

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
July 16, 2024
5:00 P.M.**

AMENDED AGENDA

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

Next City Council Ordinance No. 24-08

Public comment may be provided in-person, electronically, or by mail. Comments may be submitted via mail Attn: City Clerk, 33282 Golden Lantern, Dana Point, CA 92629; or via email at comment@danapoint.org. In order to be provided to the City Council *prior* to the meeting, comments must be received by 4:00P.M. on the day of the meeting. All written 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 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), (2 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Government Code § 54956.9 (c), (1 case)

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

PRESENTATIONS AND PROCLAMATIONS

Business of the Quarter – Minuteman Press

OCFA Wildfire Prevention

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, JULY 2, 2024](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, JUNE 24, 2024](#)

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

4. [CLAIMS AND DEMANDS](#)

RECOMMENDED ACTION: That the City Council receive and file the Claims and Demands.

5. [DEVELOPMENT UPDATE WITH QUARTERLY REPORT](#)

RECOMMENDED ACTION: That the City Council receive and file the Development Update.

6. [SERVICES CONTRACT WITH AGE WELL SENIOR SERVICES FOR MEAL SERVICES, CASE MANAGEMENT, AND TRANSPORTATION](#)

RECOMMENDED ACTION: That the City Council:

- 1) Award a contract with Age Well Senior Services for senior meal service, case management, and transportation services for three years beginning July 1, 2024; and
- 2) Authorize the City Manager or designee to execute the contract including the annual Consumer Price Index (CPI) with the option to extend the contract for two additional one-year terms.

7. ADOPTION OF RESOLUTIONS APPROVING NOTICES OF COMPLETION FOR THE CONSTRUCTION OF THE ANNUAL RESIDENTIAL ROADWAY RESURFACING PROJECT FY 22/23, THE VIOLET LANTERN STORM DRAIN IMPROVEMENT PROJECT, AND THE ROADWAY RESURFACING – OVERLAY ASPHALT REPAIRS PROJECT FY 23/24, PHASE 1

RECOMMENDED ACTION: That the City Council:

1) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PROJECT ENTITLED “ANNUAL RESIDENTIAL ROADWAY RESURFACING PROJECT FY 22/23”; and

2) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PROJECT ENTITLED “VIOLET LANTERN STORM DRAIN IMPROVEMENT PROJECT”; and

3) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PROJECT ENTITLED “ROADWAY RESURFACING – OVERLAY/ASPHALT REPAIRS PROJECT FY 23/24, PHASE 1”.

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

8. CALIFORNIA COASTAL COMMISSION SUGGESTED MODIFICATIONS TO THE CITY'S PRIOR APPROVAL OF LOCAL COASTAL PROGRAM LCPA19-0003/ZONE TEXT AMENDMENT ZTA19-0003 AMENDING PLANNING AREA 3 (VISITOR SERVING COMMERCIAL) OF THE DANA POINT HARBOR REVITALIZATION PLAN AND DISTRICT REGULATIONS

RECOMMENDED ACTION: That the City Council:

- 1) Conduct a public hearing; and
- 2) Review and forward adopted modifications to the California Coastal Commission for final certification by adopting a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS TO LOCAL COASTAL PROGRAM AMENDMENT LCPA19-0003 FOR PLANNING AREA 3 OF THE DANA POINT HARBOR REVITALIZATION PLAN AND DISTRICT REGULATIONS AND REQUESTING SUBMISSION TO AND FINAL CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION; AND

- 3) Introduce and hold the first reading of an Ordinance adopting the suggested modifications approved by the California Coastal Commission for Zone Text Amendment ZTA19-0003 as part of Local Coastal Program Amendment LCPA190003 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING ZONE TEXT AMENDMENT ZTA19-0003 WITH THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS TO AMEND THE DANA POINT HARBOR REVITALIZATION PLAN AND DISTRICT REGULATIONS FOR PLANNING AREA 3 AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA19-0003 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

UNFINISHED BUSINESS

9. POLICE SERVICES UPDATE

RECOMMENDED ACTION: That the City Council receive and file the Police Services Update.

10. CAPITAL IMPROVEMENT PROGRAM SUBCOMMITTEE RECOMMENDATIONS FOR UNFUNDED PROJECTS

RECOMMENDED ACTION: That the City Council:

- 1) Consider recommendations from the Capital Improvement Program (CIP) Subcommittee (Federico/Frost) and provide direction to Staff; and
- 2) Sunset the CIP Subcommittee

11. SHORT TERM RENTAL PROGRAM REVIEW

RECOMMENDED ACTION: That the City Council:

- 1) Authorize Staff to implement the maximum permit cap for areas outside the Coastal Zone (115 total permits or 37 new permits), as stated in Dana Point Municipal Code Section 5.38.
- 2) Direct Staff to continue providing annual reports to the City Council on the Short-Term Rental Program.

