

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**MONDAY
JULY 26, 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. 10-07

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 5:04 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 asked for the City Council's approval to add a New Business item to the Agenda to allow for the discussion of a possible endorsement of Wayne Rayfield's re-appointment to the San Diego Regional Water Quality Control Board.

IT WAS MOVED BY COUNCIL MEMBER ANDERSON, SECONDED BY MAYOR PRO TEM SCHOEFFEL, THAT THE CITY COUNCIL ADD NEW BUSINESS ITEM #20 TO THE AGENDA.

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

City Attorney Munoz indicated that there was a need for a Closed Session as follows:

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957

Title: City Manager

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

Mayor Weinberg recessed the meeting into a Closed Session at 5:07 p.m. pursuant to Government Code Section 54956 et. seq.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Weinberg reconvened the meeting at 6:04 p.m. All Council Members were present.

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Kathy Ward, City Clerk; Mike Killebrew, Assistant City Manager; Mike Rose, Director of Disaster Preparedness; Sergeant Lynn Koehmstedt, Police Services; Kyle Butterwick, Director of Community Development; Brad Fowler, Director of Public Works/Engineering; Kevin Evans, Director of Community Services and Parks; Lynn Kelly, Management Analyst; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz announced that there were no reportable items from Closed Session this evening, but that at the commencement of the meeting, the City Council voted to add Item 20 to the Agenda which will be consideration of a Council endorsement of Wayne Rayfield for the position of San Diego Regional Water Quality Control Board. He stated that this item had come to staff's attention after the posting of the Agenda and that it requires action before the City Council's next meeting.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was provided by Lt. Colonel William Vivian.

INVOCATION

The Invocation was provided by Commander Michael Sneath, Chaplain at Camp Pendleton.

PRESENTATIONS AND PROCLAMATIONS

July Business of the Month – Bonjour Café and Bistro
Dana Point Historical Society – Wall Plaque
Proclamation to Lt. Colonel William Vivian

CONSENT CALENDAR

Council Member Anderson removed Item #16 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER BARTLETT, SECONDED BY COUNCIL MEMBER ANDERSON, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 16.

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, JUNE 14, 2010

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, JUNE 21, 2010

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF JULY 19, 2010

RECEIVED AND FILED.

5. OCEAN WATER QUALITY SUBCOMMITTEE MINUTES, FEBRUARY 23, 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. CITY TREASURER'S REPORTS, MAY AND JUNE, 2010

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTHS OF MAY AND JUNE, 2010.

9. MAINTENANCE AGREEMENT FOR PUBLIC AND PRIVATE PROPERTY DRAINAGE FACILITIES, WALLS, STREET LIGHTS, AND MAINTENANCE STAIRS AT THE HEADLANDS DEVELOPMENT

APPROVED A MAINTENANCE AGREEMENT ESTABLISHING MAINTENANCE OBLIGATIONS FOR PUBLIC AND PRIVATE PROPERTY DRAINAGE FACILITIES, WALLS, STREET LIGHTS AND OTHER IMPROVEMENTS; AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT.

10. COOPERATIVE AGREEMENT WITH THE COUNTY OF ORANGE FOR ROAD FEE PROGRAM TRANSFER OF CARITS FUNDS

APPROVED THE COOPERATIVE AGREEMENT WITH THE COUNTY OF ORANGE FOR ROAD FEE PROGRAM TRANSFER OF CARITS FUNDS, AND AUTHORIZED THE CITY MANAGER OR DESIGNEE TO EXECUTE AGREEMENT NO. D10-019.

11. SECOND READING AND ADOPTION OF AN AMENDMENT TO CHAPTER 6.14.002 OF THE MUNICIPAL CODE, PUBLIC NUISANCES DESIGNATED, TO ADDRESS THE HEIGHT OF WEEDS FOR PROPERTY MAINTENANCE PURPOSES

HELD A SECOND READING AND ADOPTED **ORDINANCE 10-07** 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.

12. AWARD OF CONTRACT TO RJ NOBLE COMPANY FOR THE CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT FY 10/11 PHASE 1

APPROVED THE CONSTRUCTION CONTRACT DOCUMENTS REQUIRED FOR THE "ANNUAL ROADWAY RESURFACING PROJECT FY 10/11 PHASE 1"; AND APPROVED AWARD OF CONTRACT TO RJ NOBLE COMPANY FOR CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT FY 10/11 PHASE 1, PROVIDING THAT THE CITY MANAGER OR HIS DESIGNEE SIGNS AND ADMINISTERS SUBJECT CONTRACT AND MAY APPROVE ADDITIONAL PAYMENT FOR CHANGE ORDERS, CONTINGENCIES, CONSTRUCTION MANAGEMENT SERVICES, SOILS AND MATERIAL TESTING, AND CONSTRUCTION DESIGN SUPPORT FOR THE PROJECT.

13. NATURE EDUCATION FACILITY GRANT APPLICATION FOR FUNDS PROVIDED FROM THE SAFE DRINKING WATER, WATER QUALITY, AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006

ADOPTED RESOLUTION 10-07-26-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING THE APPLICATION FOR NATURE EDUCATION FACILITY PROGRAM FUNDS FROM THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006; and

AUTHORIZED THE CITY MANAGER OR HIS DESIGNEE TO APPLY FOR SUBJECT GRANT.

