

CITY OF DANA POINT

**CITY COUNCIL
ADJOURNED
REGULAR
MEETING**



**TUESDAY
MARCH 6, 2007
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 07-03

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.

PLEDGE OF ALLEGIANCE

INVOCATION

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, FEBRUARY 20, 2007](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

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

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

6. [CITY TREASURER'S REPORT, JANUARY 2007](#)

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

7. **CLAIMS AND DEMANDS**

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

8. [LOCAL DISASTER COUNCIL ORDINANCE UPDATE](#)

RECOMMENDED ACTION: That the City Council consider amending Municipal Code, Chapter 2.20, "Emergency Organization", by conducting a second reading by title only and adopting the attached Ordinance:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 2.20 ENTITLED "EMERGENCY ORGANIZATION" OF THE DANA POINT MUNICIPAL CODE

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.

UNFINISHED BUSINESS

There are no Unfinished Business items.

NEW BUSINESS

9. PLANNING COMMISSION INTERVIEWS

RECOMMENDED ACTION: That the City Council conduct interviews and consider appointments to fill three expiring terms and alternate seat(s) on the Dana Point Planning Commission.

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 March 20, 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 2, 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.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL ADJOURNED REGULAR MEETING MINUTES
FEBRUARY 20, 2007**

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Harkey at 5:10 p.m. in the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point.

ROLL CALL

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

STAFF PRESENT: Douglas Chotkevys, City Manager; Patrick Muñoz, City Attorney; Kathy Ward, City Clerk; Cathy Catlett, Assistant City Clerk; Kyle Butterwick, Director of Community Development; Brad Fowler, Director of Public Works/City Engineer; Matt Sinacori, City Engineer; Lt. Mark Levy, Chief of Police; Jackie Littler, Executive Secretary, and Brian McClure, Parks Manager.

CLOSED SESSION

City Attorney Muñoz 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)(3)(A), (1 case)

Mayor Harkey recessed the meeting into a Closed Session at 5:11 p.m. pursuant to Government Code Section 54956 *et. seq.*

RECONVENE CITY COUNCIL MEETING

Mayor Harkey reconvened the meeting at 6:00 p.m. All Council Members were present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Weinberg.

INVOCATION

The Invocation was led by Bob Moore.

PRESENTATIONS AND PROCLAMATIONS

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL ADJOURNED REGULAR MEETING MINUTES
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Mothers Against Drunk Drivers (MADD) Deuce Award Presentation

Mayor Harkey introduced Mary Beth Griffin, Program Coordinator for MADD. Ms. Griffin presented an award to Deputy Steve Hoffman for the apprehension of 31 DUI drivers in Dana Point in 2006. Deputy Hoffman has been with the Sheriff's Department for 13 years, the last six in Dana Point. He was joined by his family for the presentation.

CONSENT CALENDAR

Mayor Harkey removed Item No. 11 from the Consent Calendar; Council Member Anderson removed Item No. 13 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER ANDERSON, SECONDED BY MAYOR PRO TEM BARTLETT, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM NOS. 11 AND 13.

The motion carried by the following vote:

AYES: Council Members Anderson, Bishop, Weinberg,
Mayor Pro Tem Bartlett and Mayor Harkey
NOES: None
ABSTAIN: None

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. ADJOURNED REGULAR MEETING MINUTES, JANUARY 30, 2007

APPROVED THE MINUTES.

3. ADJOURNED REGULAR MEETING MINUTES, FEBRUARY 6, 2007

APPROVED THE MINUTES.

4. PLANNING COMMISSION MEETING MINUTES, DECEMBER 20, 2006

RECEIVED AND FILED.

5. PLANNING COMMISSION ACTIONS, MEETING OF FEBRUARY 13, 2007

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL ADJOURNED REGULAR MEETING MINUTES
FEBRUARY 20, 2007**

RECEIVED AND FILED.

6. YOUTH BOARD MEETING MINUTES, JANUARY 25, 2007

RECEIVED AND FILED.

7. YOUTH BOARD MEETING MINUTES, FEBRUARY 1, 2007

RECEIVED AND FILED.

8. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

9. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

10. LOCAL DISASTER COUNCIL ORDINANCE UPDATE

INTRODUCED AND CONDUCTED A FIRST READING THE ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 2.20 ENTITLED "EMERGENCY ORGANIZATION" OF THE DANA POINT MUNICIPAL CODE.

11. APPROVAL OF AN AMENDMENT TO THE EXISTING PBS&J PURCHASE ORDER PER THE MASTER AGREEMENT FOR MINOR DESIGN MODIFICATIONS FOR THE ANNUAL ROADWAY RESURFACING PROJECT

Mayor Harkey removed this item from the Consent Calendar. Director of Public Works Fowler indicated that this is an amendment to the purchase order to provide for surfacing additional streets, some of which will be slurry sealed.

Mayor Harkey added that changing some of the streets to slurry seal (that do not need to be cut and ground) will reduce the price significantly, and thanked staff for inspecting all of the streets.

IT WAS MOVED BY MAYOR HARKEY, SECONDED BY COUNCIL MEMBER ANDERSON, TO APPROVE AN AMENDMENT TO THE EXISTING PBS&J PURCHASE ORDER, PER THE MASTER AGREEMENT, FOR MINOR DESIGN MODIFICATIONS FOR THE ANNUAL ROADWAY RESURFACING PROJECT; AND AUTHORIZE A MINOR AMENDMENT TO THE EXISTING PURCHASE ORDER FOR GEOTECHNICAL SERVICES FOR ADDITIONAL ASPHALT CORING.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL ADJOURNED REGULAR MEETING MINUTES
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The motion carried by the following vote:

AYES: Council Members Anderson, Bishop, Weinberg,
Mayor Pro Tem Bartlett and Mayor Harkey
NOES: None
ABSTAIN: None

12. SECOND READING AND ADOPTION OF A MUNICIPAL CODE AMENDMENT REGARDING DUTIES AND RESPONSIBILITIES OF THE TRAFFIC IMPROVEMENT COMMISSION

HELD A SECOND READING AND ADOPTED **ORDINANCE 07-02** ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING CHAPTERS 12.04, 12.08 AND 12.14 OF THE DANA POINT MUNICIPAL CODE REGARDING MODIFICATIONS TO CLARIFY DUTIES AND RESPONSIBILITIES OF THE TRAFFIC IMPROVEMENT COMMISSION AND RELATED AUTHORITY.

13. ESTABLISHMENT OF THE TRAFFIC IMPROVEMENT COMMISSION

Council Member Anderson removed this item from the Consent Calendar for a separate vote.

IT WAS MOVED BY MAYOR PRO TEM BARTLETT, SECONDED BY COUNCIL MEMBER BISHOP, TO ADOPT **RESOLUTION NO. 07-02-20-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING A DANA POINT TRAFFIC IMPROVEMENT COMMISSION;

APPROVE THE APPLICATION, AND DIRECT STAFF TO ADVERTISE FOR INTERESTED RESIDENTS TO SERVE ON THE COMMISSION.

The motion carried by the following vote:

AYES: Council Member Bishop, Mayor Pro Tem Bartlett and Mayor Harkey
NOES: Council Members Anderson and Weinberg
ABSTAIN: None

PUBLIC COMMENTS

Mayor Harkey presented Mary Ellen of Mel's Boutique and Mel's Too in Dana Point a Certificate of Recognition for being the City's Business of the Month for February 2007 since Mary was not available at the last Council meeting.

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Mayor Harkey opened the meeting for public comments.

