

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
NOVEMBER 18, 2008
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 08-10

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

There are no Closed Session items.

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Business of the Month, Hobie Sports
Presentation by The Assistance League of Capistrano Valley
Certificate of Recognition – Citizen Assist

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, OCTOBER 21, 2008

RECOMMENDED ACTION: That the City Council approve the minutes.

3. PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 23, 2008

RECOMMENDED ACTION: That the City Council receive and file.

4. PLANNING COMMISSION MEETING MINUTES, OCTOBER 14, 2008

RECOMMENDED ACTION: That the City Council receive and file.

5. PLANNING COMMISSION ACTIONS, MEETING OF OCTOBER 28, 2008

RECOMMENDED ACTION: That the City Council receive and file.

6. YOUTH BOARD MEETING MINUTES, OCTOBER 2, 2008

RECOMMENDED ACTION: That the City Council receive and file.

7. YOUTH BOARD MEETING MINUTES, OCTOBER 16, 2008

RECOMMENDED ACTION: That the City Council receive and file.

8. CHARITABLE GRANT SUBCOMMITTEE DRAFT MINUTES, OCTOBER 29, 2008

RECOMMENDED ACTION: That the City Council receive and file.

9. OCEAN WATER QUALITY SUBCOMMITTEE ACTION MINUTES, SEPTEMBER 9, 2008

RECOMMENDED ACTION: That the City Council receive and file.

10. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECOMMENDED ACTION: That the City Council receive and file.

11. **CITY TREASURER'S REPORT, SEPTEMBER**

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

12. **CLAIMS AND DEMANDS**

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

13. **DISPOSITION OF NON-ESSENTIAL CITY RECORDS**

RECOMMENDED ACTION: That the City Council approve the 2008 disposition of non-essential City records in accordance with California State law and the City's approved Records Retention Schedule and adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE DISPOSITION OF CERTAIN INACTIVE CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA

14. **RESOLUTION FOR EMPLOYER PAID MEMBER CONTRIBUTIONS (EPMC) TO CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CalPERS)**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, FOR EMPLOYER PAID MEMBER CONTRIBUTIONS (EPMC) TO CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CalPERS)

15. **LINSCOTT, LAW & GREENSPAN, ENGINEERS CONTRACT EXTENSION FOR TRAFFIC ENGINEERING PROFESSIONAL SERVICES**

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a two year contract extension with Linscott, Law & Greenspan (LLG) with three additional two year options.

16. **LEGISLATIVE ADVOCACY AGREEMENT**

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a one-year agreement with an optional one-year extension with Mike Tope for legislative advocacy services relative to certain Public Works and Community Development projects subject to California Coastal Commission review.

17. **GREASE INTERCEPTOR REBATE PROGRAM MODIFICATIONS**

RECOMMENDED ACTION: That the City Council approve the following proposed modifications to the existing Grease Interceptor Rebate Program:

1. Upon change of ownership, allow new Food Service Facility owners to participate in the rebate program, as funds allow, on a first come first served basis.
2. Allow owners who remodel their food service facilities to participate in the incentive program, as funds allow, on a first come first served basis.
3. Adjust the program description to become "Grease Management Rebate Program" to include not only grease interceptors, but other grease control requirements, such as a self-contained kitchen grease management system, properly designed mat wash area and roof top exhaust controls (up to existing cap of \$7,500 contribution each from SCWD & DP), as funds allow, on a first come first served basis.

18. APPROVAL OF TELECOMMUNICATIONS ENCROACHMENT SYSTEM AGREEMENT WITH GREENFIELD COMMUNICATIONS

RECOMMENDED ACTION: That the City Council 1) approve subject agreement and 2) authorize the City Manager or his designee execute the agreement.

19. PRELIMINARY APPROVAL OF \$250,000 FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION THROUGH COUNTY OF ORANGE FOR IMPLEMENTATION OF HOUSING REHABILITATION PROGRAM TO ASSIST IN THE PRESERVATION OF HOUSING STOCK FOR 2009-2010, 2010-11, AND 2011-12 FISCAL YEARS

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, TO SEEK PRELIMINARY APPROVAL OF \$250,000 FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION THROUGH COUNTY OF ORANGE FOR IMPLEMENTATION OF HOUSING REHABILITATION PROGRAM TO ASSIST IN PRESERVATION OF HOUSING STOCK FOR 2009-10, 2010-11, and 2011-12 FISCAL YEARS

20. ADOPTION OF A RESOLUTION DESIGNATING CITY'S AGENDA FOR FEDERAL FINANCIAL ASSISTANCE

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DESIGNATING CITY'S AGENT FOR FEDERAL FINANCIAL ASSISTANCE

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

21. ANNUAL REVIEW OF THE GENERAL GOVERNMENT 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 2007-2008 FISCAL YEAR

UNFINISHED BUSINESS

22. CITY COUNCIL AND PLANNING COMMISSION MEETING DATES

RECOMMENDED ACTION: That the City Council conduct second reading and adopt 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 TIME OF REGULAR MEETINGS FOR THE CITY COUNCIL AND THE PLANNING COMMISSION

23. CITY COUNCIL MEMBERS' AND PLANNING COMMISSION MEMBERS' STIPEND AND BENEFITS - SECOND READING OF ORDINANCE

RECOMMENDED ACTION: That the City Council conduct second reading and adopt an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTERS 2.04 AND 2.06 OF THE DANA POINT MUNICIPAL CODE PERTAINING TO THE COMPENSATION AND BENEFITS FOR CITY COUNCIL AND PLANNING COMMISSION MEMBERS

24. AGREEMENT FOR CONSTRUCTION AND MAINTENANCE WITH THE SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY (SCRRA) IN CONJUNCTION WITH THE RAIL HIGHWAY CROSSING ENHANCEMENT PROGRAM FOR BEACH ROAD

RECOMMENDED ACTION: That the City Council 1) approve the Construction and Maintenance Agreement with the Southern California Regional Rail Authority (SCRRA), 2) authorize the City Manager to execute the Agreement, and 3) authorize a budgeted twelve percent matching fund payment required by the Orange County Transportation Authority (OCTA) for project construction.

25. SURFING HERITAGE MUSEUM

RECOMMENDED ACTION: That the City Council:

1. Consider conceptual approval of a Surfing Heritage Museum within Sea Terrace Park; and
2. Authorize staff to return with a draft Joint Use Agreement between the City of Dana Point and the Surfing Heritage Foundation furthering the concept of a Surfing Heritage Museum and cultural facility in Dana Point within Sea Terrace Park and addressing community concerns and benefits.

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 December 2, 2008, 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, November 14, 2008, 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.