

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**MONDAY
MARCH 8, 2010
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 10-03

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

PRESENTATIONS AND PROCLAMATIONS

Business of the Month – The Ritz Carlton, Dana Point

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, FEBRUARY 22, 2010](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, FEBRUARY 1, 2010](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION ACTIONS, MEETING OF MARCH 1, 2010](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [YOUTH BOARD MEETING MINUTES, JANUARY 21, 2010](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. [TRAFFIC IMPROVEMENT SUBCOMMITTEE MEETING MINUTES, NOVEMBER 18, 2009](#)

RECOMMENDED ACTION: That the City Council receive and file.

7. [OCEAN WATER QUALITY SUBCOMMITTEE MEETING MINUTES, JANUARY 26, 2010](#)

RECOMMENDED ACTION: That the City Council receive and file.

8. [MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR](#)

RECOMMENDED ACTION: That the City Council receive and file.

9. **CITY TREASURER'S REPORT, JANUARY, 2010**

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of January, 2010.

10. **CLAIMS AND DEMANDS**

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

11. **2010 WEED ABATEMENT PROGRAM**

RECOMMENDED ACTION: That the City Council 1) adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DECLARING WEEDS A PUBLIC NUISANCE AND INITIATING ABATEMENT PROCEEDINGS; and

2) authorize staff to release bid packets to contractors to abate weeds in the City.

12. **EXPANDED CITY-WIDE BANNER PROGRAM FOR SEASONAL EVENTS**

RECOMMENDED ACTION: That the City Council adopt the recommendation to expand the City-wide banner program for season events.

13. **ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT FY 2008/2009**

RECOMMENDED ACTION: That the City Council adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL FO THE CITY OF DANA POINT, CALIFORNIA APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PROJECT ENTITLED "ANNUAL ROADWAY RESURFACING PROJECT FY 2008/2009".

14. **AWARD OF CONTRACT FOR THE 2010 FOURTH OF JULY AERIAL FIREWORKS DISPLAY AND BARGE CONTRACT**

RECOMMENDED ACTION: That the City Council approve the following for the 2010 Fourth of July aerial fireworks display: 1) contract with Pyro-Spectaculars Inc. for the aerial display, 2) contract with Pacific Tugboat Service to provide a tug and barge to be used as the staging area for the fireworks display, and 3) authorize the City Manager to execute the contracts.

15. **CALIFORNIA ASSEMBLY BILL NO. 1867 REVISING HOUSING ELEMENT LAW**

RECOMMENDED ACTION: That the City Council adopt a Resolution supporting Assembly Bill 1867 (Harkey) to revise State Housing Element Law entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, TO SUPPORT ASSEMBLY BILL 1867 (HARKEY) AMENDMENTS TO CALIFORNIA GOVERNMENT CODE HOUSING ELEMENT LAW.

16. APPROVAL OF APPOINTMENT OF ASSISTANT CITY ATTORNEY

RECOMMENDED ACTION: That the City Council approve the appointment of Jennifer Farrell of Rutan & Tucker LLP as the Assistant City Attorney.

17. NEXTG NETWORKS TELECOMMUNICATIONS RIGHT-OF-WAY USE AGREEMENT WITH REVISION

RECOMMENDED ACTION: That the City Council 1) approve subject agreement as revised, and 2) authorize the City Manager or his designee to execute subject agreement.

18. INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 13.04, PARKS AND RECREATIONAL FACILITIES REGULATIONS, OF THE MUNICIPAL CODE TO ADDRESS THE ENFORCEMENT OF NO SMOKING IN CITY PARKS

RECOMMENDED ACTION: That the City Council introduce and hold 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 THE ENFORCEMENT OF NO SMOKING IN PARKS LOCATED WITHIN THE CITY.

19. INTRODUCTION OF 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 LANDS MANAGEMENT DANA POINT PRESERVE OWNED AND OPERATED BY THE CENTER FOR NATURAL LANDS MANAGEMENT

RECOMMENDED ACTION: That the City Council introduce and hold 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 LANDS MANAGEMENT DANA POINT PRESERVE OWNED AND OPERATED BY THE CENTER FOR NATURAL LANDS MANAGEMENT.

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

20. [INITIATION OF A PLANNING PROCESS FOR THE DOHENY VILLAGE PLAN](#)

RECOMMENDED ACTION: That the City Council 1) authorize staff to initiate a planning process to create a Doheny Village Plan and 2) identify two (2) Council Members to work with City staff on the process.

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 March 22, 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, March 4, 2010, at 5:00 p.m.

KATHY M. WARD, CITY CLERK

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.