

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



TUESDAY
MAY 16, 2023
5:00 P.M.

MINUTES

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

Next City Council Ordinance No. 23-04

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Mike Frost at 5:00 p.m. in the City Council Chambers, 33282 Golden Lantern, Dana Point.

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

STAFF PRESENT: Michael A. Killebrew, City Manager; Kelly Reenders, Assistant City Manager; Patrick Munoz, City Attorney; Shayna Sharke, City Clerk; Captain Todd Hylton; Sea Shelton, Director of Administrative Services; Brenda Wisneski, Director of Community Development; Matthew Sinacori, Director of Public Works/City Engineer; and Jaimie To, Senior Management Analyst.

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2) (2 cases)
- B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957
 - a. Title: City Manager

Mayor Frost recessed the meeting into a Closed Session at 5:01 p.m. pursuant to Government Code Section 54957.

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

RECONVENE CITY COUNCIL MEETING

Mayor Frost reconvened the meeting at 6:03 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led in Spanish by Sra. Maria Arbelo, RH Dana Teacher of the Year.

INVOCATION

There was no Invocation.

PRESENTATIONS AND PROCLAMATIONS

Teacher of the Year

Mayor Frost presented Sra. Maria Arbelo (RH Dana Elementary) with a Certificate of Recognition.

Business of the Quarter

Mayor Frost presented Sharon Eckelberger (Director of Taproom Operations, Delahunt Brewing) with a Certificate of Recognition.

OC Human Relations Annual Report

Dr. Francisco Marmolejo and Susan Reese provided a presentation and answered questions of the Council.

READING OF ORDINANCE TITLES

There were no Ordinance titles.

CONSENT CALENDAR

IT WAS MOVED BY MAYOR FROST, SECONDED BY COUNCIL MEMBER VILLAR, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 8.

The motion carried by the following vote:

AYES: Council Member Gabbard, Council Member Pagano, Council Member Villar, Mayor Pro Tem Federico, and Mayor Frost

NOES: None

ABSENT: None

1. WAIVE THE READING OF ORDINANCES AND APPROVE READING BY TITLE ONLY

APPROVED THE READING BY TITLE ONLY OF ALL ORDINANCES AND THAT FURTHER READING OF SUCH ORDINANCES BE WAIVED.

2. REGULAR MEETING MINUTES, MAY 2, 2023

APPROVED THE MINUTES.

3. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

4. TREASURER'S REPORT, APRIL 2023

RECEIVED AND FILED THE TREASURER'S REPORT FOR APRIL 2023.

5. DEVELOPMENT UPDATE

RECEIVED AND FILED THE REPORT.

6. SECOND AMENDMENT TO CONTRACT AGREEMENT BETWEEN ALL CITY MANAGEMENT SERVICES, INC. AND THE CITY OF DANA POINT FOR SCHOOL CROSSING GUARD SERVICES

AUTHORIZED THE CITY MANAGER TO EXECUTE THE SECOND AMENDMENT OF A CONTRACT AGREEMENT BETWEEN ALL CITY MANAGEMENT SERVICES, INC. AND THE CITY OF DANA POINT FOR SCHOOL CROSSING GUARD SERVICES FOR FISCAL YEAR 2023-24.

7. CITY COUNCIL AMENDED APPOINTED REPRESENTATIVE TO ORANGE COUNTY MOSQUITO AND VECTOR CONTROL DISTRICT

THE CITY COUNCIL:

1. APPROVED APPOINTMENT OF COUNCIL MEMBER JOHN GABBARD TO ORANGE COUNTY MOSQUITO AND VECTOR CONTROL; AND
2. DIRECTED STAFF TO NOTIFY AFFECTED AGENCIES AS NECESSARY.

