

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**MONDAY
MARCH 22, 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), (5 cases)
- 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 6:03 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; Sgt. Jim Greenwood; Kyle Butterwick, Director of Community Development; Matthew Sinacori, City Engineer; John Tilton, City Architect; Jeff Rosaler, Natural Resources Protection Officer; Kevin Evans, Director of Community Services and Parks; Christy Teague, Economic Development Manager; DyAnne Weamire, Administrative Secretary; Jennifer Ransom; and Bobbi Ogan, Deputy City Clerk.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that there was no announcement.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chief of Police, Lt. Mark Levy.

INVOCATION

The Invocation was provided by Assistant Senior Chief Chaplain Rick Yeomans.

PRESENTATIONS AND PROCLAMATIONS

VFW 2009 Deputy of the Year
VFW 2009 Fire Fighter of the Year
VFW 2009 Reserve Fire Fighter of the Year
MADD Awards - Deputy Patrick Kinney and Deputy Paul Martin

CONSENT CALENDAR

Council Member Lisa Bartlett removed Item #8 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER LISA BARTLETT, SECONDED BY COUNCIL MEMBER JOEL BISHOP, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON CONSENT CALENDAR WITH THE EXCEPTION OF ITEM #8.

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, MARCH 8, 2010

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, MARCH 1, 2010

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF MARCH 15, 2010

RECEIVED AND FILED.

5. YOUTH BOARD MEETING MINUTES, FEBRUARY 18, 2010

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. ADOPTION OF AN ORDINANCE AMENDING CHAPTER 13.04, PARKS AND RECREATIONAL FACILITIES REGULATIONS, OF THE MUNICIPAL CODE TO INCLUDE THE PROHIBITION OF THE SMOKING IN CITY PARKS

Council Member Lisa Bartlett removed Item #8 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER LISA BARTLETT, SECONDED BY COUNCIL MEMBER JOEL BISHOP, THAT THE CITY COUNCIL HOLD A SECOND READING AND ADOPT **ORDINANCE 10-04** ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING CHAPTER 13.04.020 "DEFINITIONS" AND ADDING SECTION 13.04.105 "PROHIBITION OF SMOKING IN PUBLIC PARKS" TO THE DANA POINT MUNICIPAL CODE CHAPTER 13.04 PARKS AND RECREATIONAL FACILITIES REGULATIONS.

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

9. ADOPTION 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

HELD A SECOND READING AND ADOPTED **ORDINANCE 10-03** 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.

10. CALIFORNIA ASSEMBLY BILL 2407 (HARKEY) – REGIONAL WATER QUALITY CONTROL BOARD JURISDICTIONAL BOUNDARY CHANGE

AUTHORIZED THE MAYOR TO SIGN A LETTER OF SUPPORT OF SUBJECT LEGISLATION.

11. AWARD OF CONTRACT FOR MARKETING SERVICES FOR DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT

AUTHORIZED THE CITY MANAGER TO EXECUTE A CONTRACT WITH AGENCY 51 FOR MARKETING SERVICES ON BEHALF OF THE DANA POINT BUSINESS IMPROVEMENT DISTRICT.

PUBLIC COMMENTS

Pete Hammer
Joanna Adrian

PUBLIC HEARINGS

There were no Public Hearing items.

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

12. **AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA DECLARING THE EXISTENCE OF PUBLIC NUISANCE CONDITIONS IN THE VICINITY OF STRAND VISTA PARK AND ORDERING THE PROHIBITION AND ABATEMENT THEREOF BY AMENDING CHAPTER 13.04 OF THE DANA POINT MUNICIPAL CODE SO AS TO ADOPT OPERATIONAL HOURS AND ORDER THE IMPLEMENTATION OF ENFORCEMENT DEVICES**

Council Member Bishop recused himself from this item due to a potential conflict of interest and left the Council Chambers at 6:36 p.m.

IT WAS MOVED BY COUNCIL MEMBER LISA BARTLETT SECONDED BY MAYOR PRO TEM SCOTT SCHOEFFEL TO ADOPT URGENCY **ORDINANCE 10-05** ENTITLED:

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA DECLARING THE EXISTENCE OF PUBLIC NUISANCE CONDITIONS IN THE VICINITY OF STRAND VISTA PARK AND ORDERING THE PROHIBITION AND ABATEMENT THEREOF BY AMENDING CHAPTER 13.04 OF THE DANA POINT MUNICIPAL CODE SO AS TO ADOPT OPERATIONAL HOURS AND ORDER THE IMPLEMENTATION OF ENFORCEMENT DEVICES.

The motion carried by the following vote:

AYES: Council Member Lara Anderson, Council Member Lisa Bartlett, Mayor Pro Tem Scott Schoeffel and Mayor Steven Weinberg
NOES: None
ABSENT: Council Member Joel Bishop

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 8:17 p.m. and announced that the next Regular Meeting of the City Council will be April 12, 2010, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.