

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**MONDAY
JUNE 8, 2009
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 09-06

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 LABOR NEGOTIATOR, Government Code § 54957.6

Agency Designated Representatives: City Manager
Unrepresented and Represented Employees: All positions in City

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

June Business of the Month – Le Visage
Certificate of Recognition to Outgoing Youth Board Members
Certificate of Recognition to Boys & Girls Club of Capistrano Valley Youth of the Year
Proclamation for Be The Match – National Bone Marrow Donor Program
Certificate of Recognition to Medal of Valor Award Winners

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, MAY 11, 2009](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, MAY 18, 2009](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION ACTIONS, MEETING OF JUNE 1, 2009](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [YOUTH BOARD MEETING MINUTES, MAY 21, 2009](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. [OCEAN WATER QUALITY SUBCOMMITTEE MINUTES, APRIL 28, 2009](#)

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, APRIL 2009](#)

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

9. [CLAIMS AND DEMANDS](#)

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

10. **ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE SEA TERRACE PARK PROJECT**

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

A RESOLUTION OF THE CITY COUNCIL FO THE CITY OF DANA POINT, CALIFORNIA APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PROJECT ENTITLED "SEA TERRACE PARK PROJECT" AS PART OF THE GENERAL PARK REHABILITATION PROGRAM.

11. **APPROVE AMENDMENT NO. 13 TO CONTRACT AGREEMENT NO. C-8-0370 WITH ORANGE COUNTY TRANSIT AUTHORITY TO PROVIDE SENIOR TRANSPORTATION SERVICES TO THE DEL OBISPO COMMUNITY/SENIOR CENTER THROUGH JUNE 30, 2010**

RECOMMENDED ACTION: That the City Council approve Amendment No. 13 to the existing Agreement No. C-8-0370 with Orange County Transit Authority for senior transportation to the Del Obispo Community/Senior Center through June 30, 2010 and authorize the City Manager to execute the agreement.

12. **FLEET VEHICLE ACQUISITION**

RECOMMENDED ACTION: That the City Council authorize the City Manager to purchase five City-owned vehicles four of which had previously been provided under the Orange County Sheriff's Department (OCSD).

13. **TRANSIENT OCCUPANCY TAX INSURANCE RENEWAL FOR FY 2009-2010**

RECOMMENDED ACTION: That the City Council ratify the renewal of business interruption insurance coverage obtained from Landmark American Insurance Company ("Landmark") for protection of Transient Occupancy Tax ("TOT") revenues for the policy period of June 17, 2009 to June 17, 2010.

14. **APPROVAL OF AMENDMENT TO TELECOMMUNICATIONS SYSTEM ENCROACHMENT AGREEMENT WITH GREENFIELD COMMUNICATIONS**

RECOMMENDED ACTION: That the City Council approve subject agreement amendment and authorize the City Manager or his designee to amend subject agreement.

15. **FY 2009-10 AND FY 2010-11 BUDGET ADOPTION FOLLOW UP ITEMS**

RECOMMENDED ACTION: That the City Council:

A. Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2009-10;

- B. Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING THE SEVEN YEAR CAPITAL IMPROVEMENT PROGRAM FOR FY 2009-10 THROUGH FY 2015-16 AS REQUIRED BY THE OCTA MEASURE M GROWTH MANAGEMENT PROGRAM;
- C. Authorize the Director of Public Works and Engineering Services to forward the necessary Measure M eligibility documentation to the Orange County Transportation Authority; and
- D. Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING THE POSITION TITLES, SALARY RANGES, AND CLASS SPECIFICATIONS FOR DIRECTOR OF DISASTER PREPAREDNESS & FACILITIES AND DIRECTOR OF ADMINISTRATIVE SERVICES/ASSISTANT CITY MANAGER.

16. **RESOLUTION AUTHORIZING THE CITY ENGINEER TO ACCEPT ALL INTERESTS IN REAL PROPERTY**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE CITY ENGINEER TO ACCEPT ON THE CITY'S BEHALF ALL INTERESTS IN REAL PROPERTY.

