

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**MONDAY  
JULY 25, 2011  
4:30 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 – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b1), (3 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (2 cases)
  - 1. Name of Case: City of Dana Point v. California Coastal Commission, San Diego County Superior Court Case No. 37-2010-00099827 (Consolidated with San Diego County Superior Court Case No. 37-2010-00099878)
  - 2. Name of Case: South Orange County Wastewater Authority v. City of Dana Point Case No. 30-2009-00283523\
- C. CONFERENCE WITH LABOR NEGOTIATOR, Government Code § 54957.6
  - Agency Designated Representatives: City Manager
  - Unrepresented and Represented Employees: All positions in City
- D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957
  - Title: City Manager

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

**RECONVENE CITY COUNCIL MEETING**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**PRESENTATIONS AND PROCLAMATIONS**

Business of the Month – Kenny’s Music

**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, JUNE 13, 2011](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

**3. [PLANNING COMMISSION MEETING MINUTES, JUNE 6, 2011](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**4. [PLANNING COMMISSION MEETING MINUTES, JUNE 20, 2011](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**5. [PLANNING COMMISSION ACTIONS, MEETING OF JULY 18, 2011](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**6. [MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR](#)**

RECOMMENDED ACTION: That the City Council receive and file.

7. **CITY TREASURER'S REPORT, MAY 2011**

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

8. **CLAIMS AND DEMANDS**

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

9. **SECOND READING OF AN ORDINANCE PERTAINING TO THE CALIFORNIA COASTAL COMMISSION SUGGESTED MODIFICATIONS TO THE IMPLEMENTATION PLAN COMPONENT OF THE DANA POINT HARBOR REVITALIZATION PLAN AND DISTRICT REGULATIONS FOR DANA POINT LOCAL COASTAL PROGRAM AMENDMENT 06-03**

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 ADOPTING THE LOCAL COASTAL PROGRAM AMENDMENT LCPA06-03 WITH THE COASTAL COMMISSION'S SUGGESTED MODIFICATIONS TO THE IMPLEMENTATION PLAN COMPONENT OF 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.

10. **INTRODUCTION AND FIRST READING OF AN ORDINANCE AMENDING CHAPTER 2.06 OF THE DANA POINT MUNICIPAL CODE REGARDING TERMS AND COMMISSIONS AND ADOPTION OF A RESOLUTION ESTABLISHING THE ARTS AND CULTURE COMMISSION**

RECOMMENDED ACTION: That the City Council 1) introduce and hold first reading of an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 2.06 BOARDS AND COMMISSIONS FOR TERMS OF COMMISSIONS OTHER THAN THE PLANNING COMMISSION AND YOUTH BOARD; and

2) adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING A DANA POINT ARTS AND CULTURE COMMISSION; and

3) direct staff to begin the Arts and Culture Commission recruitment beginning on August 1 through August 31, 2011.

11. [ADOPTION OF ORDINANCE ESTABLISHING A REVISED SPEED LIMIT ON SELVA ROAD BETWEEN PACIFIC COAST HIGHWAY AND DANA STRAND/OCEAN FRONT LANE](#)

RECOMMENDED ACTION: That the City Council introduce and hold the first reading of an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING A REVISED SPEED LIMIT ON SELVA ROAD BETWEEN PACIFIC COAST HIGHWAY AND DANA STRAND ROAD/OCEAN FRONT LANE.

12. [APPROVAL OF MASTER FUNDING AGREEMENT NO. C-1-2761 WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY \(OCTA\) FOR MEASURE M2 COMPREHENSIVE TRANSPORTATION FUNDING PROGRAMS](#)

RECOMMENDED ACTION: That the City Council approve subject funding agreement.

13. [LSA ASSOCIATES CONTRACT EXTENSION FOR ENVIRONMENTAL SERVICES RELATED TO THE SOUTH SHORES CHURCH EXPANSION PROJECT](#)

RECOMMENDED ACTION: That the City council authorize the City Manager to execute and extension to the Consultant Services Agreement with LSA Associates.

14. [ROMA DESIGN GROUP CONTRACT EXTENSION FOR CONSULTANT SERVICES RELATED TO DEVELOPMENT OF THE DOHENY VILLAGE PLAN](#)

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a one year contract extension with ROMA Design Group for consultant services related to development of the Doheny Village Plan.

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.

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## **PUBLIC HEARINGS**

### **15. 2011 WEED ABATEMENT PROGRAM**

RECOMMENDED ACTION: That the City Council conduct a hearing on the Weed Abatement Cost Report and, thereafter, adopt a Resolution confirming the Cost Report and providing for the collection on the regular tax bill entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE COST OF THE ABATEMENT AND PROVIDING FOR THE COLLECTION ON THE REGULAR TAX BILL.

## **UNFINISHED BUSINESS**

### **16. RENEWAL OF MOU BETWEEN THE CITY AND CUSD TO CONTINUE THE INTERVENTION SPECIALIST PROGRAM AT DHHS**

RECOMMENDED ACTION: That the City Council 1) authorize the City Manager to execute a Memorandum of Understanding with the Capistrano Unified School District to continue the Intervention Specialist Program at Dana Hills High School for the 2011-2012 school year; 2) direct the City Manager to review the program and MOU with CUSD prior to the conclusion of the 2011-2012 school year to determine if the program should be extended; and 3) authorize the City Manager to extend the MOU for up to three, one (1) year extensions should the program continue to prove beneficial.

## **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**

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.

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## ADJOURNMENT

The next Regular Meeting of the City Council will be September 12, 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, July 21, 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.