

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**MONDAY
OCTOBER 24, 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), (1 case)

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)

B. CONFERENCE WITH LABOR NEGOTIATOR, Government Code § 54957.6

Agency Designated Representatives: City Manager
Unrepresented and Represented Employees: All positions in City

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

October Businesses of the Month – Da Vine Food & Wine/Golden Galleon/The Upstairs Store
Fire Prevention Week Proclamation

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, SEPTEMBER 26, 2011](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 19, 2011](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION MEETING MINUTES, OCTOBER 3, 2011](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [PLANNING COMMISSION ACTIONS, MEETING OF OCTOBER 17, 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, AUGUST 2011](#)

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

8. [CLAIMS AND DEMANDS](#)

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

9. [ULTRASYSTEMS ENVIRONMENTAL, INC. CONTRACT EXTENSION FOR ENVIRONMENTAL SERVICES RELATED TO THE CONSTRUCTION OF THE DOHENY HOTEL PROJECT](#)

RECOMMENDED ACTION: That the City council authorize the City Manager to execute an extension to the Consultant Services Agreement with Ultrasystems.

10. [AUTHORIZATION OF CITY OFFICERS TO DEPOSIT OR WITHDRAW CITY MONIES IN THE LOCAL AGENCY INVESTMENT FUND](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND.

11. [CITY COUNCIL AND PLANNING COMMISSION MEETING DATES](#)

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, AMENDING SECTIONS 2.04.010 AND 2.07.011 OF THE DANA POINT MUNICIPAL CODE REGARDING THE DATE OF REGULAR MEETINGS FOR THE CITY COUNCIL AND PLANNING COMMISSION.

12. [HISTORIC PRESERVATION AGREEMENT \(MILLS ACT\) FOR THE PROPERTY LOCATED AT 33771 BLUE LANTERN](#)

RECOMMENDED ACTION: That the City Council authorize the Mayor to sign a Historic Property Preservation Agreement which would allow the property owners of the historic structure located at 33771 Blue Lantern, to participate in the State's Mills Act Program.

13. [HISTORIC PRESERVATION AGREEMENT \(MILLS ACT\) FOR THE PROPERTY LOCATED AT 34051 BLUE LANTERN](#)

RECOMMENDED ACTION: That the City Council authorize the Mayor to sign a Historic Property Preservation Agreement which would allow the property owners of the historic structure located at 34051 Blue Lantern, to participate in the State's Mills Act Program.

14. [HISTORIC PRESERVATION AGREEMENT \(MILLS ACT\) FOR THE PROPERTY LOCATED AT 33942 CHULA VISTA](#)

RECOMMENDED ACTION: That the City Council authorize the Mayor to sign a Historic Property Preservation Agreement which would allow the property owners of the historic structure located at 33942 Chula Vista, to participate in the State's Mills Act Program.

15. [HISTORIC PRESERVATION AGREEMENT \(MILLS ACT\) FOR THE PROPERTY LOCATED AT 33792 BLUE LANTERN](#)

RECOMMENDED ACTION: That the City Council authorize the Mayor to sign a Historic Property Preservation Agreement which would allow the property owners of the historic structure located at 33792 Blue Lantern, to participate in the State's Mills Act Program.

16. [OCTA TRANSIT SYSTEM STUDY RECOMMENDATIONS](#)

RECOMMENDED ACTION: That the City Council submit a letter to the Orange County Transportation Authority (OCTA) Board requesting they direct OCTA Staff to include in the implementation plan a project to jointly fund and implement a pilot project for a Dana Point summer trolley/shuttle service.

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

There are no Public Hearing items.

UNFINISHED BUSINESS

There are no Unfinished Business items.

NEW BUSINESS

17. [TWO YEAR STATUS REPORT ON THE NATURE INTERPRETIVE CENTER AND SURROUNDING HEADLANDS OPEN SPACE](#)

RECOMMENDED ACTION: That the City Council receive and file this informational update on the Nature Interpretive Center and Surrounding Headlands Open Space.

18. [APPOINTMENTS TO ARTS AND CULTURE COMMISSION](#)

RECOMMENDED ACTION: That the City Council conduct interviews and consider appointments to fill five seats on the Arts on Culture Commission in staggered terms; three seats for a term of four years ending June 30, 2015 and two seats for a term of two years ending June 30, 2013.

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 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 November 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, October 20, 2011, at 5:00 p.m.

KATHY M. WARD, CITY CLERK

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.