

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
SEPTEMBER 19, 2023
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 23-07

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

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (3 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Government Code § 54956.9 (c), (2 case)
- C. CONFERENCE WITH LEGAL COUNSEL - LITIGATION STRATEGY REVIEW INCLUDING POTENTIAL DISCUSSION OF THE FOLLOWING EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (3 cases), AND POTENTIAL DISCUSSION OF ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (3 cases)
 - a. City of DP v. Sunshine Group LLC (Seaside Inn), Orange County Superior Court Case No. 30-2017- 00915900

- b. Concerned Residents of Dana Point vs. City of Dana Point Case No. 2019- 01117892-CU-TT-CXC
- c. Center For Natural Lands Management v City of Dana Point, Orange County Superior Court Case No: 30-2021-01219668 CU-OR-CJC

D. CONFERENCE WITH LABOR NEGOTIATOR, Government Code § 54957.6

Agency Designated Representatives: City Manager
Unrepresented and Represented Employees: All positions in City

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Business of the Quarter - HÖM Dana Point

Hunger Action Month

Harbor Heroes

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, JULY 18, 2023](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. **PLANNING COMMISSION MEETING MINUTES, JULY 10, 2023**

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

4. **PLANNING COMMISSION MEETING MINUTES, AUGUST 14, 2023**

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

5. **TRAFFIC IMPROVEMENT SUBCOMMITTEE MEETING MINUTES, APRIL 6, 2023**

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

6. **CLAIMS AND DEMANDS**

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

7. **TREASURER'S REPORT, JULY 2023**

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

8. **DEVELOPMENT UPDATE**

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

9. **POLICE SERVICES UPDATE**

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

10. **CITY COUNCIL POLICY 235 – MUNICIPAL CODE REVIEW**

RECOMMENDED ACTION: That the City Council adopt the proposed addition to the City Council Policy establishing a routine review of the Dana Point Municipal Code.

11. **SENIOR SERVICES CONTRACT WITH AGE WELL SENIOR SERVICES FOR MEAL SERVICES AND CASE MANAGEMENT**

RECOMMENDED ACTION: That the City Council:

- 1) Ratify the Memorandum of Understanding (MOU) signed on August 22, 2023, between Age Well Senior Services Inc. and the City of Dana Point; and
- 2) Award a contract to Age Well and authorize the City Manager to execute the contract.

12. CITY COUNCIL APPOINT A REPRESENTATIVE TO THE ORANGE COUNTY HARBOR ADVISORY COMMITTEE

RECOMMENDED ACTION: That the City Council:

- 1) Approve appointment of the current Mayor or Mayor's designee to the Orange County Harbor Advisory Committee; and
- 2) Direct Staff to notify affected agencies as necessary.

13. PEG FEE FUNDS AUTHORIZATION

RECOMMENDED ACTION: That the City Council:

- 1) Authorize Staff to utilize a portion of the City's Public, Educational, and Governmental (PEG) Fund fees to upgrade the audio and visual needs of the Ocean Institute's Samueli Lecture Hall and Conference Center, City Council Chamber, and Emergency Operations Center; and,
- 2) Authorize the Mayor to enter a Memorandum of Understanding (MOU) between City of Dana Point and the Ocean Institute (OI) providing for occasional use of the Samueli Lecture Hall and Conference Center for City-related meetings and events at no charge, including the annual State of the City event, and credit the City as a title sponsor of the annual Maritime Festival for a period of 5 years.

14. ENVIRONMENTAL REVIEW AGREEMENT FOR THE STONEHILL DRIVE WIDENING IMPROVEMENT PROJECT

RECOMMENDED ACTION: That the City Council authorize the City Manager to enter into a Standard Consultant Services Agreement (with any non-substantive modifications) with LSA Associates, Incorporated for the environmental review of the Stonehill Drive Widening Improvement Project.

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

UNFINISHED BUSINESS

15. APPOINTMENT TO THE PLANNING COMMISSION

RECOMMENDED ACTION: That the City Council conduct interviews and consider an appointment to fill one (1) vacancy on the Planning Commission.

16. COMMUNITY BENEFIT DISTRICT FORMATION PROCESS FOR THE LANTERN DISTRICT

RECOMMENDED ACTION: That the City Council:

- 1) Approve a contract with New City America for the formation a Community Benefit District (CBD) in the Lantern District; and
- 2) Authorize the City Manager to execute the agreement.

17. FISCAL YEAR 2022-23 (FY23) 4TH QUARTER FINANCIAL REPORT; PROPOSED FY24 CARRY-OVER BUDGET ADJUSTMENTS; HEALTH PLAN PROVISIONS FOR CALENDAR YEAR 2024; AND SALARY RANGES FOR REPRESENTED AND NON-REPRESENTED EMPLOYEE CLASSIFICATIONS; AND AMENDMENTS TO CITY'S CONFLICT OF INTEREST CODE

RECOMMENDED ACTION: That the City Council:

1. Receive and file the FY23 Financial Report for the quarter ended June 30, 2023; and
2. Amend the FY2023-24 ("FY24") budget by authorizing the carry-over and appropriation of encumbered and unencumbered funds from FY23 to FY24, and authorize the FY24 revenue and expenditure amendments; and
3. Authorize an annual loan from the General Fund to the Coastal Transit Fund for the City's Trolley program to ensure adequate funding until Orange County Transit Authority Project V grant funding is received by the City; and

4. Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, MODIFYING HEALTH BENEFIT PLAN ALLOWANCES FOR ELIGIBLE REPRESENTED AND ELIGIBLE NON-REPRESENTED CLASSIFICATIONS; and

5. Adopt a resolution 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; and

6. Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING THE CITY'S CONFLICT OF INTEREST CODE

NEW BUSINESS

18. [DPMC UPDATE REMAINING 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 remaining 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.

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-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 October 3, 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, September 14, 2023, at 5:30 p.m.


SHAYNA SHARKE, CITY CLERK

9/14/2023
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. 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.