

# CITY OF DANA POINT

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**CITY COUNCIL  
REGULAR  
MEETING**



**MONDAY  
MAY 23, 2011  
5:00 P.M.**

## **AGENDA**

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

Next City Council Ordinance No. 11-03

### **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), two cases:

Name of case: City of Dana Point, Petitioner v. Commissioner of Internal Revenue Service, Respondent, United States Tax Court, Docket No. 3457-10

Name of case: Community Facilities District No. 2006-1 of the City of Dana Point v. Andrew Fonfa, et al. Central Justice Center Case No. 30-2010-00432084

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

### **RECONVENE CITY COUNCIL MEETING**

### **PLEDGE OF ALLEGIANCE**

### **INVOCATION**

### **PRESENTATIONS AND PROCLAMATIONS**

May Business of the Month – Luxe Restaurant and Bar

## 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.

**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, APRIL 25, 2011](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

**3. [PLANNING COMMISSION MEETING MINUTES, APRIL 18, 2011](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**4. [PLANNING COMMISSION MEETING MINUTES, MAY 2, 2011](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**5. [PLANNING COMMISSION ACTIONS, MAY 16, 2011](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**6. [TRAFFIC IMPROVEMENT SUBCOMMITTEE ACTION MINUTES, NOVEMBER 17, 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, MARCH 2011](#)**

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of March, 2011.

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

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

10. **RESOLUTION AUTHORIZING AND ORDERING JUDICIAL FORECLOSURE OF CURRENT AND FUTURE DELINQUENT SPECIAL TAXES IN COMMUNITY FACILITIES DISTRICT NO. 2006-1 PURSUANT TO THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982 AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH**

RECOMMENDED ACTION: That the City Council authorize the necessary steps to commence the collection of delinquent special taxes and 1) adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 2006-1 OF THE CITY OF DANA POINT, AUTHORIZING AND ORDERING JUDICIAL FORECLOSURE OF CURRENT AND FUTURE DELINQUENT SPECIAL TAXES IN SAID DISTRICT PURSUANT TO THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982 AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH; and

2) authorize City personnel, in conjunction with the City Attorney and other City consultants, pursuant to Government Code Section 53356.2: (a) to record notices of intent to remove the delinquent special taxes from the tax rolls, and (b) to authorize the applicable County officials remove current and future delinquent special taxes from the tax rolls; and

3) authorize the City Attorney to prosecute a foreclosure action and to collect, in the name of the city on behalf of the owners of the bonds, all amounts due on account of the delinquent special taxes with respect to the property identified in referenced Resolution.

11. **ADOPTION OF A RESOLUTION DESIGNATING CITY'S AGENT FOR FEDERAL AND STATE FINANCIAL ASSISTANCE**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DESIGNATING THE CITY'S AGENT FOR FEDERAL AND STATE FINANCIAL ASSISTANCE.

12. **AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT FY 10/11, PHASE III**

RECOMMENDED ACTION: That the City Council 1) approve the construction contract documents required for the Annual Residential Roadway Resurfacing Project FY 10/11 Phase III; 2) approve award of contract to PALP, Inc., dba Excel Paving Company for the construction of the Annual Residential Roadway Resurfacing Project FY 10/11 Phase III, providing that the City Manager or his designee signs and administers the 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 3) transfer funding as noted in the Fiscal Impact Section.

13. **MEMORANDUM OF AGREEMENT FOR ESTABLISHMENT AND OPERATION OF ORANGE COUNTY MARINE PROTECTED AREA COUNCIL**

RECOMMENDED ACTION: That the City Council 1) approve the Memorandum of Agreement entitled: Memorandum of Agreement for the establishment and operation of the Orange County Marine Protected Area Council; and 2) authorize the City Manager or his designee to participate in the program.

14. **2011-2012 LAW ENFORCEMENT SERVICES AGREEMENT**

RECOMMENDED ACTION: That the City Council approve the Law Enforcement Services Agreement with the County of Orange for law enforcement services for the 2011-2012 fiscal year and authorize the City Manager to execute the agreement.

15. **INITIATION OF BUSINESS LEADER AD HOC COMMITTEE – DANA POINT DESTINY**

RECOMMENDED ACTION: That the City Council authorize the initiation of an ad hoc committee of Dana Point business leaders and appoint Mayor Scott Schoeffel as the City Council representative.

At this time, the City Clerk will read the title(s) of the ordinance(s) listed on the agenda.

## **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**

16. **PUBLIC HEARING AND RESOLUTION TO ADOPT THE PROPOSED OPERATING AND CAPITAL IMPROVEMENT BUDGETS FOR FISCAL YEARS 2011-2012 AND 2012-2013, AND RESOLUTION TO ESTABLISH APPROPRIATIONS LIMIT FOR FISCAL YEAR 2011-2012**

RECOMMENDED ACTION: That the City Council:

- A. Conduct a Public Hearing to review the City of Dana Point Proposed Operating and Capital Improvement Budgets for Fiscal Years 2011-2012 (“FY 2011”) and 2012-2013 (“FY 2012”);
- B. Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2011-12;
- C. Adopt A RESOLUTION OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING AN OPERATING AND CAPITAL IMPROVEMENT BUDGET FOR THE CITY OF DANA POINT FOR FISCAL YEARS 2011-2012 AND 2012-2013;
- D. Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING THE SEVEN-YEAR CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FY 12 THROUGH FY 18 AS REQUIRED BY THE OCTA RENEWED MEASURE M GROWTH MANAGEMENT PROGRAM AND VERIFYING THE STATUS OF THE CIRCULATION ELEMENT FOR THE CITY OF DANA POINT; and
- E. Authorize the Director of Public Works and Engineering Services to forward the necessary Measure M eligibility documentation to the Orange County Transportation Authority.

**UNFINISHED BUSINESS**

There are no Unfinished Business items.

**NEW BUSINESS**

There are no New Business items.

**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 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 June 13, 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, May 19, 2011, at 5:00 p.m.

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KATHY M. WARD, CITY CLERK

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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.