

# CITY OF DANA POINT

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**CITY COUNCIL  
REGULAR  
MEETING**



**MONDAY  
NOVEMBER 9, 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 – 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: Petition to appeal San Diego Regional Water Quality Control Board NPDES Permit

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

### **RECONVENE CITY COUNCIL MEETING**

### **PLEDGE OF ALLEGIANCE**

### **INVOCATION**

### **PRESENTATIONS AND PROCLAMATIONS**

Featured Business of the Month – Marinelli Fine Jewelry

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## 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, OCTOBER 26, 2009**

RECOMMENDED ACTION: That the City Council approve the minutes.

**3. PLANNING COMMISSION MEETING MINUTES, OCTOBER 19, 2009**

RECOMMENDED ACTION: That the City Council receive and file.

**4. PLANNING COMMISSION ACTIONS, MEETING OF NOVEMBER 2, 2009**

RECOMMENDED ACTION: That the City Council receive and file.

**5. OCEAN WATER QUALITY SUBCOMMITTEE MINUTES, SEPTEMBER 22, 2009**

RECOMMENDED ACTION: That the City Council receive and file.

**6. TRAFFIC IMPROVEMENT SUBCOMMITTEE MINUTES, SEPTEMBER 16, 2009**

RECOMMENDED ACTION: That the City Council receive and file.

**7. CHARITABLE GRANT SUBCOMMITTEE DRAFT ACTION MINUTES, OCTOBER 28, 2009**

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

**9. CITY TREASURER'S REPORT, SEPTEMBER, 2009**

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

**10. CLAIMS AND DEMANDS**

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

**11. APPROVE TOPOGRAPHIC SURVEY PROFESSIONAL SERVICE AGREEMENT IN PREPARATION FOR FY 10/11 ANNUAL ROADWAY RESURFACING PROJECT**

RECOMMENDED ACTION: That the City Council 1) approve a Professional Service Agreement with Hall and Foreman, Inc. for topographic survey services for FY 10/11 Annual Residential Roadway Resurfacing Project (CIP #1231); and 2) authorize the City Manager to execute the agreement at the noted cost in the Fiscal Impact Section.

**12. NOTICE OF INTENT TO CHANGE THE STREET NAME FROM VIA SUBIDA TO POINTE MONARCH DRIVE PURSUANT TO THE DANA POINT MUNICIPAL CODE**

RECOMMENDED ACTION: That the City Council 1) receive and file Notice of Intent to rename Via Subida to Pointe Monarch Drive; 2) direct staff to move forward with processing the street name change pursuant to the letter received from the Pointe Monarch Community Home Owners Association and in accordance with the City of Dana Point Municipal Code (Municipal Code) Section 14.01.490; and 3) direct staff to notice and hold the required Public Hearing within 120 days.

**13. NOTICE OF INTENT TO VACATE A PORTION OF AN EASEMENT FOR PUBLIC STREET OR ALLEY PURPOSES ADJOINING THE SOUTHERLY (REAR) PROPERTY LINE AT 25812 LAS VEGAS AVENUE (ASSESSOR PARCEL NUMBER 668-342-11)**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DECLARING ITS INTENT TO VACATE A PORTION OF AN EASEMENT FOR PUBLIC STREET OR ALLEY PURPOSES ADJOINING THE SOUTHERLY (REAR) PROPERTY LINE AT 25812 LAS VEGAS AVENUE (ASSESSOR PARCEL NUMBER 668-342-11) AS DEDICATED ON TRACT MAP NUMBER 692.

**14. REVISED ORANGE COUNTY TAXI ADMINISTRATION PROGRAM (OCTAP) REGULATIONS**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING REVISED ORANGE COUNTY TAXI ADMINISTRATION PROGRAM REGULATIONS

**15. PUBLIC RIGHT-OF-WAY LANDSCAPE IMPROVEMENTS, PACIFIC COAST HIGHWAY IN FRONT OF MONARCH BAY**

RECOMMENDED ACTION: That the City Council authorize the City's participation in a joint landscape improvement project with the Monarch Bay Homeowners Association on City public right-of-way subject to funding as outlined in the Fiscal Section.

**16. APPROVAL OF TELECOMMUNICATIONS RIGHT-OF-WAY USE AGREEMENT WITH NEXTG NETWORKS**

RECOMMENDED ACTION: That the City Council 1) approve subject agreement and 2) authorize the City Manager or his designee to execute subject agreement.

**17. REINSTALLATION OF PARK AMENITIES IN SEA CANYON PARK**

RECOMMENDED ACTION: That the City Council receive and file this report on the reinstallation of public amenities in Sea Canyon Park.

**18. SPONSORSHIP OF 2010 ITALIAN OPERA FESTIVAL IN DANA POINT**

RECOMMENDED ACTION: That the City Council approve a \$50,000 pledge to the Dana Point Italian Opera event schedule for September 2010.

**19. PROGRESS UPDATE FOR DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT**

RECOMMENDED ACTION: That the City Council receive and file this first annual report on the status of the Dana Point Tourism Business Improvement District ("TBID"), and approve the proposed budget for calendar year 2010.

**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**

**20. WATER EFFICIENT LANDSCAPE ORDINANCE – ZONE TEXT AMENDMENT ZTA09-0001**

RECOMMENDED ACTION: That the City Council conduct a Public Hearing and introduce for first reading an Ordinance entitled:

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA09-0001, AMENDING THE CITY OF DANA POINT ZONING ORDINANCE, CHAPTER 9.55 FOR THE PURPOSE OF UPDATING THE LANDSCAPING STANDARDS OF THE CITY TO INCLUDE LOCAL WATER EFFICIENT LANDSCAPE PROVISIONS IN ACCORDANCE WITH THE WATER CONSERVATION IN LANDSCAPING ACT OF 2006 (AB1881).

## **UNFINISHED BUSINESS**

There are no Unfinished Business items.

## **NEW BUSINESS**

### **21. H1N1 PANDEMIC INFLUENZA UPDATE**

RECOMMENDED ACTION: That the City Council receive and file this status report on the H1N1 Pandemic Influenza activity.

### **22. INTRODUCTION OF COMMUNITY SERVICES UNIT PERSONNEL AND AUTHORIZATION TO IMPLEMENT THE "HIDE IT, LOCK IT, OR LOSE IT" THEFT PREVENTION PROGRAM**

RECOMMENDED ACTION: That the City Council 1) become familiar with the Community Services Unit personnel and mission; and 2) authorize the implementation of the "Hide It, Lock It, or Lose It" Program.

## **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 November 23, 2009, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

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## 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, November 5, 2009, at 5:00 p.m.

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KATHY M. WARD, CITY CLERK

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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.