

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**MONDAY
JANUARY 11, 2010
5:00 P.M.**

ACTION AGENDA

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

Next City Council Ordinance No. 10-01

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Weinberg 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:

Steven H. Weinberg, Mayor
Scott Schoeffel, Mayor Pro Tem
Lara Anderson, Council Member
Lisa A. Bartlett, Council Member
Joel Bishop, 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), (1 case)

Name of Case: Paul Douglas, Carl Grewe, Two Doheny LLC v. City of Dana Point
Case No. 30-2009-00125363

Mayor Weinberg 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 Weinberg reconvened the meeting at 6:03 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 Windy Robles, City Clerk Specialist.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that there was no announcement.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Colonel Willard Buhl, Commanding Officer of the Fifth Marine Regiment.

INVOCATION

The Invocation was provided by Lt. Commander Michael Sneath.

PRESENTATIONS AND PROCLAMATIONS

Business of the Year – Olamendi's Mexican Restaurant

CONSENT CALENDAR

COUNCIL MEMBER JOEL BISHOP RECUSED HIMSELF FROM ITEM NUMBER 10 DUE TO A POTENTIAL CONFLICT OF INTEREST. IT WAS MOVED BY COUNCIL MEMBER LISA BARTLETT, 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 Lisa Bartlett, Council Member Joel Bishop, Mayor Pro Tem Scott Schoeffel and Mayor Steven Weinberg

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, DECEMBER 14, 2009

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, DECEMBER 7, 2009

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF DECEMBER 21, 2009

RECEIVED AND FILED.

5. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

6. CITY TREASURER'S REPORT, NOVEMBER 2009

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

7. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

8. REVISION OF COUNCIL POLICY 302 – APPOINTMENT OF PLANNING COMMISSIONERS AND YOUTH BOARD MEMBERS

ADOPTED THE REVISIONS TO CITY COUNCIL POLICY 302 – APPOINTMENT OF PLANNING COMMISSIONERS AND YOUTH BOARD MEMBERS.

9. HISTORIC PRESERVATION AGREEMENT (MILLS ACT) FOR THE PROPERTY LOCATED AT 26822 VISTA DEL MAR

AUTHORIZED THE MAYOR TO SIGN A HISTORIC PROPERTY PRESERVATION AGREEMENT WHICH WOULD ALLOW THE PROPERTY OWNERS, FRED AND KAREN SCUNCIO, OF THE HISTORIC STRUCTURE LOCATED AT 26822 VISTA DEL MAR, TO PARTICIPATE IN THE STATE'S MILLS ACT PROGRAM.

10. AMENDMENT OF AN ORDINANCE CHAPTER 13.04, PARKS AND RECREATIONAL FACILITIES REGULATIONS, OF THE MUNICIPAL CODE TO ADDRESS NEW PARKS AND FACILITIES IN THE CITY OF DANA POINT

INTRODUCED AND HELD FIRST READING OF AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 13.04, PARKS AND RECREATIONAL FACILITIES REGULATIONS, OF THE MUNICIPAL CODE TO ADDRESS THE CENTER FOR NATURAL LAND MANAGEMENT DANA POINT PRESERVE OWNED AND OPERATED BY THE CENTER FOR NATURAL LANDS MANAGEMENT.

11. PROPOSED SALE OF THE ORANGE COUNTY FAIRGROUNDS

APPROVED AND ADOPTED **RESOLUTION 10-01-11-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, IN OPPOSITION TO THE PROPOSED SALE OF THE ORANGE COUNTY FAIRGROUNDS.

PUBLIC COMMENTS

Wiley Hall
Terah Glass

PUBLIC HEARINGS

12. ANNUAL REVIEW OF THE GENERAL GOVERNMENT FACILITIES AND TRANSPORTATION FACILITIES DEVELOPMENT IMPACT FEES

IT WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY COUNCIL MEMBER LISA BARTLETT, TO CONDUCT A PUBLIC HEARING AND ADOPT **RESOLUTION 10-01-11-02** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REAFFIRMING THE APPLICATION OF THE GENERAL GOVERNMENT FACILITIES AND TRANSPORTATION FACILITIES DEVELOPMENT IMPACT FEE PROGRAM FOR ALL NEW DEVELOPMENT LOCATED WITHIN THE CITY OF DANA POINT FOR THE 2008-2009 FISCAL YEAR.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

UNFINISHED BUSINESS

There are no Unfinished Business items.

NEW BUSINESS

13. CITY COUNCIL APPOINTED REPRESENTATIVES AND CITY COMMISSIONS, COMMITTEES, SUBCOMMITTEES AND TASK FORCES

IT WAS MOVED BY COUNCIL MEMBER BISHOP, SECONDED BY COUNCIL MEMBER BARTLETT TO APPROVE ALL PREVIOUS ASSIGNMENTS WITH THE EXCEPTION OF THE TCA BOARDS AS FOLLOWS:

1. MAYOR PRO TEM SCHOEFFEL TO SERVE AS ALTERNATE ON THE FOOTHILL/EASTERN TRANSPORTATION CORRIDOR AGENCY WITH COUNCIL MEMBER LISA BARTLETT;
2. MAYOR PRO TEM SCHOEFFEL TO SERVE ON THE SAN JOAQUIN TRANSPORTATION CORRIDOR AGENCY WITH COUNCIL MEMBER LISA BARTLETT SERVING AS ALTERNATE; AND
3. MAYOR PRO TEM SCHOEFFEL TO SERVE AS ALTERNATE ON THE TRANSPORTATION CORRIDOR SYSTEM WITH COUNCIL MEMBER BARTLETT.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

14. CHANGING THE STARTING TIME OF REGULAR MEETINGS OF THE PLANNING COMMISSION

IT WAS MOVED BY COUNCIL MEMBER BISHOP, SECONDED BY COUNCIL MEMBER ANDERSON TO INTRODUCE AND HOLD A FIRST READING OF AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING AN AMENDMENT TO MUNICIPAL CODE SECTION 2.07.011 OF THE DANA POINT MUNICIPAL CODE REGARDING THE STARTING TIME OF REGULAR PLANNING COMMISSION MEETINGS; and

ADOPT RESOLUTION 10-01-11-03 ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA,
ESTABLISHING THE REGULAR MEETING TIME OF THE PLANNING COMMISSION.*

The motion carried by the following vote:

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

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 Weinberg declared the meeting adjourned at 6:49 p.m. and announced that the next Regular Meeting of the City Council will be January 25, 2010, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.