

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**MONDAY
JULY 27, 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 LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b1), (2 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Government Code § 54956.9 (c), (1 case)
- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (2 cases)

Name of Case: South Orange County Wastewater Authority v. City of Dana Point
Case No. 30-2009-00283523

Name of Case: Paul Douglas, Carl Grewe, Two Doheny LLC v. City of Dana Point
Case No. 30-2009-00125363

- D. 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

July Business of the Month, Nancy J. Baumann
Recognition of Outgoing Charitable Grant Subcommittee Members Judy Davison and Nancy Jenkins

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, JUNE 8, 2009](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, JUNE 1, 2009](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION MEETING MINUTES, JUNE 15, 2009](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [PLANNING COMMISSION MEETING MINUTES, JULY 6, 2009](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. **PLANNING COMMISSION ACTIONS, MEETING OF JULY 20, 2009**

RECOMMENDED ACTION: That the City Council receive and file.

7. **YOUTH BOARD MEETING MINUTES, JUNE 4, 2009**

RECOMMENDED ACTION: That the City Council receive and file.

8. **CHARITABLE GRANT SUBCOMMITTEE DRAFT MEETING MINUTES, JULY 8, 2009**

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

10. **CITY TREASURER'S REPORT, MAY 2009**

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

11. **CLAIMS AND DEMANDS**

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

12. **DANA POINT YOUTH BOARD APPOINTMENTS**

RECOMMENDED ACTION: That the City Council appoint eleven (11) Board Members and fourteen (14) Members At-Large to the Dana Point Youth Board.

13. **ADOPTION OF PROPOSED AMENDMENTS TO CHAPTER 1.10, ENTITLED "ADMINISTRATIVE CITATIONS" OF THE DANA POINT MUNICIPAL CODE RELATING TO THE ENFORCEMENT OF VIOLATIONS OF THE MUNICIPAL CODE**

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 1.10 ENTITLED "ADMINISTRATIVE CITATIONS" OF THE MUNICIPAL CODE RELATING TO THE ENFORCEMENT OF VIOLATIONS OF THE MUNICIPAL CODE.

14. **ADOPTION OF A RESOLUTION GRANTING TWO EASEMENTS BETWEEN THE CITY OF DANA POINT AND SOUTH COAST WATER DISTRICT FOR THE PLACEMENT AND FUTURE MAINTENANCE OF WATER AND SEWER FACILITIES AT SEA TERRACE PARK AND PINES PARK RESPECTIVELY**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, GRANTING TWO EASEMENTS BETWEEN THE CITY OF DANA POINT AND SOUTH COAST WATER DISTRICT FOR THE MAINTENANCE OF WATER AND SEWER FACILITIES AT SEA TERRACE PARK AND PINES PARK RESPECTIVELY.

15. **ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PACIFIC COAST HIGHWAY CONGESTION RELIEF PROJECT**

RECOMMENDED ACTION: That the City Council adopt a Resolution 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 "PACIFIC COAST HIGHWAY CONGESTION RELIEF PROJECT".

16. **SECOND READING AND ADOPTION OF AN ORDINANCE APPROVING ZONE TEXT AMENDMENT ZTA07-02 AND ZONE CHANGE ZC07-01 FOR PROPERTY LOCATED AT 34202 DEL OBISPO STREET (Makar Properties, LLC) AND AUTHORIZE SUBMITTAL OF THE ORDINANCE AND ZONE CHANGE TO THE CALIFORNIA COASTAL COMMISSION FOR FINAL CERTIFICATION (LOCAL COASTAL PROGRAM AMENDMENT LCPA07-01)**

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, 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.

17. **RESOLUTION AUTHORIZING AND ORDERING JUDICIAL FORECLOSURE OF CURRENT AND FUTURE DELINQUENT SPECIAL TAXES IN COMMUNITY FACILITIES DISTRICT NO. 2006-1 PURSUANT TO THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982 AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 2006-1 OF THE CITY OF DANA POINT, AUTHORIZING AND ORDERING JUDICIAL FORECLOSURE OF CURRENT AND FUTURE DELINQUENT SPECIAL TAXES IN SAID DISTRICT PURSUANT TO THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982 AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH.

