

Dana Point Harbor Oversight Advisory Committee

Wednesday October 2, 2024 | 5:32 p.m. – 6:25 p.m.

MINUTES

Robert Langan, DPHOAC Chair, called the meeting to order at 5:32 p.m. Committee members not in attendance; Mike Frost, Wendy Leavell, John Fellner (Bob Sherwood sat in for John).

PRESENTATIONS/UPDATES:

-Orange County Supervisor Foley Update: Supervisor Foley advised the committee that the parking structure is well underway and that to accommodate the construction process the entry to the boater's parking lot 1 and the Dana Wharf commercial area has been rerouted. The Supervisor explained that the access and egress to the subject parking lots is necessary to facilitate the utility infrastructure required for the garage and the commercial core. The current routing will continue in some form through March of 2025. Keep in mind that once the garage is completed and the commercial core rebuild begins, the Golden Lantern entrance to the business tenants and the marina will be permanently reconfigured.

-County of Orange CEO Real Estate Update: Christian Gagne, the Dana Point Harbor Oversight Manager for the County of Orange advised the committee that Dana Point Harbor Partners (DPHP) is exploring options to manage increased parking demands the Harbor experiences during the holiday season. He explained that DPHP plans to work with the City of Dana Point to assess the feasibility of making temporary changes to the Day Boater parking lot, including determining the necessary approvals and responsible parties. This approach aims to accommodate the parking needs generated by the parade and the holiday lighting and events in the harbor. DPHOAC member, Shala O'Keefe, requested that a more permanent use of the Day Boater parking be granted as the businesses in the Dana Wharf area have been significantly impacted by the confusion caused by the rerouting of access to the Dana Wharf parking lot and the reduction in available parking spaces. Mr. Gagne reiterated that use of the Day Boater parking lot by Dana Point Harbor visitors would require review and approval by the City of Dana Point to ensure compliance with the Commercial Core CDP.

Mr. Gagne advised the Committee that the search for a firm to conduct the marina Market Study/Appraisal has been narrowed down to one entity. This selected firm has submitted a proposed Scope of Work (SOW), which will be reviewed and amended as necessary before finalizing. He also mentioned that CEO Real Estate will collaborate with the committee, specifically Robert Langan, to gather input prior to finalizing the SOW. Once a SOW is finalized, a contract task order will be processed followed by a notice to proceed.

The Committee was advised that the Dana Outrigger Club (Club) storage issue has been narrowed down to two long-term options, along with several temporary solutions, if needed, as the DPHP marina project continues. DPHP assured the Committee that a resolution would be reached before the Club was asked to vacate their current storage area.

Lastly, Mr. Gagne advised the Committee that discussions between DPHP and the OC Parks design staff regarding the coordination of the Shade Structure and Parkscape concepts continue.

-O.C. Parks Update: Michael Wilson reported to the Committee that the state had approved a \$3.2 million dollar grant to assist with the design and rebuilding of the OCSEC docks. The grant will provide funding for 75% of the project cost (up to the grant amount), with the remaining 25% funded by the County of Orange. The design and completion are anticipated by June 2026. His team is actively pursuing additional grant opportunities to support OCSEC projects. Mr. Wilson also reported that the annual tree trimming in DPH will start now that the bird nesting season has ended, and the removal of the balcony on the OCSEC boathouse structure has been scheduled.

-Comments/Questions from Committee Members or Attendees: Darcie Harris asked that the Supervisor to comment on the Marina at Dana Point's new Slip License Agreement (SLA), which includes a clause regarding "slander" as a justification for DPHP to revoke a boaters slip rights. The Supervisor responded that the County cannot dictate the terms of the contract between DPHP and their tenants, and in her view, it is a non-issue, as the legal threshold for proving slander is quite high. She felt that the clause is intended to discourage unfounded personal attacks on DPHP staff.

Alyssa Napuri, Supervisor Foley's Deputy Chief of Staff, indicated she would provide the Committee a link to the civil code regarding slander to be reflected in the minutes. The link is: <https://casetext.com/statute/california-codes/california-civil-code/division-1-persons/part-2-personal-rights/section-46-slander-defined>.

DPHP representatives Susan Lieb and Kelly Rinderknecht explained that the clause was incorporated into the SLA primarily to discourage tenants from making disparaging social media posts about DPHP operations or engaging in unfounded personal attacks on staff. They noted the clause is similar to Rule 25 in the legacy slip license agreement.

Ms. Harris then asked that DPHP provide clarity regarding what is not appropriate behavior by a tenant with respect to slander. She also expressed the opinion that the slander clause needlessly exacerbates an already tense relationship between DPHP and their tenants. Additionally, she felt that many boater issues brought to the committee have not been adequately addressed, and she wanted this concern be to reflected in the minutes.

Bob Langan adjourned the meeting at 6:25 p.m. after a motion, second and committee vote for adjournment passed. Next meeting is scheduled for 12/4/24. The November meeting has been canceled due to the national election and the late night it poses for many of the committee participants.

ACTION ITEMS:

1. OPEN - CEO Real Estate to continue process to engage an outside consultant to conduct a market study/appraisal including input from the DPHOAC.
2. OPEN - Resolution of storage needs for the Outrigger Club in advance of pending DPHP construction in their current storage area.
3. NEW - Include FAQ on the DPHOAC Updates page on the Fifth District web site to include concern regarding "slander" in the DPHP slip agreement.