

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
JUNE 20, 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; Matthew Sinacori, Director of Public Works/City Engineer; James Shadle, Director of General Services, Joe Romero, Building Official; John Ciampa, Senior Planner; and Jaimie To, Senior Management Analyst.

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (1 case)
2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957
Title: City Attorney

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 6:06 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Villar.

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Project Bike Love Presentation

Mayor Frost invited Dania Arteaga and Gabriela Cruz from the Dana Point Youth Board to present a donation to Belen Ramirez, Melissa Chabot, and Alyssa Gonzalez of Project Bike Love.

Teacher of the Year

Mayor Frost and Council Member Villar presented Bryn Stamos, Palisades Elementary School Teacher of the Year, with a Certificate of Recognition.

READING OF ORDINANCE TITLES

City Clerk Sharke read three (3) Ordinance titles.

CONSENT CALENDAR

Council Member John Gabbard removed Item 9 from the 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 WITH THE EXCEPTION OF ITEM 9.

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. SPECIAL MEETING MINUTES, MAY 30, 2023

APPROVE THE MINUTES.

3. REGULAR MEETING MINUTES, JUNE 6, 2023

APPROVE THE MINUTES.

4. PLANNING COMMISSION MEETING MINUTES, MAY 22, 2023

RECEIVED AND FILED THE MINUTES.

5. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

6. TREASURER'S REPORT, MAY 2023

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

7. DEVELOPMENT UPDATE

RECEIVED AND FILED THE DEVELOPMENT UPDATE.

8. POLICE SERVICES UPDATE

RECEIVED AND FILED THE POLICE SERVICES UPDATE.

9. AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE SLURRY SEAL FY22/23 PROJECT

Item 9 was removed from the Consent Calendar by Council Member Gabbard.

Director of Public Works Matthew Sinacori provided a staff report.

Discussion ensued.

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

- 1) APPROVE THE AWARD OF A CONTRACT TO ROY ALLAN SLURRY SEAL, INC. FOR THE CONSTRUCTION OF THE SLURRY SEAL FY 22/23 PROJECT (PROJECT); AND
- 2) AUTHORIZE THE CITY MANAGER OR HIS DESIGNEE TO SIGN AND ADMINISTER THE SUBJECT CONTRACT AND APPROVED ADDITIONAL PAYMENT FOR CHANGE ORDERS, AND CONTINGENCIES AS OUTLINED IN THE FISCAL IMPACT SECTION; AND
- 3) AUTHORIZE ADDITIONAL MATERIALS INSPECTION AND TESTING SERVICES, PAVEMENT DESIGN REVIEW SERVICES, AND UTILITY POTHOLING PER THE AS-NEEDED CONSULTANT SERVICES AGREEMENT WITH GMU GEOTECHNICAL AS OUTLINED IN THE FISCAL IMPACT SECTION.

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

10. AWARD OF CONTRACT FOR STORM WATER BEST MANAGEMENT PRACTICE (BMP) MAINTENANCE SERVICES AND AS-NEEDED SPILL RESPONSE

- 1) APPROVED A CONTRACT AGREEMENT WITH OCEAN BLUE ENVIRONMENTAL SERVICES, INC. FOR STORM WATER BEST MANAGEMENT PRACTICE (BMP) MAINTENANCE SERVICES AND AS-NEEDED SPILL RESPONSE; AND
- 2) AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT.

11. SECOND READING AND ADOPT AND ORDINANCE AMENDING DANA POINT MUNICIPAL CODE TITLE 13

HELD A SECOND READING AND ADOPTED 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

12. INTERVENTION SPECIALIST AGREEMENT FOR FY 2023-2024

- 1) AUTHORIZED THE CITY MANAGER TO APPROVE A CONTRACT FOR CONSULTANT SERVICES FOR THE INTERVENTION SPECIALIST PROGRAM FOR FY 2023-2024; AND
- 2) APPROVED ONE, ONE-YEAR RENEWAL IN ACCORDANCE WITH THE FISCAL IMPACT SECTION.

13. RECRUITMENT FOR THE PLANNING COMMISSION

DIRECTED STAFF TO PROCEED WITH THE RECRUITMENT OF ONE (1) PLANNING COMMISSION MEMBER.

