

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**MONDAY  
DECEMBER 14, 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 – 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

December Business of the Month – The Fountains at Sea Bluff  
Orange County Sheriff's Department Commendations  
Certificate of Recognition Irene Wirtz  
Certificate of Recognition Vijay Venkatesh  
Recognition of Outstanding Academic DHHS Students

## 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, NOVEMBER 9, 2009**

RECOMMENDED ACTION: That the City Council approve the minutes.

**3. PLANNING COMMISSION MEETING MINUTES, NOVEMBER 2, 2009**

RECOMMENDED ACTION: That the City Council receive and file.

**4. PLANNING COMMISSION MEETING MINUTES, NOVEMBER 16, 2009**

RECOMMENDED ACTION: That the City Council receive and file.

**5. PLANNING COMMISSION ACTIONS, MEETING OF DECEMBER 7, 2009**

RECOMMENDED ACTION: That the City Council receive and file.

**6. YOUTH BOARD MEETING MINUTES, OCTOBER 15, 2009**

RECOMMENDED ACTION: That the City Council receive and file.

**7. YOUTH BOARD MEETING MINUTES, NOVEMBER 5, 2009**

RECOMMENDED ACTION: That the City Council receive and file.

**8. YOUTH BOARD MEETING MINUTES, NOVEMBER 19, 2009**

RECOMMENDED ACTION: That the City Council receive and file.

**9. TRAFFIC IMPROVEMENT SUBCOMMITTEE MINUTES, OCTOBER 21, 2009**

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

**11. CITY TREASURER'S REPORT, OCTOBER 2009**

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

**12. CLAIMS AND DEMANDS**

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

**13. DISPOSITION OF NON-ESSENTIAL RECORDS**

RECOMMENDED ACTION: That the City Council approve the 2009 disposition of non-essential City records in accordance with California State law and the City's approved Records Retention Schedule and adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE DISPOSITION OF CERTAIN INACTIVE CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA

**14. SECOND READING AND ADOPTION OF WATER EFFICIENT LANDSCAPE ORDINANCE – ZONE TEXT AMENDMENT ZTA09-0001**

RECOMMENDED ACTION: That the City Council hold a second reading and adopt 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)

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

RECOMMENDED ACTION: That the City Council adopt a Resolution to approve an agreement with the Headlands Reserve LLC (“Headlands”) which would result in the Strand Funicular being available to the public free of charge, and approve the necessary budget adjustment as described in the Fiscal Impact section.

**16. JOINT COOPERATIVE AGREEMENT FOR A PILOT COMMERCIAL FOOD WASTE DIVERSION GRANT PROGRAM**

RECOMMENDED ACTION: That the City Council 1) approve the Joint Cooperative Agreement with the Cities of San Clemente, Aliso Viejo, Laguna Hills, Laguna Niguel, Rancho Santa Margarita, San Juan Capistrano and Tustin for the Pilot Commercial Food Waste Diversion Program and 2) authorize the Mayor or designee to execute the Joint Cooperative Agreement.

**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**

There are no New Business items.

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## **PUBLIC COMMENTS (Continued)**

### **CITY COUNCIL REORGANIZATION**

- A. COUNCIL REORGANIZATION**
- B. RECOGNITION OF OUTGOING MAYOR**

### **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 January 11, 2010, 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, December 10, 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.