

# CITY OF DANA POINT

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**CITY COUNCIL  
REGULAR  
MEETING**



**MONDAY  
NOVEMBER 9, 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. 09-08

### **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 (*arrived at 5:01 p.m.*)  
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: Petition to appeal San Diego Regional Water Quality Control Board NPDES Permit

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 6:04 p.m. All Council Members were present.

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Kathy M. Ward, City Clerk; Mike Killebrew, Assistant City Manager; Mike Rose, Director of Disaster Preparedness; Lt. Mark Levy, Police Services; Kyle Butterwick, Director of Community Development; Brad Fowler, Director of Public Works; Kevin Evans, Director of Community Services and Parks; Brian McClure, Parks Manager; John Tilton, City Architect; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

## **CLOSED SESSION ANNOUNCEMENT**

City Attorney Munoz stated that there was no announcement.

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Eagle Scout David Santellan.

## **INVOCATION**

The Invocation was provided by Father Steve Sallot of St. Edwards Catholic Church.

## **PRESENTATIONS AND PROCLAMATIONS**

Featured Business of the Month – Marinelli Fine Jewelry

## **CONSENT CALENDAR**

A member of the public had pulled Item #18 from the Consent Calendar.

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LARA ANDERSON, THAT THE CITY COUNCIL APPROVE THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM #18.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

### **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, OCTOBER 26, 2009**

APPROVED THE MINUTES.

3. **PLANNING COMMISSION MEETING MINUTES, OCTOBER 19, 2009**  
RECEIVED AND FILED.
4. **PLANNING COMMISSION ACTIONS, MEETING OF NOVEMBER 2, 2009**  
RECEIVED AND FILED.
5. **OCEAN WATER QUALITY SUBCOMMITTEE MINUTES, SEPTEMBER 22, 2009**  
RECEIVED AND FILED.
6. **TRAFFIC IMPROVEMENT SUBCOMMITTEE MINUTES, SEPTEMBER 16, 2009**  
RECEIVED AND FILED.
7. **CHARITABLE GRANT SUBCOMMITTEE DRAFT ACTION MINUTES, OCTOBER 28, 2009**  
RECEIVED AND FILED.
8. **MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR**  
RECEIVED AND FILED.
9. **CITY TREASURER'S REPORT, SEPTEMBER, 2009**  
RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF SEPTEMBER, 2009.
10. **CLAIMS AND DEMANDS**  
RECEIVED AND FILED THE CLAIMS AND DEMANDS.
11. **APPROVE TOPOGRAPHIC SURVEY PROFESSIONAL SERVICE AGREEMENT IN PREPARATION FOR FY 10/11 ANNUAL ROADWAY RESURFACING PROJECT**  
APPROVED 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 AUTHORIZED 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**  
RECEIVED AND FILED NOTICE OF INTENT TO RENAME VIA SUBIDA TO POINTE MONARCH DRIVE; DIRECTED STAFF TO MOVE FORWARD WITH PROCESSING THE STREET NAME CHANGE PURSUANT TO THE LETTER RECEIVED FROM THE POINTE

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MONARCH COMMUNITY HOME OWNERS ASSOCIATION AND IN ACCORDANCE WITH THE CITY OF DANA POINT MUNICIPAL CODE (MUNICIPAL CODE) SECTION 14.01.490; AND DIRECTED 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)**

ADOPTED RESOLUTION 09-11-09-01 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**

ADOPTED RESOLUTION 09-11-09-02 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**

AUTHORIZED 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**

APPROVED SUBJECT AGREEMENT AND AUTHORIZED THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE SUBJECT AGREEMENT.

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

RECEIVED AND FILED THE REPORT ON THE REINSTALLATION OF PUBLIC AMENITIES IN SEA CANYON PARK.

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

A member of the Public had pulled this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER JOEL BISHOP, SECONDED BY MAYOR LISA BARTLETT, THAT THE CITY COUNCIL APPROVE A \$50,000 PLEDGE TO THE DANA POINT ITALIAN OPERA EVENT SCHEDULE FOR SEPTEMBER 2010.

The motion carried by the following vote:

- AYES: Council Member Lara Anderson, Council Member Joel Bishop, Council Member Scott Schoeffel, Mayor Pro Tem Weinberg, and Mayor Lisa A. Bartlett  
NOES: None  
ABSENT: None

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

RECEIVED AND FILED THE 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**

Carole Weling  
Bob Moore  
Brad Gross

**PUBLIC HEARINGS**

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

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY MAYOR LISA BARTLETT, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING AND INTRODUCE FOR FIRST READING AN ORDINANCE ENTITLED:

*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).*

The motion carried by the following vote:

- AYES: Council Member Lara Anderson, Council Member Joel Bishop, Council Member Scott Schoeffel, Mayor Pro Tem Weinberg, and Mayor Lisa A. Bartlett  
NOES: None

ABSENT: None

## **UNFINISHED BUSINESS**

There were no Unfinished Business items.

## **NEW BUSINESS**

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

RECEIVED AND FILED THE 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**

IT WAS MOVED BY MAYOR LISA BARTLETT, SECONDED BY MAYOR PRO TEM STEVEN WEINBERG, THAT THE CITY COUNCIL AUTHORIZE THE IMPLEMENTATION OF THE "HIDE IT, LOCK IT, OR LOSE IT" PROGRAM.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

## **PUBLIC COMMENTS (Continued)**

There were 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 8:01 p.m. in memory of Philip Bordeaux. She stated that there was a memorial planned for Philip on Wednesday, November 18, 2009 at Sea Terrace Park at 2:00 p.m.

It was the consensus of the City Council to cancel the next Regular Meeting of November 23, 2009 due to the Thanksgiving holiday.

She announced that the next Regular Meeting of the City Council will be December 14, 2009, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.