

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**MONDAY
JUNE 14, 2010
5:00 P.M.**

ACTION AGENDA

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

Next City Council Ordinance No. 10-07

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Weinberg 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:

Steven H. Weinberg, Mayor
Scott Schoeffel, Mayor Pro Tem (arrived at 5:02 p.m.)
Lara Anderson, Council Member
Lisa A. Bartlett, Council Member (arrived at 5:02 p.m.)
Joel Bishop, Council Member

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b1), (1 case)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (2 cases)

Name of Cases:

1. Malinda Traudt by and Through her Guardian ad litem, Shelly White v. City of Dana Point, Orange County Superior Court Case No. 30-2010 00373287
2. City of Dana Point v. California Coastal Commission, Orange County Superior Court Case No. 00374874

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Weinberg reconvened the meeting at 6:00 p.m. All Council Members were present.

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Kathy Ward, City Clerk; Mike Killebrew, Assistant City Manager; Mike Rose, Director of Disaster Preparedness; Lieutenant Mark Levy, Police Services; Kyle Butterwick, Director of Community Development; Kevin Evans, Director of Community Services and Parks; Sea Shelton, Senior Management Analyst; Jennifer Anderson, Senior Management Analyst; Christy Teague, Economic Development Manager; Lynn Kelly, Management Analyst; Liza Zawaski, Senior Water Quality Engineer; Mark Sutton, Building Official; DyAnne Weamire, Administrative Secretary; and Windy Robles, City Clerk Specialist.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Orange County Sheriff's Department Sergeant Matt Johnson.

INVOCATION

The Invocation was given by Orange County Sheriff's Department Chief Senior Chaplain Otsuji.

PRESENTATIONS AND PROCLAMATIONS

June Business of the Month – Dana Point Times
Certificate of Recognition to Outgoing Youth Board Members
SCCWRP Bacteria Rapid Indicator Presentation
Quarterly OCSD Commendations
Certificate of Recognition to Sgt. Matt Johnson and Sgt. Larry Packard

CONSENT CALENDAR

A member of the Public had removed Item #16 from the Consent Calendar.

COUNCIL MEMBER JOEL BISHOP RECUSED HIMSELF FROM ITEM NUMBER 12 DUE TO A POTENTIAL CONFLICT OF INTEREST. IT WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY COUNCIL MEMBER LISA BARTLETT, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM NUMBER 16.

The motion carried by the following vote:

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

NOES: None

ABSENT: 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, MAY 24, 2010

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, MAY 17, 2010

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF JUNE 7, 2010

RECEIVED AND FILED.

5. YOUTH BOARD MEETING MINUTES, APRIL 15, 2010

RECEIVED AND FILED.

6. TRAFFIC IMPROVEMENT SUBCOMMITTEE ACTION MINUTES, APRIL 21, 2010

RECEIVED AND FILED.

7. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

8. CITY TREASURER'S REPORT, APRIL, 2010

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF APRIL, 2010.

9. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

10. SOUTH ORANGE COUNTY WATERSHED MANAGEMENT AREA COOPERATIVE AGREEMENT

AUTHORIZED THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO THE COOPERATIVE AGREEMENT FOR THE SOUTH ORANGE COUNTY WATERSHED MANAGEMENT AREA COOPERATIVE AGREEMENT, AND APPROVED THE 2010-2011 ANNUAL COST-SHARE BUDGET FOR THE SOUTH ORANGE COUNTY WATERSHED MANAGEMENT AREA AND AUTHORIZED FUNDING IN ACCORDANCE WITH THE FISCAL SECTION.

11. ROMA DESIGN GROUP CONTRACT EXTENSION FOR PACIFIC COAST HIGHWAY AND DEL PRADO STREET IMPROVEMENTS BETWEEN BLUE LANTERN AND COPPER LANTERN

AUTHORIZED THE CITY MANAGER TO EXECUTE A CONTRACT EXTENSION WITH ROMA DESIGN GROUP WITH ONE (1) ADDITIONAL, TWO YEAR RENEWAL OPTION.

12. ADOPTION OF A SOLAR PHOTOVOLTAIC ENERGY FEE REDUCTION INCENTIVE PROGRAM

ADOPTED **RESOLUTION 10-06-14-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A SOLAR PHOTOVOLTAIC ENERGY FEE REDUCTION INCENTIVE PROGRAM.

13. WEED ABATEMENT PROGRAM

INTRODUCED AND HELD A FIRST READING OF AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 6.14.002, PUBLIC NUISANCES DESIGNATED, OF THE MUNICIPAL CODE, TO ADDRESS THE HEIGHT OF WEEDS FOR PROPERTY MAINTENANCE PURPOSES.

14. CALLING FOR A GENERAL MUNICIPAL ELECTION ON NOVEMBER 2, 2010 TO FILL THREE CITY COUNCIL SEATS

ADOPTED THE FOLLOWING RESOLUTIONS ENTITLED:

RESOLUTION NO. 10-06-14-02: *A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2010 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES.*

RESOLUTION NO. 10-06-14-03: *A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 2, 2010 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE.*

RESOLUTION NO. 10-06-14-04: *A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES' STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2010.*

15. 2010-2011 LAW ENFORCEMENT SERVICES AGREEMENT

APPROVED THE LAW ENFORCEMENT SERVICES AGREEMENT WITH THE COUNTY OF ORANGE FOR LAW ENFORCEMENT SERVICES FOR THE 2010-2011 FISCAL YEAR AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT.

