

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
NOVEMBER 21, 2023
5:00 P.M.**

MINUTES

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

Next City Council Ordinance No. 23-08

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, Patrick Munoz, City Attorney; Shayna Sharke, City Clerk; Captain Todd Hylton; Sea Shelton, Director of Administrative Services; Matthew Sinacori, Director of Public Works/City Engineer; Brenda Wisneski, Director of Community Development; James Shadle, Director of General Services; Jeff Rosaler, Deputy Director of Community Services; Belinda Deines, Principal Planner; John Ciampa, Principal Planner; Ray Oropeza, Code Enforcement Supervisor; 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)

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 6:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Gabbard

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

None.

READING OF ORDINANCE TITLES

City Clerk Shayna 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, NOVEMBER 7, 2023

APPROVED THE MINUTES.

3. TRAFFIC IMPROVEMENT SUBCOMMITTEE MINUTES, AUGUST 24, 2023

RECEIVED AND FILED THE MINUTES.

4. YOUTH BOARD MEETING MINUTES, MAY 18, 2023

RECEIVED AND FILED THE MINUTES.

5. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

6. TREASURER'S REPORT, OCTOBER 2023

RECEIVED AND FILED THE TREASURER'S REPORT FOR OCTOBER, 2023.

7. DEVELOPMENT UPDATE WITH QUARTERLY REPORT

RECEIVED AND FILED THE REPORT.

8. DISPOSITION OF NON-ESSENTIAL CITY RECORDS

APPROVED THE 2023 DISPOSITION OF NON-ESSENTIAL CITY RECORDS IN ACCORDANCE WITH CALIFORNIA STATE LAW AND THE CITY'S APPROVED RECORDS RETENTION SCHEDULE AND ADOPTED **RESOLUTION 23-11-21-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE DISPOSITION OF CERTAIN INACTIVE CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA

9. MEASURE M2 EXPENDITURE REPORT FOR FISCAL YEAR 2022-2023

1) ADOPTED **RESOLUTION 23-11-21-02** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONCERNING THE MEASURE M (M2) EXPENDITURE REPORT FOR THE CITY OF DANA POINT FOR FISCAL YEAR 2022-2023; AND

2) AUTHORIZED THE MAYOR TO SIGN THE RESOLUTION ON BEHALF OF THE CITY; AND

3) DIRECTED STAFF TO SUBMIT THE ADOPTED RESOLUTION AND M2 EXPENDITURE REPORT FOR FISCAL YEAR 2022-2023 FOR THE CITY OF DANA POINT TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) TO MAINTAIN ELIGIBILITY IN THE MEASURE M (M2) PROGRAM.

PUBLIC COMMENTS

Betty Hill (Dana Point) announced a citizen's short-term rental initiative and provided a handout to the City Council.

Terry Rifkin (Dana Point, 5th Marine Support Group) spoke regarding a proposed sculpture in Heritage Park to honor Marines, Navy Corpsmen, and families of the 5th Marine Regiment, and provided a handout to the City Council.

Mayor Pro Tem Federico suggested that Staff work with the 5th Marine Support Group on the project.

PUBLIC HEARINGS

10. PROPOSED UPDATES TO THE PARK USE POLICY AND ASSOCIATED PARK RENTAL FEES

Deputy Director of Community Services Jeff Rosaler provided a staff report.

Mayor Frost opened the Public Hearing at 6:25 p.m.

There were no Public Comments.

Discussion ensued.

Mayor Frost continued the Public Hearing to January 16, 2024.

11. LOCAL COASTAL PROGRAM AMENDMENT LCPA23-0001 AND ZONE TEXT AMENDMENT ZTA22-0002 TO AMEND THE ZONING CODE TO COMPLY WITH STATE HOUSING LAWS AND CITY'S HOUSING ELEMENT

Principal Planner Belinda Deines provided a staff report.

Mayor Frost opened the Public Hearing at 6:32 p.m.

There were no Public Comments.

Mayor Frost closed the Public Hearing at 6:32 p.m.

Discussion ensued.

