

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**MONDAY
MAY 24, 2010
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 10-06

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 – INITIATION OF LITIGATION, Government Code § 54956.9 (c), (1 case)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (8 cases)

Name of Case(s):

- 1. City of Dana Point v. Beach Cities Collective – 30-201000352103
- 2. City of Dana Point v. Dana Point Beach Collective - 30-201000352109
- 3. City of Dana Point v. Dana Point Safe Harbor Collective - 30-201000352107
- 4. City of Dana Point v. Holistic Health - 30-201000352106
- 5. City of Dana Point v. The Point Alternative Care - 30-201000352093
- 6. City of Dana Point v. Redwood Sanctuary - 30-201000352110
- 7. Malinda Traudt by and Through her Guardian ad litem, Shelly White v. City of Dana Point Case No. 30-2010 00373287
- 8. City of Dana Point v. Commissioner of Internal Revenue - Docket No. 3457-10

RECESS OF CITY COUNCIL MEETING UNTIL 6:00 P.M.

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

May Business of the Month – Girl in the Curl Surf Shop
Eagle Scout Nicholas Whelan
Capistrano Valley Boys & Girls Clubs 2009 Youth of the Year

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, APRIL 26, 2010](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, APRIL 19, 2010](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION MEETING MINUTES, MAY 3, 2010](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [PLANNING COMMISSION ACTIONS, MEETING OF MAY 17, 2010](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. [TRAFFIC IMPROVEMENT SUBCOMMITTEE ACTION MINUTES, MARCH 17, 2010](#)

RECOMMENDED ACTION: That the City Council receive and file.

7. [CHARITABLE GRANT SUBCOMMITTEE DRAFT ACTION MINUTES, MAY 12, 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, MARCH, 2010](#)

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

10. [CLAIMS AND DEMANDS](#)

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

11. [ZONE TEXT AMENDMENT ZTA10-0001 – HOUSING ELEMENT IMPLEMENTATION PROGRAM](#)

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 ZONE TEXT AMENDMENT ZTA10-0001 FOR THE HOUSING ELEMENT IMPLEMENTATION PROGRAM.

12. [APPROVE AMENDMENT NO. 14 TO CONTRACT AGREEMENT NO. C-8-0370 WITH ORANGE COUNTY TRANSPORTATION AUTHORITY TO PROVIDE SENIOR TRANSPORTATION SERVICES TO THE DEL OBISPO COMMUNITY/SENIOR CENTER THROUGH JUNE 30, 2011](#)

RECOMMENDED ACTION: That the City Council approve Amendment No. 14 to the existing Agreement No. C-8-0370 with Orange County Transportation Authority (OCTA) for senior transportation to the Del Obispo Community/Senior Center through June 30, 2011 and authorize the City Manager to execute the agreement.

13. [AUTHORIZE STAFF TO DISTRIBUTE TWO REQUESTS FOR PROPOSALS FOR THE MAINTENANCE OF PARKS AND FOR THE MAINTENANCE OF LANDSCAPED MEDIANS AND PARKWAYS](#)

RECOMMENDED ACTION: That the City Council 1) authorize staff to distribute a Request for Proposal (RFP) to qualified landscape maintenance contractors for the maintenance of parks; and 2) distribute a RFP to qualified landscape maintenance contractors for the maintenance of landscaped medians and parkways.

14. [ALLEY QUIT CLAIM DEED AT 25812 LAS VEGAS AVENUE \(ASSESSOR PARCEL NUMBER 668-342-11\)](#)

RECOMMENDED ACTION: That the City Council 1) authorize approval of the Quit Claim Deed; and 2) authorize the City Engineer to sign the Quit Claim Deed and have it recorded with the County Recorder's Office, provided that the property owner processes easements in advance with all utility companies that currently operate facilities within the subject property being contemplated for quit claim.

15. [SUPPORT FOR THE CALIFORNIA GRAY WHALE](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, JOINING THE ASSEMBLY AND THE SENATE OF THE STATE OF CALIFORNIA IN CALLING UPON THE FEDERAL GOVERNMENT TO CONDUCT A COMPREHENSIVE ASSESSMENT OF THE CALIFORNIA GRAY WHALE.

16. [ADOPTION OF A RESOLUTION DESIGNATING CITY'S AGENT FOR STATE FINANCIAL ASSISTANCE](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DESIGNATING CITY'S AGENT FOR STATE FINANCIAL ASSISTANCE; and

2) authorize the City Manager to execute the agreement to transfer property or funds for 2009 Homeland Security Grant Program purposes.

17. [RECORDS MANAGEMENT/DOCUMENT IMAGING SYSTEM REQUEST FOR PROPOSAL](#)

RECOMMENDED ACTION: That the City Council authorize staff to release a Request for Proposal (RFP) for the purchase, implementation and maintenance services for a new Records Management and Document Imaging system.

18. [ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE ARTERIAL ROADWAY REHABILITATION OF 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) adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE ARTERIAL ROADWAY REHABILITATION OF DEL PRADO (FROM COPPER LANTERN TO GOLDEN LANTERN) AND STONEHILL DRIVE (FROM SEASIDE DRIVE TO CITY LIMIT) – FY 2009/10; and

2) transfer project savings as provided in Fiscal Section.

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

19. [AGREEMENT FOR CONSTRUCTION AND MAINTENANCE WITH THE SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY \(SCRRA\) IN CONJUNCTION WITH THE RAIL HIGHWAY CROSSING ENHANCEMENT PROGRAM FOR BEACH ROAD \(MINOR REVISION RATIFICATION\)](#)

RECOMMENDED ACTION: That the City Council 1) approve the revised Construction and Maintenance Agreement with the Southern California Regional Rail Authority (SCRRA), and 2) authorize the City Manager to execute the agreement.

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 June 14, 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, May 20, 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.