

# CITY OF DANA POINT

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**CITY COUNCIL  
REGULAR  
MEETING**



**MONDAY  
NOVEMBER 8, 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. 10-11

### **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 – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b1), (1 case)

City Attorney Munoz asked for the City Council's approval to add an additional item to Closed Session. He stated that he has received information regarding a liability situation and that he needs to brief the Council. He added that if the item were added that it would be considered Anticipated Litigation.

IT WAS MOVED BY MAYOR PRO TEM SCHOEFFEL, SECONDED BY COUNCIL MEMBER BISHOP, THAT THE CITY COUNCIL ADD AN ADDITIONAL ANTICIPATED LITIGATION ITEM TO THE CLOSED SESSION.

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

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 6:02 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; John Tilton, City Architect; 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; Mark Sutton, Building Official; Sea Shelton, Senior Management Analyst, Shelley Velez, Personnel Analyst; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

## **CLOSED SESSION ANNOUNCEMENT**

City Attorney Munoz stated that he had no announcement.

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Judy Brandmeier.

## **INVOCATION**

The Invocation was provided by Chaplain Jeff Herschel from OCFA Battalion 5.

## **PRESENTATIONS AND PROCLAMATIONS**

November Business of the Month – J.C. Beans Coffee House  
Moulton Niguel Water District 50<sup>th</sup> Anniversary Presentation  
Recognition of Ingrid McGuire, Board of Director for South Coast Water District

## **CONSENT CALENDAR**

COUNCIL MEMBER LARA ANDERSON PULLED ITEM 14 FROM THE CONSENT CALENDAR AND COUNCIL MEMBER LISA BARTLETT ABSTAINED FROM VOTING ON ITEM 19 DUE TO A POTENTIAL CONFLICT OF INTEREST.

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IT WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY MAYOR PRO TEM SCOTT SCHOEFFEL, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 14.

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, OCTOBER 25, 2010**

APPROVED THE MINUTES.

**3. PLANNING COMMISSION MEETING MINUTES, OCTOBER 18, 2010**

RECEIVED AND FILED.

**4. PLANNING COMMISSION ACTIONS, MEETING OF NOVEMBER 1, 2010**

RECEIVED AND FILED.

**5. YOUTH BOARD MEETING MINUTES, OCTOBER 7, 2010**

RECEIVED AND FILED.

**6. TRAFFIC IMPROVEMENT SUBCOMMITTEE MINUTES, MAY 19, 2010**

RECEIVED AND FILED.

**7. OCEAN WATER QUALITY SUBCOMMITTEE MINUTES, JUNE 22, 2010**

RECEIVED AND FILED.

**8. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR**

RECEIVED AND FILED.

**9. CITY TREASURER'S REPORT, SEPTEMBER 2010**

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

**10. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**11. HEALTH PLAN PROVISIONS FOR CALENDAR YEAR 2011**

ADOPTED **RESOLUTION 10-11-08-01** ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, MODIFYING HEALTH BENEFIT PLAN ALLOWANCES FOR ALL ELIGIBLE REPRESENTED AND NON-REPRESENTED CLASSIFICATIONS.*

**12. MISCELLANEOUS STORM DRAIN REPAIRS IN CAPISTRANO BEACH**

ACCEPTED THAT THE MISCELLANEOUS STORM DRAIN REPAIRS IN CAPISTRANO BEACH PROJECT (CIP #1188) WERE COMPLETED AND TRANSFERRED PROJECT SAVINGS FROM THE PROJECT AS NOTED IN THE FISCAL SECTION.