14. ADOPTION OF RESOLUTION APPROVING FINAL PARCEL MAP NO. 2009-111 TO ALLOW THE CONVERSION OF AN EXISTING DUPLEX APARTMENT AT 34505 VIA VERDE TO CONDOMINIUMS AND THE CORRESPONDING REQUEST TO SUBDIVIDE THE AIRSPACE FOR CONDOMINIUM PURPOSES

ADOPTED RESOLUTION 10-07-26-02 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 2009-111 TO ALLOW THE CONVERSION OF AN EXISTING DUPLEX APARTMENT AT 34505 VIA VERDE TO CONDOMINIUMS AND THE CORRESPONDING REQUEST TO SUBDIVIDE THE AIRSPACE FOR CONDOMINIUM PURPOSES.

15. DANA POINT POLICE SERVICES REPORT FOR MAY 2010

RECEIVED AND FILED THE DANA POINT POLICE SERVICES REPORT FOR MAY 2010.

16. DANA POINT YOUTH BOARD APPOINTMENTS

Council Member Anderson had removed this item from the Consent Calendar.

IT WAS MOVED BY MAYOR PRO TEM SCHOEFFEL, SECONDED BY COUNCIL MEMBER ANDERSON, THAT THE CITY COUNCIL APPOINT ELEVEN (11) BOARD MEMBERS AND THIRTEEN (13) MEMBERS-AT-LARGE TO THE DANA POINT YOUTH BOARD, AND DIRECT STAFF TO RETURN TO THE NEXT COUNCIL MEETING WITH A RESOLUTION IMPLEMENTING A TWO-YEAR TERM LIMIT FOR THE BOARD MEMBERS.

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

PUBLIC COMMENTS

Ingrid McGuire

PUBLIC HEARINGS

17. RE-APPROPRIATION OF CITIZENS OPTION FOR PUBLIC SAFETY (COPS) PROGRAM FUNDS FROM FY 2010/2011 – (AB 1913)

IT WAS MOVED BY COUNCIL MEMBER ANDERSON, SECONDED BY COUNCIL MEMBER BARTLETT, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING, ADJUST THE FY 2010/11 BUDGET WITH THE RE-APPROPRIATION OF \$114,411.61 OF UNENCUMBERED CITIZENS OPTION FOR PUBLIC SAFETY (COPS) PROGRAM UNSPENT MONIES REMAINING FROM FY 2009/10 BUDGET, TO THE SUPPLEMENTAL LAW ENFORCEMENT SERVICE FUND (SLESF) ACCOUNT, AND APPROPRIATE FUNDS FROM THE SLESF TO IMPLEMENT AND MAINTAIN THE FOLLOWING PROGRAMS:

- APPROVE FUNDING FOR THE SCHOOL RESOURCE OFFICER POSITION FOR THIS SCHOOL YEAR
- APPROVE FUNDING FOR PROJECT STOP (STOP TRASHING OUR PARKS)
- APPROVE FUNDING FOR PROJECT HIDE IT, LOCK IT, OR LOSE IT

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

18. 2010 WEED ABATEMENT PROGRAM

IT WAS MOVED BY COUNCIL MEMBER BARTLETT, SECONDED BY MAYOR PRO TEM SCHOEFFEL, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING AND ADOPT **RESOLUTION 10-07-26-03** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE COST OF ABATEMENT AND PROVIDING FOR THE COLLECTION ON THE REGULAR TAX BILL.

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

19. A REVISION TO THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS TO DANA POINT LOCAL COASTAL PLAN AMENDMENT 06-03 FOR THE LAND USE COMPONENT OF THE DANA POINT HARBOR REVITALIZATION PLAN

IT WAS MOVED BY MAYOR PRO TEM SCHOEFFEL, SECONDED BY COUNCIL MEMBER BISHOP, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING AND ADOPT THE CALIFORNIA COASTAL COMMISSION'S REVISED SUGGESTED MODIFICATION OF THE LAND USE COMPONENT OF LOCAL COASTAL PROGRAM AMENDMENT LCPA06-03 FOR THE DANA POINT HARBOR REVITALIZATION PLAN AND DISTRICT REGULATIONS AND DANA POINT SPECIFIC PLAN AMENDMENT FOR THE DANA POINT HARBOR BY INTRODUCING AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A REVISION TO THE LOCAL COASTAL PROGRAM AMENDMENT LCPA06-03 FOR THE DANA POINT HARBOR REVITALIZATION PLAN AND DISTRICT REGULATIONS, THAT ALSO AMENDS THE DANA POINT SPECIFIC PLAN AND ZONING CODE, FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION; and

FORWARD THE ADOPTED MODIFICATIONS TO THE COASTAL COMMISSION FOR FINAL CERTIFICATION BY ADOPTING **RESOLUTION 10-07-26-04** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REGARDING A REVISION TO THE MODIFICATIONS TO LOCAL COASTAL PROGRAM AMENDMENT LCPA06-03 AND REQUESTING CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

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

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

This item was added by City Council.

20. CONSIDERATION OF CITY COUNCIL SUPPORT FOR WAYNE RAYFIELD

IT WAS MOVED BY COUNCIL MEMBER ANDERSON, SECONDED BY COUNCIL MEMBER BARTLETT, THAT THE CITY COUNCIL AUTHORIZE THE MAYOR TO DRAFT CORRESPONDENCE IN SUPPORT OF WAYNE RAYFIELD'S RE-APPOINTMENT TO THE SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD.

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

PUBLIC COMMENTS (Continued)

There were no additional Public Comments received.

STAFF REPORTS

There were no 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 7:40 p.m. and announced that the next Regular Meeting of the City Council will be September 13, 2010, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.