14. FOURTH AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH MICHAEL BAKER INTERNATIONAL FOR PREPARATION OF THE VICTORIA BOULEVARD SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT

AUTHORIZED THE CITY MANAGER TO EXECUTE THE CONTRACT AMENDMENT WITH MICHAEL BAKER INTERNATIONAL – FOURTH AMENDMENT TO AGREEMENT FOR ADDITIONAL FUNDING, WITH A REVISED CONTRACT AMOUNT.

15. PLAN DANA POINT: GENERAL PLAN VISIONING STATUS UPDATE

RECEIVED AND FILED THE STATUS UPDATE.

16. CONTRACT WITH MARBO PRODUCTIONS FOR DOHENY VILLAGE RAMPS AND REELS EVENT

AUTHORIZED THE CITY MANAGER OR HIS DESIGNEE TO CONTRACT WITH MARBO PRODUCTIONS TO INSTALL AND MANAGE A PROFESSIONAL, TEMPORARY SKATE COURSE IN DOHENY VILLAGE FOR A TWO-DAY EVENT TAKING PLACE AUGUST 11 AND 12.

17. PERMIT FEE WAIVER FOR OUTDOOR DINING STRUCTURE

WAIVED PERMIT FEES FOR OLAMENDI'S MEXICAN RESTAURANT TO SUBMIT AN APPLICATION FOR A COASTAL DEVELOPMENT PERMIT TO CONSTRUCT AN OUTDOOR DINING STRUCTURE.

PUBLIC COMMENTS

Vickie McMurchie (Dana Point Chamber of Commerce) praised the non-profit symposium hosted by the City, stating that resources were shared and it had great community impact.

PUBLIC HEARINGS

18. AMENDMENT TO THE DANA POINT MUNICIPAL CODE TITLE 8 BUILDINGS AND CONSTRUCTION

Building Official Joe Romero 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 COUNCIL MEMBER GABBARD, SECONDED BY COUNCIL MEMBER PAGANO THAT THE CITY COUNCIL INTRODUCE AND HOLD FOR A FIRST READING AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 8.02.010 OF TITLE 8 OF THE DANA POINT MUNICIPAL CODE

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

19. ZONE TEXT AMENDMENT ZTA23-0001 TO MODIFY THE ZONING CODE SECTION 9.07.210 RELATED TO ACCESSORY DWELLING UNITS AND ADOPTION OF ASSOCIATED RESOLUTION

Senior Planner John Ciampa provided a staff report.

Mayor Frost opened the Public Hearing at 6:47 p.m.

Jeremy Hohnbaum (Dana Point) requested additional parking enforcement for driveway blocking and non-conforming driveways and stated that parking is a perceived issue.

Mayor Frost closed the Public Hearing at 6:50 p.m.

IT WAS MOVED BY MAYOR FROST, SECONDED BY COUNCIL MEMBER PAGANO, THAT THE CITY COUNCIL INTRODUCE FOR A FIRST READING OF AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA,
APPROVING ZONE TEXT AMENDMENT ZTA23-0001 TO MODIFY THE ZONING CODE
SECTION 9.07.210 RELATED TO ACCESSORY DWELLING UNITS

WITH THE DELETION OF SECTION 9.07.210.F9(e)6

Discussion ensued.

COUNCIL MEMBER PAGANO WITHDREW HIS SECOND.

Discussion ensued.

MAYOR PRO TEM FEDERICO SECONDED THE MOTION.

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

City Attorney Patrick Munoz clarified the motion.

Discussion ensued.

IT WAS MOVED BY MAYOR FROST, SECONDED BY COUNCIL MEMBER GABBARD, THAT THE CITY COUNCIL ADOPT A RESOLUTION ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA ZTA23-0001 TO MODIFY THE ZONING CODE RELATED TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

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

UNFINISHED BUSINESS

20. DIGITAL INFRASTRUCTURE AND CITYWIDE ASSESSMENT FINDINGS

Director of Public Works and Engineering Matthew Sinacori, Al Brown and Nathan Rosenberg of Smartwave Technologies provided a staff report and answered questions of City Council.

There were no Public Comments.

Discussion ensued.

