

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
JUNE 6, 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 - ABSENT

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; James Shadle, Director of General Services, and Jaimie To, Senior Management Analyst.

CLOSED SESSION

City Attorney Patrick Munoz requested to add an anticipated litigation item that was made known after the Agenda was posted.

IT WAS MOVED BY MAYOR FROST, SECONDED BY COUNCIL MEMBER GABBARD, THAT AN ADDITIONAL ANTICIPATED LITIGATION ITEM BE ADDED TO THE AGENDA.

The motion carried by the following vote:

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

NOES: None

ABSENT: Council Member Villar

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (3 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (1 case)

Name of Case: Center for Natural Lands Management v City of Dana Point, Orange County Superior Court Case No: 30-2021-01219668 CU-OR-CJC

Mayor Frost recessed the meeting into a Closed Session at 5:02 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 6:02 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pro Tem Federico.

INVOCATION

There was no Invocation.

PRESENTATIONS AND PROCLAMATIONS

Volunteer of the Quarter

Mayor Frost presented Darryl Siminuk (Harry Otsubo Community Garden Committee) with a Certificate of Recognition.

READING OF ORDINANCE TITLES

City Clerk Sharke read one (1) Ordinance title.

CONSENT CALENDAR

IT WAS MOVED BY MAYOR FROST, SECONDED BY MAYOR PRO TEM FEDERICO, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR.

The motion carried by the following vote:

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

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 16, 2023

APPROVE THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, APRIL 24, 2023

RECEIVED AND FILED THE MINUTES.

4. PLANNING COMMISSION SPECIAL MEETING MINUTES, MAY 15, 2023

RECEIVED AND FILED THE MINUTES.

5. YOUTH BOARD MEETING MINUTES, MARCH 16, 2023

RECEIVED AND FILED THE MINUTES.

6. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

7. AWARD OF CONTRACT FOR CITY-WIDE CUSTODIAL SERVICES

- 1) AWARDED A CONTRACT TO ALLIED UNIVERSAL JANITORIAL SERVICES FOR CUSTODIAL SERVICES FOR ALL CITY FACILITIES; AND
- 2) AUTHORIZED THE CITY MANAGER TO EXECUTE THE CONTRACT INCLUDING THE OPTION OF FOUR, ONE-YEAR EXTENSIONS, INCLUDING CONSUMER PRICE INDEX (CPI) ADJUSTMENTS IF MUTUALLY AGREED UPON.

8. INFINITY TECHNOLOGIES CONTRACT AMENDMENT FY24 and FY25

AUTHORIZED THE CITY MANAGER TO EXECUTE A FOURTH AMENDMENT TO THE ORIGINAL AGREEMENT WITH INFINITY TECHNOLOGIES FOR INFORMATION TECHNOLOGY MANAGEMENT SERVICES FOR FY24, AND AUTHORIZED THE CITY MANAGER TO EXTEND THE CONTRACT ONE ADDITIONAL YEAR (FY25), INCLUDING A CONSUMER PRICE INDEX (CPI) ADJUSTMENT, IF MUTUALLY AGREED UPON.

9. CONSIDERATION OF AMENDMENT TO CITY MANAGER EMPLOYMENT AGREEMENT

- 1) APPROVED A PERFORMANCE BONUS IN THE AMOUNT OF 5.0% OF BASE SALARY AS AUTHORIZED BY THE EXISTING EMPLOYMENT AGREEMENT; AND

- 2) APPROVED THE FOURTH AMENDMENT TO THE CITY MANAGER EMPLOYMENT AGREEMENT.

PUBLIC COMMENTS

Diane Harkey (Dana Point) thanked the Council for their leadership and their focus and support of law enforcement.

Mary Herron (Dana Point) spoke regarding curriculum in schools and voiced her concerns.

Susan Sanders (Dana Point) requested that Council discuss eBikes and safety at a near future Council Meeting.

PUBLIC HEARINGS

10. ZONE TEXT AMENDMENT ZTA23-0001 TO MODIFY THE ZONING CODE RELATED TO ACCESSORY DWELLING UNITS

Director of Community Development Brenda Wisneski provided a staff report.

Mayor Frost opened the Public Hearing at 6:30 p.m.

Noel Humphrey (Dana Point) asked for clarification regarding fees and mandatory approval criteria.

Patrice Churchill (Dana Point) asked for clarification regarding approval in regard to zoning.

Dan Reising (Capistrano Beach) spoke of concerns regarding the 1-story limitation and violation of Government Code.

James Smathers (San Juan Capistrano) asked for clarification regarding parking requirements.

Mayor Frost closed the Public Hearing at 6:37 p.m.

Discussion ensued.

A PUBLIC HEARING HAS BEEN SCHEDULED FOR JUNE 20, 2023 TO CONSIDER AN INTRODUCTION AND FIRST READING OF A FINAL DRAFT OF AN ORDINANCE TO AMEND THE CITY'S ADU/JADU REGULATIONS.

11. **CONDUCT PUBLIC HEARING AND TAKE ACTIONS NECESSARY TO ADOPT THE FISCAL YEAR 2023-2024 (FY24) AND 2024-2025 (FY25) BUDGETS INCLUDING ADOPTION OF A RESOLUTION TO ADOPT THE PROPOSED OPERATING AND CAPITAL IMPROVEMENT BUDGETS FOR FISCAL YEARS 2023-2024 (FY24) AND 2024-2025 (FY25); ADOPTION OF A RESOLUTION ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2023-2024 (FY24); APPROVAL OF FY24 BUDGET CALENDAR; ADOPTION OF A RESOLUTION FOR FY24 M2 ELIGIBILITY SUBMITTAL ITEMS TO ORANGE COUNTY TRANSPORTATION AUTHORITY; ADOPTION OF A RESOLUTION APPROVING THE SB-1 PROJECT LIST FOR**

FISCAL YEAR 2023-2024; AND OTHER ACTIONS AS LISTED IN THE RECOMMENDED ACTIONS

Director of Administrative Services Sea Shelton provided a staff report.

