
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR ACTION AGENDA
June 17, 2008**

CALL TO ORDER

5:00 P.M.

ROLL CALL OF CITY COUNCIL MEMBERS:

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

CLOSED SESSION

There were no Closed Session items.

5:01 P.M. RECESS OF CITY COUNCIL MEETING UNTIL 6:00 P.M.

RECONVENE CITY COUNCIL MEETING

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Bishop at 6:00 p.m. at the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Norman Denton, Planning Commission Chairman.

INVOCATION

The Invocation was provided by Bob Moore.

PRESENTATIONS AND PROCLAMATIONS

Business of the Month - Pacific Asian Enterprises, Inc.

CONSENT CALENDAR

Council Member Harkey removed Items 9, 10, and 17 and Mayor Pro Tem Bartlett removed Item 18.

APPROVED BALANCE OF CONSENT CALENDAR. Vote = 5-0

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, JUNE 3, 2008

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, MAY 27, 2008

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF JUNE 10, 2008

RECEIVED AND FILED.

5. YOUTH BOARD MEETING MINUTES, MAY 15, 2008

RECEIVED AND FILED.

6. MEETING CALENDAR/COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

7. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

8. TERMINATION OF FIRE PROTECTION FEE

Adopted Resolution **08-06-17-01** entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, RESCINDING THE FIRE PROTECTION FACILITIES IMPACT FEE FOR ALL DEVELOPMENT LOCATED WITHIN THE CITY OF DANA POINT.

9. APPROVAL OF A SEVEN YEAR CAPITAL IMPROVEMENT PROGRAM AND AUTHORIZATION TO FORWARD MEASURE M ELIGIBILITY DOCUMENTATION TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY

Council Member Harkey removed this item from the Consent Calendar and recused herself due to a possible conflict of interest and left the Chambers.

IT WAS MOVED BY COUNCIL MEMBER STEVEN WEINBERG, SECONDED BY MAYOR JOEL BISHOP, TO ADOPT **RESOLUTION 08-06-17-08** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING THE SEVEN YEAR CAPITAL IMPROVEMENT PROGRAM FOR FY09 THROUGH FY15 AS REQUIRED BY OCTA MEASURE M GROWTH MANAGEMENT PROGRAM AND VERIFYING THE STATUS OF THE CIRCULATION ELEMENT FOR THE CITY OF DANA POINT; AND

AUTHORIZED THE DIRECTOR OF PUBLIC WORKS AND ENGINEERING SERVICES TO FORWARD THE NECESSARY MEASURE M ELIGIBILITY DOCUMENTATION TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY.

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

10. SHIPS TO REEF

Council Member Harkey removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER DIANE L. HARKEY, SECONDED BY MAYOR PRO TEM LISA A. BARTLETT, TO ADOPT **RESOLUTION 08-06-17-09** WITH AMENDMENT ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, IN SUPPORT OF THE CALIFORNIA SHIPS TO REEFS CONCEPT OF ESTABLISHING ARTIFICIAL REEFS IN THE WATERS OFF SHORE OF THE CITY OF DANA POINT .

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

11. CITY MANAGER HOUSING AGREEMENT - SECOND AMENDMENT

Adopted **Resolution 08-06-17-02** entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING SECOND AMENDMENT TO CITY MANAGER HOUSING ASSISTANCE AGREEMENT AND AUTHORIZING THE MAYOR TO EXECUTE RELATED DOCUMENTS; and

AUTHORIZED THE MAYOR TO EXECUTE THE ATTACHED AMENDMENT TO THE CITY MANAGER'S HOUSING AGREEMENT, AND RELATED DOCUMENTS AS APPROPRIATE.

12. GREASE INTERCEPTOR REBATE PROGRAM EXTENSION, CITY OF DANA POINT

APPROVED THE CONTINUATION OF THE GREASE INTERCEPTOR REBATE PROGRAM, AND WAIVED PERMIT-RELATED FEES FOR APPLICANTS APPROVED FOR THIS PROGRAM.

13. ADOPTION OF A RESOLUTION ESTABLISHING THE APPROPRIATES LIMIT FOR FISCAL YEAR 2008/2009

Adopted **Resolution 08-06-17-03** entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2008/2009.

14. ADOPTION OF RESOLUTION APPROVING FINAL TRACT MAP NO. 16769, THE REQUIRED LANDSCAPE AND MAINTENANCE AGREEMENT, AND THE ACCOMPANYING SUBDIVISION IMPROVEMENT AGREEMENT

Adopted **Resolution 08-06-17-04** entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING FINAL TRACT MAP NO. 16769, THE REQUIRED LANDSCAPE AND MAINTENANCE AGREEMENT, AND THE ACCOMPANYING SUBDIVISION IMPROVEMENT AGREEMENT.

15. CALLING FOR A GENERAL MUNICIPAL ELECTION ON NOVEMBER 4, 2008 TO FILL TWO CITY COUNCIL SEATS

Adopted the following Resolutions:

RESOLUTION NO. 08-06-17-05: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CALLING AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2008 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES.

