

# CITY OF DANA POINT

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**CITY COUNCIL  
REGULAR  
MEETING**



**MONDAY  
FEBRUARY 28, 2011  
5:00 P.M.**

## **AGENDA**

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

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Next City Council Ordinance No. 11-02

### **CALL TO ORDER**

### **ROLL CALL OF CITY COUNCIL MEMBERS:**

Scott Schoeffel, Mayor  
Lara Anderson, Mayor Pro Tem  
Lisa A. Bartlett, Council Member  
William P. Brough, Council Member  
Steven H. Weinberg, 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

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

### **RECONVENE CITY COUNCIL MEETING**

### **PLEDGE OF ALLEGIANCE**

### **INVOCATION**

### **PRESENTATIONS AND PROCLAMATIONS**

February Business of the Month – UP Sports  
Deputy of the Year – Deputy KC Calder  
MADD Presentation  
VFW Deputy of the Year – Deputy Brett Gardner  
VFW Firefighter of the Year – Fire Captain Jack Perisho

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VFW Reserve Fire Fighter of the Year – Reserve Officer Kevin Gates

## **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, JANUARY 24, 2011](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

**3. [SPECIAL MEETING MINUTES, FEBRUARY 4, 2011](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

**4. [PLANNING COMMISSION MEETING MINUTES, JANUARY 17, 2011](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**5. [PLANNING COMMISSION ACTIONS, MEETING OF FEBRUARY 7, 2011](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**6. [OCEAN WATER QUALITY SUBCOMMITTEE ACTION MINUTES, SEPTEMBER 28, 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, DECEMBER 2010 AND JANUARY 2011](#)**

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the months of December 2010 and January 2011.

**9. [CLAIMS AND DEMANDS](#)**

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

10. **SECOND READING - ZONE TEXT AMENDMENT ZTA10-0002**

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 AMENDING CHAPTERS 9.35.050 AND 9.75.010 OF THE DANA POINT MUNICIPAL CODE TO ADDRESS VEHICULAR ACCESS TO PROPERTY.

11. **RATIFICATION OF EMERGENCY CONSTRUCTION ACTIVITIES CITYWIDE RESULTING FROM THE DECEMBER 2010 STORMS**

RECOMMENDED ACTION: That the City Council (1) ratify the City Manager's action to waive competitive bidding per City Ordinances for emergency work activities citywide, (2) authorize the budget transfers to fund the expected City portion of the costs of the storm damage repairs, (3) authorize the transfer of Undesignated General Fund Reserves to the Annual Roadway Resurfacing Project Phase 1 (CIP #1231) for emergency asphalt repairs on Via Espinoza, Via Sacramento, Calle Juanita, Olinda Drive, and other streets; (4) authorize staff to process a Change Order with the City's Contractor for the Annual Roadway Resurfacing Project Phase 1 (CIP #1231), and (5) authorize staff to pay all necessary contractors, vendors and consultants for completing storm damage repairs upon receipt of actual invoices for storm damage repair work.

12. **2011 DANA POINT SUMMER CONCERT VENUES**

RECOMMENDED ACTION: That the City Council receive and file the recommendation to conduct the 2011 Summer Concert Series at Heritage, Lantern Bay, and on a trial basis Sea Terrace Park.

13. **2011 WEED ABATEMENT PROGRAM**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DECLARING WEEDS A PUBLIC NUISANCE AND INITIATING ABATEMENT PROCEEDINGS. FURTHER, BY MINUTE ORDER, TO AUTHORIZE STAFF TO RELEASE BID PACKETS TO CONTRACTORS TO ABATE WEEDS IN THE CITY.

14. **ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT FY 10/11 PHASE 1**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PROJECT ENTITLED "ANNUAL ROADWAY RESURFACING PROJECT FY 10/11 PHASE 1";

(2) authorize staff to establish a new CIP Project namely CIP #1246, "Annual Roadway Resurfacing Project FY 10/11 Phase III"; (3) authorize staff to transfer all project savings to the newly established Annual Roadway Resurfacing Project FY 10/11 Phase III"; and (4) authorize staff to make other Capital Improvement Program budget transfers (existing projects only).

15. **CALIFORNIA ASSEMBLY BILLS AB206 – MUNICIPAL FIREWORK DISPLAY EXEMPTION FORM CEQA & CCC, AND AB262 – REGIONAL WATER QUALITY CONTROL BOARD JURISDICTIONAL BOUNDARY CHANGE**

RECOMMENDED ACTION: That the City Council authorize the Mayor to sign letters in support of AB206 and AB262.

16. **AWARD OF CONTRACT FOR THE 4<sup>TH</sup> OF JULY FIREWORKS DISPLAY AND BARGE CONTRACT**

RECOMMENDED ACTION: That the City Council approve the following for the 2011 Fourth of July aerial fireworks display: 1) contract with Pyro-Spectaculars for the aerial display; 2) contract with Pacific Tugboat to provide a tug and barge to be used as the staging area for the fireworks display; and 3) authorize the City Manager to execute the agreements.

17. **APPROVAL OF A CONTRACT AMENDMENT FOR GEOLOGICAL AND GEOTECHNICAL ENGINEERING PLAN CHECK AND INSPECTION SERVICES WITH COASTAL GEOTECHNICAL**

RECOMMENDED ACTION: That the City Council (1) approve a contract amendment with Coastal Geotechnical for additional services, and (2) authorize the City Manager to execute the contract amendment.

18. **ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT AUTHORIZING DANA POINT TO SUBMIT PROJECTS UNDER THE MULTI-JURISDICTIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM THROUGH MEASURE M2 (M2), PROJECT P**

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 DANA POINT TO SUBMIT PROJECTS UNDER THE MULTI-JURISDICTIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM THROUGH MEASURE M2 (M2), PROJECT P.

19. **DANA POINT POLICE SERVICES REPORT FOR FEBRUARY, 2011**

RECOMMENDED ACTION: That the City Council receive and file the Dana Point Services Report for February 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**

### **20. FISCAL YEAR 2010-11 MID-YEAR BUDGET STATUS REPORT**

RECOMMENDED ACTION: That the City Council receive and file the Fiscal Year 2010-11 Budget Status Report and authorize the budget amendments detailed within this report.

## **NEW BUSINESS**

### **21. COMMUNITY CENTER SOLAR PANEL EXPANSION PROJECT**

RECOMMENDED ACTION: That the City Council (1) authorize staff to accept the bid submitted by Candelaria Electric, Inc. for additional solar panels at the Community Center to supplement the existing solar panels; and (2) authorize budgeted expenditures for this work; and (3) authorize the City Manager or his designee to execute subject contract.

## **PUBLIC COMMENTS (Continued)**

## **STAFF REPORTS**

(City Manager Doug Chotkevys)

(City Attorney Patrick Muñoz)

## **COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED**

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The City Council may discuss, act upon or seek consensus on matters described under Council Reports only if: They are agendized 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-agendized items may be presented as informational only.

## ADJOURNMENT

The next Regular Meeting of the City Council will be March 14, 2011, 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, February 24, 2011, at 5:00 p.m.

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KATHY M. WARD, CITY CLERK

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DATE

Subscriptions to receive City Council Agendas on a regular basis are available through the City Clerk's Office. Agendas are also available on the City's website at [www.danapoint.org](http://www.danapoint.org). In addition, Agenda related materials (including materials, if any, provided to the City Council after the Agenda was posted) may be reviewed in the office of the City Clerk during regular business hours or on the website at [www.danapoint.org](http://www.danapoint.org).

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.