

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**MONDAY
AUGUST 24, 2009
5:00 P.M.**

REVISED AGENDA

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

Next City Council Ordinance No. 09-07

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 – 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

- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b1), (1 case – Niguel Shores/Headlands/County of Orange boundary issues)

- C. 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

August Business of the Month, Elaine Jung LaVine Insurance Agency, Inc.
Proclamation to Toshiba America Business Solutions
Proclamation to DAR for Constitution Week

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, JULY 27, 2009](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

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

RECOMMENDED ACTION: That the City Council receive and file.

4. **[PLANNING COMMISSION MEETING MINUTES, AUGUST 3, 2009](#)**

RECOMMENDED ACTION: That the City Council receive and file.

5. **[PLANNING COMMISSION ACTIONS, MEETING OF AUGUST 17, 2009](#)**

RECOMMENDED ACTION: That the City Council receive and file.

6. **[INVESTMENT REVIEW COMMITTEE DRAFT MEETING MINUTES, JUNE 16, 2009](#)**

RECOMMENDED ACTION: That the City Council receive and file.

7. [TRAFFIC IMPROVEMENT SUBCOMMITTEE ACTION MINUTES, JUNE 17, 2009](#)

RECOMMENDED ACTION: That the City Council receive and file.

8. [OCEAN WATER QUALITY SUBCOMMITTEE ACTION MINUTES, MAY 26, 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, JUNE 2009](#)

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

11. [CLAIMS AND DEMANDS](#)

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

12. [SECOND READING AND ADOPTION OF THE 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 hold second reading and adopt 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.

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

13. **RE-APPROPRIATION OF CITIZENS OPTION FOR PUBLIC SAFETY (COPS) PROGRAM FUNDS FROM FY 2008/2009 – (AB 1913)**

RECOMMENDED ACTION: That the City Council conduct a Public Hearing and 1) adjust the FY 2008/09 budget with the re-appropriation of \$117,408.85 un-encumbered Citizens Option for Public Safety (COPS) program unspent monies remaining from the FY 2008/09 budget, to the Supplemental Law Enforcement Service Fund (SLESF) account, and 2) appropriate funds from the SLESF to implement the following programs:

- Approve funding for the School Resource Officer position for this school year.
- Approve funding for Project STOP (Stop Trashing Our Parks).

UNFINISHED BUSINESS

14. **SISTER CITY COMMITTEE**

RECOMMENDED ACTION: That the City Council 1) form a Sister City Advisory Committee of Dana Point citizens and business representatives to support Sister City activities; 2) identify one or two Council Members to act as ex-officio representatives to the Sister City Committee; and 3) authorize Staff to effect the formation of a non-profit organization to allow fundraising to support Sister City activities, including the potential Italian Opera Festival in Dana Point.

NEW BUSINESS

15. **APPOINTMENT TO PLANNING COMMISSION DUE TO VACANCY**

RECOMMENDED ACTION: That the City Council accept the resignation of Planning Commissioner Michael Dec, and then direct staff relative to filling one vacancy on the Dana Point Planning Commission as created by his resignation.

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 September 14, 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 Friday, August 21, 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.