

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**MONDAY
MAY 11, 2009
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 09-05

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)
- B. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Government Code § 54956.9 (c), (1 case)

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

May Business of the Month – What A Dish
LAFCO Presentation
2010 Census Presentation and Proclamation
VFW Patriot Pen and Voice of Democracy Award Winners
Recognition of Outgoing Traffic Improvement Commissioners

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, APRIL 27, 2009](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, APRIL 20, 2009](#)

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

5. [YOUTH BOARD MEETING MINUTES, APRIL 16, 2009](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. [CHARITABLE GRANT SUBCOMMITTEE DRAFT ACTION MINUTES, APRIL 30, 2009](#)

RECOMMENDED ACTION: That the City Council receive and file.

7. [OCEAN WATER QUALITY SUBCOMMITTEE MEETING MINUTES, MEETING OF FEBRUARY 24, 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. [CLAIMS AND DEMANDS](#)

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

10. EXTENSION OF LEGISLATIVE ADVOCACY AGREEMENT

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

11. SECOND READING AND ADOPTION 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 hold a second reading and adopt 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 IN THE CITY.

12. CITY OF DANA POINT LIBRARY TASK FORCE SUBCOMMITTEE RECOMMENDATIONS FOR THE DANA POINT LIBRARY EXPANSION PROJECT

RECOMMENDED ACTION: That the City Council 1) receive and file the Dana Point Library Task Force Subcommittee recommendations, and 2) direct staff with a recommendation for a consultant to conduct a statistically valid community survey to evaluate public opinion regarding community services in Dana Point, including library service.

13. WASTE DISPOSAL AGREEMENT BETWEEN THE COUNTY OF ORANGE AND THE CITY OF DANA POINT

RECOMMENDED ACTION: That the City Council approve the Solid Waste Disposal Agreement between the County of Orange and the City of Dana Point and authorize the City Manager to execute the Agreement.

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

14. **[APPEAL OF PLANNING COMMISSION DECISION DENIAL OF CONDITIONAL USE PERMIT \(CDP07-07\) AND COASTAL DEVELOPMENTAL PERMIT CUP07-05 \(DEMOLITION OF DOHENY HOUSE\)](#)**

RECOMMENDED ACTION: That the City Council conduct a Public Hearing, deny the appeal and uphold the Planning Commission denials of (1) Coastal Development Permit CDP07-05 for demolition of historic structure, and (2) Conditional Use Permit CUP07-07 for removal of the historic resource from the City's Historic Resource Register.

15. **[PUBLIC HEARING FOR PROPOSED OPERATING AND CAPITAL IMPROVEMENT BUDGETS FOR FISCAL YEARS 2009-2010 AND 2010-2011](#)**

RECOMMENDED ACTION: That the City Council conduct a Public Hearing to review the City of Dana Point Proposed Operating and Capital Improvement Budgets for Fiscal Years 2009-2010 ("FY 2010") and 2010-2011 ("FY 2011") and direct staff to make any necessary changes to be brought back on June 8, 2009 for further deliberation and adoption of the ensuing two-year budget.

UNFINISHED BUSINESS

16. **[ITALIAN OPERA FESTIVAL AND POTENTIAL SISTER CITY RELATIONSHIP WITH THE CITY OF VITERBO, ITALY](#)**

RECOMMENDED ACTION: That the City Council 1) adopt a Resolution of intention to form a Sister City relationship with the City of Viterbo, Italy entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, STATING THE INTENTION TO FORM A SISTER CITY AGREEMENT WITH VITERBO, ITALY; and

2) authorize the Mayor to sign any ceremonial documents regarding the formation of a Sister City relationship with Viterbo, Italy.

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 June 8, 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, May 7, 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.