

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



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

ACTION AGENDA

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

Next City Council Ordinance No. 09-06

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
Joel Bishop, Council Member
Scott Schoeffel, Council Member

Absent: Lara Anderson, Council Member

CLOSED SESSION

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

- A. CONFERENCE WITH REAL LABOR NEGOTIATOR, Government Code § 54957.6

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

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 with the exception of Council Member Lara Anderson.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Judy Brandmeier.

INVOCATION

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

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

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER JOEL BISHOP, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON CONSENT CALENDAR.

The motion carried by the following vote:

AYES: Council Member Joel Bishop, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg, and Mayor Lisa A. Bartlett

NOES: None

ABSENT: Council Member Lara Anderson

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, MAY 11, 2009

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, MAY 18, 2009

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF JUNE 1, 2009

RECEIVED AND FILED.

5. YOUTH BOARD MEETING MINUTES, MAY 21, 2009

RECEIVED AND FILED.

6. OCEAN WATER QUALITY SUBCOMMITTEE MINUTES, APRIL 28, 2009

RECEIVED AND FILED.

7. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

8. CITY TREASURER'S REPORT, APRIL 2009

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

9. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

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

ADOPTED RESOLUTION 09-06-08-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE 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

APPROVED 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 AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT.

12. FLEET VEHICLE ACQUISITION

AUTHORIZED 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

RATIFIED 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

APPROVED 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

ADOPTED **RESOLUTION 09-06-08-02** ENTITLED:

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

ADOPTED **RESOLUTION 09-06-08-03** ENTITLED:

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; and

AUTHORIZED THE DIRECTOR OF PUBLIC WORKS AND ENGINEERING SERVICES TO FORWARD THE NECESSARY MEASURE M ELIGIBILITY DOCUMENTATION TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY; and

ADOPTED **RESOLUTION 09-06-08-04** ENTITLED:

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

ADOPTED **RESOLUTION 09-06-08-05** 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

APPROVED THE NINTH AMENDMENT TO THE EMPLOYMENT CONTRACT FOR THE CITY MANAGER AND AUTHORIZED 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

ADOPTED **RESOLUTION 09-06-08-06** 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

AUTHORIZED THE CITY MANAGER OR HIS DESIGNEE TO APPLY FOR SUBJECT GRANT.

19. 2009-2010 LAW ENFORCEMENT SERVICES AGREEMENT

APPROVED 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

John Chaffetz
Linda Brame

PUBLIC HEARINGS

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

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER SCOTT SCHOEFFEL, THAT THE CITY COUNCIL, CONDUCT A PUBLIC HEARING AND ADOPT **RESOLUTION 09-06-08-07** 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

ADOPT RESOLUTION 09-06-08-08 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).

The motion carried by the following vote:

AYES: Council Member Joel Bishop, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg, and Mayor Lisa A. Bartlett

NOES: None

ABSENT: Council Member Lara Anderson

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

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER SCOTT SCHOEFFEL, THAT THE CITY COUNCIL, OPEN THE PUBLIC HEARING AND CONTINUE THE ITEM UNTIL THE CITY COUNCIL MEETING OF JULY 27, 2009.

The motion carried by the following vote:

AYES: Council Member Joel Bishop, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg, and Mayor Lisa A. Bartlett

NOES: None

ABSENT: Council Member Lara Anderson

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)

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER SCOTT SCHOEFFEL, THAT THE CITY COUNCIL, 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

ADOPT RESOLUTION 09-06-08-09 ENTITLED:

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

ADOPT RESOLUTION 09-06-08-10 ENTITLED:

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

ADOPT RESOLUTION 09-06-08-11 ENTITLED:

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.

The motion carried by the following vote:

AYES: Council Member Joel Bishop, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg, and Mayor Lisa A. Bartlett

NOES: None

ABSENT: Council Member Lara Anderson

UNFINISHED BUSINESS

There are no Unfinished Business items.

NEW BUSINESS

There are no New Business items.

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 8:29 p.m. and announced that the next Regular Meeting of the City Council will be held on July 27, 2009, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.