

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
JUNE 20, 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. 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

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (1 case)
2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957
Title: City Attorney

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Youth Board presentation to Project Bike Love

Teacher of the Year – Bryn Stamos, Palisades Elementary School

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. **[SPECIAL MEETING MINUTES, MAY 30, 2023](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

3. **[REGULAR MEETING MINUTES, JUNE 6, 2023](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

4. **[PLANNING COMMISSION MEETING MINUTES, MAY 22, 2023](#)**

RECOMMENDED ACTION: That the City Council receive and file the minutes.

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

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

6. **[TREASURER'S REPORT, MAY 2023](#)**

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

7. **[DEVELOPMENT UPDATE](#)**

RECOMMENDED ACTION: That the City Council receive and file the report.

8. POLICE SERVICES UPDATE

RECOMMENDED ACTION: That the City Council receive and file the report.

9. AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE SLURRY SEAL FY22/23 PROJECT

RECOMMENDED ACTION: That the Council:

- 1) Approve the award of a Contract to Roy Allan Slurry Seal, Inc. for the construction of the Slurry Seal FY 22/23 Project (Project); and
- 2) Authorize the City Manager or his designee to sign and administer the subject Contract and approve additional payment for change orders, and contingencies as outlined in the Fiscal Impact Section; and
- 3) Authorize additional materials inspection and testing services, pavement design review services, and utility potholing per the as-needed Consultant Services Agreement with GMU Geotechnical as outlined in the Fiscal Impact Section.

10. AWARD OF CONTRACT FOR STORM WATER BEST MANAGEMENT PRACTICE (BMP) MAINTENANCE SERVICES AND AS-NEEDED SPILL RESPONSE

RECOMMENDED ACTION: That the Council:

- 1) That the City Council approve a Contract Agreement with Ocean Blue Environmental Services, Inc. for Storm Water Best Management Practice (BMP) Maintenance Services and As-Needed Spill Response; and
- 2) Authorize the City Manager to execute the Agreement.

11. SECOND READING AND ADOPT AND ORDINANCE AMENDING DANA POINT MUNICIPAL CODE TITLE 13

RECOMMENDED ACTION: That the Council hold a second reading and adopt 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

12. INTERVENTION SPECIALIST AGREEMENT FOR FY 2023-2024

RECOMMENDED ACTION: That the Council:

- 1) Authorize the City Manager to approve a contract for consultant services for the Intervention Specialist Program for FY 2023-2024; and
- 2) Approve one, one-year renewal in accordance with the Fiscal Impact Section.

13. RECRUITMENT FOR THE PLANNING COMMISSION

RECOMMENDED ACTION: That the Council direct Staff to proceed with the recruitment of one (1) Planning Commission member.

14. FOURTH AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH MICHAEL BAKER INTERNATIONAL FOR PREPARATION OF THE VICTORIA BOULEVARD SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT

RECOMMENDED ACTION: That the Council authorize the City Manager to execute the contract amendment with Michael Baker International – Fourth Amendment to Agreement for additional funding, with a revised contract amount.

15. PLAN DANA POINT: GENERAL PLAN VISIONING STATUS UPDATE

RECOMMENDED ACTION: That the Council receive and file the status update.

16. CONTRACT WITH MARBO PRODUCTIONS FOR DOHENY VILLAGE RAMPS AND REELS EVENT

RECOMMENDED ACTION: That the Council authorize the City Manager or his designee to contract with Marbo Productions to install and manage a professional, temporary skate course in Doheny Village for a two-day event taking place August 11 and 12.

17. PERMIT FEE WAIVER FOR OUTDOOR DINING STRUCTURE

RECOMMENDED ACTION: That the City Council waive permit fees for Olamendi's Mexican Restaurant to submit an application for a Coastal Development Permit to construct an outdoor dining structure.

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

18. **AMENDMENT TO THE DANA POINT MUNICIPAL CODE TITLE 8 BUILDINGS AND CONSTRUCTION**

RECOMMENDED ACTION: That the City Council:

- 1) Open the Public Hearing;
- 2) Introduce and hold for a first reading an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA,
AMENDING CHAPTER 8.02.010 OF TITLE 8 OF THE DANA POINT MUNICIPAL CODE

19. **ZONE TEXT AMENDMENT ZTA23-0001 TO MODIFY THE ZONING CODE SECTION 9.07.210 RELATED TO ACCESSORY DWELLING UNITS AND ADOPTION OF ASSOCIATED RESOLUTION**

RECOMMENDED ACTION: That the City Council:

- 1) Conduct a Public Hearing; and
- 2) Introduce for first reading of an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA,
APPROVING ZONE TEXT AMENDMENT ZTA23-0001 TO MODIFY THE ZONING CODE SECTION 9.07.210 RELATED TO ACCESSORY DWELLING UNITS

- 3) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA,
APPROVING ZONE TEXT AMENDMENT ZTA ZTA23-0001 TO MODIFY THE ZONING CODE RELATED TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

UNFINISHED BUSINESS

20. **DIGITAL INFRASTRUCTURE AND CITYWIDE ASSESSMENT FINDINGS**

RECOMMENDED ACTION: That the City Council:

- 1) Receive and File the Memorandum from the Broadband Group summarizing their findings from the Digital Infrastructure Assessment and the Cellular Coverage Survey and Analysis and

- 2) Authorize the City Manager to process a Standard Consultant Services Agreement (including non-substantive changes) with Smart Wave Technologies LLC to deliver and manage a public Wi-Fi system on Del Prado.

NEW BUSINESS

21. **AUTHORIZE STAFF TO ESTABLISH AN ARTS AND CULTURE AMBASSADOR PROGRAM AND DISSOLVE THE ARTS AND CULTURE COMMISSION**

That the City Council:

- 1) Authorize Staff to establish an Arts and Culture Ambassador Program; and
- 2) Adopt Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT CALIFORNIA,
DISSOLVING THE ARTS AND CULTURE COMMISSION

22. **ORANGE COUNTY HISTORIC COMMISSION PLAQUE APPLICATION FOR PINES PARK AND PALISADES GAZEBO PARK**

RECOMMENDED ACTION: That the City Council authorize the Director of Community Development to submit two Orange County Historical Commission (OCHC) Plaque Applications for Pines Park and Palisades Gazebo Park.

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)

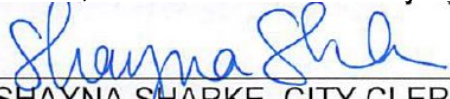
(City Attorney Patrick Muñoz)

ADJOURNMENT


The next Regular Meeting of the City Council will be July 18, 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 15, 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. 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.

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.