

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
JULY 18, 2023  
5:00 P.M.**

## **AGENDA**

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

Next City Council Ordinance No. 23-05

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**

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
3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (1 case)
  - 1) Center For Natural Lands Management v City of Dana Point, Orange County Superior Court Case No: 30-2021-01219668 CU-OR-CJC
  - 2) The City of Dana Point v. MSSK Ventures, LLC, Orange County Superior Court Case No: 30-2023-01320859-CU-PT-CTL

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

**RECONVENE CITY COUNCIL MEETING**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**PRESENTATIONS AND PROCLAMATIONS**

Employee of the Quarter – Ray Oropeza, Code Enforcement Supervisor

**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, JUNE 20, 2023](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

**3. [PLANNING COMMISSION MEETING MINUTES, JUNE 12, 2023](#)**

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

**4. [ARTS & CULTURE COMMISSION MEETING MINUTES, APRIL 12, 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, JUNE 2023](#)**

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

7. **DEVELOPMENT UPDATE WITH QUARTERLY REPORT**

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

8. **ZONE TEXT AMENDMENT ZTA23-0001 TO MODIFY THE ZONING CODE SECTION 9.07.210 RELATED TO ACCESSORY DWELLING UNITS**

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

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

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

10. **LICENSING AGREEMENT WITH LIGHTBOX PARENT, LP FOR PROPERTY INFORMATION UPDATES AND GIS SERVICES**

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute the Licensing Agreement with Lightbox Parent, L.P. for property information updates and GIS software and services.

11. **REVISION OF THE CALIFORNIA COASTAL COMMISSION GRANT TO MONITOR SHORELINE CONDITIONS SOUTH OF THE DANA POINT HARBOR**

RECOMMENDED ACTION: That the Council:

- 1) Authorize the Community Development Director to revise the agreement with the California Coastal Commission to utilize the grant funds for shoreline monitoring south of the Dana Point Harbor; and
- 2) Authorize the City Manager to execute a Professional Services Agreement with Brett Sanders of UCI to conduct the shoreline monitoring and provide shoreline resiliency recommendations to be used to retain and accumulate sand on the beaches.

12. **SISTER CITIES FRIENDSHIP DELEGATION TO SORRENTO, ITALY**

RECOMMENDED ACTION: That the Council:

- 1) Approve travel expenses to the City of Sorrento, Italy for the Mayor, Mayor Pro Tem and one city staff member;
- 2) Authorize the Mayor to execute ceremonial documents related to a friendship agreement with Sorrento, Italy;
- 3) Authorize Staff to work with Dana Point Sister Cities International to organize cultural events and activities related to the City's delegation to Sorrento, Italy and inviting a potential delegation from Sorrento in Spring 2024;
- 4) Sponsor Dana Point Sister Cities International in the amount of \$10,000 to support the artists exhibition; and
- 5) Authorize the budget adjustments outlined in the Fiscal Impact section of this report.

## **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**

### **13. WEED ABATEMENT**

RECOMMENDED ACTION: That the City Council conduct a hearing on the Weed Abatement Cost Report and thereafter, adopt the attached Resolution confirming the cost report and providing for the collection on the regular tax bill, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA,  
CONFIRMING THE COST OF WEED ABATEMENT AND PROVIDING FOR THE  
COLLECTION ON THE REGULAR TAX BILL

### **14. ESTABLISHMENT OF A FEE FOR SITE DEVELOPMENT PERMITS PROCESSED IN ASSOCIATION WITH AN ACCESSORY DWELLING UNIT**

RECOMMENDED ACTION: That the City Council conduct a Public Hearing; and adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING A FEE FOR SITE DEVELOPMENT PERMITS PROCESSED IN ASSOCIATION WITH AN ACCESSORY DWELLING UNIT.

## UNFINISHED BUSINESS

### 15. [PLAN DANA POINT: GENERAL PLAN VISIONING FRAMEWORK](#)

RECOMMENDED ACTION: That the City Council review the draft Visioning Framework, solicit public comments, provide feedback, and receive and file the report.

## NEW BUSINESS

### 16. [PLAN DANA POINT: SCOPE OF WORK FOR THE COMPREHENSIVE GENERAL PLAN UPDATE REQUEST FOR PROPOSALS](#)

That the City Council:

- 1) Confirm the scope of work to update the Dana Point General Plan; and
- 2) Direct Staff to request proposals from qualified consulting firms to develop and execute the General Plan Update.

### 17. [DPMC UPDATE PORTIONS OF TITLE 1 GENERAL PROVISIONS AND TITLE 2 ADMINISTRATION AND PERSONNEL](#)

RECOMMENDED ACTION: That the City Council receive, direct, discuss and advise on the proposed changes to portions of Title 1 General Provisions and Title 2 Administration and Personnel Dana Point Municipal Code as part of the comprehensive review of the City's Municipal Code.

### 18. [STATUE COMMISSION FOR WATERMAN'S PLAZA – WALTER AND PHILLIP HOFFMAN](#)

RECOMMENDED ACTION: That the City Council:

- 1) Authorize the commission of a statue of Walter and Phillip Hoffman to be installed at Waterman's Plaza; and
- 2) Approve the budget adjustments listed in the Fiscal Impact section; and
- 3) Authorize the City Manager to execute a contract with artist Bill Limebrook.

## PUBLIC COMMENTS (Continued)

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## 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-agendaized items may be presented as informational only.

## STAFF REPORTS

(City Manager Michael Killebrew)

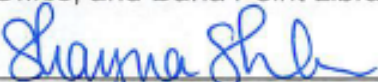
(City Attorney Patrick Muñoz)

## ADJOURNMENT

The next Regular Meeting of the City Council will be September 5, 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, July 13, 2023, at 5:30 p.m.

  
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SHAYNA SHARKE, CITY CLERK

7/13/2023  
\_\_\_\_\_  
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.