8. CONSIDERATION OF RESOLUTION 2023-05-16-XX OF THE CITY COUNCIL OF THE CITY OF DANA POINT CONSENTING TO THE INCLUSION OF THE PROPERTY LOCATED AT 34862 PACIFIC COAST HIGHWAY, DANA POINT, CALIFORNIA IN THE CSCDA OPEN PACE PROGRAM; AND OTHER MATTERS RELATED THERETO

Item 8 was pulled by Council Member Villar.

Assistant City Manager Kelly Reenders provided a staff report and answered questions of the Council.

IT WAS MOVED BY COUNCIL MEMBER VILLAR, SECONDED BY MAYOR PRO TEM FEDERICO, THAT THE CITY COUNCIL ADOPT **RESOLUTION 23-05-16-01**, AUTHORIZING THE CITY'S PARTICIPATION IN THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY (CSCDA) PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM SO THAT CSCDA CAN PROVIDE FINANCING FOR THE INSTALLATION OF IMPROVEMENTS ON THE PROPERTY LOCATED AT 34862 PACIFIC COAST HIGHWAY, DANA POINT, CALIFORNIA, ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA CONSENTING TO THE INCLUSION OF THE PROPERTY LOCATED 34862 PACIFIC COAST HIGHWAY, DANA POINT, CALIFORNIA IN THE CSCDA OPEN PACE PROGRAM; AUTHORIZING THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO ACCEPT AN APPLICATION FROM THE OWNER OF SUCH PROPERTY, CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS ON SUCH PROPERTY; AND AUTHORIZING RELATED ACTIONS

The motion carried by the following vote:

AYES: Council Member Gabbard, Council Member Pagano, Council Member Villar, Mayor Pro Tem Federico, and Mayor Frost

NOES: None

ABSENT: None

PUBLIC COMMENTS

Trevor Blackann (Dana Point Youth Baseball) and the Dana Point Tsunami Baseball Team spoke about the upcoming tournament in Cooperstown, NY and their current fundraising efforts, and requested \$7,500 from the City in needed funding.

Maria Elena Banks (DPEA) thanked the City Council for their support with the Dana Point Film Festival.

Wayne Yost (Dana Point, VFW Orange County District 2) invited the community to the upcoming Memorial Day Ceremony.

Marlene Adams (Dana Point) spoke regarding Smoke-Free Dana Point, the negative effects of second-hand smoke, and indicated her support to ban cigarette smoke in condominium communities.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

9. FISCAL YEARS 2023-24 AND 2024-25 BUDGET WORKSHOP

Director of Administrative Services Sea Shelton provided a staff report and answered questions of the Council.

Discussion ensued.

THE CITY COUNCIL CONDUCTED A WORKSHOP TO DISCUSS THE PROPOSED OPERATING AND CAPITAL IMPROVEMENT BUDGETS FOR FY24 AND FY25 AND REVIEWED, REVISED, AND PROVIDED DIRECTION TO STAFF REGARDING THE PROPOSED FY24 AND FY25 BUDGET.

NEW BUSINESS

10. SHORT-TERM RENTAL PERMIT DATA

Council Member Villar provided a report.

Toni Nelson (Capistrano Beach) spoke regarding the number of short-term rentals inside the Coastal Zone and urged the City Council to amend the Coastal Development Permit.

Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER VILLAR TO AMEND THE COASTAL DEVELOPMENT PERMIT TO ELIMINATE THE LANGUAGE OF 115 SHORT-TERM RENTALS INSIDE THE COASTAL ZONE AND OUTSIDE THE COASTAL ZONE, AND AMEND THE LANGUAGE TO STATE 1.5 PERCENT OF AVAILABLE, POSSIBLE SHORT-TERM RENTAL UNITS INSIDE THE COASTAL ZONE AND 1.5 PERCENT OUTSIDE THE COASTAL ZONE.

THE MOTION FAILED DUE TO LACK OF A SECOND.

11. DPMC UPDATE TITLE 13.04 PARKS AND RECREATIONAL FACILITIES - DAYLIGHTING

Assistant City Manager Kelly Reenders provided a staff report.

Brief discussion ensued.

