

# CITY OF DANA POINT

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## CITY COUNCIL REGULAR MEETING



**MONDAY  
JANUARY 25, 2010  
5:00 P.M.**

## **REVISED AGENDA**

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

Next City Council Ordinance No. 10-01

## **CALL TO ORDER**

## **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**

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b1), (1 case)
- 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**

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## **PRESENTATIONS AND PROCLAMATIONS**

January Business of the Month – Mahe Restaurant

## **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, JANUARY 11, 2010**

RECOMMENDED ACTION: That the City Council approve the minutes.

### **3. PLANNING COMMISSION MEETING MINUTES, DECEMBER 21, 2009**

RECOMMENDED ACTION: That the City Council receive and file.

### **4. PLANNING COMMISSION ACTIONS, MEETING OF JANUARY 18, 2010**

RECOMMENDED ACTION: That the City Council receive and file.

### **5. YOUTH BOARD MEETING MINUTES, DECEMBER 3, 2009**

RECOMMENDED ACTION: That the City Council receive and file.

### **6. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR**

RECOMMENDED ACTION: That the City Council receive and file.

### **7. CLAIMS AND DEMANDS**

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

### **8. ANNUAL REVIEW OF INVESTMENT POLICY**

RECOMMENDED ACTION: That the City Council approve the City's Statement of Safekeeping and Investment of Public Funds Policy (Investment Policy), as proposed by the City's Investment Review Committee.

**9. COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2009**

RECOMMENDED ACTION: That the City Council receive and file the Comprehensive Annual Financial Report ("CAFR") for the year ended June 30, 2009.

**10. CONSIDERATION OF AN AMENDMENT TO THE FRANCHISE AGREEMENT WITH CR&R, INC. FOR SOLID WASTE HANDLING SERVICES**

RECOMMENDED ACTION: That the City Council 1) approve and authorize the Mayor to execute the proposed contract amendment to the Franchise Agreement with CR&R, Inc. which would result in the revision of the annual Rate Year review period from the calendar year basis (January 1 – December 31) to a fiscal year basis (July 1 – June 30); and 2) clarify that future rate adjustments which are consistent with the terms of the agreement do not require contract amendments.

**11. STONEHILL DRIVE PARKWAY TREE REPLACEMENT**

RECOMMENDED ACTION: That the City Council approve the replacement of parkway trees along the north side of Stonehill Drive between Del Obispo and Creekside Park.

**12. AWARD OF A CONTRACT TO INTERNATIONAL PAVING SERVICES, INC. FOR THE CONSTRUCTION OF THE ARTERIAL ROADWAY REHABILITATION DEL PRADO (FROM COPPER LANTERN TO GOLDEN LANTERN) AND STONEHILL DRIVE (FROM SEASIDE DRIVE TO CITY LIMIT) - FY2009/10**

RECOMMENDED ACTION: That the City Council 1) approve the construction Contract Documents required for "THE ARTERIAL ROADWAY REHABILITATION DEL PRADO (FROM COPPER LANTERN TO GOLDEN LANTERN) AND STONEHILL DRIVE (FROM SEASIDE DRIVE TO CITY LIMIT) – FY 2009/10"; 2) approve award of a contract to International Paving Service, Inc. for construction of the Project; and 3) authorize the City Manager or his designee to sign and administer subject contract and approve additional payment for change orders, contingencies, construction management services, soils and material testing, and construction design support for the Project.

**13. SECOND READING AND ADOPTION OF AN ORDINANCE CHANGING THE STARTING TIME OF REGULAR MEETINGS OF THE PLANNING COMMISSION**

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 AN AMENDMENT TO MUNICIPAL CODE SECTION 2.07.011 OF THE DANA POINT MUNICIPAL CODE REGARDING THE STARTING TIME OF REGULAR PLANNING COMMISSION MEETINGS.

**14. AMENDMENT TO EXTEND EXISTING APPROVED COOPERATIVE AGREEMENT WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY IN CONJUNCTION WITH THE RAIL HIGHWAY CROSSING ENHANCEMENT PROGRAM FOR BEACH ROAD**

RECOMMENDED ACTION: That the City Council 1) approve the amendment with the Orange County Transportation Authority (OCTA) and 2) authorize the City Manager to execute the amendment, and approve any subsequent amendments.

**15. APPROVAL OF A CONSULTANT SERVICES AGREEMENT WITH MICHAEL BRANDMAN ASSOCIATES FOR ENVIRONMENT SERVICES RELATED TO 11-UNIT SINGLE-FAMILY DEVELOPMENT PROJECT**

RECOMMENDED ACTION: That the City Council 1) approve Michael Brandman Associates (MBA) as the environmental consultant for preparation of a Mitigated Negative Declaration (MND) for an 11-unit single-family development project and 2) authorize the City Manager to enter into an agreement with Michael Brandman Associates.

**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**

**16. ADOPTION OF A RESOLUTION APPROVING A REQUESTED STREET NAME CHANGE FROM VIA SUBIDA TO POINTE MONARCH DRIVE PURSUANT TO THE DANA POINT MUNICIPAL CODE**

RECOMMENDED ACTION: That the City Council 1) conduct a Public Hearing; 2) adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA APPROVING A REQUESTED STREET NAME CHANGE FROM VIA SUBIDA TO POINTE MONARCH DRIVE; and

- 3) direct staff to implement the street name change in conjunction with the Pointe Monarch Community Home Owners Association and other affected parties.

## **UNFINISHED BUSINESS**

There are no Unfinished Business items.

## **NEW BUSINESS**

There are no New Business items.

## **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 February 8, 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, January 21, 2010, 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.