

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**MONDAY
OCTOBER 12, 2009
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 09-08

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), (5 cases)
Name of Case(s): The Point Alternative Care - Case No. 30-2009-00298187
Holistic Health - Case No. 30-2009-00298196
Beach Cities Collective - Case No. 30-2009-00298208
Dana Point Safe Harbor Collective - Case No. 30-2009-00298200
Dana Point Beach Collective - Case No. 30-2009-00298206

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Business of the Month – Anthony's Shoe Repair
Capistrano Valley Assistance League Presentation

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, SEPTEMBER 28, 2009

RECOMMENDED ACTION: That the City Council approve the minutes.

3. PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 21, 2009

RECOMMENDED ACTION: That the City Council receive and file.

4. PLANNING COMMISSION ACTIONS, MEETING OF OCTOBER 5, 2009

RECOMMENDED ACTION: That the City Council receive and file.

5. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECOMMENDED ACTION: That the City Council receive and file.

6. CITY TREASURER'S REPORT, AUGUST 2009

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

7. CLAIMS AND DEMANDS

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

8. APPROVAL OF A CONSULTANT SERVICES AGREEMENT WITH MICHAEL BRANDMAN ASSOCIATES FOR ENVIRONMENTAL SERVICES RELATED TO THE EXPANSION OF SOUTH SHORES CHURCH

RECOMMENDED ACTION: That the City Council 1) approve Michael Brandman Associates as the environmental consultant for preparation of an Environmental Impact Report (EIR) for the South Shores Church expansion project and 2) authorize the City Manager to enter into an agreement with Michael Brandman Associates.

9. HISTORIC PRESERVATION AGREEMENT (MILLS ACT) FOR THE PROPERTY LOCATED AT 34021 AMBER LANTERN

RECOMMENDED ACTION: That the City Council authorize the Mayor to sign a Historic Property Preservation Agreement which would allow the property owners, Robert and Bonnie Beeby, of the historic structure located at 34021 Amber Lantern, to participate in the State's Mills Act Program.

10. HISTORIC PRESERVATION AGREEMENT (MILLS ACT) FOR THE PROPERTY LOCATED AT 33857 VIOLET LANTERN

RECOMMENDED ACTION: That the City Council authorize the Mayor to sign a Historic Property Preservation Agreement which would allow the property owner, Meade Gresalfi, of the historic structure located at 33857 Violet Lantern, to participate in the State's Mills Act Program.

11. APPROVAL OF A CONSULTANT SERVICES AGREEMENT WITH DONAHUE, HAWRAN & MALM, LLC FOR PROPERTY APPRAISAL SERVICES FOR STREET IMPROVEMENTS ON PACIFIC COAST HIGHWAY AND DEL PRADO BETWEEN BLUE LANTERN AND COPPER LANTERN

RECOMMENDED ACTION: That the City Council 1) approve subject Agreement; 2) approve funding from the undesignated CIP reserve as described in the Fiscal Section; and 3) authorize the City Manager to execute the Agreement.

12. RENOVATION OF HARRY OTSUBO COMMUNITY GARDENS

RECOMMENDED ACTION: That the City Council authorize staff to commence a rehabilitation project at the Harry Otsubo Community Gardens to address deferred maintenance issues in the surrounding landscaping, including the budget as described in the Fiscal Impact section of this report.

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

There are no Public Hearings.

UNFINISHED BUSINESS

There are no Unfinished Business items.

NEW BUSINESS

13. MARINE LIFE PROTECTION ACT BRIEF

RECOMMENDED ACTION: That the City Council review the report and provide direction as desired.

14. ADOPTION OF A RESOLUTION TO MODIFY THE STREET SWEEPING SCHEDULE AND RESTRICT PARKING IN THE DOHENY VILLAGE AREA, IN THE UPPER BLUE LANTERN AREA, AND ON SEVERAL ARTERIAL STREETS

RECOMMENDED ACTION: That the City Council:

- 1) Approve a recommendation from the Traffic Improvement Subcommittee to modify the street sweeping schedule and add parking restriction in the Doheny Village area, the upper Blue Lantern area, and several arterial streets; and
- 2) Approve necessary funding as noted in the agenda fiscal section; and
- 3) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL FO THE CITY OF DANA POINT, CALIFORNIA, PROHIBITING PARKING DURING SPECIFIED HOURS ON DESIGNATED STREETS FOR STREET SWEEPING PURPOSES AND RESCINDING RESOLUTION NUMBERS 06-11-20-03, 01-01-23-04 AND 91-03-12-7; and

- 4) Provide additional direction to the City's Traffic Improvement Subcommittee regarding further study of street sweeping schedules.

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 October 26, 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, October 8, 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.