16. ADOPTION OF A RESOLUTION TO MODIFY THE STREET SWEEPING SCHEDULE AND RESTRICT PARKING IN THE CAPISTRANO BEACH NORTHWEST AREA, AND ON SEVERAL ARTERIAL STREET SEGMENTS

A member of the Public had removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER JOEL BISHOP, SECONDED BY COUNCIL MEMBER LARA ANDERSON TO APPROVE A RECOMMENDATION FROM THE TRAFFIC IMPROVEMENT SUBCOMMITTEE TO MODIFY THE STREET SWEEPING SCHEDULE AND ADD PARKING RESTRICTIONS IN THE CAPISTRANO BEACH NORTHWEST AREA, AND SEVERAL ARTERIAL STREET SEGMENTS; and

APPROVE NECESSARY FUNDING AS NOTED IN THE AGENDA FISCAL SECTION; AND ADOPT **RESOLUTION 10-06-14-08** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, PROHIBITING PARKING DURING SPECIFIED HOURS ON DESIGNATED STREETS FOR STREET SWEEPING PURPOSES AND RESCINDING RESOLUTION NUMBERS 09-10-12-01, 06-11-20-03, 01-01-23-04, AND 91-03-12-07.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

17. APPROVAL OF TELECOMMUNICATIONS RIGHT-OF-WAY USE AGREEMENT WITH T-MOBILE

APPROVED SUBJECT AGREEMENT AND AUTHORIZED THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE SUBJECT AGREEMENT.

18. APPROVAL OF A SEVEN YEAR CAPITAL IMPROVEMENT PROGRAM AND AUTHORIZATION TO FORWARD MEASURE M ELIGIBILITY DOCUMENTATION TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY

ADOPTED RESOLUTION 10-06-14-05 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING THE SEVEN YEAR CAPITAL IMPROVEMENT PROGRAM FOR FY11 THROUGH FY17 AS REQUIRED BY THE OCTA MEASURE M GROWTH MANAGEMENT PROGRAM AND VERIFYING THE STATUS OF THE CIRCULATION ELEMENT FOR THE CITY OF DANA POINT; and

AUTHORIZED THE DIRECTOR OF PUBLIC WORKS AND ENGINEERING SERVICES TO FORWARD THE NECESSARY MEASURE M ELIGIBILITY DOCUMENTATION TO THE OCTA.

19. FY 2009-10, PROPOSITION 1B TRANSPORTATION GRANT FUNDING, PROJECT IDENTIFICATION

ADOPTED RESOLUTION 10-06-14-06 ENTITLED:

A RESOLUTION OF THE CITY OF CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, TO APPROVE AN IDENTIFIED PROJECT AND ACCEPT PROPOSITION 1B FUNDING FROM THE STATE OF CALIFORNIA DEPARTMENT OF FINANCE TO BE USED ON AN ELIGIBLE TRANSPORTATION PROJECT WITHIN THE CITY OF DANA POINT; and

DIRECTED STAFF TO SEEK GRANT FUNDS UNDER THE PROGRAM.

20. ADOPTION OF A RESOLUTION ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2010/2011

ADOPTED RESOLUTION 10-06-14-07 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2010/2011.

PUBLIC COMMENTS

Jenny McGee
Steve Lemler

PUBLIC HEARINGS

There are no Public Hearings.

UNFINISHED BUSINESS

21. AWARD CONTRACT TO ROMA DESIGN GROUP TO DEVELOP THE DOHENY VILLAGE PLAN

IT WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY COUNCIL MEMBER LISA BARTLETT TO AUTHORIZE THE CITY MANAGER TO FINALIZE THE SCOPE OF WORK AND ENTER INTO AN AGREEMENT WITH ROMA DESIGN GROUP IN ACCORDANCE WITH THE ATTACHED SCOPE OF WORK; AND AUTHORIZE A BUDGET ADJUSTMENT AS PROVIDED FOR IN THE FISCAL IMPACT SECTION.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

22. FISCAL YEAR 2011 BUDGET UPDATE

IT WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY MAYOR PRO TEM SCOTT SCHOEFFEL TO RECEIVE AND FILE THE FISCAL YEAR 2011 BUDGET UPDATE REPORT AND AUTHORIZE THE BUDGET AMENDMENTS DETAILED WITHIN THIS REPORT.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

NEW BUSINESS

23. SENIOR SERVICES IN DANA POINT

IT WAS MOVED BY MAYOR STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LISA BARTLETT TO DISCUSS SENIOR SERVICES IN DANA POINT AND NOMINATE MAYOR STEVEN WEINBERG AND MAYOR PRO TEM SCOTT SCHOEFFEL TO DIALOGUE WITH AGE WELL SENIOR SERVICES, INC. REGARDING SENIOR PROGRAMS PROVIDED TO THE COMMUNITY.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

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 Weinberg adjourned at 7:30 p.m. in memory of Greg Littler, husband of Jackie Littler. He announced that the next Regular Meeting of the City Council will be July 26, 2010, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.