17. **NINTH AMENDMENT TO EMPLOYMENT CONTRACT FOR CITY MANAGER DOUG CHOTKEVYS**

RECOMMENDED ACTION: That the City Council approve the Ninth Amendment to the Employment Contract for the City Manager and authorize the Mayor to execute the Agreement on behalf of the City.

18. **ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT APPLICATION FOR THE AMERICAN REINVESTMENT AND RECOVERY ACT**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE CITY TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT; and

2) authorize the City Manager or his designee to apply for subject grant.

19. **2009-2010 LAW ENFORCEMENT SERVICES AGREEMENT**

RECOMMENDED ACTION: That the City Council approve the Law Enforcement Services Agreement with the County of Orange for law enforcement services for the 2009-2010 fiscal year 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

20. GENERAL PLAN AMENDMENT (GPA09-01) TO UPDATE THE HOUSING ELEMENT

RECOMMENDED ACTION: That the City Council 1) conduct a Public Hearing and 2) adopt a Resolution approving the Negative Declaration for the updated Housing Element entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, TO ADOPT A NEGATIVE DECLARATION FOR GENERAL PLAN AMENDMENT (GPA 09-01) TO UPDATE THE HOUSING ELEMENT; and

3) adopt a Resolution approving the Housing Element (GPA 09—01) entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A GENERAL PLAN AMENDMENT (GPA 09-01), WHICH AMENDS THE GENERAL PLAN HOUSING ELEMENT, AND SUBMISSION OF THE HOUSING ELEMENT FOR CERTIFICATION BY THE CALIFORNIA HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT (HCD).

21. GENERAL PLAN CONSISTENCY ANALYSIS GPC09-0002 AND COASTAL DEVELOPMENT PERMIT CDP07-20 PERTAINING TO CONDITIONAL VACATION OF SCENIC DRIVE AND ALTERNATE CAPITAL IMPROVEMENT PROJECT

RECOMMENDED ACTION: That the City Council 1) open the Public Hearing; 2) take public testimony; and 3) continue the item until the City Council meeting of July 27, 2009.

22. GENERAL PLAN AMENDMENT (GPA07-01), ZONE CHANGE (ZC07-01), ZONE TEXT AMENDMENT (ZTA07-02) AND LOCAL COASTAL PROGRAM AMENDMENT (LCPA07-01) FOR PROPERTY LOCATED AT 34202 DEL OBISPO STREET (Makar Properties, LLC)

RECOMMENDED ACTION: That the City Council 1) conduct a Public Hearing and introduce for first reading an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA07-02 AND ZONE CHANGE ZC07-01 TO ESTABLISH A NEW ZONING CATEGORY OF "RESIDENTIAL/COMMERCIAL-18" (R/C-18) IN CHAPTER 9.13 OF THE ZONING ORDINANCE AND TO CHANGE THE DESIGNATION OF THE SUBJECT SITE, 34202 DEL OBISPO STREET FROM "DANA POINT SPECIFIC PLAN – COASTAL RECREATION SPACE" TO "R/C-18", AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA07-01 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION; and

2) adopt the following Resolutions:

1. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE GENERAL PLAN AMENDMENT (GPA07-01), ZONE TEXT AMENDMENT (ZTA07-02), ZONE CHANGE (ZC07-01), AND LOCAL COASTAL PROGRAM AMENDMENT (LCPA07-01); and
2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT GPA07-01, WHICH AMENDS THE LAND USE ELEMENT OF THE GENERAL PLAN BY CREATING A NEW LAND USE CATEGORY OF "RESIDENTIAL/COMMERCIAL", AND CHANGES THE GENERAL PLAN DESIGNATION OF THE SUBJECT SITE, 34202 DEL OBISPO STREET FROM "DANA POINT SPECIFIC PLAN – COASTAL RECREATION SPACE" TO "RESIDENTIAL/COMMERCIAL", AND SUBMISSION OF GPA07-01 AS LOCAL COASTAL PROGRAM AMENDMENT LCPA07-01 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION ; and
3. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REGARDING LOCAL COASTAL PROGRAM AMENDMENT LCPA07-01 REQUESTING CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

UNFINISHED BUSINESS

There are no Unfinished Business items.

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 July 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, June 4, 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.