Judy Rice, Laguna Hills, spoke about the lack of affordable housing in Dana Point and the closure of the Marina Mobile Home Park.

John Chaffetz, Dana Point, spoke about the Doheny House and Paul Douglas and asked the Mayor if she still supported Mr. Douglas and the Doheny House.

Mayor Harkey indicated that the City is doing everything we can legally concerning the Doheny House and cannot respond any further with regard to this property. City Manager Chotkevys agreed that there not be any further comment at this time.

Gene Burrus, Dana Point, spoke on behalf of Vanna Murphy and all of the volunteers of the Senior Center, and thanked the City Council for their support of the Seniors Valentine's Dance on February 11th which was attended by over 150 couples. This was the best event they have ever had at the Senior Center.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

14. CRYSTAL COVE DOG FUN ZONE

City Manager Chotkevys provided a staff report concerning the dog fun zone at Crystal Cove Park and reported that staff has mitigated the issues and the residents were notified of this agenda item. Director of Public Works Fowler added that since the changes have been made during the last month by reducing the hours and changing the footprint, staff has not received any complaints from the residents.

Mayor Harkey opened this item for Public Comments.

Joan Scarantino, Dana Point, spoke in support of the dog fun zone at this park and has met a lot of new neighbors as a result of this dog fun zone.

Drew Reynolds, Dana Point, spoke in favor of the dog fun zone and about the problems with dogs before the dog fun zone was installed at this park.

Rand Kaar, Dana Point, spoke in support of the dog fun zone at this park and the residents are in favor of this dog fun zone.

Council Member Anderson thanked staff for their efforts and modifications made to this park.

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Council Member Weinberg spoke in support of improvements made to this dog fun zone site.

Mayor Harkey indicated that she reviewed this site during a site visit and met with Kristin Reynolds who asked that the Doggie bags be moved on the inside of the gate/fence and change the entrance to help the neighbors (where the lawn mower entrance is located). Mayor Harkey suggested these changes be added to this dog fun zone.

IT WAS MOVED BY COUNCIL MEMBER WEINBERG, SECONDED BY COUNCIL MEMBER ANDERSON, TO RECOMMEND THE DOG FUN ZONE AT CRYSTAL COVE PARK BECOME A PERMANENT SITE WITH THE SUGGESTED MODIFICATIONS.

The motion carried by the following vote:

AYES : Council Members Anderson, Bishop, Weinberg,
Mayor Pro Tem Bartlett and Mayor Harkey
NOES: None
ABSTAIN: None

15. PLANNING COMMISSION APPOINTMENTS

City Manager Chotkevys provided a staff report and suggested that the Council schedule one meeting to hold the Planning Commission interviews.

Council Member Anderson clarified that the last time Planning Commission interviews were held they were held on two different days which is helpful if everyone is not available on one day. She asked if Council was reconsidering the current Planning Commissioners whose terms don't expire at this time. City Manager Chotkevys indicated that the Planning Commissioner serve at the pleasure of the City Council.

Mayor Harkey suggested that the interviews be scheduled at the next regular meeting on March 6, 2007 beginning at 5:00 p.m.

City Manager Chotkevys noted that these interviews occur one at a time and are open to the public.

The Council decided they would interview the applicants (10 minutes per applicant) and return at the next meeting to deliberate on the selection.

Mayor Harkey suggested that the Council to send out a questionnaire to the applicants ahead of time to assist with the interview and shorten the interview process. The applicant's responses on the questionnaire would be sent to the Council with the next agenda packet.

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City Manager Chotkevys suggested that the next meeting will begin at 5:00 p.m. with a brief Consent Calendar and the interviews to begin shortly thereafter.

Mayor Harkey noted the high caliber of candidates for the Planning Commission interviews.

COUNCIL DIRECTED STAFF TO SCHEDULE PLANNING COMMISSION APPLICANT INTERVIEWS AT THE NEXT COUNCIL MEETING ON MARCH 6, 2007, AT 5:00 P.M.

NEW BUSINESS

There were no New Business items.

PUBLIC COMMENTS (Continued)

There were no additional Public Comments.

STAFF REPORTS

City Manager Chotkevys provided an update on the Coastal Commission's projects: the Gateway by the Harbor will be heard by the Coastal Commission at their March meeting, and we are hopeful that the Residential Building Height Task Force Ordinance will be heard at their April meeting. The Town Center project is working in a positive direction and hopes the Harbor application will be complete in the near future. City Manager Chotkevys thanked the staff for their efforts.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Bishop indicated that on Saturday, February 24, the Orange County Fire Authority will hold their dedication ceremony for our new Station 29 and will be attending this dedication with Mayor Harkey.

Mayor Pro Tem Bartlett noted that she had requested the information on the current Planning Commissioner so we can have the background on the current Commissioners and have a well-rounded Planning Commission. She attended the League of California Cities workshop and meeting on February 8, and on February 14, she took a tour of the Headlands project and was very impressed with this development. Mayor Pro Tem Bartlett noted that she and Council Member Anderson, staff and several residents with grant experience have been working revisions to the Charitable Grant Policy which we hope to complete for the next agenda. For anyone interested in sober living homes in residential areas, there will be a Town Hall meeting on Thursday, at 6:00 p.m. at the Newport Beach Public Library which will be hosted by Senator Tom Harman and Assemblywoman Mimi Walters – she and the Mayor will be there. The Boys and Girls Power Breakfast will be on Monday, February 26 at 7:00 a.m. at the St. Regis Hotel. The

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL ADJOURNED REGULAR MEETING MINUTES
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Dana Point Historical Society is meeting on Monday, February 26 at the Community House at 7:00 p.m.

Council Member Anderson noted that the Wag-A-Thon will not be held during the Festival of Whales this year, instead it will be held on Saturday, April 28th – see the Pet Project Foundation's website at www.petprojectfoundation.org. The Festival of Whales (March 3,4,10,11) parade is on March 3rd at 10:00 a.m. The Pet Project Foundation will still have a booth at street faire for the Wag-A-Thon.

Council Member Weinberg proposed that the Council agendize two-way traffic for Town Center and include the cost of what would be included in Phase I.

Mayor Harkey indicated that this item will be covered in the Budget Hearing on or before May.

Council Member Weinberg asked if this item can be heard sooner and vote on two-way traffic and Phase I.

Mayor Harkey responded that the expense is unknown and it should be looked at the same time as the budget, so it can be done as an overall package with a financial analysis.

Council Member Bishop indicated his support of looking into this matter and is concerned that we won't know how much to budget if we don't look at this item in advance of the budget.

Council Member Anderson asked if there would be large financial discrepancy between one-way verses two-way. Mayor Harkey responded that it depends on the scope of the plan.

Mayor Pro Tem Bartlett suggested that we get the results from the V-calming devices in Town Center before we proceed any further. Council Member Weinberg indicated that the V-calming devices are a temporary measure to slow down traffic.

City Manager Chotkevys suggested that staff talk with the Town Center consultant Boris concerning the cost of one-way verses two-way and develop an order of magnitude cost of one-way verses two-way and present this information to the Council for their information and discussion as a receive and file item.

Council Member Weinberg indicated that the Council still needs to decide if we want two-way traffic verses one-way traffic.

Mayor Harkey suggested moving with the City Manager's suggestion to come back with some scoping and discussion items which will segway into the budget discussions.

Council Member Weinberg commented that at one of the last meetings concerning the Town Center that almost all of the citizens spoke in favor of two-way traffic.

Mayor Harkey responded that it appeared that the City Manager's suggestion would satisfy the request and asked the City Manager to provide the data.

