

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**MONDAY
SEPTEMBER 27, 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. 10-08

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 5:00 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 indicated that there was a need for a Closed Session as follows:

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

Mayor Weinberg recessed the meeting into a Closed Session at 5:01 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.

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; Lt. Mark Levy, Police Services; Kyle Butterwick, Director of Community Development; Brad Fowler, Director of Public Works/Engineering; Lynn Kelly, Management Analyst; Sergeant Lynn Koehmstedt, Police Services; Kevin Evans, Director of Community Services and Parks; Christy Teague, Economic Development Manager; John Tilton, City Architect; Mark Sutton, Building Official; Jeremy Kirchner, Emergency Services Coordinator; Brian McClure, Parks Manager; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Bob Fowler, Commander of VFW Post 9934.

INVOCATION

The Invocation was provided by Sheriff Chaplain Kevin Torrance.

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

A member of the public removed Item 15 from the Consent Calendar.

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

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, JULY 26, 2010

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, JULY 19, 2010

RECEIVED AND FILED.

4. PLANNING COMMISSION MEETING MINUTES, AUGUST 16, 2010

RECEIVED AND FILED.

5. PLANNING COMMISSION ACTIONS, MEETING OF SEPTEMBER 20, 2010

RECEIVED AND FILED.

6. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

7. CITY TREASURER'S REPORT, JULY AND AUGUST, 2010

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

8. CLAIMS AND DEMANDS

RECEIVED AND FILED 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

AUTHORIZED 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

RECEIVED AND FILED THIS PRESENTATION REGARDING THE SMART METER INSTALLATION PROJECT.

11. DANA POINT POLICE SERVICES REPORT FOR JUNE, 2010

RECEIVED AND FILED THE DANA POINT POLICES SERVICES REPORT FOR JUNE, 2010.

12. DANA POINT POLICE SERVICES REPORT FOR JULY, 2010

RECEIVED AND FILED THE DANA POINT POLICES SERVICES REPORT FOR JULY, 2010.

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

ACCEPTED A GRANT FROM THE ORANGE COUNTY HEALTH CARE AGENCY TO REIMBURSE THE CITY FOR HEALTH RELATED EMERGENCY PLANNING EXPENSES, AND; AUTHORIZED THE CITY MANAGER TO EXECUTE THE PERTINENT GRANT DOCUMENTS.

14. DANA POINT YOUTH BOARD TERM LIMITS

INTRODUCED AND HELD 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

This item was removed from the Consent Calendar by a member of the Public.

IT WAS MOVED BY COUNCIL MEMBER BISHOP, SECONDED BY COUNCIL MEMBER BARTLETT, TO HOLD A SECOND READING AND ADOPT **ORDINANCE 10-08** 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.

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

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

INTRODUCED AND HELD 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

RECEIVED AND FILED 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

ADOPTED **RESOLUTION 10-09-27-01** 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

authorized the Mayor to sign the Resolution on behalf of the City.

PUBLIC COMMENTS

Eileen Smith
Todd Glen
Harold Kaufman
Gene Burrus
Kevin Danzig

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

19. CALIFORNIA SUSTAINABLE COMMUNITIES PLANNING GRANT FOR DOHENY VILLAGE PLAN

IT WAS MOVED BY MAYOR PRO TEM SCHOEFFEL, SECONDED BY COUNCIL MEMBER BARTLETT, TO ADOPT **RESOLUTION 10-09-27-02** 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).

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

NEW BUSINESS

There was no New Business.

PUBLIC COMMENTS (Continued)

There were no additional Public Comments received.

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 the meeting at 7:26 p.m. in the memory of Craig Brandmeier. He announced that 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.