NEW BUSINESS

12. CITY COUNCIL DIRECTION PER ELECTIONS CODE SECTION 9215 IN CONNECTION WITH ORANGE COUNTY REGISTRAR OF VOTERS CERTIFICATION OF PETITION RELATED TO SHORT TERM RENTAL BALLOT INITIATIVE

RECOMMENDED ACTION: That the City Council:

- 1) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ACCEPTING THE CERTIFICATION OF THE COUNTY OF ORANGE REGISTRAR OF VOTERS AS TO THE SUFFICIENCY OF THE INITIATIVE PETITION ENTITLED "AN INITIATIVE TO REPEAL AND REPLACE THE CITY'S EXISTING SHORT TERM RENTAL ORDINANCE"

- 2) Provide direction per Elections Code Section 9215, to submit to the voters the Ballot Initiative titled, "An Initiative to Repeal and Replace the City's Existing Short Term Rental Ordinance" and in connection therewith take or consider taking the following actions:
 - a. Adopt a Resolution by which to submit the Ballot Initiative to the voters at the next regular general municipal election, November 5, 2024, by approving a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF A CERTAIN MEASURE ENTITLED, "AN INITIATIVE TO REPEAL AND REPLACE THE CITY'S EXISTING SHORT TERM RENTAL ORDINANCE" AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024

- b. Adopt a Resolution by which to request that the general municipal election with respect to "An Initiative to Repeal and Replace the City's Existing Short Term Rental Ordinance" be consolidated with the with the next regular general Statewide election on November 5, 2024, by approving a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL ELECTION TO BE HELD ON NOVEMBER 5, 2024, WITH THE STATEWIDE ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE

- c. Consider adopting a motion directing the City Attorney to prepare an impartial analysis in connection with the Ballot Initiative;
- d. Consider adopting a motion calling for the City Council to submit an argument in favor or against the Ballot Initiative and giving related direction to staff regarding how to proceed.
- e. Consider adopting a Resolution allowing rebuttal arguments for the Ballot Initiative, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR THAT CERTAIN MEASURE ENTITLED, "AN INITIATIVE TO REPEAL AND REPLACE THE CITY'S EXISTING SHORT TERM RENTAL ORDINANCE" SUBMITTED AT A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2024

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 agendized 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-agendized items may be presented as informational only.

STAFF REPORTS

(City Manager Michael Killebrew)

(City Attorney Patrick Muñoz)

UPCOMING EVENTS

- July 17th – Organic Market, Amber Lantern, 4PM – 8PM
- July 20th – Farmer's Market, La Plaza Park, 9AM – 1PM
- July 21st – Concert, Sea Terrace Park – AbbaFab / Kalimba, 2:30PM – 6PM
- July 27th – Farmer's Market, La Plaza Park, 9AM – 1PM
- July 28th – Concert, Sea Terrace Park – Uptown Funk / Black Eyed Tease, 2:30PM – 6PM
- August 3rd – Farmer's Market, La Plaza Park, 9AM – 1PM
- August 4th – Concert, Sea Terrace Park – Reflexx / Saved by the 90s, 2:30PM – 6PM
- August 10th – Farmer's Market, La Plaza Park, 9AM – 1PM
- August 11th – Concert, Sea Terrace Park – Full Strength / Tijuana Dogs, 2:30PM – 6PM
- August 17th – Farmer's Market, La Plaza Park, 9AM – 1PM
- August 17th – Ramps & Amps, Doheny Village, 3PM – 8PM
- August 18th – Concert, Sea Terrace Park – Common Sense / The Aggrolites, 2:30PM – 6PM
- August 24th – Farmer's Market, La Plaza Park, 9AM – 1PM
- August 25th – Dana Point Classic Car Show, Del Prado, 10AM – 3PM

- August 27th – GPAC Meeting, Community Center, 6PM – 9PM (Tentative)
- August 31st – Farmer’s Market, La Plaza Park, 9AM – 1PM

ADJOURNMENT

The next Regular Meeting of the City Council will be September 3, 2024, at 5:30 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 July 15, 2024, at 4:30 p.m.



SHAYNA SHARKE, CITY CLERK

7/15/2024
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.