

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
SEPTEMBER 3, 2024
5:00 P.M.**

MINUTES

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

Next City Council Ordinance No. 24-08

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Jamey M. Federico at 5:00 P.M. in the City Council Chambers, 33282 Golden Lantern, Dana Point.

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 - ABSENT

STAFF PRESENT: Michael A. Killebrew, City Manager; Kelly Reenders, Assistant City Manager; Patrick Munoz, City Attorney; Shayna Sharke, City Clerk; Sea Shelton, Director of Administrative Services; Captain Todd Hylton; Matthew Sinacori, Director of Public Works/City Engineer; Brenda Wisneski, Director of Community Development; John Ciampa, Principal Planner; Ryan Haworth, Deputy City Clerk; Jaimie To, Sr. Management Analyst.

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL - DISCUSSION OF ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (1 case)
- B. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Government Code § 54956.9 (c), (1 case)
- C. 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. Meyers v City of Dana Point, Orange County Superior Court Case No: 30-2024-01411301-CU-EI-CXC

Mayor Federico recessed the meeting into a Closed Session at 5:01 PM. pursuant to Government Code Section 54957.

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

RECONVENE CITY COUNCIL MEETING

Mayor Federico reconvened the meeting at 6:00 P.M.

Patrick Munoz City Attorney stated that City Council approved participating in an amicus brief in connection with the matter of Mira Costa Homeowners Association vs. California Coastal Commission on an issue related to existing structures and when shoreline protection devices are authorized.

Mayor Federico noted that the Appeal for Item 10, regarding the indoor self-storage buildings at 25802 and 25831 Victoria Boulevard has been withdrawn as of this morning, so the Public Hearing has been cancelled.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pro Tem Pagano.

PRESENTATIONS AND PROCLAMATIONS

Proclamation for Hunger Action Month

Christine Montevideo from Second Harvest Food Bank of Orange County provided a presentation for September Hunger Action Month and was presented with a Proclamation from Mayor Federico.

Sister Cities

Bob Zasa President of Dana point Sister Cities international spoke about the Sister Cities program and presented the agreement between the cities. Mayor Federico presented Bob Zasa with a Certificate of Recognition for his involvement in the program. Allison Peterson Senior Management Analyst from the City of Dana Point and Ben Strauss a student at Dana Hills High School were acknowledged by Mayor Federico and Bob Zasa for their involvement in the Sister Cities program and Mayor Federico presented Ben Strauss with a Certificate of Recognition.

READING OF ORDINANCE TITLES

City Clerk Shayna Sharke read one (1) ordinance title.

CONSENT CALENDAR

IT WAS MOVED BY COUNCIL MEMBER FROST, SECONDED BY MAYOR FEDERICO, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR.

The motion carried by the following vote:

AYES: Frost, Gabbard, Pagano, Federico

NOES: None

ABSENT: 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, JULY 16, 2024

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, JULY 8, 2024

RECEIVED AND FILED THE MINUTES.

4. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

5. TREASURER'S REPORT

RECEIVED AND FILED THE TREASURER'S REPORT FOR JUNE AND JULY, 2024.

6. LAZ PARKING SHUTTLE SERVICE AT STRANDS BEACH

1) APPROVED A FIRST AMENDMENT TO A CONTRACT WITH LAZ PARKING CALIFORNIA, LLC FOR SHUTTLE SERVICE AT STRANDS BEACH; AND

2) AUTHORIZED THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE FIRST AMENDMENT WITH THE OPTION TO EXTEND THE AGREEMENT FOR THREE ADDITIONAL, ONE-YEAR TERMS, INCLUDING ANNUAL CONSUMER PRICE INDEX (CPI) INCREASES; AND,

3) AUTHORIZED THE BUDGET ADJUSTMENT.