**13. DISPOSITION OF NON-ESSENTIAL CITY RECORDS**

APPROVED THE 2010 DISPOSITION OF NON-ESSENTIAL CITY RECORDS IN ACCORDANCE WITH CALIFORNIA STATE LAW AND THE CITY'S APPROVED RECORDS RETENTION SCHEDULE AND ADOPTED **RESOLUTION 10-11-08-02** ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE DISPOSITION OF CERTAIN INACTIVE CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.*

**14. PROPOSED WATER FOUNTAIN/PUBLIC ART AT LA PLAZA PARK**

IT WAS MOVED BY COUNCIL MEMBER JOEL BISHOP, SECONDED BY COUNCIL MEMBER LISA BARTLETT, TO APPROVE THE PROPOSED WATER FOUNTAIN/PUBLIC ART PROJECT FOR LA PLAZA PARK IN THE CITY'S TOWN CENTER.

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

**15. SECOND READING AND ADOPTION BY REFERENCE THE CALIFORNIA CODES OF REGULATIONS TITLE 24, PARTS 1-12, KNOWN AND DESIGNATED AS THE 2010 EDITION OF THE CALIFORNIA BUILDING CODE, 2010 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, 2010 EDITION OF THE CALIFORNIA ELECTRICAL CODE, 2010 EDITION OF THE CALIFORNIA PLUMBING CODE, 2010 EDITION OF THE CALIFORNIA MECHANICAL CODE, 2010 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2010 EDITION OF THE CALIFORNIA REFERENCE STANDARDS CODE, 2010 EDITION OF THE**

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**CALIFORNIA ENERGY CODE, 2010 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2010 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2010 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2010 EDITION OF THE CALIFORNIA FIRE CODE, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS**

HELD A SECOND READING AND ADOPTED **ORDINANCE 10-11** ENTITLED:

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTERS 8.02, 8.12, 8.14, 8.16, 8.20, 8.24, 8.26, 8.28, 8.30, 8.32, 8.34, 8.36, 8.38 AND ADDING CHAPTERS 8.03 AND 8.11 OF TITLE 8 OF THE DANA POINT MUNICIPAL CODE ADOPTING BY REFERENCE THE CALIFORNIA CODES OF REGULATIONS TITLE 24, PARTS 1-12, KNOWN AND DESIGNATED AS THE 2010 EDITION OF THE CALIFORNIA BUILDING CODE, 2010 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, 2010 EDITION OF THE CALIFORNIA ELECTRICAL CODE, 2010 EDITION OF THE CALIFORNIA PLUMBING CODE, 2010 EDITION OF THE CALIFORNIA MECHANICAL CODE, 2010 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2010 EDITION OF THE CALIFORNIA REFERENCE STANDARDS CODE, 2010 EDITION OF THE CALIFORNIA ENERGY CODE, 2010 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2010 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2010 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2010 EDITION OF THE CALIFORNIA FIRE CODE, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS.*

- 16. SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 15.10 OF THE MUNICIPAL CODE (STORM WATER/SURFACE RUNOFF WATER QUALITY ORDINANCE) TO ADDRESS WATER QUALITY REGULATION CHANGES REQUIRED IN THE NEW SAN DIEGO REGIONAL WATER QUALITY BOARD NPDES PERMIT**

HELD A SECOND READING AND ADOPTED **ORDINANCE 10-12** ENTITLED:

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 15.10 OF THE MUNICIPAL CODE (STORM WATER/SURFACE RUNOFF WATER QUALITY ORDINANCE) TO ADDRESS SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD (SDRWQCB) WATER QUALITY REGULATION CHANGES.*

- 17. INTERVENTION SPECIALIST PROGRAM**

AUTHORIZED THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE CAPISTRANO UNIFIED SCHOOL DISTRICT AND APPROVED A CONTRACT FOR CONSULTANT SERVICES TO CONTINUE THE INTERVENTION SPECIALIST PROGRAM AT DANA HILLS HIGH SCHOOL.

- 18. FISCAL YEAR 2010-11 PROPOSED BUDGET ADJUSTMENTS**

AMENDED THE FY2010-11 ("FY11") GENERAL FUND OPERATING BUDGET AND HEADLANDS CFD MAINTENANCE FUND OPERATING BUDGET BY AUTHORIZING THE APPROPRIATION OF UNENCUMBERED FUNDS AND MAKING ADJUSTMENTS TO

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CERTAIN OTHER FY11 REVENUES AND EXPENDITURES AS ENUMERATED IN THE REPORT.

