

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**MONDAY
DECEMBER 12, 2011
5:00 P.M.**

REVISED AGENDA

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

Next City Council Ordinance No. 11-07

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), (2 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (2 cases)

Name of case: City of Dana Point v. Holistic Health - 30-201000352106;

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)

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

December Business of the Month – Estrella Veterinary Hospital
Recognition of Doheny State Beach Supervising Ranger Jim Serpa

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, NOVEMBER 14, 2011](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [REGULAR MEETING MINUTES, NOVEMBER 28, 2011](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

4. [PLANNING COMMISSION MEETING MINUTES, NOVEMBER 7, 2011](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [PLANNING COMMISSION ACTIONS, MEETING OF DECEMBER 5, 2012](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. [YOUTH BOARD MEETING MINUTES, MEETING OF NOVEMBER 3, 2011](#)

RECOMMENDED ACTION: That the City Council receive and file.

7. [YOUTH BOARD MEETING MINUTES, MEETING OF NOVEMBER 17, 2011](#)

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

9. [CITY TREASURER'S REPORT, NOVEMBER, 2011](#)

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

10. [CLAIMS AND DEMANDS](#)

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

11. [APPROVE FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT FOR TOPOGRAPHIC SURVEY SERVICES](#)

RECOMMENDED ACTION: That the City Council 1) approve the First Amendment to a Professional Service Agreement with Hall and Foreman, Incorporated for topographic survey services for the Annual Residential Roadway Resurfacing Project; and 2) authorize the City Manager to execute the First Amendment.

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

12. [DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT ANNUAL REPORT AND RENEWAL FOR 2012](#)

RECOMMENDED ACTION: That the City Council conduct a Public Hearing and adopt a Resolution entitled:

A RESOLUTION OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE 2012 ANNUAL REPORT AND DECLARING THE INTENTION OF THE CITY COUNCIL TO CONTINUE THE PROGRAM AND ASSESSMENTS FOR THE 2012 CALENDAR YEAR FOR THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID).

UNFINISHED BUSINESS

13. [AWARD OF CONTRACT FOR MARKETING SERVICES FOR DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT](#)

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a contract with Agency 51 for marketing Services on behalf of the Dana point Tourism Business Improvement District (TBID).

14. [ADOPTION OF NEGATIVE DECLARATION FOR PROHIBITING THE DISTRIBUTION OF EXPANDED POLYSTYRENE \(STYROFOAM\) FOOD SERVICE WARE AT LOCAL FOOD VENDORS, CITY FACILITIES, AND CITY-SPONSORED EVENTS AND INTRODUCTION AND FIRST READING OF AN ORDINANCE ADDING A NEW CHAPTER 6.46 "EXPANDED POLYSTYRENE FOOD SERVICE WARE" TO TITLE 6 OF THE DANA POINT MUNICIPAL CODE PROHIBITING THE DISTRIBUTION OF EXPANDED POLYSTYRENE \(STYROFOAM\) FOOD SERVICE WARE AT LOCAL FOOD VENDORS, CITY FACILITIES, AND CITY SPONSORED EVENTS](#)

Due to the amount of communications received on this item, staff will carry over this item into early 2012.

RECOMMENDED ACTION: That the City Council 1) adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION FOR PROHIBITING THE DISTRIBUTION OF EXPANDED POLYSTYRENE (STYROFOAM) FOOD SERVICE WARE AT LOCAL FOOD VENDORS, CITY FACILITIES, AND CITY SPONSORED EVENTS; and

2) conduct a public meeting and introduce for first reading an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADDING A NEW CHAPTER 6.46 "EXPANDED POLYSTYRENE FOOD SERVICE WARE" TO TITLE 6 OF THE DANA POINT MUNICIPAL CODE PROHIBITING THE DISTRIBUTION OF EXPANDED POLYSTYRENE (STYROFOAM) FOOD SERVICE WARE AT LOCAL FOOD VENDORS, CITY FACILITIES, AND CITY SPONSORED EVENTS.

15. [ADOPTION OF NEGATIVE DECLARATION FOR PROHIBITING THE DISTRIBUTION OF SINGLE USE PLASTIC CARRYOUT BAGS AT THE POINT-OF-SALE AT LOCAL RETAIL ESTABLISHMENTS AND INTRODUCTION AND FIRST READING OF AN ORDINANCE ADDING A NEW CHAPTER 6.47 "PLASTIC CARRY-OUT BAGS" TO TITLE 6 OF THE DANA POINT MUNICIPAL CODE PROHIBITING THE DISTRIBUTION OF SINGLE-USE PLASTIC CARRY-OUT BAGS AT THE POINT-OF-SALE AT LOCAL RETAIL ESTABLISHMENTS](#)

Due to the amount of communications received on this item, staff will carry over this item into early 2012.

RECOMMENDED ACTION: That the City Council 1) adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION FOR PROHIBITING THE DISTRIBUTION OF SINGLE USE PLASTIC CARRYOUT BAGS AT THE POINT-OF-SALE AT LOCAL RETAIL ESTABLISHMENTS; and

2) conduct a public meeting and introduce for first reading an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADDING A NEW CHAPTER 6.47 "PLASTIC CARRY-OUT BAGS" TO TITLE 6 OF THE DANA POINT MUNICIPAL CODE PROHIBITING THE DISTRIBUTION OF SINGLE-USE PLASTIC CARRY-OUT BAGS AT THE POINT-OF-SALE AT LOCAL RETAIL ESTABLISHMENTS.

NEW BUSINESS

There are no New Business items.

PUBLIC COMMENTS (Continued)

CITY COUNCIL REORGANIZATION

- A. COUNCIL REORGANIZATION
- B. RECOGNITION OF OUTGOING MAYOR

RECEPTION

REFRESHMENTS WILL BE SERVED – THE PUBLIC IS INVITED.

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.

ADJOURNMENT

The next Regular Meeting of the City Council will be January 3, 2012, 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 Friday, December 9, 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.