7. SECOND READING AND ADOPTION OF AN ORDINANCE RELATED TO THE CALIFORNIA COASTAL COMMISSION SUGGESTED MODIFICATIONS TO DANA POINT LOCAL COASTAL PROGRAM AMENDMENT LCPA19-0003/ZONE TEXT AMENDMENT ZTA19-0003 AMENDING PLANNING AREA 3 (VISITOR SERVING COMMERCIAL) OF THE DANA POINT HARBOR REVITALIZATION PLAN AND DISTRICT REGULATIONS

HELD A SECOND READING AND ADOPTED **ORDINANCE 24-08** 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

8. 2024 COMMUNITY SURVEY

- 1) APPROVED A CONTRACT AGREEMENT WITH FAIRBANK, MASLIN, MAULLIN, METZ & ASSOCIATES (FM3) FOR THE 2024 COMMUNITY SURVEY; AND
- 2) AUTHORIZED THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE AGREEMENT.

9. ADOPTION OF A RESOLUTION APPROVING NOTICES OF COMPLETION FOR THE CONSTRUCTION OF THE SLURRY SEAL FY 23/24 PROJECT (CIP #1353) AND THE COAST HIGHWAY COMPLETE STREET PROJECT (CIP #1368)

- 1) ADOPTED RESOLUTION 24-09-03-01 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 "SLURRY SEAL FY 23/24 PROJECT"; AND

- 2) ADOPTED RESOLUTION 24-09-03-02 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 "THE COAST HIGHWAY COMPLETE STREET PROJECT"

PUBLIC COMMENTS

Kenny Grant (Dana Point) voiced concern about electric bikes around town.

Betty Hill (Dana Point) spoke as a proponent of Measure T. She provided a handout to City Council and rebutted the opposing argument to the ballot measure.

PUBLIC HEARINGS

10. APPEAL OF THE PLANNING COMMISSION DECISION TO APPROVE COASTAL DEVELOPMENT PERMIT CDP24-0010 AND SITE DEVELOPMENT PERMIT SDP24-0017 TO ALLOW THE DEMOLITION OF EXISTING IMPROVEMENTS AND THE CONSTRUCTION OF TWO (2), THREE (3) STORY, INDOOR SELF-STORAGE BUILDINGS AT 25802 & 25831 VICTORIA BOULEVARD

APPEAL WITHDRAWN – PUBLIC HEARING CANCELLED.

11. TENTATIVE PARCEL MAP TPM22-0001 AND MINOR SITE DEVELOPMENT PERMIT SDP24-0009(M) TO SUBDIVIDE ONE LOT INTO THREE RESIDENTIAL LOTS AND ONE LETTER LOT, CONSTRUCT ONE SINGLE-FAMILY RESIDENCE ON EACH LOT, AND A RETAINING WALL UP TO 10-FEET IN HEIGHT, AT 35372 DEL REY UNIT C

John Ciampa Principal Planner provided a staff report.

Mayor Federico opened the Public Hearing at 6:32 PM.

Rita McKinney (Appellant – Capistrano Beach) provided her argument against the project and cited concerns of public safety.

Nolan Clarke (Applicant – Rancho Santa Margarita) provided his rebuttal to Ms. McKinney's argument and addressed the fire and safety concerns.

Nick Lindt (Co-owner) provided his rebuttal to Ms. McKinney's argument and cited the checks and balances that went into the approval process through the City.

Leah Alpern (Capo Development LLC) spoke in favor and added details regarding the consideration that went into design process.

Rita McKinney (Appellant – Capistrano Beach) rebutted the Applicant's argument and cited measurement discrepancies for the project.

Mark McGuire (Representative of Applicant) spoke to the measurements of the project.

Mayor Federico closed the Public Hearing at 6:47 PM.

Discussion ensued.

IT WAS MOVED BY MAYOR PRO TEM PAGANO, SECONDED BY COUNCIL MEMBER FROST, THAT THE CITY COUNCIL ADOPT **RESOLUTION 24-09-03-03** FOR TENTATIVE PARCEL MAP TPM22-0001 AND MINOR SITE DEVELOPMENT PERMIT SDP24-0009(M) ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION APPROVAL OF TENTATIVE PARCEL MAP TPM22-0001 AND MINOR SITE DEVELOPMENT PERMIT SDP24-0009(M) TO SUBDIVIDE ONE LOT INTO THREE RESIDENTIAL LOTS AND ONE LETTER LOT, CONSTRUCT ONE SINGLE FAMILY RESIDENCE ON EACH RESIDENTIAL LOT, AND A RETAINING WALL UP TO 10-FEET IN HEIGHT, AT 35372 DEL REY UNIT C

Discussion ensued.