Mayor Harkey spoke about the Habitat for Humanity of Orange County that will be building 27 new homes in San Juan Capistrano. They would like to reserve half of these for disabled military veterans from the Iraq and Afghanistan conflicts in need of housing. For further information, please contact them at 714/434-6200 or www.habitatoc.org. The Lighthouse Society has changed their meetings and their next meeting is Thursday, March 1 at the Community Center where they will have a U.S. Coast Guard presentation.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL ADJOURNED REGULAR MEETING MINUTES
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City Manager Chothevys provided an update on the trespassing issue in Capistrano Beach and is working with the property owners on this issue. Mayor Harkey reported that Dana Wharf Sportsfishing had their cast-off cruise for the Festival of Whales today.

Mayor Harkey also indicated that the Dana Point News had reported on the new Council assignments and that there seemed to be some discrepancy as to how the assignments were handled in the past. She stated that she had a tape of the January 17, 2005 meeting where the Council reorganized and made Council assignments in one fell swoop. She stated she would be willing to provide a DVD of the meeting to anyone who might be questioning the procedure the present Council followed. She stated that the major difference is that unlike years past, the present Council voted on the assignments.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Harkey declared the meeting adjourned at 7:05 p.m.

The next Regular Meeting of the City Council will be March 6, 2006 at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

KATHY M. WARD
CITY CLERK

APPROVED AT THE MEETING OF _____

**CITY OF DANA POINT
PLANNING COMMISSION
REGULAR MEETING MINUTES**

February 13, 2007
7:00-7:29 p.m.

Community Center
34052 Del Obispo
Dana Point, CA 92629

CALL TO ORDER – Chairman Schoeffel called the meeting to order.

PLEDGE OF ALLEGIANCE – Richard Dietmeier led the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Commissioner Norman Denton, Commissioner Liz Anderson-Fitzgerald, Commissioner April O'Connor, and Chairman J. Scott Schoeffel

Staff Present: Kyle Butterwick (Director of Community Development), John Tilton (City Architect/Planning Manager), Todd Litfin (Assistant City Attorney), Kurth Nelson (Planning Consultant), and Bobbi Ogan (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: **Minutes of the regular Planning Commission Meeting of December 20, 2006.**

ACTION: **Motion made (Denton) and seconded (O'Connor) to approve the Minutes of the regular Planning Commission Meeting of December 20, 2006. Motion carried 4-0.** (AYES: Denton, Fitzgerald, O'Connor, Schoeffel **NOES:** None **ABSENT:** None **ABSTAIN:** None)

B. PUBLIC COMMENTS

There were no Public Comments.

C. CONSENT CALENDAR

There were no items on the Consent Calendar.

D. PUBLIC HEARINGS

ITEM 2: Coastal Development Permit CDP06-17 and Site Development Permit SDP06-63 to allow the demolition of an existing single-family dwelling and construction of a new two (2) story, 3,175 square foot single-family residence with an attached garage in the Residential Beach Road 12 (RBR 12) Zoning and Floodplain Overlay Districts.

Applicant: Mike Hayden, Master Remodelers
Owner: Carol Kewell
Location: 35205 Beach Road

Request: Approval of Coastal and Site Development Permits to allow the demolition of an existing single-family dwelling and construction of a new two (2) story, 3,175 square foot single-family residence with an attached garage in the Residential Beach Road 12 (RBR 12) Zoning and Floodplain Overlay Districts.

Environmental: This project is categorically exempt (Class 3 – Section 15303 – New Construction) from the provisions of the California Environmental Quality Act (CEQA) because the project involves the construction of a new single family residence not in conjunction with the construction of two or more of such dwelling units.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Coastal Development Permit CDP06-17 and Site Development Permit SDP06-63.

There being no requests to speak on this item, Chairman Schoeffel opened and closed the Public Hearing.

ACTION: Motion made (O'Connor) and seconded (Fitzgerald) to adopt Resolution 07-02-13-01 approving Coastal Development Permit CDP06-17 and Site Development Permit SDP06-63. Motion carried 4-0. (AYES: Denton, Fitzgerald, O'Connor, Schoeffel NOES: None ABSENT: None ABSTAIN: None)

E. PUBLIC MEETINGS

There were no Public Meetings.

F. OLD BUSINESS

There was no Old Business.

G. NEW BUSINESS

There was no New Business.

H. STAFF REPORTS

Kyle Butterwick (Director) reported that Makar had filed an application for development of the mobile home park property. He stated that an EIR with the other entitlements will be coming to the Planning Commission for review in the coming year.

He stated that the discretionary application for the Doheny House had been revised to demolish the structure. He added that an EIR would be required as well as a CDP and CUP. He stated that a scoping session would be held prior to the drafting of the EIR document and that it would allow for more public comment to be received prior to the public hearing.

He stated that staff will be re-visiting the General Plan Program and that May/June was the timeframe for Planning Commission review. He added that new Design Guidelines were part of the program.

He stated that City staff had met with Coastal Commission staff on the Harbor and Town Center Plans. He added that both documents had not yet been accepted as complete by the Coastal Commission staff. He stated that the Coastal Commission staff had some concerns regarding the organization of the Harbor Revitalization Plan document. He felt that the Town Center Plan would be accepted after staff had submitted more documentation that the Coastal Commission staff had asked for.

He reported that the City had received sixteen (16) applications for the Planning Commission openings. He stated that the City Council will discuss at their next meeting how they plan to conduct the interviews.

He stated that the League of Cities Planners Institute was scheduled for next month in San Diego and that the conference information will be made available to the Commissioners if they would like to attend.

I. COMMISSIONER COMMENTS

There were no Commissioner Comments.

J. ADJOURNMENT

Chairman Schoeffel announced that the *next regular* meeting of the Planning Commission will be held on Tuesday, February 27, 2007, beginning at 7:00 p.m. (or as soon thereafter) in the Dana Point Community Center located at 34052 Del Obispo, Dana Point, California.

The meeting adjourned at 7:29 p.m.

/s/ J. Scott Schoeffel

J. Scott Schoeffel, Chairman
Planning Commission

**CITY OF DANA POINT
PLANNING COMMISSION
REGULAR MEETING ACTION AGENDA**

February 27, 2007
7:00-7:19 p.m.

Community Center
34052 Del Obispo
Dana Point, CA 92629

CALL TO ORDER – Chairman Schoeffel called the meeting to order.

PLEDGE OF ALLEGIANCE – Commissioner O'Connor led the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Commissioner Norman Denton, Commissioner Liz Anderson-Fitzgerald, Commissioner April O'Connor, and Chairman J. Scott Schoeffel

Staff Present: John Tilton (City Architect/Planning Manager), Todd Litfin (Assistant City Attorney), and Bobbi Ogan (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of February 13, 2007.

ACTION: Motion made (Fitzgerald) and seconded (Denton) to approve the Minutes of the regular Planning Commission Meeting of February 13, 2007. Motion carried 4-0. (AYES: Denton, Fitzgerald, O'Connor, Schoeffel NOES: None ABSENT: None ABSTAIN: None)

B. PUBLIC COMMENTS

There were no Public Comments.

C. CONSENT CALENDAR

There were no items on the Consent Calendar.