18. **HISTORIC PRESERVATION AGREEMENT (MILLS ACT) FOR THE PROPERTY LOCATED AT 33962 GRANADA DRIVE**

RECOMMENDED ACTION: That the City Council authorize the Mayor to sign a Historic Property Preservation Agreement which would allow the property owners, Michael Giers and Linda Moore, of the historic structure located at 33962 Granada Drive, to participate in the State's Mills Act Program.

19. **APPROVAL OF CONTINUATION OF MAINTENANCE AND SERVICE AGREEMENT FOR URBAN RUNOFF OZONE TREATMENT PROCESS AT NORTH CREEK**

RECOMMENDED ACTION: That the City Council authorize the City Manager or his designee to enter into a Maintenance and Service Agreement with Quantum Ozone Inc. for the urban runoff ozone treatment pilot process at North Creek.

20. **INTERVENTION SPECIALIST PROGRAM**

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a Memorandum of Understanding with the Capistrano Unified School District and approve a contract for consultant services to continue the Intervention Specialist Program at Dana Hills High School.

21. **CERAMIC TILE CITY SEAL LOGO FOR CITY HALL AND THE COMMUNITY CENTER**

RECOMMENDED ACTION: That the City Council approve the fabrication and installation of subject ceramic tile work.

22. **PARTICIPATION IN ORANGE COUNTY MORTGAGE CREDIT CERTIFICATE PROGRAM**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, TO PARTICIPATE IN THE MORTGAGE CREDIT CERTIFICATE PROGRAM THROUGH THE COUNTY OF ORANGE.

23. **ORANGE COUNTY COUNCIL OF GOVERNMENTS (OCCOG) JOINT POWERS AGREEMENT**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, EXECUTING AN AMENDED AND RESTATED ORANGE COUNTY COUNCIL OF GOVERNMENTS (OCCOG) JOINT POWERS AGREEMENT; and

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- 2) authorize the Mayor to execute the amended and restated Joint Powers Agreement, and transmit the signed OCCOG Joint Powers Agreement to the OCCOG Interim Executive Director.

24. EXTENSION OF LEGISLATIVE ADVOCACY AGREEMENT

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

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

25. COASTAL DEVELOPMENT PERMIT CDP07-20 PERTAINING TO CONDITIONAL VACATION OF SCENIC DRIVE (CONTINUED FROM THE MEETING OF JUNE 8, 2009)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING COASTAL DEVELOPMENT PERMIT CDP07-20 TO ALLOW THE VACATION OF SCENIC DRIVE AS SPECIFIED IN THE HEADLANDS DEVELOPMENT AND CONSERVATION PLAN (HDGP), AND A LOT LINE ADJUSTMENT.

26. 2009 WEED ABATEMENT PROGRAM

RECOMMENDED ACTION: That the City Council conduct a hearing on the Weed Abatement Cost Report and thereafter, adopt a Resolution confirming the Cost Report and providing for the collection on the regular tax bill entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE COST OF ABATEMENT AND PROVIDING FOR THE COLLECTION ON THE REGULAR TAX BILL.

UNFINISHED BUSINESS

27. UPDATE - SHORT TERM VACATION RENTALS

RECOMMENDED ACTION: That the City Council receive and file this report, and provide other direction as desired.

28. COMMUNITY OPINION SURVEY REGARDING COMMUNITY SERVICES IN DANA POINT

RECOMMENDED ACTION: That the City Council 1) authorize staff to release the Request For Proposal (RFP) to receive proposals from qualified consultants to develop and conduct a statistically valid community opinion survey; and 2) designate one or two City Council Members to assist with the RFP evaluation process, consultant recommendation and survey development.

NEW BUSINESS

29. VOLUNTARY PROGRAM TO REDUCE THE USE OF STYROFOAM AND PLASTIC BAGS

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, IMPLEMENTING THE VOLUNTARY REDUCTION OF PLASTIC BAGS AND THE USE OF FOOD SERVICE ITEMS COMPRISED ON EXPANDABLE POLYSTYRENE (STYROFOAM) WITHIN LOCAL RESTAURANTS, RETAILERS, CITY FACILITIES, AND CITY-SPONSORED EVENTS.

30. CONSIDERATION OF PROPOSAL TO ALLOW PUBLIC TO RIDE FUNICULAR FREE OF CHARGE

RECOMMENDED ACTION: That the City Council give direction to City Staff regarding the proposal for an agreement with the Headlands Reserve LLC which would result in the new Strand Funicular being available to the public free of charge.

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 August 24, 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, July 23, 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.