

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**MONDAY
SEPTEMBER 27, 2010
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 10-08

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 – EXISTING LITIGATION, Government Code § 54956.9 (a), Name of cases: City of Dana Point v. Holistic Health - 30-201000352106; City of Dana Point v. Beach Cities Collective – 30-201000352103; City of Dana Point v. The Point Alternative Care - 30-201000352093

B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Government Code § 54956.8

Location: Lot 3 in Block Q of Tract 573, as per map recorded in Book 20, page 29, of miscellaneous maps, in the office of the Orange County Recorder

Agency Negotiators: City Manager, City Attorney

Under Negotiation: Price and other terms relating to property

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

September Business of the Month – Hobie Sports
Proclamation for 20th Anniversary of Blue Lantern Inn
Proclamation for Fire Prevention Week
VFW Proclamation
Proclamation for Red Ribbon Week
Presentation to Deputy Edgar Oliva
SDG&E Smart Meter Outreach Program

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, JULY 26, 2010](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

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

RECOMMENDED ACTION: That the City Council receive and file.

4. **[PLANNING COMMISSION MEETING MINUTES, AUGUST 16, 2010](#)**

RECOMMENDED ACTION: That the City Council receive and file.

5. **[PLANNING COMMISSION ACTIONS, MEETING OF SEPTEMBER 20, 2010](#)**

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

7. **CITY TREASURER’S REPORT, JULY AND AUGUST, 2010**

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer’s Report for the month of July and August, 2010.

8. **CLAIMS AND DEMANDS**

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

9. **AUTHORIZE STAFF TO ESTABLISH A TRIAL PERIOD TO TEST THE QUALIFICATIONS OF THE THREE LOWEST PROPOSERS FOR THE LANDSCAPE MAINTENANCE OF THE PARKS AND MEDIANS**

RECOMMENDED ACTION: That the City Council authorize staff to establish a three month trial period to test the qualifications of the three lowest proposers for landscape maintenance of the City’s parks and medians.

10. **SAN DIEGO GAS & ELECTRIC (SDG&E) SMART METER INSTALLATION PROJECT**

RECOMMENDED ACTION: That the City Council receive and file this presentation regarding the Smart Meter Installation Project.

11. **DANA POINT POLICE SERVICES REPORT FOR JUNE, 2010**

RECOMMENDED ACTION: That the City Council receive and file the Dana Point Polices Services Report for June, 2010.

12. **DANA POINT POLICE SERVICES REPORT FOR JULY, 2010**

RECOMMENDED ACTION: That the City Council receive and file the Dana Point Polices Services Report for July, 2010.

13. **ORANGE COUNTY HEALTH CARE AGENCY GRANT FUNDING FOR EMERGENCY PLANNING**

RECOMMENDED ACTION: That the City Council consider accepting a grant from the Orange County Health Care Agency to reimburse the City for health related emergency planning expenses, and; authorize the City Manager to execute the pertinent grant documents.

14. **DANA POINT YOUTH BOARD TERM LIMITS**

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING SECTION 2.06.060 “BOARDS AND COMMISSIONS – GENERAL PROVISIONS” TO INCLUDE LANGUAGE TO LIMIT THE NUMBER OF CONSECUTIVE TERMS EACH YOUTH BOARD MEMBER MAY SERVE TO NO MORE THAN TWO (2) FULL CONSECUTIVE TERMS.

15. **SECOND READING OF AN ORDINANCE PERTAINING TO A REVISION OF 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**

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 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.

16. **INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING CHAPTER 8.01 OF THE MUNICIPAL CODE (GRADING AND EXCAVATION CODE) TO ADDRESS WATER QUALITY REGULATION CHANGES AND OTHER MISCELLANEOUS ITEMS**

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 8.01 OF THE MUNICIPAL CODE (GRADING AND EXCAVATION CODE) TO ADDRESS WATER QUALITY REGULATION CHANGES AND OTHER MISCELLANEOUS ITEMS.

17. **COMMUNITY NEWSLETTER IN RESPONSE TO COMMUNITY SURVEY RESULTS**

RECOMMENDED ACTION: That the City Council receive and file notification that staff will begin production of a quarterly community newsletter in response to the recent results of Community Opinion Survey conducted by True North Research.

18. **ADOPTION OF A RESOLUTION OF THE CITY COUNCIL AUTHORIZING APPLICATION FOR FUNDS FOR THE TRANSPORTATION ENHANCEMENT ACTIVITY (TEA) PROGRAM UNDER THE 2005 SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT, TRANSPORTATION ACT-LEGACY FOR USERS FOR THE PACIFIC COAST HIGHWAY MEDIANS PHASE III PROJECT**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AUTHORIZING APPLICATION FOR FUNDS FOR THE TRANSPORTATION ENHANCEMENT ACTIVITY (TEA) PROGRAM UNDER THE 2005 SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT, TRANSPORTATION ACT-LEGACY FOR USERS FOR THE PACIFIC COAST HIGHWAY LANDSCAPED MEDIANS PHASE III PROJECT; and

2) authorize the Mayor to sign the Resolution on behalf of the City.

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. [CALIFORNIA SUSTAINABLE COMMUNITIES PLANNING GRANT FOR DOHENY VILLAGE PLAN](#)

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

A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE SUSTAINABLE COMMUNITIES PLANNING GRANT AND INCENTIVE PROGRAM UNDER THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006 (PROPOSITION 84).

NEW BUSINESS

There is no New Business.

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 October 25, 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, September 23, 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.