D. PUBLIC HEARINGS

ITEM 2: Coastal Development Permit (CDP06-22), Variance (V06-08), Minor Site Development Permit (SDP07-08M) and Minor Conditional Use Permit (CUP07-03M) for a new two-story, 4,353 square foot, single-family residence with an attached 564 square foot garage on a sloping lot in the Coastal Overlay Zone. The proposed structure will measure approximately 31 feet, which will exceed the maximum allowable height by 5-feet; a Minor Site Development and Minor Conditional Use Permit are required to allow retaining walls along the side property lines to exceed 30-inches in height (retaining). The subject site is located in the Residential Single-Family (RSF 7) Zoning District at 34148 Chula Vista.

Recommendation: That the Planning Commission continue this item to the next regularly scheduled Planning Commission meeting of March 13, 2007.

There was a consensus of the Planning Commission to continue this item to the next regular Planning Commission meeting of March 13, 2007.

ITEM 3: Coastal Development Permit (CDP06-25) and Site Development Permit (SDP07-02M), to allow the construction of a 6,273 square foot, two-story single-family residence with a 1,498 square foot attached garage. The proposed project would replace an existing one-story single-family residence built in 1963. The subject site is located in the Coastal Overlay Zone and the Residential Single-Family (RSF 4) Zone at 156 Monarch Bay Drive.

Applicant: Todd Voelker
Owner: Dr. Albert Sukut
Location: 156 Monarch Bay Drive

Request: The proposed project involves the construction of a 6,723 square foot, two-story single-family residence with a 1,498 square foot attached garage. The proposed project would replace an existing one-story single-family residence. The proposal is consistent with all applicable development standards of the surrounding RSF 4 zone. Located within the Coastal Overlay Zone, the proposal is subject to a Coastal Development Permit.

Environmental: The proposed project qualifies as a Class 3 (Section 15301) pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project involves the construction of one single-family residence.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Coastal Development Permit CDP06-25 and Site Development Permit SDP07-02M.

There were two (2) requests to speak for this item.

ACTION: Motion made (Fitzgerald) and seconded (Schoeffel) to adopt Resolution 07-02-27-02 approving Coastal Development Permit CDP06-25 and Site Development Permit SDP07-02M. Motion carried 3-0-1. (AYES: Denton, Fitzgerald, Schoeffel NOES: None ABSENT: O'Connor ABSTAIN: None)

E. PUBLIC MEETINGS

There were no Public Meetings.

F. OLD BUSINESS

There was no Old Business.

G. NEW BUSINESS

There was no New Business.

H. STAFF REPORTS

John Tilton (Planning Manager/City Architect) reported that the City had hired two (2) new planners; one Senior Planner and one Associate Planner.

I. COMMISSIONER COMMENTS

There were no Commissioner Comments.

J. ADJOURNMENT

Chairman Schoeffel announced that the *next regular* meeting of the Planning Commission would be held on Tuesday, March 13, 2007, beginning at 7:00 p.m. (or as soon thereafter) in the Dana Point Community Center located at 34052 Del Obispo, Dana Point, California.

The meeting adjourned at 7:19 p.m.



City of Dana Point

Community Calendar and Meeting Schedule

Mar 1st, 2007 (Thu)

6:00 PM

Youth Board Meeting

Dana Point Community Center
34052 Del Obispo
For info call (949) 248-3593

Mar 1st, 2007 (Thu)

7:00 PM - 8:30 PM

Dana Point Lighthouse Society Quarterly Meeting

7:00pm - 8:30pm at the Dana Point Community Center
34052 Del Obispo

DPLS Annual Meeting to elect 2007 Board of Directors and amend the bylaws

Guest speakers will be Norma Lococo & Don Norby; US Coastguard Auxiliary

Topic: Coastguard Auxiliary activities and changes since 9/11

For more information please call (949) 218-2589 or visit www.danapointlighthouse.org

Mar 3rd, 2007 (Sat)

Festival of Whales - Parade and Street Fair

Come join the community as we celebrate the return of the Gray Whales off the coast. Come sample the best of Dana Point through more than 100 booths, displays, and fun activities. Follow the Parade to the Street Faire! Fun for the entire family. Great food, great games, great entertainment, and best of all - the great people of Dana Point.

The Parade begins promptly at 10am and will travel along Pacific Coast Highway from Selva Road to Golden Lantern.

The Street Fair will run from 10am to 5pm.

For additional information visit www.festivalofwhales.org

*Please note that the Wag-A-Thon is being held on April 28th please refer to the calendar for more information

Mar 3rd, 2007 (Sat)

9:00 AM - 1:00 PM

Farmer's Market

La Plaza Center
For info. call (909) 229-3329

Mar 4th, 2007 (Sun)

Festival of Whales - Street Fair

Come join the community as we celebrate the return of the Gray Whales off the coast. Come sample the best of Dana Point through more than 100 booths, displays, and fun activities. Follow the Parade to the Street Faire! Fun for the entire family. Great food, great games, great entertainment, and best of all - the great people of Dana Point.

Street Fair from 10am to 5pm

For additional information visit www.festivalofwhales.org

*Please note that the Wag-A-Thon is being held on April 28th please refer to the calendar for more information

Mar 6th, 2007 (Tue)

6:00 PM

City Council Meeting

Dana Point Community Center
34052 Del Obispo
For info call (949) 248-3501

Mar 10th, 2007 (Sat)**Festival of Whales**

Come join the community as we celebrate the return of the Gray Whales off the coast. Come sample the best of Dana Point through more than 100 booths, displays, and fun activities. Fun for the entire family. Great food, great games, great entertainment, and best of all - the great people of Dana Point.

For additional information visit www.festivalofwhales.org

Mar 10th, 2007 (Sat)**Farmer's Market/ Arts-N-Crafts Fair**

La Plaza Center
For info. call (909) 229-3329

Mar 11th, 2007 (Sun)**Festival of Whales**

Come join the community as we celebrate the return of the Gray Whales off the coast. Come sample the best of Dana Point through more than 100 booths, displays, and fun activities. Fun for the entire family. Great food, great games, great entertainment, and best of all - the great people of Dana Point.

For additional information visit www.festivalofwhales.org

Mar 15th, 2007 (Thu)

6:00 PM

Youth Board Meeting

Dana Point Community Center
34052 Del Obispo
For info call (949) 248-3593

Mar 17th, 2007 (Sat)

9:00 AM - 1:00 PM

Farmer's Market

La Plaza Center
For info. call (909) 229-3329

Mar 20th, 2007 (Tue)

6:00 PM

City Council Meeting

Dana Point Community Center
34052 Del Obispo
For info call (949) 248-3501

Mar 24th, 2007 (Sat)

9:00 AM - 1:00 PM

Farmer's Market

La Plaza Center
For info. call (909) 229-3329

Mar 31st, 2007 (Sat)

9:00 AM - 1:00 PM

Farmer's Market

La Plaza Center
For info. call (909) 229-3329

Reviewed By: DH CM CA

CITY OF DANA POINT

DATE: MARCH 6, 2007

TO: CITY MANAGER/ HONORABLE MAYOR AND CITY COUNCIL

FROM: CLARA WONG
INTERIM DIRECTOR OF ADMINISTRATIVE SERVICES

SUBJECT: CITY TREASURER’S REPORT, JANUARY 2007

RECOMMENDED ACTION:

The City Council receives and files the City Treasurer's Report for the month of January, 2007.

DISCUSSION:

Government Code §53600 states that the Treasurer or Chief Financial Officer of the City shall render a report on investments at least quarterly to the legislative body. The City Council has directed that this report be rendered on a monthly basis. The attached monthly Treasurer's Report satisfies the requirements of Government Code §53600.

NOTIFICATION/FOLLOWUP:

None required.

FISCAL IMPACT:

None.