IT WAS MOVED BY MAYOR FROST SECONDED BY MAYOR PRO TEM FEDERICO THAT THE CITY COUNCIL:

1) RECEIVE AND FILE THE MEMORANDUM FROM THE BROADBAND GROUP SUMMARIZING THEIR FINDINGS FROM THE DIGITAL INFRASTRUCTURE ASSESSMENT AND THE CELLULAR COVERAGE SURVEY AND ANALYSIS AND

2) AUTHORIZE THE CITY MANAGER TO PROCESS A STANDARD CONSULTANT SERVICES AGREEMENT (INCLUDING NON-SUBSTANTIVE CHANGES) WITH SMART WAVE TECHNOLOGIES LLC TO DELIVER AND MANAGE A PUBLIC WI-FI SYSTEM ON DEL PRADO.

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

NEW BUSINESS

21. AUTHORIZE STAFF TO ESTABLISH AN ARTS AND CULTURE AMBASSADOR PROGRAM AND DISSOLVE THE ARTS AND CULTURE COMMISSION

Mayor Pro Tem Federico provided a report.

Mayor Frost opened public comments.

Maria Elena Banks (Arts and Culture Commissioner) spoke regarding her passion for the Arts and Culture Commission and clarified that the Ambassador Program would have support of the City as the Commission did.

Laura Smith-Hatch (Arts and Culture Commissioner) spoke in support of the Ambassador Program concept, but shared her concerns for a gap in service.

Kimberly Williams (Arts and Culture Commission Ex-Officio Member) spoke in favor of the Ambassador Program.

Karin Schnell (Arts and Culture Commissioner) shared her concerns regarding the Ambassador Program.

Discussion ensued.

IT WAS MOVED BY MAYOR PRO TEM FEDERICO SECONDED BY COUNCIL MEMBER GABBARD THAT THE CITY COUNCIL:

1) AUTHORIZE STAFF TO ESTABLISH AN ARTS AND CULTURE AMBASSADOR PROGRAM; AND

2) ADOPT RESOLUTION ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT CALIFORNIA,
DISSOLVING THE ARTS AND CULTURE COMMISSION

The motion carried by the following vote:

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

NOES: Mayor Frost

ABSENT: None

22. ORANGE COUNTY HISTORIC COMMISSION PLAQUE APPLICATION FOR PINES PARK AND PALISADES GAZEBO PARK

Senior Planner John Ciampa provided a staff report and answered questions of the City Council.

Mayor Frost opened public comments.

Keith Johannes (Dana Point Historical Society) provided history of the park and gazebo and encouraged the Council to approve the recommended action.

Discussion ensued.

Barbara Johannes (Dana Point Historical Society / Orange County Historical Commission) answered questions of the City Council.

IT WAS MOVED BY MAYOR FROST SECONDED BY COUNCIL MEMBER PAGANO THAT THE CITY COUNCIL THAT THE CITY COUNCIL AUTHORIZE THE DIRECTOR OF COMMUNITY DEVELOPMENT TO SUBMIT TWO ORANGE COUNTY HISTORICAL COMMISSION (OCHC) PLAQUE APPLICATIONS FOR PINES PARK AND PALISADES GAZEBO PARK

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 (Continued)

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Gabbard stated that he has turned in his list of meetings attended to the City Clerk.

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

Council Member Villar stated that he has turned in his list of meetings attended to the City Clerk.

Mayor Pro Tem Federico stated that he will turn in his list of meetings attended to the City Clerk and spoke regarding the Pet Project Foundation hosted event.

Mayor Frost stated that he will turn in his list of meetings attended to the City Clerk.

STAFF REPORTS

City Manager Michael Killebrew invited the public to upcoming events.

City Attorney Patrick Muñoz 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 8:48 p.m. He announced that the next Regular Meeting of the City Council will be July 18, 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 JULY 18, 2023

Meetings attended since June 7, 2023

Mayor Mike Frost

Mayor Pro Tem Jamey M. Federico

06/08/2023	TCA
06/11/2023	ArtFest
06/12/2023	OCTA
06/12/2023	Dana Point 5 th Marines Support Group Golf Tournament
06/14/2023	OCTA

Council Member John Gabbard

06/07/2023	Foothill/ETCA Board Meeting
06/12/2023	Dana Point 5 th Marines Support Group Golf Tournament
06/19/2023	Victoria Blvd Update with Toll Brothers
06/20/2023	Niguel Shores Men's Club Budget and Mariner Apartment Update

Council Member Matthew Pagano

Council Member Michael Villar

No meetings.