
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR ACTION AGENDA
May 20, 2008**

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Bishop at 5:00 p.m. in the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point.

ROLL CALL OF CITY COUNCIL MEMBERS:

Present: Mayor Joel Bishop
Mayor Pro Tem Lisa A. Bartlett
Council Member Lara Anderson
Council Member Steven H. Weinberg

STAFF PRESENT: Douglas Chotkevys, City Manager; Patrick Munoz, City Attorney; Kathy Ward, City Clerk; Mike Rose, Emergency Services Manager; Mike Killebrew, Director of Administrative Services; Lt. Mark Levy, Chief of Police; Kyle Butterwick, Director of Community Development; Brad Fowler, Director of Public Works/City Engineer; Bobbi Ogan, Deputy City Clerk; Windy Robles, City Clerk Specialist; DyAnne Weamire, Administrative Secretary; Jackie Littler, Executive Secretary; Brian McClure, Parks Manager; Christy Teague, Economic Development Manager; Lynn Kelly, Management Analyst; and John Tilton, City Architect.

CLOSED SESSION

City Attorney Munoz indicated there was a need for a Closed Session as follows:

- A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b)(1), (2 cases: AT&T and Scenic Drive)**

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

Mayor Bishop recessed the meeting into a Closed Session at 5:01 p.m. pursuant to Government Code Section 54956 *et. seq.*

RECONVENE CITY COUNCIL MEETING

Mayor Bishop called the meeting to order at 6:00 p.m.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that there was no announcement.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Richard Gardner, Director of South Coast Water District.

INVOCATION

The Invocation was led by Pastor Craig Whittaker of Capo Beach Calvary.

PRESENTATIONS AND PROCLAMATIONS

Employee Recognition

Public Service Week Recognition: Brad Fowler, Kathy Ward, and Kyle Butterwick

Grand Prix Bike Race

CONSENT CALENDAR

Council Member Anderson removed Item No. 12 and a member of the public removed Item No. 14 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER STEVEN H. WEINBERG, SECONDED BY MAYOR PRO TEM LISA A. BARTLETT, APPROVE THE BALANCE OF THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 12 AND 14.

The motion carried by the following vote:

AYES: MAYOR JOEL BISHOP, MAYOR PRO TEM LISA A. BARTLETT, COUNCIL MEMBER LARA ANDERSON, AND COUNCIL MEMBER STEVEN H. WEINBERG.

NOES: None.

ABSENT: COUNCIL MEMBER DIANE L. HARKEY.

1. WAIVE THE READING OF ORDINANCES AND APPROVE READING BY TITLE ONLY

APPROVED 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, MAY 6, 2008

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, APRIL 22, 2008

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF MAY 13, 2008

RECEIVED AND FILED.

5. CHARITABLE GRANT SUBCOMMITTEE DRAFT MINUTES, APRIL 30, 2008

RECEIVED AND FILED.

6. YOUTH BOARD MEETING MINUTES, APRIL 17, 2008

RECEIVED AND FILED.

**7. OCEAN WATER QUALITY SUBCOMMITTEE MEETING MINUTES,
MARCH 11, 2008**

RECEIVED AND FILED.

8. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

9. CLAIMS AND DEMANDS

RECEIVED AND FILED.

**10. APPROVE AMENDMENT NO. 12 TO CONTRACT AGREEMENT NO. C-8-0370
WITH ORANGE COUNTY TRANSIT AUTHORITY TO PROVIDE SENIOR
TRANSPORTATION SERVICES TO THE DEL OBISPO COMMUNITY/SENIOR
CENTER THROUGH JUNE 30, 2009**

APPROVED AMENDMENT NO. 12 TO THE EXISTING AGREEMENT NO. C-8-0370 WITH ORANGE COUNTY TRANSIT AUTHORITY FOR SENIOR TRANSPORTATION TO THE DEL OBISPO COMMUNITY/SENIOR CENTER THROUGH JUNE 30, 2009 AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT.

11. AGREEMENT FOR DISTRICT ATTORNEY PROSECUTION SERVICES

APPROVED A FIVE YEAR AGREEMENT WITH DISTRICT ATTORNEY'S OFFICE OF ORANGE COUNTY TO PROSECUTION SERVICES FOR MUNICIPAL CODE VIOLATIONS FOR CITY OF DANA POINT.

12. ADOPTION OF A RESOLUTION DESIGNATING 34255 PACIFIC COAST HIGHWAY, DANA POINT, CALIFORNIA AS A NO ROLLERSKATING, SKATEBOARDING OR BICYCLING AREA

Council Member Anderson pulled this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER STEVEN H. WEINBERG, SECONDED BY MAYOR PRO TEM LISA A. BARTLETT, TO ADOPT RESOLUTION **08-05-20-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DESIGNATING 34255 PACIFIC COAST HIGHWAY, DANA POINT, CALIFORNIA, AS A NO ROLLERSKATING, SKATEBOARDING OR BICYCLING AREA.

The motion carried by the following vote:

AYES: MAYOR JOEL BISHOP, MAYOR PRO TEM LISA A. BARTLETT, AND COUNCIL MEMBER STEVEN H. WEINBERG.

NOES: COUNCIL MEMBER LARA ANDERSON.

ABSENT: COUNCIL MEMBER DIANE L. HARKEY.