SUPPORTING DOCUMENTS:

PAGE

A. City Treasurer’s Report, January 2007.....	2
B. Local Agency Investment Fund Account Statement, January 2007.....	3

CITY OF DANA POINT
CITY TREASURER'S REPORT
For the Month Ended January 31, 2007

CASH ACTIVITY FOR THE MONTH:

Cash and Investments as of 12/31/06	\$41,250,431.21
Cash Receipts	8,650,853.94
Cash Disbursements	(3,394,110.11)
Cash and Investments as of 01/31/07	<u>\$46,507,175.04</u>

CASH AND INVESTMENT PORTFOLIO AS OF JANUARY 31, 2007:

Type of Investment/Coupon/CLUSIP #	Institution/Issuer	Yield to Maturity	Maturity Date	# Days to Maturity	Par Value	Market Value (1)	Book Value (2)
Demand Deposit	Bank of America	N/A	N/A	N/A	\$851,300.73	\$851,300.73	\$851,300.73
Petty Cash	City of Dana Point	N/A	N/A	N/A	4,200.00	4,200.00	4,200.00
Local Agency Investment Fund	State of California	N/A	02/01/2007	1	21,251,674.31	21,251,674.31	21,251,674.31
Treasury Note 2.250% (912828BY5)	U.S. Government	5.16%	02/15/2007	15	3,950,000.00	3,945,537.00	3,950,000.00
Treasury Note 3.125% (912828CG3)	U.S. Government	3.57%	05/15/2007	104	4,025,000.00	4,002,500.00	4,025,000.00
Treasury Note 4.000% (912828EH9)	U.S. Government	4.38%	09/30/2007	242	4,250,000.00	4,219,613.00	4,250,000.00
Treasury Note 5.500% (9128273X9)	U.S. Government	4.75%	02/15/2008	380	4,275,000.00	4,293,725.00	4,275,000.00
Treasury Note 5.625% (9128274F6)	U.S. Government	4.98%	05/15/2008	470	3,950,000.00	3,979,151.00	3,950,000.00
Treasury Note 4.625% (912828FT24)	U.S. Government	4.74%	09/30/2008	608	3,950,000.00	3,928,393.00	3,950,000.00
					<u>\$46,507,175.04</u>	<u>\$46,476,094.04</u>	<u>\$46,507,175.04</u>

REPORT ON COMPLIANCE WITH STATEMENT OF SAFEKEEPING AND INVESTMENT OF PUBLIC FUNDS
The City is in compliance with the adopted Statement of Safekeeping and Investment of Public Funds.

REPORT OF ABILITY TO MEET REQUIRED EXPENDITURES FOR THE NEXT SIX MONTHS

Based upon currently budgeted revenues and expenditures, the City currently has sufficient liquid financial resources to meet anticipated expenditures during the period 02/01/07 through 8/01/07.

WEIGHTED AVERAGE MATURITY OF PORTFOLIO

As of January 31, 2007, the weighted average days to maturity of the City's investment portfolio is 162 days.

FOOTNOTES TO REPORT/DEFINITION OF TERMS:

- (1) The market value of U.S. Government Securities was provided by the custodial agent, Union Bank. For the Local Agency Investment Fund the market value represents the contract value (a copy of the most recent account statement is attached hereto). For all other investments, the market value is equal to book value.
 - (2) Book value of demand deposits equals the bank balance minus outstanding checks plus deposits-in-transit.
- Par Value: Equals face value of security (value of the security when it reaches maturity).
Market Value: The last price for which a security was bought or sold. In this case, the value as of the last day of the month of this report.
Cost Basis: The cash amount paid by the City to purchase the security, net of cumulative amortized purchase premiums and/or discounts.

STATE OF CALIFORNIA

BILL LOCKYER, Treasurer

OFFICE OF THE TREASURER
SACRAMENTO

Local Agency Investment Fund
PO Box 942809
Sacramento, CA 94209-0001
(916) 653-3001
www.treasurer.ca.gov/pmia-laif



2007 FEB 13 P 5:14
January, 2007 Statement

CITY OF DANA POINT
Attn: ACCOUNTING MANAGER
33282 GOLDEN LANTERN
DANA POINT CA 92629

CITY OF DANA POINT

Account Number : 98-30-237

Transactions

Effective Date	Transaction Date	Tran Type	Confirm Number	Authorized Caller	Amount
01-11-2007	01-11-2007	RD	1104319	ANDREW GLASS	2,000,000.00
01-12-2007	01-11-2007	QRD	1106653	SYSTEM	210,581.88
01-29-2007	01-29-2007	RD	1108651	ANDREW GLASS	3,500,000.00

Account Summary

Total Deposit :	5,710,581.88	Beginning Balance :	15,541,092.43
Total Withdrawal :	0.00	Ending Balance :	21,251,674.31

**CITY OF DANA POINT
AGENDA REPORT**

Reviewed By:	
DH	_____
CM	_____
CA	_____

DATE: MARCH 6, 2007

TO: CITY MANAGER/CITY COUNCIL

FROM: MIKE ROSE, EMERGENCY SERVICES COORDINATOR

SUBJECT: LOCAL DISASTER COUNCIL ORDINANCE UPDATE

RECOMMENDED ACTION:

That the City Council consider amending Municipal Code, Chapter 2.20, "Emergency Organization", by conducting a second reading by title only and adopting, the attached Ordinance:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF DANA POINT, CALIFORNIA, AMENDING CHAPTER
2.20 ENTITLED "EMERGENCY ORGANIZATION" OF THE
DANA POINT MUNICIPAL CODE

ISSUES:

Should Chapter 2.20 of the Dana Point Municipal Code entitled, "Emergency Organization," be updated to reflect the State of California Disaster Council ordinance? This update will ensure that the City is authorized to properly register potential Disaster Service Workers before and during a major disaster effecting the City.

BACKGROUND:

The California Emergency Council (CEC) has existed since the early 1900's, and continues to advise the Governor and review preparation for disasters and other emergencies. One of the statutory duties of the California Emergency Council is to approve local Disaster Councils, required by law to be accredited. (Govt. Code, §8612.) Accreditation is necessary in order for the Disaster Council to register disaster service worker volunteers in the DSW Volunteer Program (DSWVP). The DSWVP provides volunteers with Workers' Compensation if they are injured performing disaster service work and, in addition, provides limited immunity from liability.

The City of Dana Point Community Emergency Response Team (CERT) program is designed to act as a "pool" of pre-registered Disaster Service Workers that are capable of providing volunteer support to emergency response personnel following a major disaster. Many of our CERT program participants have achieved an "advanced" level

of training sufficient to qualify them, under our established guidelines, for pre-registration.

Currently, Chapter 2.20 of the Municipal Code has different language than the standard Disaster Council ordinance developed by, and for, the State of California. By updating our Municipal Code to reflect the language the State recommends, we will be better able to ensure proper registration of our potential Disaster Service Workers.

DISCUSSION:

The City's Community Emergency Response Team (CERT) program is rapidly gaining attention from residents in and around our City. To date, we have graduated 25 participants and by the end of February that number will have at least doubled. Before the end this year, we anticipate having graduated over 100 participants through this program. Many of our program participants are expressing a very strong interest in remaining as active member in our "Advanced CERT" Volunteer Program.

The Advanced CERT program is designed as a vehicle of community volunteerism for those graduates of the Basic CERT program that desire to stay involved with Disaster Preparedness in Dana Point and have expressed their desire to help with the City's response following a major disaster. Volunteers involved with the Advanced program have participated in substantial additional training beyond the Basic program and are capable of supporting emergency operations in areas of light search and rescue, mass care, and shelter operations.

