
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR ACTION AGENDA
NOVEMBER 18, 2008**

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by City Clerk Ward at 5:00 p.m. in the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point. City Clerk Ward announced that the meeting was adjourned to 6:00 p.m. due to a lack of quorum.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Joel Bishop at 6:00 p.m. at the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point.

ROLL CALL OF CITY COUNCIL MEMBERS:

Present: Mayor Joel Bishop
Mayor Pro Tem Lisa Bartlett
Council Member Lara Anderson
Council Member Diane Harkey
Council Member Steven Weinberg

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Kathy M. Ward, City Clerk; Jeremy Kirchner, Emergency Services Coordinator; Mike Killebrew, Director of Administrative Services; Lt. Mark Levy, Chief of Police Services; Kyle Butterwick, Director of Community Development; Brad Fowler, Director of Public Works and Engineering; Lynn Kelly, Management Analyst; Kevin Evans, Director of Community Services and Parks; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; Matthew Sinacori, City Engineer; Christy Teague, Economic Development Manager; John Tilton, Planning Manager; Shelley Velez, Personnel Analyst; Bobbi Ogan, Deputy City Clerk; Windy Robles, City Clerk Specialist; and Jennifer Walters, City Clerk Secretary.

CLOSED SESSION

There were no Closed Session items.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the President of South Coast Water District, Richard Dietmeier.

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INVOCATION

The invocation was provided by Bishop Kirk Lindahl of the Capistrano Ward of the Church of Latter Day Saints.

PRESENTATIONS AND PROCLAMATIONS

Business of the Month, Hobie Sports
Presentation by The Assistance League of Capistrano Valley
Certificate of Recognition – Citizen Assist
Recognition of out-going Council Member Diane Harkey.

CONSENT CALENDAR

It was moved by Mayor Joel Bishop and seconded by Mayor Pro Tem Lisa Bartlett to move Item number 25 before Item number 21.

Vote = 5-0

IT WAS MOVED BY COUNCIL MEMBER STEVEN WEINBERG, SECONDED BY MAYOR PRO TEM LISA BARTLETT, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON CONSENT CALENDAR.

The motion carried by the following vote:

AYES: Council Member Lara Anderson, Council Member Diane Harkey, Council Member Steven Weinberg, Mayor Pro Tem Lisa Bartlett, and Mayor Joel Bishop

NOES: None

1. WAIVE THE READING OF ORDINANCES AND APPROVE READING BY TITLE ONLY

APPROVED 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

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 23, 2008

RECEIVED AND FILED.

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- 4. PLANNING COMMISSION MEETING MINUTES, OCTOBER 14, 2008**
RECEIVED AND FILED.
- 5. PLANNING COMMISSION ACTIONS, MEETING OF OCTOBER 28, 2008**
RECEIVED AND FILED.
- 6. YOUTH BOARD MEETING MINUTES, OCTOBER 2, 2008**
RECEIVED AND FILED.
- 7. YOUTH BOARD MEETING MINUTES, OCTOBER 16, 2008**
RECEIVED AND FILED.
- 8. CHARITABLE GRANT SUBCOMMITTEE DRAFT MINUTES, OCTOBER 29, 2008**
RECEIVED AND FILED.
- 9. OCEAN WATER QUALITY SUBCOMMITTEE ACTION MINUTES, SEPTEMBER 9, 2008**
RECEIVED AND FILED.
- 10. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR**
RECEIVED AND FILED.
- 11. CITY TREASURER'S REPORT, SEPTEMBER**
RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF SEPTEMBER.
- 12. CLAIMS AND DEMANDS**
RECEIVED AND FILED CLAIMS AND DEMANDS.
- 13. DISPOSITION OF NON-ESSENTIAL CITY RECORDS**
ADOPTED **RESOLUTION 08-11-18-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE DISPOSITION OF CERTAIN INACTIVE CITY

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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)

ADOPTED **RESOLUTION 08-11-18-02** 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. LINSOTT, LAW & GREENSPAN, ENGINEERS CONTRACT EXTENSION FOR TRAFFIC ENGINEERING PROFESSIONAL SERVICES

AUTHORIZED THE CITY MANAGER TO EXECUTE A TWO YEAR CONTRACT EXTENSION WITH LINSOTT, LAW & GREENSPAN (LLG) WITH THREE ADDITIONAL TWO YEAR OPTIONS.

