

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
DECEMBER 4, 2012
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 12-07

CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS:

Lara Anderson, Mayor
Steven Weinberg, Mayor Pro Tem
Lisa A. Bartlett, Council Member
William P. Brough, Council Member
J. Scott Schoeffel, Council Member

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b1), (2 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case)

Name of Case: Superior Court Case No. 30-2010-00352093; The People of State of California ex rel. The City of Dana Point v. The Point Alternative Care, Inc., etal.

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Volunteers of the Month – Paula and Bob Becker

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 on the Consent Calendar and that further reading of such ordinances be waived.

2. REGULAR MEETING MINUTES, NOVEMBER 20, 2012

RECOMMENDED ACTION: That the City Council approve the minutes.

3. PLANNING COMMISSION MEETING MINUTES, OCTOBER 22, 2012

RECOMMENDED ACTION: That the City Council receive and file.

4. PLANNING COMMISSION ACTIONS, MEETING OF NOVEMBER 26, 2012

RECOMMENDED ACTION: That the City Council receive and file.

5. ARTS AND CULTURE COMMISSION MEETING MINUTES, SEPTEMBER 19, 2012

RECOMMENDED ACTION: That the City Council receive and file.

6. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECOMMENDED ACTION: That the City Council receive and file.

7. CLAIMS AND DEMANDS

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

8. SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADDING NEW CHAPTER 6.48 "VESSEL REGULATIONS" TO TITLE 6 OF THE DANA POINT MUNICIPAL CODE REGULATING THE ANCHORING OF VESSELS WITHIN THE JURISDICTIONAL WATERS OF THE CITY OF DANA POINT, EXCLUDING DANA POINT HARBOR

RECOMMENDED ACTION: That the City Council hold the second reading and adopt an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADDING NEW CHAPTER 6.48 "VESSEL REGULATIONS" TO TITLE 6 OF THE DANA POINT MUNICIPAL CODE REGULATING THE ANCHORING OF VESSELS WITHIN THE JURISDICTIONAL WATERS OF THE CITY OF DANA POINT, EXCLUDING DANA POINT HARBOR.

9. DISPOSITION OF NON-ESSENTIAL CITY RECORDS

RECOMMENDED ACTION: That the City Council approve the 2012 disposition of non-essential City records in accordance with California State law and the City's approved Records Retention Schedule and adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE DISPOSITION OF CERTAIN INACTIVE CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

10. RESOLUTION RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 6, 2012, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW

RECOMMENDED ACTION: That the City Council adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 6, 2012, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW.

At this time, the City Clerk will read the title(s) of the ordinance(s) listed on the agenda.

UNFINISHED BUSINESS

There are no Unfinished Business items.

NEW BUSINESS

There are no New Business items.

RECOGNITION OF OUTGOING CITY COUNCIL MEMBERS

- Presentation to Lara Anderson
- Recognition of Outgoing Mayor by Mayor Pro Tem Weinberg

SWEARING IN OF NEWLY ELECTED CITY COUNCIL MEMBERS

OATH OF OFFICE TO BE ADMINISTERED TO:

- Carlos N. Olvera
- J. Scott Schoeffel

CITY COUNCIL REORGANIZATION

A. COUNCIL REORGANIZATION

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 fifteen 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

11. [ANNUAL REVIEW OF THE GENERAL GOVERNMENT IMPACT FACILITIES AND TRANSPORTATION FACILITIES DEVELOPMENT IMPACT FEES](#)

RECOMMENDED ACTION: That the City Council conduct a Public Hearing and adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REAFFIRMING THE APPLICATION OF THE GENERAL GOVERNMENT FACILITIES AND TRANSPORTATION FACILITIES DEVELOPMENT IMPACT FEE PROGRAM FOR ALL NEW DEVELOPMENT LOCATED WITHIN THE CITY OF DANA POINT FOR THE 2011-2012 FISCAL YEAR.

12. [DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT ANNUAL REPORT AND RENEWAL FOR 2013 WITH RELATED CONTRACTS](#)

RECOMMENDED ACTION: That the City Council 1) conduct a Public Hearing and adopt a Resolution entitled:

A RESOLUTION OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE 2013 ANNUAL REPORT AND DECLARING THE INTENTION OF THE CITY COUNCIL TO CONTINUE THE PROGRAM AND ASSESSMENTS FOR THE 2013 CALENDAR YEAR FOR THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID); and

- 2) That the City Council authorize the City Manager to execute a contract with Agency 51 for 2013 Marketing Services on behalf of the Dana Point Tourism Business Improvement District (TBID); and
- 3) That the City Council authorize the City Manager to work with the Advisory Board to negotiate a contract with Helms Briscoe for 2013 conference planner incentive program on behalf of the Dana Point Tourism Business Improvement District (TBID) for City Council approval at the earliest possible date; and
- 4) That the City Council approve the concept for the Elephant Parade, and authorize the City Manager to work with the Advisory Board to negotiate a contract with Elephant Parade USA for production of an international event on behalf of the Dana Point Tourism Business Improvement District (TBID) for City Council approval at the earliest possible date.

PUBLIC COMMENTS (Continued)

STAFF REPORTS

(City Manager Doug Chotkevys)

(City Attorney Patrick Muñoz)

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.

ADJOURNMENT

The next Regular Meeting of the City Council will be January 15, 2013, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

RECEPTION

REFRESHMENTS WILL BE SERVED – THE PUBLIC IS INVITED.

CERTIFICATION

I, Kathy M. Ward, 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, the Dana Point Post Office, the Capistrano Beach Post Office and the Dana Point Library by Thursday, November 29, 2012, at 5:00 p.m.

KATHY M. WARD, CITY CLERK

DATE

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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.