Updating this municipal code section to mirror the State of California Disaster Service Worker Ordinance, allows us the ability to pre-register these Advanced Cert Program participants as State Disaster Service Workers. Volunteers must be registered prior to providing service during a disaster response in order to be protected by the State's Workers Compensation program. Registering these volunteers alleviates the potential liability on the City in the event that these individuals are injured in the course of providing assistance.

NOTIFICATION AND FOLLOW-UP:

Notification to the State of California Office of Emergency Services

FISCAL IMPACT:

None.

ALTERNATIVE ACTIONS:

1. Make no changes to the municipal code

ACTION DOCUMENTS:

Page No.

A. [Emergency Organization Ordinance](#) 4

ACTION DOCUMENT A**ORDINANCE NO. 07-**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 2.20 ENTITLED "EMERGENCY ORGANIZATION" OF THE DANA POINT MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF DANA POINT DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 2.20 "Emergency Organization" of the Dana Point Municipal Code is hereby amended to read as follows:

Chapter 2.20

EMERGENCY ORGANIZATION**Sections:**

2.20.010 General Purposes.

2.20.020 Definitions.

2.20.030 Disaster Council Membership

2.20.040 Disaster Council Powers and Duties

2.20.050 Director and Assistant Director of Emergency Services

2.20.060 Powers and Duties of the Director and Assistant Director of Emergency Services

2.20.070 Emergency Organization

2.20.080 Emergency Plan

2.20.090 Orders by Members of Emergency Organization

2.20.100 Line of Succession for Council Members

2.20.110 Emergency Operations Center

2.20.120 Prohibited Acts During Emergencies.

2.20.200 Proclamation of Emergency—Additional Powers of the Director of Emergency Services

2.20.210 Requisition of Equipment or Personnel

2.20.220 Penalty for Violation

2.20.010 General Purposes.

The purposes of this Chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within the City in the event of an emergency or disaster; the direction of the emergency organization; and the coordination of the emergency functions of the City with the County and all other public agencies, corporations, organizations, and affected private persons.

2.20.020 Definitions.

As used in this Chapter:

(a) "Emergency" shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this city caused by such conditions as air pollution, fire flood, storm, epidemic, riot earthquake, or other conditions including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities for this city, requiring the combined forces of other political subdivisions to combat.

(b) "State of War Emergency" means a condition which exists immediately, with or without a proclamation thereof by the Governor, whenever this State or nation is attacked by an enemy of the United States, or upon receipt by the state of a warning from the federal government indicating that such an enemy attack is probable or imminent.

(c) "State of Emergency" means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, or other conditions, but other than conditions resulting from a labor controversy or conditions causing a State of War Emergency, which, by reason of magnitude are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single city, county, or city and county and require combined forces of a mutual aid region or regions to combat.

(d) "Local Emergency" means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the City or County of Orange caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, or other conditions, other than conditions resulting from a labor controversy, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the City and require the combined forces of other political subdivisions to combat.

(e) Any other term or phrase used herein which is not defined herein but is defined within the Emergency Services Act, Government Code Section 8550, *et seq.*, shall have the meaning ascribed therein.

2.20.030 Disaster Council Membership

The City of Dana Point Disaster Council ("Disaster Council") is hereby created and shall consist of the following:

(a) The Mayor, who shall be Chair;

(b) The Director of Emergency Services ("Director"), who shall be the City Manager and Vice-Chair;

- (c) The Assistant Director of Emergency Services (“Assistant Director”);
- (d) Such Chiefs of Emergency Services as are provided for in the current emergency plan of this City, adopted pursuant to this Ordinance;
- (e) Such representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the Director with the advice and consent of the City Council.

2.20.040 Disaster Council Powers and Duties

It shall be the duty of the Disaster Council, and it is hereby empowered, to develop and recommend for adoption by the City Council, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The Disaster Council shall meet upon call of the Chair or, in the Chair's absence from the City or inability to call such meeting, upon call of the Vice-Chair.

2.20.050 Director and Assistant Director of Emergency Services

- (a) There is hereby created the office of Director of Emergency Services. The City Manager shall be the Director of Emergency Services.
- (b) There is hereby created the office of Assistant Director of Emergency Service, who shall be appointed by the Director.

2.20.060 Powers and Duties of the Director and Assistant Director of Emergency Services

The Director is hereby empowered to:

- (a) Request the City Council to proclaim the existence of a Local Emergency if the Council is in session, or to issue such proclamation if the Council is not in session. Whenever a Local Emergency is proclaimed by the Director, the City Council shall take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect. The City Council shall review the necessity for continuing the Local Emergency no less frequently than every fourteen days until the emergency is terminated.
- (b) Request the Governor to proclaim a State of Emergency when, in the opinion of the Director, the locally available resources are inadequate to cope with the emergency.
- (d) To, during the existence of a State of War Emergency or the proclaimed existence of a State of Emergency or a Local Emergency affecting the City:

- (1) Control and direct the activities of the City's emergency organization to accomplish the purposes of this Chapter;
 - (2) Use all City resources for the preservation of life and property and to reduce the effects of disaster;
 - (3) Resolve questions of authority and responsibility that may arise in disaster operations;
 - (4) Obtain supplies, equipment, and other resources found lacking and needed for the preservation of life and property by either binding the City for the fair value thereof or by commandeering the same;
 - (5) Direct cooperation between and coordination of services and staff of the emergency organization;
 - (6) Make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by any condition proclaimed an emergency as provided herein; provided; however, such rules and regulations must be confirmed at the earliest practicable time by the City Council;
 - (7) Represent the City in all dealings with public or private agencies on matters pertaining to emergencies;
 - (8) Require performance of emergency services by any City officer or employee and, in the event of the proclamation of a State of Emergency in Orange County, or the existence of a State of War Emergency, to command the aid of as many citizens of the community as the Director deems necessary in the execution of the Director's duties. Such persons shall be entitled to all privileges, benefits, and immunities as are provided by state and local laws for registered disaster service workers.
- (e) In addition to the powers granted herein, the Director shall have such powers incidental to the performance of the Director's duties as shall be necessary to allow the Emergency Plan to be effectively carried out, it being the intent of this Chapter that the enumerated powers herein are not limitations upon the Director's powers.
- (f) The Director of Emergency Services shall designate the order of succession to that office, to take effect in the event the director is unavailable to attend meetings and otherwise perform his or her duties during an emergency. Such order of succession shall be approved by the City Council.
- (g) The Assistant Director shall, under the supervision of the Director and with assistance of the Chief's of Emergency Services, develop emergency

plans and manage the emergency programs of the City; and have such other powers and duties as may be assigned by the Director.

2.20.070 Emergency Organization

All officers and employees of this city, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under provisions of SEC 2.20.060(d)(8) of this code, be charged with duties incident to the protection of life and property in this city during such emergency, shall constitute the emergency organization of the City of Dana Point.

2.20.080 Emergency Plan

The Disaster Council shall be responsible for the development of the City of Dana Point Emergency Plan ("Emergency Plan"), which shall provide for the effective mobilization of all the resources of the City, both public and private, to meet any condition constituting a Local Emergency, State of Emergency, or State of War Emergency; and shall provide for the organization, powers and duties, services, and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the City Council.

2.20.090 Orders by Members of Emergency Organization

During the existence of a State of War Emergency or of a proclaimed State of Emergency or Local Emergency affecting the City, each member of the City Disaster Council shall have authority to require that all persons within the City follow reasonable orders given by that member that are within the scope of that member's functions in order to execute the Emergency Plan. The willful failure of any person to follow such reasonable order(s) is unlawful and a misdemeanor.