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

- 1) ADOPT **RESOLUTION 23-11-21-03** APPROVING AND REQUESTING CERTIFICATION OF LCPA23-0001 FROM THE CALIFORNIA COASTAL COMMISSION:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING LOCAL COASTAL PROGRAM AMENDMENT LCPA23-0001 AND SUBMISSION OF ZTA22-0002 AS LOCAL COASTAL PROGRAM AMENDMENT LCPA23-0001 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION; AND

- 2) INTRODUCE FOR FIRST READING AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA22-0002 TO AMEND THE ZONING ORDINANCE IN COMPLIANCE WITH STATE HOUSING LAWS AND SUBMISSION AS

PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA23-0001 FOR APPROVAL
AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION

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. SHORT-TERM RENTAL PROGRAM EVALUATION

Principal Planner John Ciampa and Code Enforcement Supervisor Ray Oropeza provided a staff report.

Discussion ensued.

City Clerk Shayna Sharke stated that two public comments were received via email and distributed to the City Council.

IT WAS MOVED BY MAYOR PRO TEM FEDERICO, SECONDED BY COUNCIL MEMBER PAGANO, THAT THE CITY NOT ISSUE ANY ADDITIONAL PERMITS OUTSIDE OF THE COASTAL ZONE UNTIL STAFF RETURNS TO THE COUNCIL WITH A 2024 MID-YEAR PROGRAM EVALUATION, TO INCLUDE COMPARATIVE DATA BETWEEN SHORT-TERM RENTAL AND NON-SHORT-TERM RENTAL ENFORCEMENT.

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

13. ADOPTION OF MEMORANDUM OF UNDERSTANDING WITH DANA POINT EMPLOYEES' ASSOCIATION (DPEA) AND ADOPTION OF CERTAIN COMPENSATION AND BENEFITS FOR NON-REPRESENTED EMPLOYEES

Director of Administrative Services Sea Shelton provided a staff report.

Discussion ensued.

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

- 1) ADOPT RESOLUTION 23-11-21-04 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE OF DANA POINT, CALIFORNIA, ADOPTING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF DANA POINT AND THE DANA POINT EMPLOYEES' ASSOCIATION

2) **ADOPT RESOLUTION 23-11-21-05 ENTITLED:**

A RESOLUTION OF THE CITY COUNCIL OF THE OF DANA POINT, CALIFORNIA, ADOPTING CERTAIN COMPENSATION AND BENEFITS FOR NON-REPRESENTED EMPLOYEES

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

PUBLIC COMMENTS (Continued)

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Gabbard stated that he will turn in his list of meetings attended.

Council Member Pagano stated that he turned in in his list of meetings attended.

Mayor Pro Tem Federico stated that he turned in his list of meetings attended and shared that OCTA began a mid-range feasibility study of maintaining coastal tracks for the next 5-25 years.

Mayor Frost stated that he turned in his list of meetings attended and shared the success of the Senior Thanksgiving Luncheon and the direction of the Community Center. He also invited the community to the Turkey Trot Thanksgiving Morning.

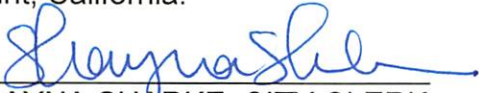
STAFF REPORTS

City Manager Michael A. Killebrew wished everyone a Happy Thanksgiving and shared the 2024 Community Calendars are available at City Hall and the Community Center.

City Attorney Patrick Munoz stated he has 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 December 5, 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 DECEMBER 5, 2023

Meetings attended since November 7, 2023

Mayor Mike Frost

11/08/2023 Board Meeting with Ocean Institute
11/09/2023 Ribbon Cutting at Monarch Beach Pet Supply
11/11/2023 Veteran's Day Ceremony
11/15/2023 OCHFT
11/15/2023 TCA Joint Toll Operations Meeting
11/15/2023 Coastal Cities Leadership Committee Meeting

Mayor Pro Tem Jamey M. Federico

11/09/2023 TCA Board
11/11/2023 Veteran's Day Ceremony
11/13/2023 OCTA Board
11/14/2023 Meeting with Dana Point Sister Cities
11/15/2023 OCTA Finance Committee

Council Member John Gabbard

10/05/2023 SCAG Committee and Regional Council Meeting
10/11/2023 Supervisor Foley Mayor Meeting
10/12/2023 TCA Joint Meeting

Council Member Matthew Pagano

No meetings to report.

Council Member Michael Villar

No meetings to report.