16. LEGISLATIVE ADVOCACY AGREEMENT

AUTHORIZED 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

APPROVED THE FOLLOWING PROPOSED MODIFICATIONS TO THE EXISTING GREASE INTERCEPTOR REBATE PROGRAM:

UPON CHANGE OF OWNERSHIP, ALLOWED NEW FOOD SERVICE FACILITY OWNERS TO PARTICIPATE IN THE REBATE PROGRAM, AS FUNDS ALLOW, ON A FIRST COME FIRST SERVED BASIS.

ALLOWED OWNERS WHO REMODEL THEIR FOOD SERVICE FACILITIES TO PARTICIPATE IN THE INCENTIVE PROGRAM, AS FUNDS ALLOW, ON A FIRST COME FIRST SERVED BASIS.

ADJUSTED 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

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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

APPROVED SUBJECT AGREEMENT AND AUTHORIZED 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

ADOPTED RESOLUTION 08-11-18-03 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

ADOPTED RESOLUTION 08-11-18-04 ENTITLED:

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

PUBLIC COMMENTS

Paula Becker
John Chaffetz
Mary Jeffries
David Duree

25. SURFING HERITAGE MUSEUM

Item 25 was moved out of order.

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Council Member Harkey recused herself from this item due to a potential financial conflict of interest.

THE ITEM WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY MAYOR JOEL BISHOP, TO CONTINUE ITEM 25 UNTIL THE FIRST MEETING IN JANUARY AND TO FORM A TASK FORCE, WHICH WILL BE MAYOR PRO TEM BARTLETT AND COUNCIL MEMBER ANDERSON, TO BEGIN THE PROCESS OF A JOINT USE AGREEMENT WITH THE SURF HERITAGE FOUNDATION.

The motion carried by the following vote:

AYES: Council Member Lara Anderson, Council Member Steven Weinberg, Mayor Pro Tem Lisa Bartlett, and Mayor Joel Bishop

NOES: None

ABSENT: Council Member Diane Harkey

PUBLIC HEARINGS

21. ANNUAL REVIEW OF THE GENERAL GOVERNMENT FACILITIES AND TRANSPORTATION FACILITIES DEVELOPMENT IMPACT FEES

IT WAS MOVED BY COUNCIL MEMBER STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LARA ANDERSON, CONDUCT A PUBLIC HEARING AND ADOPTED **RESOLUTION 08-11-18-05** 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.

The motion carried by the following vote:

AYES: Council Member Lara Anderson, Council Member Diane Harkey, Council Member Steven Weinberg, Mayor Pro Tem Lisa Bartlett, and Mayor Joel Bishop

NOES: None

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UNFINISHED BUSINESS

22. CITY COUNCIL AND PLANNING COMMISSION MEETING DATES

IT WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY MAYOR PRO TEM LISA BARTLETT, 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, 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.

The motion carried by the following vote:

AYES: Council Member Lara Anderson, Council Member Diane Harkey, Council Member Steven Weinberg, Mayor Pro Tem Lisa Bartlett, and Mayor Joel Bishop

NOES: None

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

IT WAS MOVED BY COUNCIL MEMBER DIANE HARKEY, SECONDED BY MAYOR PRO TEM LISA BARTLETT, THAT THE CITY COUNCIL DENY THE SECOND READING AND ADOPTION OF THE ORDINANCE.

The motion carried by the following vote:

AYES: Council Member Lara Anderson, Council Member Diane Harkey, and Mayor Pro Tem Lisa Bartlett

NOES: Mayor Joel Bishop and Council Member Steven Weinberg

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

Mayor Pro Tem Lisa Bartlett recused herself from item 24 due to a possible conflict of interest.

IT WAS MOVED BY COUNCIL MEMBER DIANE HARKEY, SECONDED BY COUNCIL MEMBER LARA ANDERSON, TO APPROVE THE CONSTRUCTION AND MAINTENANCE AGREEMENT WITH THE SOUTHERN CALIFORNIA

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REGIONAL RAIL AUTHORITY (SCRRA), AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT, AND AUTHORIZE A BUDGETED TWELVE PERCENT MATCHING FUND PAYMENT REQUIRED BY THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) FOR PROJECT CONSTRUCTION.

The motion failed by the following vote: No action was taken.

AYES: Council Member Lara Anderson and Council Member Diane Harkey

NOES: Council Member Steven Weinberg and Mayor Joel Bishop.

ABSENT: Mayor Pro Tem Lisa Bartlett

NEW BUSINESS

There are no New Business items.

STAFF REPORTS

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Bishop declared the meeting adjourned in memory of Captain Trevor Yurista of the United States Marine Corps at 10:01 p.m. and announced that 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.