

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**MONDAY
MAY 11, 2009
5:00 P.M.**

ACTION AGENDA

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

Next City Council Ordinance No. 09-05

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Bartlett at 5:00 p.m. in the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point.

ROLL CALL OF CITY COUNCIL MEMBERS:

Present: Lisa A. Bartlett, Mayor
Steven H. Weinberg, Mayor Pro Tem
Lara Anderson, Council Member
Joel Bishop, Council Member
Scott Schoeffel, Council Member

CLOSED SESSION

City Attorney Munoz indicated that there was a need for a Closed Session as follows:

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b1), (1 case)
- B. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Government Code § 54956.9 (c), (1 case)

Mayor Bartlett recessed the meeting into a Closed Session at 5:01 p.m. pursuant to Government Code Section 54956 et. seq.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Bartlett reconvened the meeting at 6:04 p.m. All Council Members were present.

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Kathy M. Ward, City Clerk; 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; Lynn Kelly, Management Analyst; John Tilton, City Architect; Erica Demkowicz, Senior Planner; Sea Shelton, Senior Management Analyst; Christy Teague, Economic Development Manager; Kevin Evans, Director of Community Services and Parks; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that he had no announcement.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Frank Tucker, Commander of the VFW Post 9934.

INVOCATION

The Invocation was provided by Bob Moore.

PRESENTATIONS AND PROCLAMATIONS

May Business of the Month – What A Dish
LAFCO Presentation
2010 Census Presentation and Proclamation
VFW Patriot Pen and Voice of Democracy Award Winners
Recognition of Outgoing Traffic Improvement Commissioners

CONSENT CALENDAR

Council Member Bishop recused himself from voting on Item 11 as he has a potential conflict of interest and Mayor Bartlett removed Item 12 from the Consent Calendar.

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LARA ANDERSON, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 11 AND 12.

The motion carried by the following vote:

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

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, APRIL 27, 2009

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, APRIL 20, 2009

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF MAY 4, 2009

RECEIVED AND FILED.

5. YOUTH BOARD MEETING MINUTES, APRIL 16, 2009

RECEIVED AND FILED.

6. CHARITABLE GRANT SUBCOMMITTEE DRAFT ACTION MINUTES, APRIL 30, 2009

RECEIVED AND FILED.

7. OCEAN WATER QUALITY SUBCOMMITTEE MEETING MINUTES, MEETING OF FEBRUARY 24, 2009

RECEIVED AND FILED.

8. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

9. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

10. EXTENSION OF LEGISLATIVE ADVOCACY AGREEMENT

AUTHORIZED THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH DAVID B. NEISH, INC. FOR THE EXTENSION OF LEGISLATIVE ADVOCACY SERVICES RELATIVE TO THE CITY FOR THE DANA POINT HARBOR LOCAL COASTAL PROGRAM AMENDMENT PENDING BEFORE CALIFORNIA COASTAL COMMISSION.

11. SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING CHAPTER 13.04, PARKS AND RECREATIONAL FACILITIES REGULATIONS, OF THE MUNICIPAL CODE TO ADDRESS NEW PARKS AND FACILITIES IN THE CITY

Council Member Joel Bishop recused himself from this item due to a potential conflict of interest.

HELD A SECOND READING AND ADOPTED **ORDINANCE 09-05** ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING CHAPTER 13.04, PARKS AND RECREATIONAL FACILITIES REGULATIONS, OF THE MUNICIPAL CODE TO ADDRESS THE NEW PARKS AND FACILITIES IN THE CITY.

The motion carried by the following vote:

AYES: Council Member Lara Anderson, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg, and Mayor Lisa A. Bartlett

NOES: None

RECUSED: Council Member Joel Bishop

12. CITY OF DANA POINT LIBRARY TASK FORCE SUBCOMMITTEE RECOMMENDATIONS FOR THE DANA POINT LIBRARY EXPANSION PROJECT

Mayor Lisa Bartlett removed this item from the Consent Calendar.

