

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
NOVEMBER 19, 2024
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 24-09

Public comment may be provided in-person, electronically, or by mail. Comments may be submitted via mail: City Clerk, 33282 Golden Lantern, Dana Point, CA 92629; or via email at comment@danapoint.org. To be provided to the City Council *prior* to the meeting, comments must be received by 4:00 P.M. on the day of the meeting. 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 are considered a public record and will be included in the meeting record.

CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS:

Jamey M. Federico, Mayor
Matthew Pagano, Mayor Pro Tem
Mike Frost, Council Member
John Gabbard, Council Member
Michael Villar, Council Member

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL - DISCUSSION OF ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (4 cases)

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

PRESENTATIONS AND PROCLAMATIONS

Business of the Quarter – Carlos' Mexican Restaurant

Dia de Los Muertos Performer Recognition

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 15, 2024](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 23, 2024](#)

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

4. [PLANNING COMMISSION MEETING MINUTES, OCTOBER 14, 2024](#)

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

5. [FINANCIAL REVIEW COMMITTEE MEETING MINUTES, SEPTEMBER 10, 2024](#)

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](#)

RECOMMENDED ACTION: That the City Council receive and file the Treasurer's Report for September, 2024.

8. [QUARTERLY FINANCIAL REPORT](#)

RECOMMENDED ACTION: That the City Council receive and file the Quarterly Financial Report for the period ending September 2024.

9. DEVELOPMENT UPDATE

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

10. DISPOSITION OF NON-ESSENTIAL CITY RECORDS

RECOMMENDED ACTION: That the City Council approve the 2024 disposition of non-essential City records in accordance with California State law and the City's approved Records Retention Schedule and adopt a Resolution 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

11. AWARD OF CONTRACT FOR THUNDERBIRD PARK PLAY STRUCTURE

RECOMMENDED ACTION: That the City Council:

- 1) Authorize the City Manager, or designee, to execute a contract with Dave Bang Associates Inc., for the purchase and installation of a new play structure at Thunderbird Park; and
- 2) Authorize the budget adjustment outlined in the Fiscal Impact Section of the report.

12. FY23/24 M2 EXPENDITURE REPORT FOR FISCAL YEAR 2023-2024

RECOMMENDED ACTION: That the City Council:

- 1) Adopt a Resolution 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 2023-2024; and

- 2) Authorize the Mayor to sign the Resolution on behalf of the City; and
- 3) Direct Staff to submit the adopted Resolution and M2 Expenditure Report for Fiscal Year 2023-2024 for the City of Dana Point to the Orange County Transportation Authority (OCTA) to maintain eligibility in the Measure M (M2) program.

13. ANNUAL REVIEW OF INVESTMENT POLICY

RECOMMENDED ACTION: That the City Council approve the City's Statement of Safekeeping and Investment of Public Funds Policy ("Investment Policy").

14. CAPITAL ASSET POLICY

RECOMMENDED ACTION: That the City Council adopt Financial Policy #234 – Capital Asset Policy.

15. STORAGE AREA NETWORK (SAN) UPGRADE AND PROFESSIONAL SERVICES

RECOMMENDED ACTION: That the City Council:

- 1) Authorize the purchase of a Storage Area Network (SAN) upgrade including supporting components and professional services; and,
- 2) Authorize the budget adjustment outlined in the Fiscal Impact Section of this report.

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

16. ELECTRONIC PAYMENT PROCESSING SERVICES AND FEE UPDATES

RECOMMENDED ACTION: That the City Council:

- 1) Authorize the City Manager, or designee, to execute an agreement with Paymentus Corporation for credit card, debit card, and electronic funds transfer payment processing services; and
- 2) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA APPROVING UPDATED PROCESSING FEES FOR THE USE OF CREDIT CARD, DEBIT CARD, OR ELECTRONIC FUNDS TRANSFERS TO PAY FOR FEES, SERVICES AND OTHER DEBTS OWED TO THE CITY OF DANA POINT; and

- 3) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA APPROVING PASS-THROUGH OF THIRD-PARTY FEES INCLUDING CITY ATTORNEY FEES FOR PLANNING AND BUILDING PROJECTS AND AN

UPDATED FEE FOR ENCROACHMENT PERMITS FOR COMMERCIAL TRASH CONTAINERS.

UNFINISHED BUSINESS

NEW BUSINESS

17. PROPOSED BATTERY ENERGY STORAGE SYSTEM (BESS) IN SAN JUAN CAPISTRANO

RECOMMENDED ACTION: The Dana Point City Council receive and file the report and attachments.

18. STATUE COMMISSION FOR WATERMAN'S PLAZA – MICKEY MUNOZ

RECOMMENDED ACTION: That the City Council authorize the commission of a statue of Mickey Munoz to be installed at Waterman's Plaza; and authorize the City Manager or designee to execute a contract with artist Bill Limebrook.

19. REQUEST FROM THE CENTER OF NATURAL LANDS MANAGEMENT TO WAIVE PERMIT FEES TO ESTABLISH HEADLANDS PRESERVE TRAIL HOURS

RECOMMENDED ACTION: That the City Council consider the request from the Center of Natural Lands Management (CNLM) to waive permit fees associated with their pending application for a Coastal Development Permit to establish trails hours for the Dana Point Headlands Preserve.

20. CITY COUNCIL POLICY UPDATE – DAYLIGHTING SERIES 201-210

RECOMMENDED ACTION: That the City Council review, discuss and provide recommendations to staff on proposed revisions to City Council Policies within the 200 Series.

21. DAYLIGHTING OF AN ORDINANCE AMENDING DANA POINT MUNICIPAL CODE CHAPTER 4.04, FIREWORKS

RECOMMENDED ACTION: That the City Council receive, direct, discuss and advise on the proposed changes to portions of Chapter 4.04 of the Dana Point Municipal Code pertaining to Fireworks, 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)

UPCOMING EVENTS

- November 23 Farmers Market and Craft Vendors, La Plaza
- November 23 Thanksgiving Luncheon for Seniors, Community Center
- November 28 Turkey Trot, Dana Point Harbor / Thanksgiving
- November 28 – 29 City Hall Offices Closed
- November 30 Farmers Market and Craft Vendors, La Plaza
- November 30 Santa's Jolly Trolley
- November 30 La Plaza Tree Lighting
- December 2 Pines Park Tree Lighting
- December 9 Deadline to Submit Stocking Stuffer Gift for Seniors
- December 11 Deadline to Submit Letters to Santa
- December 13-15 49th Annual Boat Parade of Lights

ADJOURNMENT

The next Regular Meeting of the City Council will be December 3, 2024, 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 www.danapoint.org by November 14, 2024, at 5:30 p.m.



SHAYNA SHARKE, CITY CLERK

11/14/2024
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.