

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**MONDAY
MAY 24, 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. 10-06

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 5:01 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 (*Absent*)

CLOSED SESSION

City Manager Chotkevys indicated that there was a need for a Closed Session as follows:

- 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

City Attorney Munoz clarified for the record that the City Council will be discussing Item A which has become City of Dana Point v. California Coastal Commission, Case #00374874. The Coastal Commission had been served this afternoon. Mayor Weinberg recessed the meeting into a Closed Session at 5:05 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 with the exception of Council Member Bishop.

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Bobbi Ogan, Deputy City Clerk; Mike Killebrew, Assistant City Manager; Mike Rose, Director of Disaster Preparedness; Sgt. Lynn Koehmstedt, Police Services; Kyle Butterwick, Director of Community Development; Kevin Evans, Director of Community Services and Parks; Brian McClure, Parks Manager; Sea Shelton, Senior Management Analyst; Christy Teague, Economic Development Manager; Lynn Kelly, Management Analyst; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Windy Robles, City Clerk Specialist.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that the City Council had asked that he announce that in the matter of the City of Dana Point v. the California Coastal Commission that the City has initiated litigation in connection with the Coastal Commission's determination that it can, in our opinion, second-guess whether or not the City has a public safety problem down at Strand Beach and how the City will spend its public safety budget. At this time the City is pursuing a Writ of Mandate to challenge the Commission's authority with respect to those issues.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Eagle Scout Nicholas Whelan.

INVOCATION

The Invocation was provided by Father Steve Sallot of St. Edwards Catholic Church.

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

Staff removed Item 15 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER LISA BARTLETT SECONDED BY COUNCIL MEMBER LARA ANDERSON, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 15.

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

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, APRIL 26, 2010

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, APRIL 19, 2010

RECEIVED AND FILED.

4. PLANNING COMMISSION MEETING MINUTES, MAY 3, 2010

RECEIVED AND FILED.

5. PLANNING COMMISSION ACTIONS, MEETING OF MAY 17, 2010

RECEIVED AND FILED.

6. TRAFFIC IMPROVEMENT SUBCOMMITTEE ACTION MINUTES, MARCH 17, 2010

RECEIVED AND FILED.

7. CHARITABLE GRANT SUBCOMMITTEE DRAFT ACTION MINUTES, MAY 12, 2010

RECEIVED AND FILED.

8. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

9. CITY TREASURER'S REPORT, MARCH, 2010

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

10. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

11. ZONE TEXT AMENDMENT ZTA10-0001 – HOUSING ELEMENT IMPLEMENTATION PROGRAM

HELD A SECOND READING AND ADOPTED **ORDINANCE 10-06** 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

APPROVED 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 AUTHORIZED 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

AUTHORIZED STAFF TO DISTRIBUTE A REQUEST FOR PROPOSAL (RFP) TO QUALIFIED LANDSCAPE MAINTENANCE CONTRACTORS FOR THE MAINTENANCE OF PARKS; AND 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)

AUTHORIZED APPROVAL OF THE QUIT CLAIM DEED; AND AUTHORIZED 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

This item was removed from the Consent Calendar by Staff.

IT WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY COUNCIL MEMBER LISA BARTLETT, TO ADOPT **RESOLUTION 10-05-24-03 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; and

RESOLUTION 10-05-24-04 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT ON PROTECTION OF WHALES AND OPPOSITION TO PROPOSED RESUMPTION OF COMMERCIAL WHALING AND TEN-YEAR QUOTAS FOR WHALES AS PROPOSED BY THE INTERNATIONAL WHALING COMMISSION.

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

16. ADOPTION OF A RESOLUTION DESIGNATING CITY'S AGENT FOR STATE FINANCIAL ASSISTANCE

ADOPTED **RESOLUTION 10-05-24-01 ENTITLED:**

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

AUTHORIZED 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

AUTHORIZED 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

ADOPTED RESOLUTION 10-05-24-02 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

TRANSFERRED PROJECT SAVINGS AS PROVIDED IN FISCAL SECTION.

PUBLIC COMMENTS

Edward Kopp
Bob Fowler
Nancy Jenkins
Joanna Adrian

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

Council Member Lisa Bartlett announced that she had a potential conflict of interest and recused herself and left the Council Chambers at 6:35 p.m.

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)

IT WAS MOVED BY MAYOR PRO TEM SCOTT SCHOEFFEL, SECONDED BY COUNCIL MEMBER LARA ANDERSON, TO APPROVE THE REVISED CONSTRUCTION AND MAINTENANCE AGREEMENT WITH THE SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY (SCRRA), AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT.

The motion carried by the following vote:

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

NOES: None

ABSENT: Council Member Joel Bishop

RECUSE: Council Member Lisa Bartlett

Council Member Lisa Bartlett returned to the Council Chambers at 6:42 p.m.

NEW BUSINESS

There were no New Business items.

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 adjourned at 6:55 p.m. in memory of Dick Burrus, brother of Gene Burrus. He announced that 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.