

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
SEPTEMBER 17, 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 Attn: City Clerk, 33282 Golden Lantern, Dana Point, CA 92629; or via email at [comment@danapoint.org](mailto:comment@danapoint.org). In order to be provided to the City Council *prior* to the meeting, comments must be received by 5:00 P.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 – EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (2 cases)
  - a. Center For Natural Lands Management v City of Dana Point, Orange County Superior Court Case No: 30-2021-01219668 CU-OR-CJC
  - b. Travis Mellem vs. City of Dana Point et al; OCSC Case NO 30-2024-01377025-CU-WM-CJC

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

**RECONVENE CITY COUNCIL MEETING**

**PLEDGE OF ALLEGIANCE**

**PRESENTATIONS AND PROCLAMATIONS**

Employee of the Quarter – Recreation Leaders

**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, SEPTEMBER 3, 2024](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

**3. [PLANNING COMMISSION MEETING MINUTES, JULY 22, 2024](#)**

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

**4. [FINANCIAL REVIEW COMMITTEE MINUTES, APRIL 30, 2024](#)**

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

**5. [CLAIMS AND DEMANDS](#)**

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

**6. [DEVELOPMENT UPDATE](#)**

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

7. **THIRD AMENDMENT OF PROFESSIONAL SERVICES AGREEMENT WITH LSA ASSOCIATES, INC. TO CONDUCT ENVIRONMENTAL REVIEW FOR THE DANA POINT HARBOR HOTELS PROJECT**

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a third amendment to the professional services agreement with LSA Associates, Inc. to increase the project budget and continue work on the Environmental Impact Report (EIR) for the Dana Point Harbor Hotels project.

**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. **ADMINISTRATIVE FEE FOR VEHICLE REMOVAL, IMPOUND, STORAGE, OR RELEASE**

RECOMMENDED ACTION: That the City Council:

- 1) Conduct a public hearing; and
- 2) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA,  
APPROVING AN UPDATED ADMINISTRATIVE FEE FOR VEHICLE REMOVAL, IMPOUND,  
STORAGE OR RELEASE

**UNFINISHED BUSINESS**

None.

## NEW BUSINESS

9. [FISCAL YEAR 2023-24 \(FY24\) 4TH QUARTER FINANCIAL REPORT; PROPOSED FY25 CARRY-OVER BUDGET ADJUSTMENTS; FINANCIAL POLICY UPDATES; HEALTH PLAN PROVISIONS FOR CALENDAR YEAR 2025; AND SALARY RANGES FOR REPRESENTED AND NON-REPRESENTED EMPLOYEE CLASSIFICATIONS; AND AMENDMENTS TO CITY'S CONFLICT OF INTEREST CODE](#)

RECOMMENDED ACTION: That the City Council:

- 1) Receive and file the FY24 Financial Report for the quarter ended June 30, 2024; and
- 2) Amend the FY2024-25 ("FY25") budget by authorizing the carry-over and appropriation of encumbered and unencumbered funds from FY24 to FY25, and authorize the FY25 revenue and expenditure adjustments, as detailed in this report; and
- 3) Approve Amended Financial Policy #231 – Infrastructure Asset Management Policy and rescind Financial Policy #234 – Community Investment Account; and
- 4) Adopt Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING SALARY RANGES FOR REPRESENTED AND NON-REPRESENTED CLASSIFICATIONS AND ADOPTING NEW JOB TITLES AND CLASS SPECIFICATIONS; and

- 5) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING THE CITY'S CONFLICT OF INTEREST CODE; and

- 6) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, MODIFYING HEALTH BENEFIT PLAN ALLOWANCES FOR ELIGIBLE REPRESENTED AND ELIGIBLE NON-REPRESENTED CLASSIFICATIONS.

## 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

- September 21 Coastal Clean-Up Day, [coastalcleanupday.org](http://coastalcleanupday.org)
- September 21 Farmer's Market and Craft Vendors, La Plaza
- September 22 REDO Vintage Market, Del Prado
- September 25 Taste of Lantern Village, La Plaza
- September 26 CA Surfing Day Celebration, Doheny State Beach
- September 27 – 29 Ohana Music Festival, Doheny State Beach
- September 28 Farmers Market and Crafts Vendors, La Plaza
- October 5 – 6 Palm Tree Music Festival, Doheny State Beach
- October 13 Dana Point ArtFest, Del Prado
- October 13 Art & History Trolley Tour
- October 19 Bulky Item Clean Up Day, South Shores Church
- October 26 Halloween Spooktacular & Trunk or Treat, Community Center
- November 2 Dia de Los Muertos, La Plaza

## ADJOURNMENT

The next Regular Meeting of the City Council will be October 1, 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](http://www.danapoint.org) by September 12, 2024, at 5:30 p.m.



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SHAYNA SHARKE, CITY CLERK

9/12/2024  
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](http://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](http://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.