**19. AMENDMENT TO EXISTING APPROVED COOPERATIVE AGREEMENT WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY IN CONJUNCTION WITH THE RAIL HIGHWAY CROSSING ENHANCEMENT PROGRAM FOR BEACH ROAD**

APPROVED THE SECOND AMENDMENT TO THE COOPERATIVE AGREEMENT WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AMENDMENT AND APPROVE ANY SUBSEQUENT AMENDMENTS.

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

APPROVED THE CONSTRUCTION CONTRACT DOCUMENTS REQUIRED FOR THE "ANNUAL ROADWAY RESURFACING PROJECT FY 10/11 PHASE 2", APPROVED AWARD OF A CONTRACT TO RJ NOBLE COMPANY FOR CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT FY 10/11 PHASE 2, 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 AS NOTED IN THE FISCAL IMPACT SECTION, AND TRANSFERRED FUNDING AS NOTED IN THE FISCAL IMPACT SECTION.

**21. AGREEMENT FOR RECORDS MANAGEMENT/DOCUMENT IMAGING SYSTEM AND SERVICES**

AUTHORIZED THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH SIRE TECHNOLOGIES FOR THE PURCHASE, IMPLEMENTATION AND MAINTENANCE SERVICE FOR A NEW RECORDS MANAGEMENT AND DOCUMENT IMAGING SYSTEM AND AUTHORIZED THE ACQUISITION OF ACCOMPANYING EQUIPMENT, AND CONTRACTED FOR NECESSARY INFORMATION TECHNOLOGY CONSULTING SERVICES WITH SIGMANET.

**PUBLIC COMMENTS**

Steve Balsamo  
Berenika Schmitz

Council Member Lisa Bartlett left the Chambers at 6:37 p.m.

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## PUBLIC HEARINGS

**22. GENERAL PLAN AMENDMENT GPA10-0001 TO THE LAND USE AND CONSERVATION/OPEN SPACE ELEMENTS ADDRESSING WATER QUALITY REGULATION CHANGES AS PART OF THE NEW MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4) PERMIT**

IT WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY MAYOR PRO TEM SCOTT SCHOEFFEL, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING AND ADOPT **RESOLUTION 10-11-08-03** APPROVING GENERAL PLAN AMENDMENT GPA10-0001 ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A GENERAL PLAN AMENDMENT (GPA10-0001) AMENDING THE LAND USE AND CONSERVATION/OPEN SPACE GENERAL PLAN ELEMENTS TO ADDRESS WATER QUALITY REGULATION CHANGES AS PART OF THE NEW MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4) PERMIT.*

The motion carried by the following vote:

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

NOES: None

ABSENT: Council Member Lisa Bartlett

## UNFINISHED BUSINESS

**23. DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT ANNUAL REPORT AND RENEWAL FOR 2011**

IT WAS MOVED BY MAYOR PRO TEM SCOTT SCHOEFFEL, SECONDED BY COUNCIL MEMBER JOEL BISHOP, THAT THE CITY COUNCIL ADOPT RESOLUTION **10-11-08-04** ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE 2011 ANNUAL REPORT AND DECLARING THE INTENTION OF THE CITY COUNCIL TO CONTINUE THE PROGRAM AND ASSESSMENTS FOR THE 2011 CALENDAR YEAR FOR THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID); and*

SET THE DATE FOR PUBLIC HEARING FOR RENEWAL OF THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT FOR NOVEMBER 22, 2010.

The motion carried by the following vote:

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

NOES: None

ABSENT: Council Member Lisa Bartlett

## **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 declared the meeting adjourned at 7:24 p.m. and announced that the next Regular Meeting of the City Council will be held on November 22, 2010, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.