

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**MONDAY
APRIL 13, 2009
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 09-04

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

April Business of the Month – Estrella Pet Grooming
Certificate of Recognition for Eagle Scout Harris Ian Smith
Certificate of Recognition for Battalion Chief Marc Hawkins

SPECIAL PRESENTATION

USMC LT. COLONEL BOB McCARTHY PRESENTATION

RECOMMENDED ACTION: That the City Council receive and file a report from Lt. Colonel Bob McCarthy on Iraq.

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, MARCH 9, 2009](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

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

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION ACTIONS, MEETING OF MARCH 16, 2009](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [PLANNING COMMISSION ACTIONS, MEETING OF APRIL 6, 2009](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. [YOUTH BOARD MEETING MINUTES, MARCH 5, 2009](#)

RECOMMENDED ACTION: That the City Council receive and file.

7. [YOUTH BOARD MEETING MINUTES, MARCH 19, 2009](#)

RECOMMENDED ACTION: That the City Council receive and file.

8. **MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR**

RECOMMENDED ACTION: That the City Council receive and file.

9. **CITY TREASURER'S REPORT, FEBRUARY 2009**

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

10. **CLAIMS AND DEMANDS**

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

11. **TICKET DISTRIBUTION POLICY**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING CITY COUNCIL POLICY NO. 223, TICKET DISTRIBUTION POLICY

12. **ROAD AND STORM DRAIN MAINTENANCE SERVICES AGREEMENT WITH THE COUNTY OF ORANGE**

RECOMMENDED ACTION: That the City Council approve the agreement between the City of Dana Point and the County of Orange for Road and Storm Drain Maintenance Services and authorize the City Manager to execute the agreement.

13. **ADOPTION OF A RESOLUTION APPROVING AN AGREEMENT WITH SOUTH COAST WATER DISTRICT TO OPERATE A NEW STORM DRAIN DIVERSION AT STRAND BEACH**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING AN AGREEMENT BETWEEN THE CITY OF DANA POINT AND THE SOUTH COAST WATER DISTRICT FOR THE INTERIM USE OF FACILITIES TO DIVERT URBAN RUNOFF FROM THE DIVERSION FACILITY CONSTRUCTED AT STRANDS BEACH.

14. **INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 13.04, PARKS AND RECREATIONAL FACILITIES REGULATIONS, OF THE MUNICIPAL CODE TO ADDRESS NEW PARKS AND FACILITIES IN THE CITY**

RECOMMENDED ACTION: That the City Council introduce and hold first reading of an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING CHAPTER 13.04, PARKS AND RECREATIONAL FACILITIES REGULATIONS, OF THE MUNICIPAL CODE TO ADDRESS THE NEW PARKS AND FACILITIES

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

15. [**ADOPTION OF A RESOLUTION TO VACATE AN EASEMENT FOR PUBLIC STREET OR ALLEY PURPOSES ADJOINING THE SOUTHERLY \(REAR\) PROPERTY LINE AT 25826 LAS VEGAS AVENUE \(ASSESSOR PARCEL NUMBER 668-342-03\)**](#)

RECOMMENDED ACTION: That the City Council conduct a Public Hearing and adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT ORDERING THE VACATION OF AN EASEMENT FOR PUBLIC STREET OR ALLEY PURPOSES ADJOINING THE SOUTHERLY (REAR) PROPERTY LINE AT 25826 LAS VEGAS AVENUE (ASSESSOR PARCEL NUMBER 668-342-03).

UNFINISHED BUSINESS

16. [**CONSTRUCTION AND MAINTENANCE AGREEMENT WITH SCRRRA AND OCTA FOR RAILROAD-RELATED SAFETY ENHANCEMENTS, AND POTENTIAL “QUIET ZONE” AT THE BEACH ROAD CROSSING**](#)

RECOMMENDED ACTION: That the City Council direct Staff in conjunction with policy decision as to whether to proceed with the proposed Construction and Maintenance Agreement and then with Quiet Zone designation.

17. 2009 WEED ABATEMENT PROGRAM

RECOMMENDED ACTION: That the City Council hear any objections regarding weed abatement and thereafter adopt one of the two Resolutions as follows:

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, OVERRULING OBJECTIONS AND PROCEEDING WITH WEED ABATEMENT;

-or-

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, HEARING NO OBJECTIONS AND PROCEEDING WITH WEED ABATEMENT.

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 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 Regular Meeting of the City Council will be April 27, 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, April 9, 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.