

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**MONDAY
JULY 25, 2011
4:30 P.M.**

ACTION AGENDA

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

Next City Council Ordinance No. 11-03

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 4:31 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 – 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

Mayor Schoeffel recessed the meeting into a Closed Session at 4:33 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Schoeffel reconvened the meeting at 6:17 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; Sgt. Lynn Koehmstedt, Police Services; Kyle Butterwick, Director of Community Development; Brad Fowler, Director of Public Works/Engineering; Kelly Straine, Assistant Director of the Dana Point Chamber of Commerce; John Tilton, City Architect; Kevin Evans, Director of Community Services and Parks; Mark Sutton, Building Official; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that he had two items to report. The first item was the matter of the South Orange County Wastewater Authority (SOCWA) versus the City of Dana Point litigation; he stated that this was a lawsuit brought against the City in connection with the former mobile home site down on Del Prado and Pacific Coast Highway. He added that SOCWA brought a CEQA lawsuit challenging the City's approval of a Zone Change and General Plan Amendment for the project. He stated that the allegation in the lawsuit is that the City had to complete an Environmental Impact Report to take into consideration the odors that were emanating from the wastewater facility and the impact that they would have on the new development. He added that the Court of Appeal had recently ruled in the City's favor in that case and in essence indicated that the point of CEQA is to mitigate impacts from a project to allow the project to go forward not to require every project to mitigate existing impacts in able to go forward.

He stated that the second item relates to Item C from the Closed Session Agenda which is Conference with Labor Negotiator. He added that there is a continuation of that discussion that the City Council has indicated that they would like to have occur in open session. He stated that the request is to add an item, Item 17, to the Agenda under New Business which is a continuation of Item C from the Closed Session Agenda.

IT WAS MOVED BY MAYOR PRO TEM LARA ANDERSON, SECONDED BY COUNCIL MEMBER LISA BARTLETT, THAT THE CITY COUNCIL ADD ITEM 17 TO THE AGENDA TO BE DISCUSSED UNDER NEW BUSINESS.

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by

INVOCATION

The Invocation was provided by Bishop Kirk Lindahl of the Capistrano First Ward, Church of Jesus Christ of Latter Day Saints.

PRESENTATIONS AND PROCLAMATIONS

Business of the Month – Kenny’s Music

CONSENT CALENDAR

Council Member Steven Weinberg announced that he would have to recuse himself from Item 13 as he had a potential conflict of interest.

A member of the public removed Item 9 and Mayor Pro Tem Lara Anderson removed Item 13 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER LISA BARTLETT, SECONDED BY COUNCIL MEMBER STEVEN WEINBERG, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 9 AND 13.

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

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, JUNE 13, 2011

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, JUNE 6, 2011

RECEIVED AND FILED.

4. PLANNING COMMISSION MEETING MINUTES, JUNE 20, 2011

RECEIVED AND FILED.

5. PLANNING COMMISSION ACTIONS, MEETING OF JULY 18, 2011

RECEIVED AND FILED.

6. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

7. CITY TREASURER'S REPORT, MAY 2011

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF MAY 2011.

8. CLAIMS AND DEMANDS

RECEIVED AND FILED 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

A member of the public removed Item 9 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER WILLIAM BROUGH, THAT THE CITY COUNCIL HOLD A SECOND READING AND ADOPT **ORDINANCE 11-03** 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.

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

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

INTRODUCED AND HELD 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

ADOPTED **RESOLUTION 11-07-25-01** ENTITLED:

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

DIRECTED 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

INTRODUCED AND HELD 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

APPROVED SUBJECT FUNDING AGREEMENT.

13. LSA ASSOCIATES CONTRACT EXTENSION FOR ENVIRONMENTAL SERVICES RELATED TO THE SOUTH SHORES CHURCH EXPANSION PROJECT

Mayor Pro Tem Lara Anderson removed Item 13 from the Consent Calendar.

Council Member Steven Weinberg recused himself from this item as he has a potential conflict interest and left the Council Chambers at 6:40 p.m.

IT WAS MOVED BY COUNCIL MEMBER LISA BARTLETT, SECONDED BY COUNCIL MEMBER WILLIAM BROUGH, THAT THE CITY COUNCIL AUTHORIZED THE CITY MANAGER TO EXECUTE AND EXTENSION TO THE CONSULTANT SERVICES AGREEMENT WITH LSA ASSOCIATES.

The motion carried by the following vote:

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

NOES: None

ABSENT: Council Member Steven Weinberg

14. ROMA DESIGN GROUP CONTRACT EXTENSION FOR CONSULTANT SERVICES RELATED TO DEVELOPMENT OF THE DOHENY VILLAGE PLAN

AUTHORIZED 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.

PUBLIC COMMENTS

Vonne Barnes
Bob Becker
Robert Fowler
Janet Saner
Cyndi Elders
Steve Stewart
Elenna Erkeneff
Denise Erkeneff
Rick Erkeneff
Henry Chou
Karin Schnell
Pat Fairbanks

PUBLIC HEARINGS

15. 2011 WEED ABATEMENT PROGRAM

IT WAS MOVED BY MAYOR PRO TEM LARA ANDERSON, SECONDED BY COUNCIL MEMBER STEVEN WEINBERG, THAT THE CITY COUNCIL CONDUCT A HEARING ON THE WEED ABATEMENT COST REPORT AND, THEREAFTER, ADOPT **RESOLUTION 11-07-25-02** 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.

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

UNFINISHED BUSINESS

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

IT WAS MOVED BY MAYOR PRO TEM LARA ANDERSON, SECONDED BY COUNCIL MEMBER LISA BARTLETT, THAT THE CITY COUNCIL 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; 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 AUTHORIZE THE CITY MANAGER TO EXTEND THE MOU FOR UP TO THREE, ONE (1) YEAR EXTENSIONS SHOULD THE PROGRAM CONTINUE TO PROVE BENEFICIAL.

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

NEW BUSINESS

17. ADOPTION OF A RESOLUTION FOR CLOSURE OF CITY HALL ON FOUR SUCCESSIVE FRIDAYS BEGINNING AUGUST 12, 2011 THROUGH SEPTEMBER 2, 2011

IT WAS MOVED BY COUNCIL MEMBER STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LISA BARTLETT, THAT THE CITY COUNCIL ADOPT **RESOLUTION 11-07-25-03** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING THE CLOSURE OF CITY HALL ON FOUR SUCCESSIVE FRIDAYS BEGINNING AUGUST 12, 2011 THROUGH SEPTEMBER 2, 2011.

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

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 Schoeffel declared the meeting adjourned at 7:37 p.m. and announced that the next Regular Meeting of the City Council will be held on September 12, 2011, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.