

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**MONDAY  
JULY 27, 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  
Lara Anderson, Council Member  
Joel Bishop, Council Member  
Scott Schoeffel, Council Member

### **CLOSED SESSION**

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

- 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

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D. 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.

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Munoz stated that he had no announcement.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Bartlett's niece Nicole Ruffino.

**INVOCATION**

The Invocation was provided by Bishop Kirk Lindahl of Capistrano First Ward, Church of Jesus Christ of Latter Day Saints.

**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**

COUNCIL MEMBER ANDERSON ABSTAINED ON ITEMS 2 AND 16 AND REMOVED ITEM 24 FROM THE CONSENT CALENDAR. COUNCIL MEMBER BISHOP ABSTAINED ON ITEM 17. MAYOR BARTLETT REMOVED ITEMS 12, 20, AND 22 FROM THE CONSENT CALENDAR.

IT WAS MOVED BY MAYOR PRO TEM WEINBERG SECONDED BY COUNCIL MEMBER BISHOP, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 12, 20, 22 AND 24.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

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**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, JUNE 8, 2009**

APPROVED THE MINUTES.

**3. PLANNING COMMISSION MEETING MINUTES, JUNE 1, 2009**

RECEIVED AND FILED.

**4. PLANNING COMMISSION MEETING MINUTES, JUNE 15, 2009**

RECEIVED AND FILED.

**5. PLANNING COMMISSION MEETING MINUTES, JULY 6, 2009**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

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

RECEIVED AND FILED.

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

RECEIVED AND FILED.

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

RECEIVED AND FILED.

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

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

**11. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

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**12. DANA POINT YOUTH BOARD APPOINTMENTS**

MAYOR BARTLETT REMOVED THIS ITEM FROM THE CONSENT CALENDAR.

APPOINTED ELEVEN (11) BOARD MEMBERS AND FOURTEEN (14) MEMBERS AT-LARGE TO THE DANA POINT YOUTH BOARD.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

**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**

INTRODUCED AND HELD 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**

ADOPTED RESOLUTION 09-07-27-01 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**

ADOPTED RESOLUTION 09-07-27-02 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".*

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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)**

HELD A SECOND READING AND ADOPTED **ORDINANCE 09-06** 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**

ADOPTED **RESOLUTION 09-07-27-03** 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**

AUTHORIZED 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**

AUTHORIZED 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.

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**20. INTERVENTION SPECIALIST PROGRAM**

MAYOR BARTLETT REMOVED THIS ITEM FROM THE CONSENT CALENDAR.

AUTHORIZED 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.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

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

APPROVED THE FABRICATION AND INSTALLATION OF SUBJECT CERAMIC TILE WORK.

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

MAYOR BARTLETT REMOVED THIS ITEM FROM THE CONSENT CALENDAR.

ADOPTED **RESOLUTION 09-07-27-05** 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.*

The motion carried by the following vote:

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

NOES: None

ABSENT: None

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

ADOPTED **RESOLUTION 09-07-27-04** 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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AUTHORIZED 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**

COUNCIL MEMBER ANDERSON REMOVED THIS ITEM FROM THE CONSENT CALENDAR.

AUTHORIZED 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.

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: Council Member Lara Anderson

ABSENT: None

**PUBLIC COMMENTS**

Todd Glen  
Thomas Beadel  
Elissa Mayo  
Roger Von Butow  
Patricia McCarroll  
Dr. Ron Lackey

**PUBLIC HEARINGS**

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

IT WAS MOVED BY COUNCIL MEMBER ANDERSON, SECONDED BY MAYOR BARTLETT, THAT THE CITY COUNCIL, ADOPT **RESOLUTION 09-07-27-06** 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 (HDCP), AND A LOT LINE ADJUSTMENT.*

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The motion carried by the following vote:

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

NOES: None

ABSENT: None

**26. 2009 WEED ABATEMENT PROGRAM**

IT WAS MOVED BY MAYOR PRO TEM WEINBERG, SECONDED BY MAYOR BARTLETT, THAT THE CITY COUNCIL, CONDUCT A HEARING ON THE WEED ABATEMENT COST REPORT AND THEREAFTER, ADOPT **RESOLUTION 09-07-27-07** 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.*

The motion carried by the following vote:

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

NOES: None

ABSENT: None

The Mayor recessed the meeting from 7:20 – 7:30 p.m.

**UNFINISHED BUSINESS**

**27. UPDATE - SHORT TERM VACATION RENTALS**

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR BARTLETT, THAT THE CITY COUNCIL, RECEIVE AND FILE THIS REPORT, DO NOT START COLLECTING TRANSIENT OCCUPANCY TAX, AND ASK THE PLANNING COMMISSION TO TAKE APPROPRIATENESS OF USE CONSISTENT WITH CITY COUNCIL DISCUSSION FROM 2007 AND 2009, USING COMPARITIVE DATA, TO HOLD A SERIES OF PUBLIC MEETINGS AND PROVIDE DIRECTION TO THE CITY COUNCIL WITHIN 90 DAYS.

The motion carried by the following vote:

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

NOES: None

ABSENT: None



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**28. COMMUNITY OPINION SURVEY REGARDING COMMUNITY SERVICES IN DANA POINT**

IT WAS MOVED BY COUNCIL MEMBER BISHOP, SECONDED BY MAYOR PRO TEM WEINBERG, THAT THE CITY COUNCIL, THAT THE CITY COUNCIL 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 DESIGNATED MAYOR BARTLETT AND COUNCIL MEMBER ANDERSON TO ASSIST WITH THE RFP EVALUATION PROCESS, CONSULTANT RECOMMENDATION AND SURVEY DEVELOPMENT.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

**NEW BUSINESS**

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

IT WAS MOVED BY COUNCIL MEMBER ANDERSON, SECONDED BY MAYOR BARTLETT, THAT THE CITY COUNCIL, ADOPT **RESOLUTION 09-07-27-08** 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.*

The motion carried by the following vote:

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

NOES: None

ABSENT: None

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

Council Member Bishop recused himself since he lives across the street from this property.

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IT WAS MOVED BY MAYOR PRO TEM WEINBERG, SECONDED BY COUNCIL MEMBER SCHOEFFEL, TO NOT APPROVE THE PROPOSAL TO RIDE THE FUNICULAR FREE OF CHARGE AT THIS TIME AND ASKED STAFF TO WORK WITH THE HEADLANDS LLC TO USE MORE ELECTRONICS INSTEAD OF UNATTRACTIVE IRON FOR THE INSTALLATION OF THE TURNSTYLES.

The motion carried by the following vote:

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

NOES: None

ABSTAIN: Council Member Bishop

### **PUBLIC COMMENTS (Continued)**

There we 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 9:16 p.m. and announced that the next Regular Meeting of the City Council will be held on August 24, 2009, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.