2.20.100 Line of Succession for Council Members.

The line of succession for the position of Mayor during a State of Emergency, State of War Emergency, Local Emergency, or other condition of disaster, unless otherwise ordered by the City Council, shall be Mayor pro tempore followed by the remaining City Council members in the order of their seniority, excluding standby successors who may have been appointed pursuant to Section 8638 of the California Government Code.

2.20.110 Emergency Operating Centers.

Unless exigencies render the same impossible or unduly hazardous to safety, the primary emergency operating center shall normally be maintained at the City Hall.

2.20.120 Prohibited Acts During Emergencies.

It is unlawful and a misdemeanor for any person, during a State of Emergency, State of War Emergency, Local Emergency, or other condition of disaster, to:

- (a) Willfully obstruct, hinder, or delay any member of the Disaster Council in the enforcement of any law or lawful rule, regulation or order issued pursuant to this Chapter, or in the performance of any duty imposed upon such Disaster Council member by virtue of this Chapter;
- (b) Do any act forbidden by any lawful rule, regulation, or order issued pursuant to this Chapter if such act is of a nature as to give, or be likely to give, assistance to the enemy or to imperil life or property or to prevent, hinder or delay the defense or protection of persons or property; or
- (c) Wear, carry, or display, without authority, any means of identification specified by any emergency services or disaster or civil defense agency of the federal or state governments.

2.20.200 Proclamation of Emergency – Additional Powers of the Director of Emergency Services.

After the issuance of a proclamation of local emergency, the Director shall have the power to make, issue, and enforce rules and regulations on matters reasonably related to the protection of life and property as affected by said emergency; provided, however, such rules and regulations shall be confirmed as soon as practicable by the City Council. In addition to those powers and duties set forth in Section 2.20.060, the Disaster Director is granted, but shall not be limited to, the following powers:

- (a) Curfew. The Director may order a general curfew applicable to the entire City or such geographical areas thereof as deemed necessary to protect the public health, safety, welfare, and morals.

As used herein "curfew" means a prohibition against any person or persons walking, running, loitering, standing, riding or motoring upon any alley, street, highway, public property or private property except as authorized by the owner, lessee or person in charge of such private property. Persons officially delegated to duty with reference to such civil emergency and representatives of news media, physicians, nurses, ambulance operators performing medical services, utility personnel maintaining essential public services, firemen and law enforcement officers, and other such personnel as well as those specifically authorized by duly delegated authority are exempted from the foregoing curfew requirements.

(b) Business Closing. The Director may order the closing of any business establishments anywhere within the City, such businesses to include, but need not be limited to, those selling alcoholic beverages, gasoline, or firearms.

(c) Alcoholic Beverages. The Director may order that no person shall consume any alcoholic beverages in a public street or place which is publicly owned or in any other public or private area on which the consumption of such alcoholic beverages is found by the Director, on just cause, to precipitate a clear and present danger to the well-being of the community during the emergency;

(d) Weapons. The Director may order that no persons shall carry or possess any gun, bomb, fire bomb, knife, rock, or other such weapon or item, the use of which would tend to inflict great bodily harm on persons or damage to property;

(e) Street Closures. The Director may designate any public street, thoroughfare, or vehicular parking area closed to motor vehicles and pedestrian traffic during the course of such an emergency.

The foregoing specific authorizations, and other such authorizations as may be deemed necessary during such emergencies, are declared to be imminently necessary for the protection of life and property during an emergency period.

2.20.220 Penalty for Violation.

Any person violating any provision of this Chapter, or executive order issued pursuant thereto, is guilty of a misdemeanor.

SECTION 2. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 3. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2007.

DIANE HARKEY, MAYOR

ATTEST:

KATHY WARD, CITY CLERK

STATE OF CALIFORNIA)
 COUNTY OF ORANGE) ss.
 CITY OF DANA POINT)

I, Kathy Ward, City Clerk of the City of Dana Point, do hereby certify that the foregoing Ordinance No. ____ was duly introduced and placed upon its first reading at a regular meeting of the City Council on the _____ day of _____, 2007, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the ____ day of _____, 2007, by the following roll-call vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

 KATHY WARD
 CITY CLERK

PUBLIC NOTICE OF INTRODUCTION OF ORDINANCE

CITY OF DANA POINT

ORDINANCE NO.

NOTICE IS HEREBY GIVEN that on _____, the City Council of the City of Dana Point introduced Ordinance No. ____, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 2.20 ENTITLED "EMERGENCY ORGANIZATION" OF THE DANA POINT MUNICIPAL CODE

This Ordinance amends Section 2.20 of the Dana Point Municipal Code according to the State of California recommendations to comply with the requirements of application to become an Accredited "Local Disaster Council." Recognition as an accredited Local Disaster Council will provide for State of California Workers' Compensation coverage for registered Disaster Service Worker Volunteers and those persons impressed into service during disasters or declared "States of Emergency."

A certified copy of the full text of Ordinance No. ____ is available for review in the Office of the City Clerk, City of Dana Point, 33282 Golden Lantern, Dana Point.

KATHY WARD
CITY CLERK

PUBLISH:

PUBLIC NOTICE OF ADOPTION OF ORDINANCE

CITY OF DANA POINT

ORDINANCE NO.

NOTICE IS HEREBY GIVEN that on _____, the City Council of the City of Dana Point adopted Ordinance No. ____, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 2.20 ENTITLED "EMERGENCY ORGANIZATION" OF THE DANA POINT MUNICIPAL CODE

This Ordinance amends Section 2.20 of the Dana Point Municipal Code according to the State of California recommendations to comply with the requirements of application to become an Accredited "Local Disaster Council." Recognition as an accredited Local Disaster Council will provide for State of California Workers' Compensation coverage for registered Disaster Service Worker Volunteers and those persons impressed into service during disasters or declared "States of Emergency."

A certified copy of the full text of Ordinance No. ____ is available for review in the Office of the City Clerk, City of Dana Point, 33282 Golden Lantern, Dana Point.

Ordinance No. ____ was adopted by the following roll call:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

KATHY WARD
CITY CLERK

PUBLISH:

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF DANA POINT)

AFFIDAVIT OF POSTING

Kathy Ward, being first duly sworn, deposes, and says:

That she is the duly appointed and qualified City Clerk of the City of Dana Point:

That in compliance with State Laws of the State of California, ORDINANCE NO. _____, being:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 2.20 ENTITLED "EMERGENCY ORGANIZATION" OF THE DANA POINT MUNICIPAL CODE

a certified copy of the full text of Ordinance No. ____, along with the names of those City Council Members voting for and against said Ordinance, was caused to be posted in the Office of the City Clerk.

KATHY WARD
CITY CLERK

(SEAL)

CITY OF DANA POINT
AGENDA REPORT

Reviewed By:	
DH	<u> X </u>
CM	<u> X </u>
CA	<u> </u>

DATE: MARCH 6, 2007

TO: CITY MANAGER/CITY COUNCIL

FROM KATHY WARD, CITY CLERK

SUBJECT: PLANNING COMMISSION INTERVIEWS

RECOMMENDED ACTION:

That the City Council conduct interviews and consider appointments to fill three expiring terms and alternate seat(s) on the Dana Point Planning Commission.

