

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**MONDAY
FEBRUARY 9, 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 REAL PROPERTY NEGOTIATOR, Government Code § 54956.8

Location: APN# 682-311-02 and 682-311-03
Agency Negotiator: Douglas C. Chotkevys, City Manager
Negotiating Parties: City of Dana Point and Beverly Hills Hospitality Group, LLC
Under Negotiation: Terms of agreement relating to property

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

January Business of the Month – Casanova Ristorante
Certificate of Recognition for Michelle Brough

20th Anniversary Presentation by Dana Point Historical Society and Recognition of 20 Year Employees
Orange County Human Relations Commission Report – Bill Woods

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 26, 2009](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, JANUARY 19, 2009](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION ACTIONS, MEETING OF FEBRUARY 2, 2009](#)

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, DECEMBER 2008](#)

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of December 2008.

7. [CLAIMS AND DEMANDS](#)

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

8. [COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2008](#)

RECOMMENDED ACTION: That the City Council receive and file the Comprehensive Annual Financial Report (CAFR) for the year ended June 30, 2008.

9. [EXCLUSIVE NEGOTIATING AGREEMENT \(ENA\) – DANA POINT HOTEL](#)

RECOMMENDED ACTION: That the City Council approve an exclusive negotiating agreement for City parcels APN # 682-311-02 and 682-311-03.

10. [SPONSORSHIP OF THE CONCOURS d'ELEGANCE CAR SHOW](#)

RECOMMENDED ACTION: That the City Council:

1. Approve the use of Sea Terrace Park for Sunday, September 27, 2009 in keeping with Easement, Right of Entry Agreement for Sea Terrace Park;
2. Approve a sponsorship agreement with the promoter for the 2009 event and authorize the City Manager to execute the agreement; and
3. Authorize the City Manager to negotiate a subsequent multi-year agreement with the promoter at such time an auto auction is planned to be added to the event.

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 Hearings.

UNFINISHED BUSINESS

11. [DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT](#)

RECOMMENDED ACTION: That the City Council 1) adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DECLARING THE INTENTION OF THE CITY COUNCIL TO ESTABLISH THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT AND FIXING THE TIME AND PLACE OF A PUBLIC HEARING; and

2) Set the date for public hearing to establish the Dana Point Tourism Business Improvement District on March 9, 2009.

12. SECOND READING AND ADOPTION OF A MUNICIPAL CODE AMENDMENT REVISING REGULATIONS APPLICABLE TO THE PLANNING COMMISSION AND TRAFFIC IMPROVEMENT SUBCOMMITTEE

RECOMMENDED ACTION: That the City Council hold second reading and adopt an Ordinance entitled:

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

13. PROPOSED AMENDMENT TO DANA POINT MUNICIPAL CODE SECTION 2.06.075 RELATING TO VACANCIES OF CITY BOARD AND COMMISSION SEATS

RECOMMENDED ACTION: That the City Council amend the rules relating to vacancies of City board or commission seats upon appointment or election of such member to another governmental office and introduce and hold first reading of an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING SECTION 2.06.075 OF THE DANA POINT MUNICIPAL CODE RELATING TO VACANCIES CREATED ON CITY BOARDS AND COMMISSIONS

14. VACATED PLANNING COMMISSION SEAT (MICHELLE BROUGH)

RECOMMENDED ACTION: That the City Council provide direction to fill the vacant Planning Commission seat.

NEW BUSINESS

There are no New Business items.

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 23, 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, February 5, 2009, 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. In addition, Agenda related materials (including materials, if any, provided to the City Council after the Agenda was posted) may be reviewed in the office of the City Clerk during regular business hours or on the 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.