

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**MONDAY
DECEMBER 14, 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 5:01 p.m. in the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point.

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

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 – 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

Mayor Bartlett recessed the meeting into a Closed Session at 5:02 p.m. pursuant to Government Code Section 54956 et. seq.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Bartlett reconvened the meeting at 6:00 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; John Tilton, City Architect; Christy Teague, Economic Development Manager; Lynn Kelly, Management Analyst; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz reported that in the consolidated cases of the Point Alternative Care and other related cases which fall under Case No. 30-2009-00298187; the City Council has authorized the City Attorney's office to defend the appeal that has been filed in that matter.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Dana Hills High School Principal, Dr. Rob Nye.

INVOCATION

The Invocation was provided by Master of Divinity Sabrina Vasta.

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

COUNCIL MEMBER JOEL BISHOP RECUSED HIMSELF FROM ITEM NUMBER 15 DUE TO A POTENTIAL CONFLICT OF INTEREST. IT WAS MOVED BY COUNCIL MEMBER STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LARA ANDERSON, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON CONSENT CALENDAR.

The motion carried by the following vote:

AYES: Council Member Lara Anderson, Council Member Joel Bishop, Council Member Scott Schoeffel, Mayor Pro Tem Steven 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, NOVEMBER 9, 2009

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, NOVEMBER 2, 2009

RECEIVED AND FILED.

4. PLANNING COMMISSION MEETING MINUTES, NOVEMBER 16, 2009

RECEIVED AND FILED.

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

RECEIVED AND FILED.

6. YOUTH BOARD MEETING MINUTES, OCTOBER 15, 2009

RECEIVED AND FILED.

7. YOUTH BOARD MEETING MINUTES, NOVEMBER 5, 2009

RECEIVED AND FILED.

8. YOUTH BOARD MEETING MINUTES, NOVEMBER 19, 2009

RECEIVED AND FILED.

9. TRAFFIC IMPROVEMENT SUBCOMMITTEE MINUTES, OCTOBER 21, 2009

RECEIVED AND FILED.

10. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

11. CITY TREASURER'S REPORT, OCTOBER 2009

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF OCTOBER 2009.

12. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

13. DISPOSITION OF NON-ESSENTIAL RECORDS

APPROVED THE 2009 DISPOSITION OF NON-ESSENTIAL CITY RECORDS IN ACCORDANCE WITH CALIFORNIA STATE LAW AND THE CITY'S APPROVED RECORDS RETENTION SCHEDULE AND ADOPTED **RESOLUTION 09-12-14-01** 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

HELD A SECOND READING AND ADOPTED **ORDINANCE 09-08** 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

Council Member Joel Bishop recused himself from this item due to a potential conflict of interest.

ADOPTED **RESOLUTION 09-12-14-02** 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 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING THE SECOND AMENDMENT TO ACQUISITION AGREEMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS NEEDED TO EFFECTUATE THE SECOND AMENDMENT TO ACQUISITION AGREEMENT;

AND APPROVED THE NECESSARY BUDGET ADJUSTMENT AS DESCRIBED IN THE FISCAL IMPACT SECTION.

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

APPROVED 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 AUTHORIZED THE MAYOR OR DESIGNEE TO EXECUTE THE JOINT COOPERATIVE AGREEMENT.

PUBLIC COMMENTS

Lanci Wall
Todd Glen
Roger Von Butow
Ingrid McGuire
Thomas Wall

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

There were no New Business items.

PUBLIC COMMENTS (Continued)

There were no additional Public Comments.

CITY COUNCIL REORGANIZATION

A. COUNCIL REORGANIZATION

The new Mayor is Steven Weinberg; the Mayor Pro Tem is Scott Schoeffel.

B. RECOGNITION OF OUTGOING MAYOR

STAFF REPORTS

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Weinberg declared the meeting adjourned at 7:05 p.m. and announced that 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.