Services for custodial services for all City facilities; and
- 2) Authorize the City Manager to execute the contract including the option of four, one-year extensions, including Consumer Price Index (CPI) adjustments if mutually agreed upon.

**8. INFINITY TECHNOLOGIES CONTRACT AMENDMENT FY24 and FY25**

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a Fourth Amendment to the Original Agreement with Infinity Technologies for Information Technology Management Services for FY24, and authorize the City Manager to extend the contract one additional year (FY25), including a Consumer Price Index (CPI) adjustment, if mutually agreed upon.

**9. CONSIDERATION OF AMENDMENT TO CITY MANAGER EMPLOYMENT AGREEMENT**

RECOMMENDED ACTION: That the City Council:

- 1) Approve a performance bonus in the amount of 5.0% of base salary as authorized by the existing Employment Agreement; and
- 2) Approve the Fourth Amendment to the City Manager Employment Agreement.

**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**

**10. ZONE TEXT AMENDMENT ZTA23-0001 TO MODIFY THE ZONING CODE RELATED TO ACCESSORY DWELLING UNITS**

RECOMMENDED ACTION: That the City Council:

- 1) City Council review the proposed amendment to the City's ordinance regulating Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) including the issues identified by the Planning Commission;
- 2) Open the public hearing for the purposes of receiving public comment; and
- 3) Schedule a further public hearing for June 20, 2023 to consider an introduction and first reading of a final draft of an ordinance to amend the City's ADU/JADU regulations.

**11. CONDUCT PUBLIC HEARING AND TAKE ACTIONS NECESSARY TO ADOPT THE FISCAL YEAR 2023-2024 (FY24) AND 2024-2025 (FY25) BUDGETS INCLUDING ADOPTION OF A RESOLUTION TO ADOPT THE PROPOSED OPERATING AND CAPITAL IMPROVEMENT BUDGETS FOR FISCAL YEARS 2023-2024 (FY24) AND 2024-2025 (FY25); ADOPTION OF A RESOLUTION ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2023-2024 (FY24); APPROVAL OF FY24 BUDGET CALENDAR; ADOPTION OF A RESOLUTION FOR FY24 M2 ELIGIBILITY SUBMITTAL ITEMS TO ORANGE COUNTY TRANSPORTATION AUTHORITY; ADOPTION OF A RESOLUTION APPROVING THE SB-1 PROJECT LIST FOR FISCAL YEAR 2023-2024; AND OTHER ACTIONS AS LISTED IN THE RECOMMENDED ACTIONS**

RECOMMENDED ACTION: That the City Council:

- 1) Conduct a Public Hearing to review the City of Dana Point Proposed Operating and Capital Improvement Budgets for Fiscal Years 2023-2024 (FY24) and 2024-2025 (FY25); and
- 2) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING AN OPERATING AND CAPITAL IMPROVEMENT BUDGET FOR THE CITY OF DANA POINT FOR FISCAL YEARS 2023-2024 AND 2024-2025; and

- 3) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING AND ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2023-2024; and

- 4) Approve the Calendar of Budget-related Activity to occur in Fiscal Year 2023-2024; and

- 5) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT CONCERNING THE STATUS AND UPDATE OF THE CIRCULATION ELEMENT, AND MITIGATION FEE PROGRAM FOR THE MEASURE M (M2) PROGRAM;

- 6) Adopt a Resolution entitled:

---

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT CONCERNING THE STATUS AND UPDATE OF THE LOCAL SIGNAL SYNCHRONIZATION PLAN FOR THE MEASURE M2 (M2) PROGRAM; and

- 7) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT CONCERNING THE STATUS AND UPDATE OF THE PAVEMENT MANAGEMENT PLAN FOR THE MEASURE M2 (M2) PROGRAM; and

- 8) Approve the Seven-Year Capital Improvement Program (CIP) for FY 2023-24 through FY 2029-30 and certify compliance, as required by the Orange County Transportation Authority (OCTA), Renewed Measure M2 (M2) Program; and
- 9) Authorize the City Manager or his designee to forward the necessary Renewed Measure M2 eligibility documentation to the OCTA; and
- 10) Adopt a Resolution entitled:  
A RESOLUTION OF THE CITY OF DANA POINT, CALIFORNIA ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2023-24 FUNDED BY SENATE BILL 1 (SB-1): THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017
- 11) Authorize the City Manager or his designee to submit all required documentation to maintain SB-1 funding eligibility for FY 2023-24.

## **UNFINISHED BUSINESS**

### **12. [INTRODUCTION OF AN ORDINANCE AMENDING DANA POINT MUNICIPAL CODE TITLE 13](#)**

RECOMMENDED ACTION: That the City Council:

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING IN ITS ENTIRETY TITLE 13 OF THE DANA POINT MUNICIPAL CODE PERTAINING TO THE REGULATION OF PARKS AND RECREATIONAL FACILITIES

- 2) Direct Staff to schedule a second reading and adoption of the proposed Ordinance amending Title 13 for the June 20, 2023, Regular City Council meeting.

## **NEW BUSINESS**

## **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 agendaized 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 June 20, 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, June 1, 2023, at 5:30 p.m.

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

  
\_\_\_\_\_  
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.