

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



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

ACTION 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**

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Bartlett 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: Lisa A. Bartlett, Mayor
Steven H. Weinberg, Mayor Pro Tem
Lara Anderson, Council Member
Scott Schoeffel, Council Member

Absent: Joel Bishop, Council Member

CLOSED SESSION

City Attorney Munoz indicated there was a need for a Closed Session as follows:

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b1), (1 case)

Mayor Bartlett recessed the meeting into a Closed Session at 5:01 p.m. pursuant to Government Code Section 54956 et. seq.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Bartlett reconvened the meeting at 6:00 p.m. All Council Members were present except for Council Member Bishop.

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Kathy M. Ward, City Clerk; Mike Killebrew, Director of Administrative Services; Lt. Mark Levy, Chief of Police Services; Kyle Butterwick, Director of Community Development; Brad Fowler, Director of Public Works; Lynn Kelly, Management Analyst; Christy Teague, Economic Development Manager; Sea Shelton, Management Analyst; Kevin Evans, Director of Community Services and Parks; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; Bobbi Ogan, Deputy City Clerk; and Windy Robles, City Clerk Specialist.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that there was no announcement.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Karin Schnell.

INVOCATION

The Invocation was provided by Father Steve Sallot of St. Edwards Catholic Church.

PRESENTATIONS AND PROCLAMATIONS

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

CONSENT CALENDAR

Mayor Bartlett removed Item #10 and Item #14 for a separate vote.

IT WAS MOVED BY COUNCIL MEMBER ANDERSON, SECONDED BY MAYOR PRO TEM WEINBERG, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM NUMBERS 10 and 14.

The motion carried by the following vote:

AYES: Council Member Anderson, Council Member Schoeffel, Mayor Pro Tem Weinberg, Mayor Bartlett
NOES: None
ABSENT: Council Member Bishop

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, FEBRUARY 23, 2009

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, FEBRUARY 2, 2009

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF MARCH 2, 2009

RECEIVED AND FILED.

5. YOUTH BOARD MEETING MINUTES, FEBRUARY 19, 2009

RECEIVED AND FILED.

6. OCEAN WATER QUALITY MEETING MINUTES, DECEMBER 16, 2008

RECEIVED AND FILED.

7. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

8. CITY TREASURER'S REPORT, JANUARY 2009

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF JANUARY 2009.

9. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

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

IT WAS MOVED BY MAYOR BARTLETT, SECONDED BY COUNCIL MEMBER ANDERSON, TO 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.

The motion carried by the following vote:

AYES: Council Member Anderson, Council Member Schoeffel, Mayor Pro Tem Weinberg,
Mayor Bartlett
NOES: None
ABSENT: Council Member Bishop

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

ADOPTED RESOLUTION 09-03-09-01 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

HELD SECOND READING AND ADOPTED **ORDINANCE 09-03** 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.

ADOPTED RESOLUTION 09-03-09-02 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

ADOPTED RESOLUTION 09-03-09-03 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DECLARING WEEDS A PUBLIC NUISANCE AND INITIATING ABATEMENT PROCEEDINGS.

AUTHORIZED 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

IT WAS MOVED BY MAYOR BARTLETT, SECONDED BY MAYOR PRO TEM WEINBERG, TO AUTHORIZE STAFF TO WORK WITH ITALIAN AMERICAN OPERA FOUNDATION (IAOF) ON A PROPOSAL FOR AN ITALIAN OPERA FESTIVAL IN DANA POINT AND 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.

The motion carried by the following vote:

AYES: Council Member Anderson, Council Member Schoeffel, Mayor Pro Tem Weinberg, Mayor Bartlett
NOES: None
ABSENT: Council Member Bishop

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

APPROVED THE CONSTRUCTION CONTRACT DOCUMENTS REQUIRE FOR THE "ANNUAL ROADWAY RESURFACING PROJECT FY 2008/2009" AND APPROVED 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

Carol Weling
Lester Hill
Ingrid McGuire
Carlos Olvera
Richard Dietmeier

PUBLIC HEARINGS

16. ESTABLISH DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT

IT WAS MOVED BY MAYOR PRO TEM WEINBERG, SECONDED BY COUNCIL MEMBER SCHOEFFEL TO CONDUCT A PUBLIC HEARING AND INTRODUCE AND HOLD A 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).

ADOPTED RESOLUTION 09-03-09-04 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).

ADOPTED RESOLUTION 09-03-09-05 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).

The motion carried by the following vote:

AYES: Council Member Schoeffel, Mayor Pro Tem Weinberg, Mayor Bartlett
NOES: Council Member Anderson
ABSENT: Council Member Bishop

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

17. FISCAL YEAR 2008-09 BUDGET STATUS REPORT

IT WAS MOVED BY COUNCIL MEMBER ANDERSON, SECONDED BY MAYOR BARTLETT, TO RECEIVE AND FILE THE FISCAL YEAR 2008-09 BUDGET STATUS REPORT AND AUTHORIZE THE BUDGET AMENDMENTS DETAILED IN THE REPORT.

AYES: Council Member Anderson, Council Member Schoeffel, Mayor Pro Tem Weinberg, Mayor Bartlett
NOES: None
ABSENT: Council Member Bishop

PUBLIC COMMENTS

There were no additional Public Comments.

STAFF REPORTS

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Bartlett declared the meeting adjourned at 7:33 p.m. and announced that 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.