THE CITY COUNCIL RECEIVED, DIRECTED, DISCUSSED AND ADVISED ON THE PROPOSED CHANGES TO TITLE 13.04 (PARKS AND RECREATIONAL FACILITIES REGULATIONS) OF THE DANA POINT MUNICIPAL CODE AS PART OF THE COMPREHENSIVE REVIEW OF THE CITY'S MUNICIPAL CODE.

12. ORANGE COUNTY SHERIFF'S DEPARTMENT CONTRACT FOR FY24

Director of Administrative Services Sea Shelton introduced the item.

Captain Todd Hylton provided a staff report.

Discussion ensued.

IT WAS MOVED BY MAYOR PRO TEM FEDERICO, SECONDED BY COUNCIL MEMBER PAGANO, THAT THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO EXECUTE THE LAW ENFORCEMENT SERVICES AGREEMENT WITH THE COUNTY OF ORANGE FOR LAW ENFORCEMENT SERVICES FOR FISCAL YEAR 2023-24 (FY24); AND, AUTHORIZE THE CITY MANAGER TO EXECUTE AMENDMENTS TO THE AGREEMENT IN AN AMOUNT NOT TO EXCEED THE RELATED COUNCIL APPROVED BUDGET.

The motion carried by the following vote:

AYES: Council Member Gabbard, Council Member Pagano, Council Member Villar, Mayor Pro Tem Federico, and Mayor Frost
NOES: None
ABSENT: None

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Gabbard turned in his list of meetings attended to the City Clerk and stated he attended the SCAG 2023 Regional Conference & General Assembly, which is a regional planning organization working on different large-scale goals, such as installing 30,000 EV stations.

Council Member Pagano stated he will turn in his list of meetings attended to the City Clerk.

Council Member Villar turned in his list of meetings attended to the City Clerk.

Mayor Pro Tem Federico turned in his list of meetings attended to the City Clerk and provided an update on OCTA's service interruptions due to workers' strikes.

Mayor Frost turned in his list of meetings attended to the City Clerk.


STAFF REPORTS

City Manager Michael A. Killebrew reported that the Dana Point Surf Club won a qualifying tournament and will be participating at Lower Trestles in the regional finals on May 25th. He also reported on upcoming events in the City, including Bulky Item Clean up on May 20th, a Monarch Butterfly Habitat Build on May 27th, the beginning of trolley season on May 26th, a Trolley Hop on May 28th, and the Memorial Day ceremony on May 29th.

City Attorney Patrick Munoz stated he had nothing to report.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Frost adjourned the meeting at 7:59 p.m. in honor of Danni Murphy. He announced that the next Regular Meeting of the City Council will be June 6, 2023, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.



SHAYNA SHARKE
CITY CLERK
APPROVED AT THE MEETING OF JUNE 6, 2023

Meetings attended since May 2, 2023

Mayor Mike Frost

05/02/2023 Family Assistance Ministries
05/04/2023 OC Sherriff Deputies Medal of Valor
05/04/2023 Marriott JM Rebranding Kickoff
05/09/2023 Ocean Institute
05/10/2023 TCA Finance
05/11/2023 TCA Board Member Meeting
05/12/2023 Dana Point Chamber – Home Based Businesses

Mayor Pro Tem Jamey M. Federico

05/08/2023 OCTA Board Meeting
05/10/2023 TCA Budget Briefing
05/10/2023 OCTA Finance Committee
05/11/2023 ACC-OC Board Meeting/Installation
05/11/2023 CNLM Subcommittee Meeting
05/11/2023 TCA Board Meeting
05/15/2023 Dana Point Sister Cities / World Affairs Council

Council Member John Gabbard

05/04/2023 – 05/05/2023 SCAG 2023 Regional Conference & General Assembly
05/10/2023 OCFA Budget and Finance Committee
05/11/2023 ACC-OC Board of Director Installation

Council Member Matthew Pagano

Council Member Michael Villar

No meetings attended.