

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**MONDAY
JUNE 14, 2010
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 10-07

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), (2 cases)

Name of Cases:

- 1. Malinda Traudt by and Through her Guardian ad litem, Shelly White v. City of Dana Point, Orange County Superior Court Case No. 30-2010 00373287
- 2. City of Dana Point v. California Coastal Commission, Orange County Superior Court Case No. 00374874

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

June Business of the Month – Dana Point Times
Certificate of Recognition to Outgoing Youth Board Members
Quarterly OCSD Commendations
Certificate of Recognition to Sgt. Matt Johnson and Sgt. Larry Packard
SCCWRP Bacteria Rapid Indicator Presentation

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, MAY 24, 2010](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

3. **[PLANNING COMMISSION MEETING MINUTES, MAY 17, 2010](#)**

RECOMMENDED ACTION: That the City Council receive and file.

4. **[PLANNING COMMISSION ACTIONS, MEETING OF JUNE 7, 2010](#)**

RECOMMENDED ACTION: That the City Council receive and file.

5. **[YOUTH BOARD MEETING MINUTES, APRIL 15, 2010](#)**

RECOMMENDED ACTION: That the City Council receive and file.

6. **[TRAFFIC IMPROVEMENT SUBCOMMITTEE ACTION MINUTES, APRIL 21, 2010](#)**

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

8. **CITY TREASURER'S REPORT, APRIL, 2010**

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

9. **CLAIMS AND DEMANDS**

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

10. **SOUTH ORANGE COUNTY WATERSHED MANAGEMENT AREA COOPERATIVE AGREEMENT**

RECOMMENDED ACTION: That the City Council 1) authorize the City Manager or his designee to enter into the Cooperative Agreement for the South Orange County Watershed Management Area Cooperative Agreement, and 2) approve the 2010-2011 Annual Cost-Share Budget for the South Orange County Watershed Management Area and authorize funding in accordance with the fiscal section.

11. **ROMA DESIGN GROUP CONTRACT EXTENSION FOR PACIFIC COAST HIGHWAY AND DEL PRADO STREET IMPROVEMENTS BETWEEN BLUE LANTERN AND COPPER LANTERN**

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a contract extension with ROMA Design Group with one (1) additional, two year renewal option.

12. **ADOPTION OF A SOLAR PHOTOVOLTAIC ENERGY FEE REDUCTION INCENTIVE PROGRAM**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A SOLAR PHOTOVOLTAIC ENERGY FEE REDUCTION INCENTIVE PROGRAM.

13. **WEED ABATEMENT PROGRAM**

RECOMMENDED ACTION: That the City Council introduce and hold a first reading of an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 6.14.002, PUBLIC NUISANCES DESIGNATED, OF THE MUNICIPAL CODE, TO ADDRESS THE HEIGHT OF WEEDS FOR PROPERTY MAINTENANCE PURPOSES.

14. CALLING FOR A GENERAL MUNICIPAL ELECTION ON NOVEMBER 2, 2010 TO FILL THREE CITY COUNCIL SEATS

RECOMMENDED ACTION: That the City Council adopt the following Resolutions entitled:

- A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2010 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES; and
- B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 2, 2010 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE; and
- C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES' STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2010.

15. 2010-2011 LAW ENFORCEMENT SERVICES AGREEMENT

RECOMMENDED ACTION: That the City Council approve the Law Enforcement Services Agreement with the County of Orange for law enforcement services for the 2010-2011 fiscal year and authorize the City Manager to execute the agreement.

16. ADOPTION OF A RESOLUTION TO MODIFY THE STREET SWEEPING SCHEDULE AND RESTRICT PARKING IN THE CAPISTRANO BEACH NORTHWEST AREA, AND ON SEVERAL ARTERIAL STREET SEGMENTS

RECOMMENDED ACTION: That the City Council 1) approve a recommendation from the Traffic Improvement Subcommittee to modify the street sweeping schedule and add parking restrictions in the Capistrano Beach Northwest area, and several arterial street segments; and

2) approve necessary funding as noted in the Agenda Fiscal Section; and

3) adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, PROHIBITING PARKING DURING SPECIFIED HOURS ON DESIGNATED STREETS FOR STREET SWEEPING PURPOSES AND RESCINDING RESOLUTION NUMBERS 09-10-12-01, 06-11-20-03, 01-01-23-04, AND 91-03-12-07.

17. [APPROVAL OF TELECOMMUNICATIONS RIGHT-OF-WAY USE AGREEMENT WITH T-MOBILE](#)

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

18. [APPROVAL OF A SEVEN YEAR CAPITAL IMPROVEMENT PROGRAM AND AUTHORIZATION TO FORWARD MEASURE M ELIGIBILITY DOCUMENTATION TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING THE SEVEN YEAR CAPITAL IMPROVEMENT PROGRAM FOR FY11 THROUGH FY17 AS REQUIRED BY THE OCTA MEASURE M GROWTH MANAGEMENT PROGRAM AND VERIFYING THE STATUS OF THE CIRCULATION ELEMENT FOR THE CITY OF DANA POINT; and

2) that the City Council authorize the Director of Public Works and Engineering Services to forward the necessary Measure M eligibility documentation to the OCTA.

19. [FY 2009-10, PROPOSITION 1B TRANSPORTATION GRANT FUNDING, PROJECT IDENTIFICATION](#)

Recommended Action: That the City Council 1) adopt a Resolution entitled:

A RESOLUTION OF THE CITY OF CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, TO APPROVE AN IDENTIFIED PROJECT AND ACCEPT PROPOSITION 1B FUNDING FROM THE STATE OF CALIFORNIA DEPARTMENT OF FINANCE TO BE USED ON AN ELIGIBLE TRANSPORTATION PROJECT WITHIN THE CITY OF DANA POINT; and

2) direct staff to seek grant funds under the program.

20. [ADOPTION OF A RESOLUTION ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2010/2011](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2010/2011.

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

21. [AWARD CONTRACT TO ROMA DESIGN GROUP TO DEVELOP THE DOHENY VILLAGE PLAN](#)

RECOMMENDED ACTION: That the City Council 1) authorize the City Manager to finalize the scope of work and enter into an agreement with ROMA Design Group in accordance with the attached scope of work; and 2) authorize a budget adjustment as provided for in the Fiscal Impact section.

22. [FISCAL YEAR 2011 BUDGET UPDATE](#)

RECOMMENDED ACTION: That the City Council receive and file the Fiscal Year 2011 Budget Update Report and authorize the budget amendments detailed within this report.

NEW BUSINESS

23. [SENIOR SERVICES IN DANA POINT](#)

RECOMMENDED ACTION: That the City Council discuss Senior Services in Dana Point and identify a representative to dialogue with Age Well Senior Services, Inc. regarding senior programs provided to the community.

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 July 26, 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, June 10, 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.