IT WAS MOVED BY MAYOR LISA BARTLETT, SECONDED BY MAYOR PRO TEM STEVEN WEINBERG, THAT THE CITY COUNCIL RECEIVE AND FILE THE DANA POINT LIBRARY TASK FORCE SUBCOMMITTEE RECOMMENDATIONS, AND DIRECT STAFF WITH A RECOMMENDATION FOR A CONSULTANT TO CONDUCT A STATISTICALLY VALID COMMUNITY SURVEY TO EVALUATE PUBLIC OPINION REGARDING COMMUNITY SERVICES IN DANA POINT, INCLUDING LIBRARY SERVICE.

The motion carried by the following vote:

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

NOES: None

13. WASTE DISPOSAL AGREEMENT BETWEEN THE COUNTY OF ORANGE AND THE CITY OF DANA POINT

APPROVED THE SOLID WASTE DISPOSAL AGREEMENT BETWEEN THE COUNTY OF ORANGE AND THE CITY OF DANA POINT AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT.

PUBLIC COMMENTS

Malcolm Wilson
Karen Schnell
Richard Gardner

PUBLIC HEARINGS

14. APPEAL OF PLANNING COMMISSION DECISION DENIAL OF CONDITIONAL USE PERMIT (CDP07-07) AND COASTAL DEVELOPMENTAL PERMIT CUP07-05 (DEMOLITION OF DOHENY HOUSE

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY MAYOR LISA A. BARTLETT, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING, DENY THE APPEAL, UPHOLD THE PLANNING COMMISSION DENIALS OF (1) COASTAL DEVELOPMENT PERMIT CDP07-05 FOR DEMOLITION OF HISTORIC STRUCTURE, AND (2) CONDITIONAL USE PERMIT CUP07-07 FOR REMOVAL OF THE HISTORIC RESOURCE FROM THE CITY'S HISTORIC RESOURCE REGISTER, AND ADOPT **RESOLUTION 09-05-11-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DENYING THE APPEAL BY THE APPLICANT AND UPHOLDING THE PLANNING COMMISSION'S DENIAL OF CONDITIONAL USE PERMIT CUP07-07 AND COASTAL DEVELOPMENT PERMIT CDP07-05.

The motion carried by the following vote:

AYES: Council Member Lara Anderson, Council Member Joel Bishop, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg, and Mayor Lisa A. Bartlett
NOES: None

15. PUBLIC HEARING FOR PROPOSED OPERATING AND CAPITAL IMPROVEMENT BUDGETS FOR FISCAL YEARS 2009-2010 AND 2010-2011

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LARA ANDERSON, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING TO REVIEW THE CITY OF DANA POINT PROPOSED OPERATING AND CAPITAL IMPROVEMENT BUDGETS FOR FISCAL YEARS 2009-2010 ("FY 2010") AND 2010-2011 ("FY 2011") AND ADOPT **RESOLUTION 09-05-11-02** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADOPTING AN OPERATING AND CAPITAL IMPROVEMENT BUDGET FOR THE CITY OF DANA POINT FOR FISCAL YEARS 2009-2010 AND 2010-2011.

The motion carried by the following vote:

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

NOES: None

UNFINISHED BUSINESS

16. ITALIAN OPERA FESTIVAL AND POTENTIAL SISTER CITY RELATIONSHIP WITH THE CITY OF VITERBO, ITALY

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY MAYOR LISA BARTLETT, THAT THE CITY COUNCIL ADOPT **RESOLUTION 09-05-11-03**, A RESOLUTION OF INTENTION TO FORM A SISTER CITY RELATIONSHIP WITH THE CITY OF VITERBO, ITALY ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, STATING THE INTENTION TO FORM A SISTER CITY AGREEMENT WITH VITERBO, ITALY; and

AUTHORIZE THE MAYOR TO SIGN ANY CEREMONIAL DOCUMENTS REGARDING THE FORMATION OF A SISTER CITY RELATIONSHIP WITH VITERBO, ITALY.

The motion carried by the following vote:

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

NOES: None

NEW BUSINESS

There were no New Business items.

PUBLIC COMMENTS (Continued)

There were no additional Public Comments.

STAFF REPORTS

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Bartlett declared the meeting adjourned at 9:46 p.m. and announced that the next Regular Meeting of the City Council will be held on June 8, 2009, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.