

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
JANUARY 17, 2012
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 12-01

CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS:

Lara Anderson, Mayor
Steven Weinberg, Mayor Pro Tem
Lisa A. Bartlett, Council Member
William P. Brough, Council Member
J. Scott Schoeffel, Council Member

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b1), (5 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case)

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

Recognition of Lt. Lynn Koehmstedt
Deputy of the Year 2011 – Frank Smith
Volunteer of the Month – Sue Walshe, President, Pet Project Foundation

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, DECEMBER 12, 2011](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

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

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION ACTIONS, MEETING OF JANUARY 9, 2012](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [YOUTH BOARD MEETING MINUTES, DECEMBER 1, 2011](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. [YOUTH BOARD MEETING MINUTES, DECEMBER 15, 2011](#)

RECOMMENDED ACTION: That the City Council receive and file.

7. [DANA POINT DESTINY COMMITTEE MINUTES, OCTOBER 12, 2011](#)

RECOMMENDED ACTION: That the City Council receive and file.

8. [ARTS AND CULTURE COMMISSION MINUTES, NOVEMBER 16, 2011](#)

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

10. [CITY TREASURER'S REPORT, DECEMBER 2011](#)

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

11. [CLAIMS AND DEMANDS](#)

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

12. [2012 DANA POINT SUMMER CONCERT SERIES](#)

RECOMMENDED ACTION: That the City Council approve the recommendation to conduct the 2012 Dana Point Summer Concert Series at Heritage, Lantern Bay, and Sea Terrace Parks.

13. [INTRODUCTION AND FIRST READING OF TWO ORDINANCES AMENDING TITLE 10 ANIMAL CONTROL, WELFARE AND LICENSING REQUIREMENTS OF THE DANA POINT MUNICIPAL CODE](#)

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, ADDING A NEW SECTION 10.09.200, RELATING TO THE REDEMPTION OF UNALTERED ANIMALS TO THE DANA POINT MUNICIPAL CODE AND AMENDING SECTION 10.01.010 OF THE DANA POINT MUNICIPAL CODE RELATING TO ANIMAL CONTROL, WELFARE AND LICENSING REQUIREMENTS; and

2) Introduce and hold first reading of an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADDING SECTION 10.10.140 TO THE DANA POINT MUNICIPAL CODE AND AMENDING SECTIONS 9.75.270, 10.01.010, 10.03.070, 10.08.060, 10.10.010 AND 10.10.130 OF THE DANA POINT MUNICIPAL CODE RELATING TO THE PROHIBITION OF RETAIL SALE OF DOGS AND CATS IN COMMERCIAL ANIMAL ESTABLISHMENTS.

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

14. [APPEAL OF PLANNING COMMISSION APPROVAL OF COASTAL DEVELOPMENT PERMIT CDP11-0003 AND ENVIRONMENTAL IMPACT REPORT \(SCH #2010041056\) FOR PACIFIC COAST HIGHWAY/DEL PRADO PHASE I STREETScape IMPROVEMENTS PROJECT](#)

RECOMMENDED ACTION: That the City Council conduct a Public Hearing, deny the appeal, and uphold the Planning Commission approval of 1) Coastal Development Permit CDP11-0003, and 2) certification of the Final Project Environmental Impact Report No. 2010041056 and associated Mitigation Monitoring and Reporting Program (MMRP).

15. [ANNUAL REVIEW OF THE GENERAL GOVERNMENT IMPACT FACILITIES AND TRANSPORTATION FACILITIES DEVELOPMENT IMPACT FEES](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REAFFIRMING THE APPLICATION OF THE GENERAL GOVERNMENT FACILITIES AND TRANSPORTATION FACILITIES DEVELOPMENT IMPACT FEE PROGRAM FOR ALL NEW DEVELOPMENT LOCATED WITHIN THE CITY OF DANA POINT FOR THE 2010-2011 FISCAL YEAR.

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

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 February 7, 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 Thursday, January 12, 2012, at 5:00 p.m.

KATHY M. WARD, CITY CLERK

DATE

Subscriptions to receive City Council Agendas on a regular basis are available through the City Clerk's Office. Agendas are also available on the City's website at www.danapoint.org. In addition, Agenda related materials (including materials, if any, provided to the City Council after the Agenda was posted) may be reviewed in the office of the City Clerk during regular business hours or on the website at www.danapoint.org.

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.