The motion carried by the following vote:

AYES: Frost, Gabbard, Pagano, Federico

NOES: None

ABSENT: Villar

UNFINISHED BUSINESS

None.

NEW BUSINESS

12. FINANCIAL REVIEW COMMITTEE RECRUITMENT

Shayna Sharke City Clerk provided a staff report.

Discussion ensued.

Mayor Pro Tem Pagano recommended that he and Council Member Frost be on the subcommittee to interview the applicants and recommend appointment for Council approval.

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

- 1) DIRECT STAFF TO PROCEED WITH THE RECRUITMENT FOR A VACANCY ON THE FINANCIAL REVIEW COMMITTEE;
- 2) APPOINT MAYOR PRO TEM PAGANO AND COUNCIL MEMBER FROST TO A SUBCOMMITTEE TO INTERVIEW THE APPLICANTS AND RECOMMEND AN APPOINTMENT FOR COUNCIL APPROVAL.

The motion carried by the following vote:

AYES: Frost, Gabbard, Pagano, Federico

NOES: None

ABSENT: Villar

13. CONSIDERATION OF FINDINGS BY HCD RELATED TO ORDINANCE 23-06 (ACCESSORY DWELLING UNITS)

Brenda Wisneski Community Development Director provided a staff report.

Discussion ensued.

IT WAS MOVED BY MAYOR FEDERICO, SECONDED BY COUNCIL MEMBER FROST, THAT THE CITY COUNCIL ADOPT **RESOLUTION 24-09-03-04** AND NOTWITHSTANDING FIND ORDINANCE 23-06 COMPLIANT WITH THE STATE ADU LAWS, COUNCIL PROVIDED

DIRECTION TO STAFF REGARDING POSSIBLE AMENDMENTS TO ADDRESS ISSUES IDENTIFIED BY HCD. THE ADOPTED RESOLUTION IS ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING ORDINANCE 23-06 WITHOUT CHANGES AND FINDING SUCH ORDINANCE COMPLIES WITH STATE LAW

The motion carried by the following vote:

AYES: Frost, Gabbard, Pagano, Federico

NOES: None

ABSENT: Villar

STAFF REPORTS

City Attorney Patrick Munoz stated that he had nothing to report.

City Manager Michael A. Killebrew stated that he had nothing to report.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

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

Council Member Frost stated that he has turned in his list of meetings.


Mayor Pro Tem Pagano stated that he has turned in his list of meetings and commended the trolley program.

Mayor Federico thanked the Recreation Staff for their hard work at all the events over the summer and stated that he will turn in his list of meetings. He announced the upcoming events that will be happening around Dana Point.

Matt Sinacori Director of Public Works/City Engineer provided a brief report on trolley ridership.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Federico adjourned the meeting in honor of Bob Elders & Bill Lane at 7:18 PM. He announced that the next Regular Meeting of the City Council will be September 17, 2024, 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 SEPTEMBER 17, 2024

Meetings attended since July 17, 2024

Mayor Jamey Federico

Mayor Pro Tem Matthew Pagano

07/25/2024 Meeting with Joe Muller and Brian Moreno from La Terra regarding storage project
08/22/2024 Ride along with Mike Killebrew
08/26/2024 Golf outing for Marine Corps League.
08/27/2024 Patrick Munoz, Jamey Federico, Brenda Wisneski, ADU briefing

Council Member Mike Frost

07/17/2024 Orange County Housing Finance Trust
07/25/2024 Orange County Fire Authority
08/06/2024 Orange County Housing Finance Trust
08/08/2024 TCA
08/10/2024 Fish For Life
08/23/2024 Dixieline Lumber
08/26/2024 Marine Core League

Council Member John Gabbard

08/09/2024 Assemblymember Davies OC First Responders Awards
08/22/2024 OCCOG Board of Directors meeting

Council Member Michael Villar