
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR ACTION AGENDA
June 3, 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 (arrived at 5:02 p.m.)
Council Member Diane L. Harkey
Council Member Steven Weinberg

STAFF PRESENT: Douglas Chotkevys, City Manager; Patrick Munoz, City Attorney; Mike Killebrew, Director of Administrative Services; Kathy Ward, City Clerk; Kyle Butterwick, Director of Community Development; Brad Fowler, Director of Public Works/City Engineer; Lt. Mark Levy, Chief of Police; Jackie Littler, Executive Secretary; John Tilton, City Architect; Kevin Evans, Director of Community Services & Parks; Christy Teague, Economic Development Manager; DyAnne Weamire, Administrative Secretary; Windy Robles, City Clerk Specialist; Sea Shelton, Management Analyst; Jennifer Anderson, Management Analyst; Andrew Glass, Accounting Manager; and Mike Rose, Emergency Services Manager.

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b)(3)(c), (3 cases: AT&T; Scenic Drive; Clark)**
- B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b)(3)(a), (one case)**

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

PLEDGE OF ALLEGIANCE

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

INVOCATION

The Invocation was led by Seminary Intern Cate Luehr of Gloria Dei Lutheran Church.

PRESENTATIONS AND PROCLAMATIONS

Recognition of Graduating Youth Board Members
Recognition of Deputy Paul Martin, School Resource Officer
5th Marine Regiment Presentation

CONSENT CALENDAR

Council Member Harkey pulled Item No. 12 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER DIANE L. HARKEY, SECONDED BY COUNCIL MEMBER LARA ANDERSON, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON CONSENT CALENDAR.

The motion carried by the following vote:

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

NOES: None.

ABSENT: 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. REGULAR MEETING MINUTES, MAY 20, 2008

RECEIVED AND FILED.

3. PLANNING COMMISSION MEETING MINUTES, MAY 13, 2008 (0120-10)

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF MAY 27, 2008 (0120-10)

RECEIVED AND FILED.

5. YOUTH BOARD MEETING MINUTES, MAY 1, 2008 (0120-40)

RECEIVED AND FILED.

6. TRAFFIC IMPROVEMENT COMMISSION MINUTES, APRIL 16, 2008 (0120-30)

RECEIVED AND FILED.

7. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

8. CITY TREASURER'S REPORT, APRIL (0350-20)

RECEIVED AND FILED.

9. CLAIMS AND DEMANDS (0300-30)

RECEIVED AND FILED.

10. TRANSIENT OCCUPANCY TAX INSURANCE RENEWAL FOR FY 2008/2009 (0390-70)

RATIFIED THE RENEWAL OF BUSINESS INTERRUPTION INSURANCE COVERAGE OBTAINED FROM LANDMARK AMERICAN INSURANCE COMPANY FOR PROTECTION OF TRANSIENT OCCUPANCY TAX ("TOT") REVENUE FOR THE POLICY PERIOD OF JUNE 17, 2008 TO JUNE 17, 2009.

11. 2008-2009 LAW ENFORCEMENT SERVICES AGREEMENT (0400-10)

APPROVED THE LAW ENFORCEMENT SERVICES AGREEMENT WITH THE COUNTY OF ORANGE FOR LAW ENFORCEMENT SERVICES FOR THE 2008-2009 FISCAL YEAR AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT.

12. **SECOND READING AND ADOPTION 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" (0480-10)**

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

IT WAS MOVED BY COUNCIL MEMBER ANDERSON, SECONDED BY COUNCIL MEMBER STEVEN WEINBERG, TO ADOPT **ORDINANCE 08-07** 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 WEINBERG.

NOES: COUNCIL MEMBER DIANE L. HARKEY.

ABSENT: None.

13. **SECOND READING AND ADOPTION OF ZONING CODE UPDATE PROGRAM - ZONE TEXT AMENDMENTS ZTA08-0002 AND ZTA08-0003 (0610-15)**

Held second reading and adopted **Ordinance 08-06** 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.

PUBLIC COMMENTS

Richard Alonzo and Heidi Langefeld
Ingrid McGuire

Richard Dietmeier
Wayne Rayfield

PUBLIC HEARINGS

14. **GENERAL PLAN AMENDMENT (GPA06-02), ZONE CHANGE (ZC06-01), ZONE TEXT AMENDMENT (ZTA06-04), AND LOCAL COASTAL PROGRAM AMENDMENT (LCPA06-05) TO REVIEW CALIFORNIA COASTAL COMMISSION SUGGESTED MODIFICATIONS TO THE CITY'S APPROVAL OF THE TOWN CENTER PLAN (0630-30)**

Council Member Harkey recused herself from this item due to a possible conflict of interest.

IT WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY MAYOR PRO TEM LISA A. BARTLETT, TO ADOPT **RESOLUTION 08-06-03-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT GPA 06-02, WHICH AMENDS THE GENERAL PLAN LAND USE ELEMENT, URBAN DESIGN ELEMENT, CIRCULATION ELEMENT, AND CONSERVATION/OPEN SPACE ELEMENT, TEXT, TABLES AND DIAGRAMS, AND SUBMISSION OF GPA 06-02 AS LOCAL COASTAL PROGRAM AMENDMENT LCPA 06-05 FOR FINAL APPROVAL BY THE CITY COUNCIL; and,

INTRODUCE A FIRST READING OF AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA06-04 AND ZONE CHANGE ZC06-01 TO ESTABLISH THE TOWN CENTER DISTRICT AND INCORPORATE THE TOWN CENTER PLAN AS APPENDIX "E" OF THE ZONING ORDINANCE AS PART OF LOCAL COASTAL PLAN AMENDMENT LCPA06-05 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION; and,

ADOPT **RESOLUTION 08-06-03-02** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING LOCAL COASTAL PROGRAM AMENDMENT LCPA06-05 AND REQUESTING FINAL CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

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 WEINBERG.

NOES: None.

ABSENT: COUNCIL MEMBER DIANE L. HARKEY.

UNFINISHED BUSINESS

15. AUTHORIZATION TO ISSUE CITY OF DANA POINT COMMUNITY FACILITIES DISTRICT NO. 2006-1 (CFD 2006-1), 2008 SPECIAL TAX BONDS AND ESTABLISH SPECIAL TAX FOR FISCAL YEAR 2008/2009 (0700-20)

Mayor Bishop recused himself from this item due to a possible conflict of interest.

IT WAS MOVED BY COUNCIL MEMBER STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LARA ANDERSON, TO ADOPT **RESOLUTION 08-06-03-03** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2006-1 OF THE CITY OF DANA POINT AUTHORIZING THE ISSUANCE OF ITS 2008 SPECIAL TAX BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED NINE MILLION DOLLARS (\$9,000,000) AND APPROVING CERTAIN DOCUMENTS AND TAKING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH; and,

ADOPT **RESOLUTION 08-06-03-04** ENTITLED:

A RESOLUTION OF THE CITY OF DANA POINT COMMUNITY FACILITIES DISTRICT NO. 2006-1 ESTABLISHING ANNUAL SPECIAL TAX FOR FISCAL YEAR 2008/2009.

The motion carried by the following vote:

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

NOES: None.

ABSENT: MAYOR JOEL BISHOP.

ABSTAIN: COUNCIL MEMBER HARKEY.

NEW BUSINESS

There were no New Business items.

PUBLIC COMMENTS

There were no additional Public Comments.

STAFF REPORTS

There were no 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 7:23 p.m. and announced that the next Regular Meeting of the City Council will be June 17, 2008, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.