

# CITY OF DANA POINT

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## CITY COUNCIL REGULAR MEETING



**TUESDAY  
APRIL 15, 2008  
5:00 P.M.**

## AGENDA

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

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Next City Council Ordinance No. 08-05

## CALL TO ORDER

## ROLL CALL OF CITY COUNCIL MEMBERS:

Joel Bishop, Mayor  
Lisa A. Bartlett, Mayor Pro Tem  
Lara Anderson, Council Member  
Diane L. Harkey, Council Member  
Steven H. Weinberg, Council Member

## CLOSED SESSION

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

Name of Case: Foley v. City of Dana Point, et al., Orange County Superior Court  
Case No. 07CC01984

Name of Case: Thompson v. City of Dana Point, et al., Orange County Superior  
Court Case No. 07CC04217

- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b1), (1 case); Scenic Drive

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

## RECONVENE CITY COUNCIL MEETING

## PLEDGE OF ALLEGIANCE

## INVOCATION

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## PRESENTATIONS AND PROCLAMATIONS

VFW Voice of Democracy Winner  
Assistance League of Capistrano Valley

## 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.

At this time, the City Clerk will read the title(s) of the ordinance(s) listed on the agenda.

### 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, APRIL 1, 2008](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

### 3. [PLANNING COMMISSION MEETING MINUTES, MARCH 25, 2008](#)

RECOMMENDED ACTION: That the City Council receive and file.

### 4. [PLANNING COMMISSION ACTIONS, MEETING OF APRIL 8, 2008](#)

RECOMMENDED ACTION: That the City Council receive and file.

### 5. [YOUTH BOARD MEETING MINUTES, MARCH 20, 2008](#)

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. **CLAIMS AND DEMANDS**

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

### 8. [AMENDMENT TO EMPLOYMENT CONTRACT FOR CITY MANAGER](#)

This report will be provided to the City Council prior to the meeting.

9. [ADOPTION OF A RESOLUTION APPROVING RENEWAL AMENDMENTS TO THE EXISTING AGREEMENTS BETWEEN THE CITY OF DANA POINT AND THE SOUTH COAST WATER DISTRICT FOR CITY INTERIM USE OF FACILITIES TO DIVERT DRY WEATHER FLOWS FROM STORM DRAIN CHANNELS](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING AMENDMENTS TO THE EXISTING AGREEMENTS BETWEEN THE CITY OF DANA POINT AND THE SOUTH COAST WATER DISTRICT FOR CITY INTERIM USE OF FACILITIES TO DIVERT DRY WEATHER FLOWS FROM STORM DRAINS.

10. [INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADDING ARTICLE 9 TO THE DANA POINT MUNICIPAL CODE INCLUDING SECTIONS 14.01.780 THROUGH 14.01.950, ENTITLED "CONSTRUCTION OF CABLE COMMUNICATIONS SYSTEMS"](#)

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADDING ARTICLE 9, INCLUDING SECTIONS 14.01.780 THROUGH 14.01.950, ENTITLED "CONSTRUCTION OF CABLE COMMUNICATIONS SYSTEMS".

## **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 Hearings.

## UNFINISHED BUSINESS

### 11. SURFING HERITAGE MUSEUM

RECOMMENDED ACTION: That the City Council authorize staff to do the following:

1. To continue to work with representatives of the Surfing Heritage Foundation ("Foundation"); and
2. To conduct a short series of expanded Town Hall meetings with the community to further discuss the concept with the community at-large to gauge acceptance and to work out issues; and
3. To return with possible conceptual design renderings of a potential Surfing Heritage Museum ("Museum"); and
4. To address potential mitigation associated with concerns from the community at-large; and
5. To return with a series of possible "deal points" that might be incorporated into a cooperative agreement between the City of Dana Point and the Foundation for furthering the concept of a Surfing Heritage Museum in Dana Point.

## 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 May 6, 2008, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

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## 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, April 11, 2008, 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.