Mayor Frost opened the Public Hearing at 6:58 p.m.

There were no Public Comments.

Mayor Frost closed the Public Hearing at 6:58 p.m.
Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER GABBARD, SECONDED BY COUNCIL MEMBER PAGANO THAT THE CITY COUNCIL:

1) ADOPT RESOLUTION 23-06-06-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING AN OPERATING AND CAPITAL IMPROVEMENT BUDGET FOR THE CITY OF DANA POINT FOR FISCAL YEARS 2023-2024 AND 2024-2025; and

2) ADOPT RESOLUTION 23-06-06-02 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING AND ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2023-2024; and

3) APPROVE THE CALENDAR OF BUDGET-RELATED ACTIVITY TO OCCUR IN FISCAL YEAR 2023-2024; and

4) ADOPT RESOLUTION 23-06-06-03 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT CONCERNING THE STATUS AND UPDATE OF THE CIRCULATION ELEMENT, AND MITIGATION FEE PROGRAM FOR THE MEASURE M (M2) PROGRAM;

5) ADOPT RESOLUTION 23-06-06-04 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT CONCERNING THE STATUS AND UPDATE OF THE LOCAL SIGNAL SYNCHRONIZATION PLAN FOR THE MEASURE M2 (M2) PROGRAM; and

6) ADOPT RESOLUTION 23-06-06-05 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT CONCERNING THE STATUS AND UPDATE OF THE PAVEMENT MANAGEMENT PLAN FOR THE MEASURE M2 (M2) PROGRAM; and

- 7) APPROVE THE SEVEN-YEAR CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FY 2023-24 THROUGH FY 2029-30 AND CERTIFY COMPLIANCE, AS REQUIRED BY THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA), RENEWED MEASURE M2 (M2) PROGRAM; and
- 8) AUTHORIZE THE CITY MANAGER OR HIS DESIGNEE TO FORWARD THE NECESSARY RENEWED MEASURE M2 ELIGIBILITY DOCUMENTATION TO THE OCTA; and
- 9) ADOPT RESOLUTION 23-06-06-06 ENTITLED:

A RESOLUTION OF THE CITY OF DANA POINT, CALIFORNIA ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2023-24 FUNDED BY SENATE BILL 1 (SB-1): THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017
- 10) AUTHORIZE THE CITY MANAGER OR HIS DESIGNEE TO SUBMIT ALL REQUIRED DOCUMENTATION TO MAINTAIN SB-1 FUNDING ELIGIBILITY FOR FY 2023-24.

The motion carried by the following vote:

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

NOES: None

ABSENT: Council Member Villar

UNFINISHED BUSINESS

12. INTRODUCTION OF AN ORDINANCE AMENDING DANA POINT MUNICIPAL CODE TITLE 13

Director of General Services James Shadle provided a staff report and answered questions of the City Council.

Discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER GABBARD SECONDED BY COUNCIL MEMBER PAGANO, THAT THE CITY COUNCIL:

- 1) INTRODUCE AND HOLD THE FIRST READING OF 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
- 2) DIRECTED STAFF TO SCHEDULE A SECOND READING AND ADOPTION OF THE PROPOSED ORDINANCE AMENDING TITLE 13 FOR JUNE 20, 2023, REGULAR CITY COUNCIL MEETING.

The motion carried by the following vote:

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

NOES: None

ABSENT: Council Member Villar

NEW BUSINESS

There was no New Business.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

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

Council Member Pagano turned in his list of meetings attended to the City Clerk. He also commended Police Services for a response that he recently witnessed.

Mayor Pro Tem Federico turned in his list of meetings attended to the City Clerk. He also announced that southbound trains are currently out of service due to slides in San Clemente.

Mayor Frost turned in his list of meetings attended to the City Clerk. He also congratulated the Dana Point Surf Club on their performance at recent tournaments.

STAFF REPORTS

City Manager Michael Killebrew announced that Movies in the Park are being hosted at various parks through the month of June and invited the community to Art Fest on Sunday, June 11th.

City Attorney Patrick Munoz stated that he had nothing to report.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Frost adjourned the meeting at 7:08 p.m. He announced that the next Regular Meeting of the City Council will be June 20, 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 20, 2023

Meetings attended since May 17, 2023

Mayor Mike Frost

05/18/2023 ACC OC
05/25/2023 ACC OC
05/25/2023 Coastal Cities Leadership Group
05/29/2023 Memorial Day Ceremony
05/30/2023 Governors Regional Meeting
06/01/2023 DHHS Graduation

Mayor Pro Tem Jamey M. Federico

05/17/2023 OCHFT
05/22/2023 OCTA
05/24/2023 OCHFT Finance Committee
05/29/2023 Memorial Day
05/30/2023 OCTA/Laguna Beach
05/30/2023 Sister Cities
06/02/2023 OCTA 241/91 Update
06/05/2023 OCTA RTP Committee

Council Member John Gabbard

05/19/2023 Mariner Apartment Site Visit with Mike Recupero
05/20/2023 Dana West Yacht Club Season Opening
05/25/2023 OC Library Advisory Board
05/25/2023 OCFA Board Meeting
06/05/2023 Plan Dana Point Briefing

Council Member Matthew Pagano

05/25/2023 City Manager Review Subcommittee
05/28/2023 Trolley Hop
05/30/2023 Special Meeting - Closed Session
05/31/2023 Meeting with Chief Hylton
06/01/2023 Plan Dana Point Briefing

Council Member Michael Villar