

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**MONDAY
MARCH 9, 2009
5:00 P.M.**

AGENDA

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

TELECONFERENCE LOCATION:

**Greenville Marriott
One Parkway East
Greenville, South Carolina 29615
Room No. 336**

Next City Council Ordinance No. 09-03

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), (1 case)

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

March Business of the Month – Chronic Tacos
South County Senior Services Presentation

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, FEBRUARY 23, 2009](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, FEBRUARY 2, 2009](#)

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

5. [YOUTH BOARD MEETING MINUTES, FEBRUARY 19, 2009](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. [OCEAN WATER QUALITY MEETING MINUTES, DECEMBER 16, 2008](#)

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

8. [CITY TREASURER'S REPORT, JANUARY 2009](#)

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of January 2009

9. **CLAIMS AND DEMANDS**

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

10. **INTERVENTION SPECIALIST MEMORANDUM OF UNDERSTANDING WITH CAPISTRANO UNIFIED SCHOOL DISTRICT**

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a Memorandum of Understanding with the Capistrano Unified School District for implementation of a pilot program to deliver an Intervention Specialist Program at Dana Hills High School that is jointly managed by the City, the Dana Hills High School administration, and the Orange County Sheriff's Department resources under contract with the City.

11. **ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE COMMUNITY DEVELOPMENT RENOVATION PROJECT**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE COMMUNITY DEVELOPMENT RENOVATION PROJECT.

12. **SECOND READING AND ADOPTION OF AN ORDINANCE ADDING A CHAPTER TO THE MUNICIPAL CODE REGULATING FALSE ALARMS AND ADOPTION OF A RESOLUTION AUTHORIZING CITY'S PARTICIPATION IN THE ORANGE COUNTY SHERIFF'S DEPARTMENT FALSE ALARM FEE PROGRAM**

RECOMMENDED ACTION: That the City Council 1) hold second reading and adopt an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADDING CHAPTER 11.60 "ALARM SYSTEMS, FALSE ALARMS," TO THE DANA POINT MUNICIPAL CODE TO REGULATE SECURITY SYSTEM ALARMS AND AUTHORIZING THE CHARGING OF CERTAIN FEES FOR RESPONSE TO FALSE ALARMS; and

2) adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AUTHORIZING CITY'S PARTICIPATION IN THE ORANGE COUNTY SHERIFF'S DEPARTMENT FALSE ALARM FEE PROGRAM.

13. **2009 WEED ABATEMENT PROGRAM**

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 WEEDS A PUBLIC NUISANCE AND INITIATING ABATEMENT PROCEEDINGS; and

2) authorize staff to release bid packets to contractors to abate weeds in the City.

14. **ITALIAN OPERA FESTIVAL AND POTENTIAL SISTER CITY RELATIONSHIP WITH THE CITY OF VITERBO, ITALY**

RECOMMENDED ACTION: That the City Council:

1) authorize staff to work with Italian American Opera Foundation (IAOF) on a proposal for an Italian Opera Festival in Dana Point; and

2) authorize a letter to the City of Viterbo expressing interest in forming a Sister City relationship with the City of Dana Point as well as expressing the City's intent to work with the City of Viterbo and the Italian American Opera Foundation to explore the feasibility of an Italian Opera Festival in Dana Point in 2010.

15. **AWARD OF CONTRACT TO ALL AMERICAN ASPHALT FOR THE CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT FY 2008/2009**

RECOMMENDED ACTION: That the City Council 1) approve the construction contract documents require for the "Annual Roadway Resurfacing Project FY 2008/2009"; and 2) approve award of a contract to All American Asphalt for construction of the Annual Roadway Resurfacing Project FY 2008/2009, providing that the City Manager or his designee signs and administers subject contract and may approve additional payment for change orders, contingencies, construction management services, soils and material testing, and construction design support for the project as noted in the Fiscal Impact Section.

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

16. ESTABLISH DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT

RECOMMENDED ACTION: That the City Council 1) conduct a public hearing and introduce and hold first reading of an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID); AND

2) adopt a Resolution entitled:

A RESOLUTION OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING THE 2010 CALENDAR YEAR ANNUAL REPORT FOR THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID); and

3) adopt a Resolution entitled:

A RESOLUTION OF THE CITY OF DANA POINT, CALIFORNIA, DECLARING THE INTENTION OF THE CITY COUNCIL TO LEVY ASSESSMENTS FOR THE 2010 CALENDAR YEAR FOR THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID).

UNFINISHED BUSINESS

There are no Unfinished Business items.

NEW BUSINESS

17. FISCAL YEAR 2008-09 BUDGET STATUS REPORT

RECOMMENDED ACTION: That the City Council receive and file the Fiscal Year 2008-09 Budget Status Report and authorize the budget amendments detailed in the report.

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 Adjourned Regular Meeting of the City Council will be March 31, 2009, at 6:00 p.m. at the Dana Point Community Center in the gym 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 and the Dana Point Library by Thursday, March 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.