RESOLUTION NO. 08-06-17-06: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 4, 2008 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE.

RESOLUTION NO. 08-06-17-07: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES' STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2008.

16. CITY COUNCIL POLICY ON REORGANIZATION

ADOPTED CITY COUNCIL POLICY 117 ON THE ANNUAL APPOINTMENT OF THE MAYOR AND MAYOR PRO TEM.

17. SECOND READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT TO INCLUDE MODIFICATIONS TO ZONE TEXT AMENDMENT ZTA06-04 AN ZC06-01 FOR THE TOWN CENTER DISTRICT AND INCORPORATE THE TOWN CENTER PLAN AS APPENDIX E OF THE ZONING CODE AND AUTHORIZING SUBMITTAL OF THE ORDINANCE TO THE CALIFORNIA COASTAL COMMISSION FOR FINAL CERTIFICATION

Council Member Harkey removed this item from the Consent Calendar and recused herself due to a possible economic conflict of interest and left the Chambers.

IT WAS MOVED BY COUNCIL MEMBER STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LARA ANDERSON, CONDUCT A SECOND READING AND ADOPTED **ORDINANCE 08-08** 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.

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

Council Member Harkey returned to the meeting.

18. ADDENDUM TO JUNE 3, 2008 STAFF REPORT: HOTEL-RELATED INSURANCE RENEWAL FOR FY2008/2009

Mayor Pro Tem Bartlett had removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY MAYOR PRO TEM LISA A. BARTLETT, APPROVE REVISIONS TO THE FY 2008/2009 RENEWAL OF HOTEL-RELATED INSURANCE BUSINESS INTERRUPTION COVERAGE OBTAINED FROM LANDMARK AMERICAN INSURANCE COMPANY ("LANDMARK") FOR PROTECTION OF TRANSIENT OCCUPANCY TAX ("TOT") AND OTHER HOTEL-GENERATED REVENUES FOR THE POLICY PERIOD OF JUNE 17, 2008 TO JUNE 17, 2009 .

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

19. OPPOSITION TO ASSEMBLY BILL 983 (Ma)

OPPOSED AB 983 (Ma) - PUBLIC CONTRACTS: PLANS AND SPECIFICATIONS AND AUTHORIZED THE CITY MANAGER TO SEND A LETTER TO THE APPROPRIATE OFFICIALS OPPOSING AB 983.

20. GENERAL PLAN AMENDMENT GPA07-02 AND LOCAL COASTAL PROGRAM AMENDMENT LCPA07-02 TO REVIEW CALIFORNIA COASTAL COMMISSION RECOMMENDED MODIFICATIONS FOR THE HEADLANDS DEVELOPMENT AND CONSERVATION PLAN

This item was pulled from the agenda and no action was taken.

PUBLIC COMMENTS

Bob Moore
Judy Rice
William Everett
Tom Barnes

**21. ZONING CODE UPDATE PROGRAM - ZONE TEXT AMENDMENT
ZTA08-0004**

IT WAS MOVED BY COUNCIL MEMBER STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LARA ANDERSON, TO CONDUCT A PUBLIC HEARING AND INTRODUCE AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA08-0004, REVISING THE CITY OF DANA POINT ZONING ORDINANCE TO CORRECT INCONSISTENCIES, AND PROVIDE CLARIFICATION TO EXISTING REGULATIONS GOVERNING "ALCOHOLIC BEVERAGE OUTLETS", AND CLARIFY REQUIRED LANDSCAPING STANDARDS FOR RESIDENTIAL DISTRICTS.

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

22. APPROVAL OF CONSULTANT SERVICES AGREEMENT WITH ROMA DESIGN GROUP FOR PACIFIC COAST HIGHWAY AND DEL PRADO STREET IMPROVEMENTS BETWEEN BLUE LANTERN AND COPPER LANTERN

Council Member Harkey recused herself from Item 22 due to a potential conflict of interest. She stated that she would not be returning to the meeting. She reported that she was going to Cannon's Restaurant to attend a benefit dinner to support of the 5th Marine Regiment. She announced that on June 22, 2008, at the City's first concert in the park the City Manager will be bar-b-queing and the donations received will benefit the 5th Marine Regiment. She left the Chambers at 7:10 p.m.

IT WAS MOVED BY COUNCIL MEMBER STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LARA ANDERSON, TO APPROVE SUBJECT AGREEMENT INCLUDING A CONTINGENCY BUDGET AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT.

The motion carried by the following vote:

AYES: Council Member Steven Weinberg, Council Member Lara Anderson,
Mayor Pro Tem Lisa A. Bartlett, and Mayor Joel Bishop

NOES: None

ABSENT: Council Member Diane L. Harkey

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 7:34 p.m. and announced that the next Regular Meeting of the City Council will be July 15, 2008, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.