13. AWARD CONTRACT TO UNITED STORM WATER, INC. FOR CATCH BASIN FILTER AND CDS UNIT CLEANING AND MAINTENANCE SERVICES

AWARDED A MAINTENANCE SERVICES CONTRACT TO UNITED STORM WATER, INC. FOR CATCH BASIN FILTER AND CDS UNIT CLEANING; AUTHORIZED UP TO FOUR, OPTIONAL TWO YEAR CONTRACT RENEWALS BEYOND THE ORIGINAL TWO YEAR TERM OF JULY 1, 2008 - JUNE 30, 2010; AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE MAINTENANCE SERVICES CONTRACT AND FUTURE AMENDMENTS TO THE CONTRACT.

14. **FIRST READING AND INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADDING ARTICLE 9 TO THE DANA POINT MUNICIPAL CODE INCLUDING SECTIONS 14.01.780 THROUGH 14.01.950, ENTITLED "CONSTRUCTION OF CABLE COMMUNICATIONS SYSTEMS"**

A member of the public had pulled this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER STEVEN H. WEINBERG, SECONDED BY MAYOR PRO TEM LISA A. BARTLETT, TO HOLD A FIRST READING AND INTRODUCE AN ORDINANCE ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADDING ARTICLE 9, INCLUDING SECTIONS 14.01.780 THROUGH 14.01.950, ENTITLED "CONSTRUCTION OF CABLE COMMUNICATIONS SYSTEMS" .

The motion carried by the following vote:

AYES: MAYOR JOEL BISHOP, MAYOR PRO TEM LISA A. BARTLETT, COUNCIL MEMBER LARA ANDERSON, AND COUNCIL MEMBER STEVEN H. WEINBERG.

NOES: None.

ABSENT: COUNCIL MEMBER DIANE L. HARKEY.

15. **SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, MODIFYING CHAPTER 12.14 OF THE DANA POINT MUNICIPAL CODE ADDRESSING NECESSARY CODE REVISIONS FOR PREFERENTIAL PARKING DISTRICTS CITYWIDE**

HELD SECOND READING AND ADOPTED **ORDINANCE 08-05** ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, MODIFYING CHAPTER 12.14 OF THE DANA POINT MUNICIPAL CODE ADDRESSING NECESSARY CODE REVISIONS FOR PREFERENTIAL PARKING DISTRICTS CITYWIDE.

16. **APPROVAL OF FIRST AMENDMENT TO COOPERATION AGREEMENT BETWEEN THE COUNTY OF ORANGE AND CITY OF DANA POINT TO CONTINUE AS "SMALL CITY" PARTICIPANT**

APPROVED THE FIRST AMENDMENT TO THE COOPERATION AGREEMENT BETWEEN THE COUNTY OF ORANGE AND THE CITY OF DANA POINT TO CONTINUE DESIGNATION OF DANA POINT AS A SMALL CITY PARTICIPANT IN THE URBAN COUNTY PROGRAM THROUGH THE U.S.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR FY2009-11, AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT.

PUBLIC COMMENTS

John Chaffetz, Dana Point, stated that he did not feel it was right to schedule a Council meeting on an election day. He asked Council to change the date of their next meeting.

PUBLIC HEARINGS

17. ZONING CODE UPDATE PROGRAM - ZONE TEXT AMENDMENTS ZTA08-0002 AND ZTA08-0003

IT WAS MOVED BY COUNCIL MEMBER STEVEN H. WEINBERG, SECONDED BY MAYOR PRO TEM LISA A. BARTLETT, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING AND INTRODUCE FOR FIRST READING AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENTS ZTA08-0002 AND ZTA08-0003, REVISING THE CITY OF DANA POINT ZONING ORDINANCE TO CORRECT INCONSISTENCIES, CLARIFY EXISTING REGULATIONS, SIMPLIFY THE REVIEW PROCESS, UPDATE "NONCONFORMING USES AND STRUCTURES" CHAPTER, AND PROVIDE FOR AMENDMENTS TO PREVIOUSLY APPROVED DISCRETIONARY PERMITS.

The motion carried by the following vote:

AYES: MAYOR JOEL BISHOP, MAYOR PRO TEM LISA A. BARTLETT, COUNCIL MEMBER LARA ANDERSON, AND COUNCIL MEMBER STEVEN H. WEINBERG.

NOES: None.

ABSENT: COUNCIL MEMBER DIANE L. HARKEY.

UNFINISHED BUSINESS

18. INTRODUCTION OF CITY'S REDESIGNED WEBSITE

William Iek of Vision Internet provided a presentation on the City's new website.

19. PACIFIC COAST HIGHWAY ROADWAY IMPROVEMENTS CONTRACT EXPENDITURE ADJUSTMENT

IT WAS MOVED BY COUNCIL MEMBER STEVEN H. WEINBERG, SECONDED BY COUNCIL MEMBER LARA ANDERSON, TO APPROVE AN EXPENDITURE ADJUSTMENT TO SUBJECT CONTRACT, CIP PROJECT #1207.

The motion carried by the following vote:

AYES: MAYOR JOEL BISHOP, MAYOR PRO TEM LISA A. BARTLETT, COUNCIL MEMBER LARA ANDERSON, AND COUNCIL MEMBER STEVEN H. WEINBERG.

NOES: None.

ABSENT: COUNCIL MEMBER DIANE L. HARKEY.

NEW BUSINESS

There were no New Business items.

PUBLIC COMMENTS

There were no additional Public Comments.

STAFF REPORTS

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Bishop declared the meeting adjourned at 7:03 p.m. and announced that the next Regular Meeting of the City Council will be June 3, 2008, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.