

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**MONDAY
JANUARY 26, 2009
5:00 P.M.**

AGENDA

Location: City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point, California 92629

Next City Council Ordinance No. 09-01

CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS:

Lisa A. Bartlett, Mayor
Steven H. Weinberg, Mayor Pro Tem
Lara Anderson, Council Member
Joel Bishop, Council Member
Scott Schoeffel, Council Member

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b1), (2 cases)

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Recognition of Dana Hills High School Football Team
Business of the Year 2009 – CR&R Incorporated
Non-Profit of the Year 2009 - Monarch Beach Sunrise Rotary Club
Presentation to the City from Miocean
SNAP to Dana Point Month Resolution

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 on the agenda.

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, JANUARY 12, 2009

RECOMMENDED ACTION: That the City Council approve the minutes.

3. PLANNING COMMISSION MEETING MINUTES, DECEMBER 9, 2008

RECOMMENDED ACTION: That the City Council receive and file.

4. PLANNING COMMISSION MEETING MINUTES, JANUARY 5, 2009

RECOMMENDED ACTION: That the City Council receive and file.

5. PLANNING COMMISSION ACTIONS, MEETING OF JANUARY 19, 2009

RECOMMENDED ACTION: That the City Council receive and file.

6. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECOMMENDED ACTION: That the City Council receive and file.

7. CLAIMS AND DEMANDS

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

8. APPROVAL OF LICENSE AGREEMENTS WITH PAUL HENNESSEY FOR PROPERTIES LOCATED AT 34091 AND 34111 LA PLAZA

RECOMMENDED ACTION: That the City Council approve license agreements which are for outdoor patio areas at the two properties in question.

9. **LEGISLATIVE ADVOCACY AGREEMENT**

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute an agreement with David B. Neish, Inc. for legislative advocacy services relative to the City for the Dana Point Harbor Local Coastal Program Amendment pending before California Coastal Commission.

10. **ADOPTION OF A RESOLUTION CODIFYING THE NEW STATE MANDATED FEE SUPPORTING THE CREATION OF BUILDING STANDARDS FOR GREEN BUILDING REGULATIONS AND ASSOCIATED ACTIVITIES**

RECOMMENDED ACTION: That the City Council adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CODIFYING THE NEW STATE MANDATED FEE SUPPORTING THE CREATION OF BUILDING STANDARDS FOR GREEN BUILDING REGULATIONS AND ASSOCIATED ACTIVITIES

11. **MUNICIPAL CODE AMENDMENT REVISING REGULATIONS APPLICABLE TO THE PLANNING COMMISSION AND TRAFFIC IMPROVEMENT SUBCOMMITTEE AND ADOPTION OF A RESOLUTION ESTABLISHING THE TRAFFIC IMPROVEMENT SUBCOMMITTEE**

RECOMMENDED ACTION: That the City Council 1) introduce and hold first reading, by title only, of an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING VARIOUS PROVISIONS OF THE DANA POINT MUNICIPAL CODE APPLICABLE TO THE PLANNING COMMISSION AND THE TRAFFIC IMPROVEMENT SUBCOMMITTEE; and

2) Adopt a Resolution eliminating the Traffic Improvement Commission and replacing it with the Traffic Improvement Subcommittee entitled:

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

12. **HISTORIC PRESERVATION AGREEMENT (MILLS ACT) FOR THE PROPERTY LOCATED AT 24721 EL CAMINO CAPISTRANO**

RECOMMENDED ACTION: That the City Council authorize the Mayor to sign a Historic Property Preservation Agreement allowing Ross and Ellendea Teasley, owners of the locally designated historic structure located at 24721 El Camino Capistrano, to participate in the State's Mills Act Program.

PUBLIC COMMENTS

Any person wishing to address the City Council during the Public Comments section or on an Agenda item is asked to complete a "Request to Speak" form available on the table at the side of the Council Chamber. The completed form is to be submitted to the City Clerk prior to the Agenda item being called by the Mayor and prior to the individual being heard by the City Council.

In order to conduct a timely meeting, there will be a three-minute time limit per person and an overall time limit of fifteen minutes for this Public Comments portion of the agenda. At the Mayor's discretion, the balance of public comments will be heard after the New Business portion of the agenda. All comments are to be directed to the City Council and shall not consist of any personal attacks. Members of the public are expected to maintain a professional, courteous decorum during their comments. State law prohibits the City Council from taking action on a specific item unless it appears on the posted Agenda.

If anyone has handouts to distribute to the City Council, please follow proper procedure and hand them to the City Clerk. The City Clerk will see that they are distributed.

PUBLIC HEARINGS

There are no Public Hearing items.

UNFINISHED BUSINESS

There are no Unfinished Business items.

NEW BUSINESS

13. [**AUTHORIZATION TO PROCEED WITH CROSSWALK REMOVAL AND STRIPING ADJUSTMENTS ON PALISADES DRIVE AT THE INTERSECTION OF COAST HIGHWAY, PURSUANT TO SECTION 21950 OF THE CALIFORNIA VEHICLE CODE**](#)

RECOMMENDED ACTION: That the City Council 1) accept the removal of the crosswalk connecting the bluff side corners of Palisades Drive at Coast Highway, pursuant to California Vehicle Code Section 21950 and 2) authorize staff to proceed with the removal.

PUBLIC COMMENTS (Continued)

STAFF REPORTS

(City Manager Doug Chotkevys)

(City Attorney Patrick Muñoz)

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

The City Council may discuss, act upon or seek consensus on matters described under Council Reports only if: They are agendaized with a complete written report included; or, if an item arose subsequent to the posting of the agenda and the Council determines that an emergency exists. Non-agendaized items may be presented as informational only.

ADJOURNMENT

The next Regular Meeting of the City Council will be February 9, 2009, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, 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 and the Dana Point Library by Thursday, January 22, 2009, at 5:00 p.m.

KATHY M. WARD, CITY CLERK

DATE

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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.