

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
NOVEMBER 7, 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), (4 cases)
- B. 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
- C. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Government Code § 54956.9 (c), (1 case)
 - 1) Doheny Road Right-of-Way Acquisition

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

Legislative Presentation - Senator Janet Nguyen, 36th Senate District

City of Hope Presentation

Excellence in Arts and Culture – Timothy Clark

Business of the Quarter – Stillwater Spirits & Sounds

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, OCTOBER 3, 2023](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 11, 2023](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 25, 2023

RECOMMENDED ACTION: That the City Council receive and file.

5. FINANCIAL REVIEW COMMITTEE MINUTES, SEPTEMBER 12, 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. TREASURER'S REPORT

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

8. QUARTERLY FINANCIAL REPORT

RECOMMENDED ACTION: That the City Council receive and file the Quarterly Financial Report for the period ending September 2023.

9. 2023-2024 DANA POINT YOUTH BOARD APPOINTMENTS

RECOMMENDED ACTION: That the City Council appoint eleven (11) Board Members and three (3) At-Large members to the Dana Point Youth Board.

10. SECOND READING OF ORDINANCE AMENDING DANA POINT MUNICIPAL CODE TITLE 1: GENERAL PROVISIONS AND TITLE 2: ADMINISTRATION AND PERSONNEL

RECOMMENDED ACTION: That the City Council hold a second reading and adopt an Ordinance of the City of Dana Point of entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING IN ITS ENTIRETY TITLE 1 PERTAINING TO GENERAL PROVISIONS AND TITLE 2 PERTAINING TO ADMINISTRATION AND PERSONNEL OF THE DANA POINT MUNICIPAL CODE

11. ANNUAL REVIEW OF INVESTMENT POLICY AND PARTICIPATION IN THE CALIFORNIA ASSET MANAGEMENT PROGRAM CASH RESERVE PORTFOLIO

RECOMMENDED ACTION: That the City Council:

1. Approve the City's Statement of Safekeeping and Investment of Public Funds Policy ("Investment Policy"); and

2. Authorize the City Manager, or designee to execute the necessary documents for the City to participate in the California Asset Management Program Cash Reserve Portfolio as an Investor.

12. CONTRACT AGREEMENT WITH CLIENTFIRST TECHNOLOGY CONSULTING

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a Contract Agreement between ClientFirst Technology Consulting to perform a gap analysis on the City's permitting and licensing system (CentralSquare) and conduct an assessment of the City's Geographic Information Systems (GIS).

13. ADOPT RESOLUTIONS TO ADDRESS FEDERAL AND LOCAL FUNDING FOR CITY PROJECTS

RECOMMENDED ACTION: That the City Council:

- 1) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, WHICH CERTIFIES THAT THE CITY OF DANA POINT HAS THE RESOURCES TO FUND THE PROJECT IN FEDERAL FISCAL YEARS 2024/25 THROUGH 2029/30 TRANSPORTATION IMPROVEMENT PROGRAM AND AFFIRMS ITS COMMITMENT TO IMPLEMENT THE PROJECT IN THE PROGRAM; and

- 2) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY OF DANA POINT, CALIFORNIA APPROVING THE SUBMITTAL OF AN APPLICATION FOR DESIGN OF THE STONEHILL DRIVE WIDENING IMPROVEMENT PROJECT TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE REGIONAL CAPACITY PROGRAM (PROJECT O) WITHIN THE COMPREHENSIVE TRANSPORTATION PROGRAM

- 3) Authorize the Mayor to sign the Resolutions on behalf of the City.

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

14. APPEAL OF PLANNING COMMISSION DECISION TO DENY SITE DEVELOPMENT PERMIT SDP22-0025 TO CONVERT AN EXISTING ATTACHED TWO-CAR GARAGE INTO AN ACCESSORY DWELLING UNIT IN CONJUNCTION WITH AN EXISTING NON-CONFORMING MULTI-FAMILY DWELLING LOCATED AT 33861 MALAGA DRIVE

RECOMMENDED ACTION: That the City Council approve a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DENYING THE APPEAL AND SUSTAINING THE PLANNING COMMISSION'S DECISION TO DENY SITE DEVELOPMENT PERMIT SDP22-0025 TO CONVERT AN EXISTING ATTACHED TWO-CAR GARAGE INTO AN ACCESSORY DWELLING UNIT IN CONJUNCTION WITH AN EXISTING NON-CONFORMING MULTI-FAMILY DWELLING LOCATED AT 33861 MALAGA DRIVE.

UNFINISHED BUSINESS

NEW BUSINESS

15. ESTABLISHMENT OF GENERAL PLAN ADVISORY COMMITTEE

RECOMMENDED ACTION: That the City Council:

1. Adopt the draft resolution to establish the Dana Point General Plan Advisory Committee entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING THE DANA POINT GENERAL PLAN ADVISORY COMMITTEE

2. Appoint a City Council Member to serve as a representative to the Dana Point General Plan Advisory Committee.

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 November 21, 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 and danapoint.org by Thursday, November 2, 2023, at 5:30 p.m.



SHAYNA SHARKE, CITY CLERK

11/2/2023

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.