

# CITY OF DANA POINT

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## **CITY COUNCIL REGULAR MEETING**



**MONDAY  
JULY 26, 2010  
5:00 P.M.**

## **AGENDA**

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

Next City Council Ordinance No. 10-07

### **CALL TO ORDER**

### **ROLL CALL OF CITY COUNCIL MEMBERS:**

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

### **CLOSED SESSION**

#### **A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957**

Title: City Manager

#### **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

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

### **RECONVENE CITY COUNCIL MEETING**

### **PLEDGE OF ALLEGIANCE**

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## INVOCATION

## PRESENTATIONS AND PROCLAMATIONS

July Business of the Month – Bonjour Café and Bistro  
Dana Point Historical Society – Wall Plaque  
Proclamation to Colonel William Vivian

## 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, JUNE 14, 2010](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

**3. [PLANNING COMMISSION MEETING MINUTES, JUNE 21, 2010](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**4. [PLANNING COMMISSION ACTIONS, MEETING OF JULY 19, 2010](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**5. [OCEAN WATER QUALITY SUBCOMMITTEE MINUTES, FEBRUARY 23, 2010](#)**

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. **CITY TREASURER'S REPORTS, MAY AND JUNE, 2010**

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the months of May and June, 2010.

9. **MAINTENANCE AGREEMENT FOR PUBLIC AND PRIVATE PROPERTY DRAINAGE FACILITIES, WALLS, STREET LIGHTS, AND MAINTENANCE STAIRS AT THE HEADLANDS DEVELOPMENT**

RECOMMENDED ACTION: That the City Council 1) approve a Maintenance Agreement establishing maintenance obligations for public and private property drainage facilities, walls, street lights and other improvements; and 2) authorize the City Manager to execute the Agreement.

10. **COOPERATIVE AGREEMENT WITH THE COUNTY OF ORANGE FOR ROAD FEE PROGRAM TRANSFER OF CARITS FUNDS**

RECOMMENDED ACTION: That the City Council 1) approve the Cooperative Agreement with the County of Orange for Road Fee Program transfer of CARITS funds, and 2) authorize the City Manager or designee to execute Agreement No. D10-019.

11. **SECOND READING AND ADOPTION OF AN AMENDMENT TO CHAPTER 6.14.002 OF THE MUNICIPAL CODE, PUBLIC NUISANCES DESIGNATED, TO ADDRESS THE HEIGHT OF WEEDS FOR PROPERTY MAINTENANCE PURPOSES**

RECOMMENDED ACTION: That the City Council hold a second reading and adopt 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.

12. **AWARD OF CONTRACT TO RJ NOBLE COMPANY FOR THE CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT FY 10/11 PHASE 1**

RECOMMENDED ACTION: That the City Council 1) approve the construction contract documents required for the "Annual Roadway Resurfacing Project FY 10/11 Phase 1"; and 2) approve award of contract to RJ Noble Company for construction of the Annual Roadway Resurfacing Project FY 10/11 Phase 1, providing that the City Manager or his designee signs and administers subject contract and may approve additional payment for change orders, contingencies, construction management services, soils and material testing, and construction design support for the project.

**13. NATURE EDUCATION FACILITY GRANT APPLICATION FOR FUNDS PROVIDED FROM THE SAFE DRINKING WATER, WATER QUALITY, AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006**

RECOMMENDED ACTION: That the City Council 1) adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING THE APPLICATION FOR NATURE EDUCATION FACILITY PROGRAM FUNDS FROM THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006; and

2) authorize the City Manager or his designee to apply for subject grant.

**14. ADOPTION OF RESOLUTION APPROVING FINAL PARCEL MAP NO. 2009-111 TO ALLOW THE CONVERSION OF AN EXISTING DUPLEX APARTMENT AT 34505 VIA VERDE TO CONDOMINIUMS AND THE CORRESPONDING REQUEST TO SUBDIVIDE THE AIRSPACE FOR CONDOMINIUM PURPOSES**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 2009-111 TO ALLOW THE CONVERSION OF AN EXISTING DUPLEX APARTMENT AT 34505 VIA VERDE TO CONDOMINIUMS AND THE CORRESPONDING REQUEST TO SUBDIVIDE THE AIRSPACE FOR CONDOMINIUM PURPOSES.

**15. DANA POINT POLICE SERVICES REPORT FOR MAY 2010**

RECOMMENDED ACTION: That the City Council receive and file the Dana Point Police Services Report for May 2010.

**16. DANA POINT YOUTH BOARD APPOINTMENTS**

RECOMMENDED ACTION: That the City Council appoint eleven (11) Board Members and thirteen (13) Members-At- Large to the Dana Point Youth Board.

**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**

### **17. RE-APPROPRIATION OF CITIZENS OPTION FOR PUBLIC SAFETY (COPS) PROGRAM FUNDS FROM FY 2010/2011 – (AB 1913)**

RECOMMENDED ACTION: That the City Council conduct a Public Hearing and 1) adjust the FY 2010/11 budget with the re-appropriation of \$114,411.61 of unencumbered Citizens Option for Public Safety (COPS) program unspent monies remaining from FY 2009/10 budget, to the Supplemental Law Enforcement Service Fund (SLESF) account, and 2) appropriate funds from the SLESF to implement and maintain the following programs:

- Approve funding for the School Resource Officer position for this school year
- Approve funding for Project STOP (Stop Trashing Our Parks)
- Approve funding for Project Hide It, Lock It, or Lose It

### **18. 2010 WEED ABATEMENT PROGRAM**

RECOMMENDED ACTION: That the City Council conduct a Public Hearing on the Weed Abatement Cost Report and thereafter, adopt a Resolution confirming the Cost Report and providing for the collection on the regular tax bill entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE COST OF ABATEMENT AND PROVIDING FOR THE COLLECTION ON THE REGULAR TAX BILL.

### **19. A REVISION TO THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS TO DANA POINT LOCAL COASTAL PLAN AMENDMENT 06-03 FOR THE LAND USE COMPONENT OF THE DANA POINT HARBOR REVITALIZATION PLAN**

RECOMMENDED ACTION: That the City Council conduct a Public Hearing and adopt the California Coastal Commission's revised suggested modification of the Land Use component of Local Coastal Program Amendment LCPA06-03 for the Dana Point Harbor Revitalization Plan and District Regulations and Dana Point Specific Plan Amendment for the Dana Point Harbor by introducing an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A REVISION TO THE LOCAL COASTAL PROGRAM AMENDMENT LCPA06-03 FOR THE DANA POINT HARBOR REVITALIZATION PLAN AND DISTRICT REGULATIONS, THAT ALSO AMENDS THE DANA POINT SPECIFIC PLAN AND ZONING CODE, FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION; and

forward the adopted modifications to the Coastal Commission for final certification by adopting a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REGARDING A REVISION TO THE MODIFICATIONS TO LOCAL COASTAL PROGRAM AMENDMENT LCPA06-03 AND REQUESTING CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

## **UNFINISHED BUSINESS**

There are no Unfinished Business items.

## **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 September 13, 2010, 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 Thursday, July 22, 2010, at 5:00 p.m.

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KATHY M. WARD, CITY CLERK

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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](http://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](http://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.