

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**MONDAY
MARCH 8, 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. 10-03

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 5:01 p.m. pursuant to Government Code Section 54956 et. seq.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Weinberg reconvened the meeting at 6:00 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; Brad Fowler, Director of Public Works and Engineering; Kevin Evans, Director of Community Services and Parks; 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 the City Council has begun an investigation into the appropriateness of the medical marijuana dispensaries in the City and has issued some legislative subpoenas towards that end. He stated that matter is tied up in court at the moment and pending some future conclusion of that investigation which may or may not result in a change of the existing zoning, the Council has authorized the City Attorney's office to move forward to take civil action to cause the people who are operating dispensaries illegally in violation of our zoning to cease conducting business pending the outcome of the investigation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by OCFA Division Chief Rick Robinson.

INVOCATION

The Invocation was provided Chaplain Jeff Herschel of OCFA Battalion 5.

PRESENTATIONS AND PROCLAMATIONS

Business of the Month – The Ritz Carlton, Dana Point

CONSENT CALENDAR

A member of the public had removed Item #18, Council Member Bishop removed Items #18 and #19, and Council Member Anderson removed Item #2 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER BISHOP, SECONDED BY COUNCIL MEMBER BARTLETT, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 2, 18, AND 19.

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, FEBRUARY 22, 2010

This item was removed from the Consent Calendar by Council Member Anderson.

IT WAS MOVED BY COUNCIL MEMBER ANDERSON, SECONDED BY MAYOR PRO TEM SCHOEFFEL, THAT THE MINUTES BE APPROVED WITH AMENDMENT.

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

3. PLANNING COMMISSION MEETING MINUTES, FEBRUARY 1, 2010

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF MARCH 1, 2010

RECEIVED AND FILED.

5. YOUTH BOARD MEETING MINUTES, JANUARY 21, 2010

RECEIVED AND FILED.

6. TRAFFIC IMPROVEMENT SUBCOMMITTEE MEETING MINUTES, NOVEMBER 18, 2009

RECEIVED AND FILED.

7. OCEAN WATER QUALITY SUBCOMMITTEE MEETING MINUTES, JANUARY 26, 2010

RECEIVED AND FILED.

8. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

9. CITY TREASURER'S REPORT, JANUARY, 2010

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF JANUARY, 2010.

10. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

11. 2010 WEED ABATEMENT PROGRAM

ADOPTED RESOLUTION 10-03-08-01 ENTITLED:

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

AUTHORIZED STAFF TO RELEASE BID PACKETS TO CONTRACTORS TO ABATE WEEDS IN THE CITY.

12. EXPANDED CITY-WIDE BANNER PROGRAM FOR SEASONAL EVENTS

APPROVED 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

ADOPTED RESOLUTION 10-03-08-02 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

APPROVED 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) AUTHORIZED THE CITY MANAGER TO EXECUTE THE CONTRACTS.

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

ADOPTED **RESOLUTION 10-03-08-03** 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

APPROVED 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

APPROVED SUBJECT AGREEMENT AS REVISED, AND AUTHORIZED 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

This item was removed from the Consent Calendar by a member of the public and Council Member Bishop.

IT WAS MOVED BY COUNCIL MEMBER ANDERSON, SECONDED BY MAYOR PRO TEM SCHOEFFEL, 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.

The motion carried by the following vote:

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

NOES: Council Member Lisa Bartlett and Council Member Joel Bishop

ABSENT: None

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

This item was removed from the Consent Calendar by Council Member Bishop.

IT WAS MOVED BY COUNCIL MEMBER ANDERSON, SECONDED BY MAYOR PRO TEM SCHOEFFEL, 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.

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

Dwight Delgado
Norma Strother
Alan Wickstrom
Joanna Adrian

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

20. INITIATION OF A PLANNING PROCESS FOR THE DOHENY VILLAGE PLAN

IT WAS MOVED BY COUNCIL MEMBER ANDERSON, SECONDED BY COUNCIL MEMBER BARTLETT, TO AUTHORIZE STAFF TO INITIATE A PLANNING PROCESS TO CREATE A

DOHENY VILLAGE PLAN AND IDENTIFIED MAYOR WEINBERG AND MAYOR PRO TEM SCHOEFFEL TO WORK WITH CITY STAFF ON THE PROCESS.

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 6:56 p.m. and announced that 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.