

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
APRIL 3, 2007
5:00 P.M.**

AGENDA

Location: Dana Point Community Center, 34052 Del Obispo, Dana Point, California 92629

Next City Council Ordinance No. 07-04

CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS:

Diane L. Harkey, Mayor
Lisa A. Bartlett, Mayor Pro Tem
Lara Anderson, Council Member
Joel Bishop, Council Member
Steven H. Weinberg, Council Member

CLOSED SESSION

There are no Closed Session items.

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Business of the Month – JT Salon
VIPS – Presidential Service Awards

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.

At this time, the City Clerk will read the title(s) of the ordinance(s) listed herein except those that are removed for separate action, which will be read separately.

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, MARCH 20, 2007](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, MARCH 13, 2007](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION ACTIONS, MEETING OF MARCH 27, 2007](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [YOUTH BOARD MEETING MINUTES, MARCH 1, 2007](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. [YOUTH BOARD MEETING MINUTES, MARCH 15, 2007](#)

RECOMMENDED ACTION: That the City Council receive and file.

7. [MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR](#)

RECOMMENDED ACTION: That the City Council receive and file.

8. [CITY TREASURER'S REPORT, FEBRUARY 2007](#)

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of February 2007.

9. CLAIMS AND DEMANDS

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

10. [AMENDMENT TO EMPLOYMENT CONTRACT FOR CITY MANAGER](#)

This report will be provided to the City Council prior to the meeting.

11. **AWARD OF CONTRACT FOR THE 4TH OF JULY AERIAL FIREWORKS DISPLAY AND BARGE CONTRACT**

RECOMMENDED ACTION: That the City Council approve the following for the 2007 Fourth of July aerial fireworks display:

1. Contract with Fireworks & Stage FX America, Inc. in the amount of \$60,000 for the aerial display;
2. Contract with Point Loma Maritime Services in the amount of \$12,000 to provide a tug and barge to be utilized as the staging area for the fireworks display; and
3. Authorize the City Manager to execute the agreements.

12. **CHARITABLE GRANT FUNDING APPLICATION**

RECOMMENDED ACTION: That the City Council approve charitable grant funding totaling \$3,000 to the Soroptimist International of Capistrano Bay.

13. **PROPOSED AMENDMENT TO SKATEBOARDING ORDINANCE**

RECOMMENDED ACTION: That the City Council conduct second reading and adopt an ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 4.02 OF THE MUNICIPAL CODE ENTITLED "ROLLERSKATING, SKATEBOARDING, AND BICYCLING PROHIBITED IN CERTAIN DESIGNATED AREAS."

14. **TRESPASSING ON PRIVATE PROPERTY**

RECOMMENDED ACTION: That the City Council:

1. Conduct second reading and adopt an ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADDING CHAPTER 11.50 ENTITLED "TRESPASSES UPON PRIVATE PROPERTY PROHIBITED" TO TITLE 11 (PEACE, MORALS, AND SAFETY) TO THE DANA POINT MUNICIPAL CODE; and

2. Conduct second reading and adopt an ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REPEALING CHAPTER 5.06 ENTITLED "SOLICITATION OF EMPLOYMENT OR BUSINESS FROM PUBLIC STREETS PROHIBITED" FROM TITLE 5 (BUSINESS REGULATIONS) OF THE DANA POINT MUNICIPAL CODE.

15. [SECOND READING OF AND ADOPTION OF PLANNING COMMISSION ALTERNATES AND TERM LIMITS ORDINANCE](#)

RECOMMENDED ACTION: That the City Council conduct second reading and adopt an ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING SECTIONS 2.06.050, 2.06.060 AND 2.06.070 OF THE MUNICIPAL CODE, AND ADDING SECTION 2.07.016 TO THE MUNICIPAL CODE REGARDING PLANNING COMMISSION ALTERNATES AND PLANNING COMMISSION TERM LIMITS

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

There are no Public Hearings.

UNFINISHED BUSINESS

16. [FISCAL YEAR 2006-07 BUDGET STATUS REPORT](#)

RECOMMENDED ACTION: That the City Council receive and file the Fiscal Year 2006-07 Budget Status Report and authorize the budget adjustments detailed within the report.

NEW BUSINESS

17. **CITY COUNCIL POLICY ON THE CITY MANAGER EVALUATION**

RECOMMENDED ACTION: That the City Council discuss the current policy for reviewing the City Manager's evaluation as compared to the former policy and authorize the Mayor and Mayor Pro Tem to prepare an amended policy for future Council consideration.

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 agendaized 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-agendaized items may be presented as informational only.

ADJOURNMENT

The next Regular Meeting of the City Council will be April 17, 2007 at 5:00 p.m. in the Dana Point Community Center located at 34052 Del Obispo, Dana Point, California.

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, the Dana Point Library and the Dana Point Community Center by Friday, March 30, 2007, at 5:00 p.m.

KATHY M. WARD, CITY CLERK

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.

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.