

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



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

ACTION AGENDA

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

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), (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

Mayor Weinberg 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 Weinberg 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; Sgt. Lynn Koehmstedt, Police Services; Kyle Butterwick, Director of Community Development; Matthew Sinacori, City Engineer; 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.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Orange County Fire Authority Battalion Chief Terry Scott.

INVOCATION

The Invocation was provided by Orange County Fire Authority Chaplain Dave Keehn.

PRESENTATIONS AND PROCLAMATIONS

January Business of the Month – Mahe Restaurant

CONSENT CALENDAR

COUNCIL MEMBER BARTLETT ABSTAINED FROM VOTING ON ITEM #14 DUE TO A POTENTIAL CONFLICT OF INTEREST.

IT WAS MOVED BY COUNCIL MEMBER JOEL BISHOP, SECONDED BY COUNCIL MEMBER LISA BARTLETT, 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, JANUARY 11, 2010

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, DECEMBER 21, 2009

RECEIVED AND FILED.

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

RECEIVED AND FILED.

5. YOUTH BOARD MEETING MINUTES, DECEMBER 3, 2009

RECEIVED AND FILED.

6. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

7. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

8. ANNUAL REVIEW OF INVESTMENT POLICY

APPROVED 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

RECEIVED AND FILED 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

APPROVED AND AUTHORIZED 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 CLARIFIED THAT FUTURE RATE ADJUSTMENTS WHICH ARE CONSISTENT WITH THE TERMS OF THE AGREEMENT DO NOT REQUIRE CONTRACT AMENDMENTS.

11. STONEHILL DRIVE PARKWAY TREE REPLACEMENT

APPROVED 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

APPROVED 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"; APPROVED AWARD OF A CONTRACT TO INTERNATIONAL PAVING SERVICE, INC. FOR CONSTRUCTION OF THE PROJECT; AND AUTHORIZED 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

HELD SECOND READING AND ADOPTED **ORDINANCE 10-01** 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

APPROVED THE AMENDMENT WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AMENDMENT, AND APPROVE ANY SUBSEQUENT AMENDMENTS.

The item was approved by the following vote:

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

NOES: None

ABSTAIN: Council Member Lisa Bartlett

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

APPROVED 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 AUTHORIZED THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MICHAEL BRANDMAN ASSOCIATES.

PUBLIC COMMENTS

Ross Teasley
Ingrid McGuire
Gene Burrus
Berenika Schmitz

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

IT WAS MOVED BY MAYOR PRO TEM SCOTT SCHOEFFEL, SECONDED BY COUNCIL MEMBER LISA BARTLETT, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING, ADOPT **RESOLUTION 10-01-25-01** 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

DIRECT STAFF TO IMPLEMENT THE STREET NAME CHANGE IN CONJUNCTION WITH THE POINTE MONARCH COMMUNITY HOME OWNERS ASSOCIATION AND OTHER AFFECTED PARTIES.

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 were no Unfinished Business items.

NEW BUSINESS

There were no New Business items.

PUBLIC COMMENTS (Continued)

There were no additional Public Comments received.

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 6:37 p.m. and announced that 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.