BACKGROUND:

The Planning Commission is comprised of five members who serve staggered four-year terms. The November 2006 election and the installation of newly elected City Council Members created vacancies on the Planning Commission. Planning Commissioner Weinberg has been elected to serve on the City Council, as well as Planning Commission Alternate Bartlett. The terms of Planning Commissioners Fitzgerald and O'Connor expire on March 31, 2007. Council Policy 302 states that commissioners shall continue to serve until such time as the Council appoints a successor.

At the Council's direction, the City Clerk's Office has published and posted notices inviting interested residents of Dana Point to apply. A total of sixteen applications were filed by the February 9, 2007 deadline. Applicants James D. Howard, William D. Sharp, and Nicholas Yibyock withdrew their applications, leaving a total of thirteen applicants. One applicant, Chris Turner, is out of town on business and will not be available for the interviews on March 6. Staff has verified that all applicants are registered voters of the City of Dana Point. Commissioners Fitzgerald and O'Connor have been advised of their expiring terms, invited to apply for re-appointment to the commission and have submitted their applications. Resumes for current Planning Commissioners J. Scott Schoeffel and Norman Denton are also provided with this report.

Per Council Policy 302 the Council may also appoint one or more alternates to the commission. Council may also want to consider making new appointments to the alternate seat(s).

DISCUSSION:

At Council's direction, interviews have been scheduled at 10-minute intervals. On February 23, 2007, applicants were e-mailed questionnaires comprised of questions submitted by Council Members to complete and return to the City Clerk by February 28, 2007 at 5:00 p.m. Submitted questionnaires received by the deadline are included with each applicant's application.

Interviews have been scheduled as noted on Supporting Document A.

FISCAL IMPACT:

Planning Commissioners currently receive a monthly stipend of \$150.00 which is budgeted for in the Community Development Budget.

ALTERNATIVE ACTIONS:

Other actions as determined by the Council.

SUPPORTING DOCUMENTS: **PAGE NO.**

A.	<u>Interview Schedule.....</u>	3
B.	<u>Applications and Responses to Questionnaires (by order of interview time) (hard copies provided).....</u>	4
C.	<u>Resumes of Current Planning Commissioners.....</u> (hard copies provided)	5
D.	<u>Council Policy 302.....</u>	6

SUPPORTING DOCUMENT A

MARCH 6, 2007	INTERVIEWS FOR PLANNING COMMISSION APPOINTMENTS
5:15	Edward Benz
5:25	Pam Corliss
5:35	Ed Conway
5:45	Barbara Merriman
5:55	April O'Connor
6:05	Liz Anderson Fitzgerald
6:15	Michelle Rene Brough
6:25	**BREAK**
6:40	Karen Kulick
6:50	Jo Ann Christman
7:00	Paul Weiss
7:10	Robin Valles
7:20	Michael Dec

SUPPORTING DOCUMENT B

PLANNING COMMISSION APPLICATIONS
AND RESPONSES TO QUESTIONNAIRE
(Hard copies provided)

SUPPORTING DOCUMENT C

CURRENT PLANNING COMMISSIONER
RESUMES
(Hard copies provided)

SUPPORTING DOCUMENT D
CITY OF DANA POINT
COUNCIL POLICY

SUBJECT:	PAGE:	EFFECTIVE DATE:	POLICY NO.:
Appointment of Commissioners	1 of 4	02/13/90 AMENDED: 04/23/91 05/25/93 10/25/94 11/08/94 08/26/97 11/09/05	302

PURPOSE:

To provide guidelines for appointing Commissioners as terms expire and as vacancies occur.

BACKGROUND:

It is advantageous to have a smooth transition as terms for City Commissioners expire or positions are vacated. This policy provides those guidelines.

(Also see Municipal Code Chapters 2.06 and 2.07.)

POLICY:Term of Office

The terms of office for City Commissioners are established by ordinance or resolution and expire on the last day of March of the designated year. Reappointment of a Commissioner upon the expiration of his/her term is not automatic. The Commissioner may apply for the vacancy and go through the application process. Except for removals from office at Council's discretion, for excessive absences, or resignations, all appointees shall continue to serve until such time as the Council appoints a successor.

Applications:

1. Applications for Commission appointments shall be submitted on forms designated by the City Manager and made available at the City Clerk's Office.

**CITY OF DANA POINT
COUNCIL POLICY**

SUBJECT: Appointment of Commissioners	PAGE: 2 of 4	EFFECTIVE DATE: 02/13/90 AMENDED: 04/23/91 05/25/93 10/25/94 11/08/94 08/26/97 11/09/05	POLICY NO.: 302
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2. Applications shall be submitted to the City Clerk and dated upon receipt. Applications shall be maintained by the City Clerk in an active status for a period of one year, after which time they shall be placed in an inactive status for a time period as set forth in the City's official records retention schedule.

Expiration of Terms:

1. The City Clerk shall on January 15 of each year post a Notice of Vacancy and issue a Press Release for the terms of office that will expire on the last day of March. The Notice shall be posted and applications accepted for a period of thirty (30) days.
2. Applications received shall be forwarded to the City Council for review by February 15 and interviews scheduled during the month of February or March at the direction of the Mayor.
3. Appointments are agendaized for a City Council meeting at the direction of the Mayor.
4. The City Council shall annually appoint or may select one or more alternates for each Board or Commission. If vacancies in any Board or Commission occur, other than by expiration of term, such vacancy shall be filled by the alternate selected by the City Council during the most recent selection process. Any alternate appointed pursuant to a vacancy shall serve the remaining term of the seat being filled. Vacancies which occur when no alternate is available for appointment to the remaining term shall be filled in a manner determined by the City Council and shall remain vacant until the last day of March.

Resignations of Commissioners:

1. A vacancy does not exist on a Commission until the City Council officially takes action to accept the written resignation of the Commissioner.

**CITY OF DANA POINT
COUNCIL POLICY**

SUBJECT: Appointment of Commissioners	PAGE: 3 of 4	EFFECTIVE DATE: 02/13/90 AMENDED: 04/23/91 05/25/93 10/25/94 11/08/94 08/26/97 11/09/05	POLICY NO.: 302
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2. Once the City Council accepts the resignation and declares the vacancy on the Commission, the assigned alternate will be automatically seated. Additional vacancies will be reported to the City Council to be filled at their discretion.
3. If additional applications are to be solicited, the City Clerk shall post a Notice of Vacancy and issue a Press Release. The Notice shall be posted and applications accepted for a period of thirty (30) days.
4. Applications received shall be forwarded to the City Council for review within ten days of the close of the application period and interviews scheduled at the direction of the Mayor.
5. Appointments are agendaized for a City Council meeting at the direction of the Mayor.

Removal from Office:

Subject to the provisions of Section 2.06.075 of the Dana Point Municipal Code, a vacancy does not exist upon a commission until the City Council officially takes action to remove the commissioner. Once a vacancy occurs in accordance with Section 2.06.075 of the Municipal Code, the Council shall thereafter be notified of the same by the City Clerk, and the vacancy filled in accordance with procedures for filling normal vacancies.

Any commission member that misses three regular meetings in a calendar year shall be removed from office by a majority vote of the City Council.

**CITY OF DANA POINT
COUNCIL POLICY**

SUBJECT:	PAGE:	EFFECTIVE DATE:	POLICY NO.:
Appointment of Commissioners	4 of 4	02/13/90 AMENDED: 04/23/91 05/25/93 10/25/94 11/08/94 08/26/97 11/09/05	302

Council Appointment:

All appointments and reappointments shall be made at a regularly scheduled City Council meeting and require an affirmative vote of not less than three Council Members. However, the individual selected as Commission alternate shall be seated without further City Council action upon Council acceptance of a resignation.