

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



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

## **ACTION AGENDA**

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

Next City Council Ordinance No. 11-02

### **CALL TO ORDER**

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Schoeffel at 5:02 p.m. in the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point.

### **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**

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

Mayor Schoeffel recessed the meeting into a Closed Session at 5:03 p.m. pursuant to Government Code Section 54956 et seq.

### **RECONVENE CITY COUNCIL MEETING – CALL TO ORDER**

Mayor Schoeffel reconvened the meeting at 6:01 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; Christy Teague, Economic Development Manager; Lynn Kelly, Management Analyst; Kevin Evans, Director of Community Services and Parks; John Tilton, City Architect; 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 Orange County Fire Authority Chief Keith Richter.

## **INVOCATION**

The Invocation was provided by Orange County Sheriff's Department Sr. Chaplain Jim Davis.

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

## **CONSENT CALENDAR**

Council Member William Brough removed Item Number 12 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LISA BARTLETT, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM NUMBER 12.

The motion carried by the following vote:

AYES: Council Member Lisa Bartlett, Council Member William Brough, Council Member Steven Weinberg, Mayor Pro Tem Lara Anderson and Mayor Scott Schoeffel

NOES: None

ABSENT: None

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**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, JANUARY 24, 2011**

APPROVED THE MINUTES.

**3. SPECIAL MEETING MINUTES, FEBRUARY 4, 2011**

APPROVED THE MINUTES.

**4. PLANNING COMMISSION MEETING MINUTES, JANUARY 17, 2011**

RECEIVED AND FILED.

**5. PLANNING COMMISSION ACTIONS, MEETING OF FEBRUARY 7, 2011**

RECEIVED AND FILED.

**6. OCEAN WATER QUALITY SUBCOMMITTEE ACTION MINUTES, SEPTEMBER 28, 2010**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

**8. CITY TREASURER'S REPORT, DECEMBER 2010 AND JANUARY 2011**

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTHS OF DECEMBER 2010 AND JANUARY 2011.

**9. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

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

HELD A SECOND READING AND ADOPTED **ORDINANCE 11-02** 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**

RATIFIED THE CITY MANAGER'S ACTION TO WAIVE COMPETITIVE BIDDING PER CITY ORDINANCES FOR EMERGENCY WORK ACTIVITIES CITYWIDE, AUTHORIZED THE BUDGET TRANSFERS TO FUND THE EXPECTED CITY PORTION OF THE COSTS OF THE STORM DAMAGE REPAIRS, AUTHORIZED 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; AUTHORIZED STAFF TO PROCESS A CHANGE ORDER WITH THE CITY'S CONTRACTOR FOR THE ANNUAL ROADWAY RESURFACING PROJECT PHASE 1 (CIP #1231), AND AUTHORIZED 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**

Council Member William Brough removed this item from the Consent Calendar.

RECEIVED AND FILED 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**

ADOPTED **RESOLUTION 11-02-28-01** 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**

ADOPTED **RESOLUTION 11-02-28-02** 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"; and*

AUTHORIZED STAFF TO ESTABLISH A NEW CIP PROJECT NAMELY CIP #1246, "ANNUAL ROADWAY RESURFACING PROJECT FY 10/11 PHASE III"; AUTHORIZED STAFF TO TRANSFER ALL PROJECT SAVINGS TO THE NEWLY ESTABLISHED ANNUAL ROADWAY RESURFACING PROJECT FY 10/11 PHASE III"; AND AUTHORIZED STAFF TO MAKE

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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**

AUTHORIZED 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**

APPROVED 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) AUTHORIZED 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**

APPROVED A CONTRACT AMENDMENT WITH COASTAL GEOTECHNICAL FOR ADDITIONAL SERVICES, AND AUTHORIZED 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**

ADOPTED RESOLUTION 11-02-28-03 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**

RECEIVED AND FILED THE DANA POINT SERVICES REPORT FOR FEBRUARY 2011.

**PUBLIC COMMENTS**

George Avila  
Lisa Ball  
Ingrid McGuire  
Karen Gee

Curtis Lund  
Julie Nance  
Steven Hagy  
Jenese Sheldon-Smith  
Jess Lopez  
Bill Devin  
Justin Howe

## **PUBLIC HEARINGS**

There were no Public Hearings.

## **UNFINISHED BUSINESS**

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

IT WAS MOVED BY MAYOR PRO TEM LARA ANDERSON, SECONDED BY COUNCIL MEMBER LISA BARTLETT, THAT THE CITY COUNCIL RECEIVE AND FILE THE FISCAL YEAR 2010-11 BUDGET STATUS REPORT AND AUTHORIZED THE BUDGET AMENDMENTS DETAILED WITHIN THIS REPORT.

The motion carried by the following vote:

AYES: Council Member Lisa Bartlett, Council Member Steven Weinberg, Mayor Pro Tem Lara Anderson and Mayor Scott Schoeffel  
NOES: Council Member William Brough  
ABSENT: None

## **NEW BUSINESS**

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

IT WAS MOVED BY MAYOR PRO TEM LARA ANDERSON, SECONDED BY COUNCIL MEMBER LISA BARTLETT, THAT THE CITY COUNCIL 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; AUTHORIZED BUDGETED EXPENDITURES FOR THIS WORK; AND AUTHORIZED THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE SUBJECT CONTRACT.

The motion carried by the following vote:

AYES: Council Member Lisa Bartlett, Council Member Steven Weinberg, Mayor Pro Tem Lara Anderson and Mayor Scott Schoeffel  
NOES: Council Member William Brough  
ABSENT: None

## **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 Schoeffel declared the meeting adjourned at 7:54 p.m. and announced that the next Regular Meeting of the City Council will be held on March 14, 2011, at 6:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.