

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**MONDAY
OCTOBER 25, 2010
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 10-09

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

REDEDICATION OF HARRY OTSUBO COMMUNITY GARDENS

In lieu of Closed Session, the City is hosting a rededication ceremony at Harry Otsubu Community Gardens (24800 Stonehill Drive) at 5:00 p.m. The regular session will begin at 6:00 p.m. in the Council Chambers.

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

October Business of the Month – The UPS Store
Dana Point Relay for Life
Harry Otsubu Community Gardens Presentation

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, SEPTEMBER 27, 2010](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 20, 2010](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION MEETING MINUTES, OCTOBER 4, 2010](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [PLANNING COMMISSION ACTIONS, MEETING OF OCTOBER 18, 2010](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. [YOUTH BOARD MEETING MINUTES, SEPTEMBER 16, 2010](#)

RECOMMENDED ACTION: That the City Council receive and file.

7. [MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR](#)

RECOMMENDED ACTION: That the City Council receive and file.

8. [OCEAN WATER QUALITY SUBCOMMITTEE MEETING MINUTES, JUNE 22, 2010](#)

RECOMMENDED ACTION: That the City Council receive and file.

9. [CLAIMS AND DEMANDS](#)

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

10. **SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 8.01 OF THE MUNICIPAL CODE (GRADING AND EXCAVATION CONTROL) TO ADDRESS WATER QUALITY REGULATION CHANGES AND OTHER MISCELLANEOUS ITEMS**

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 8.01 OF THE MUNICIPAL CODE (GRADING AND EXCAVATION CONTROL) TO ADDRESS WATER QUALITY REGULATION CHANGES AND OTHER MISCELLANEOUS ITEMS.

11. **ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, ADOPTING A LOCAL SIGNAL SYNCHRONIZATION PLAN FOR THE CITY OF DANA POINT**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING A LOCAL SIGNAL SYNCHRONIZATION PLAN FOR THE CITY OF DANA POINT;

2) authorize the Mayor to sign the Resolution on behalf of the City; and 3) direct the City Engineer to submit the Adopted Local Signal Synchronization Plan for the City of Dana Point and all the associated paperwork to the Orange County Transportation Authority.

12. **DANA POINT YOUTH BOARD TERM LIMITS**

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 SECTION 2.06.060 "BOARDS AND COMMISSIONS – GENERAL PROVISIONS" TO INCLUDE LANGUAGE TO LIMIT THE NUMBER OF CONSECUTIVE TERMS EACH YOUTH BOARD MEMBER MAY SERVE TO NO MORE THAN TWO (2) FULL CONSECUTIVE TERMS.

13. **MAINTENANCE AGREEMENT AND PROPERTY EXCHANGE WITH THE COUNTY OF ORANGE FOR MAINTENANCE OF THE NORTH STRAND BEACH ACCESS STAIRS AND ASSOCIATED FACILITIES**

RECOMMENDED ACTION: That the City Council 1) approve a Maintenance Agreement with the County of Orange for maintenance of the North Strand Beach Access Stairs; 2) authorize the City Manager to execute the Maintenance Agreement and approve any minor administrative modifications; 3) approve the Quitclaim Deed and Grant Deed for two parcels in the Headlands Strand Vista Park area to clarify property ownership, and authorize the City engineer to execute the documents; and 4) authorize the City Engineer to accept and sign various grant deeds and easements to clarify property ownership in the Headlands Strand Vista Park area at the Headlands.

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

14. [ADOPTION BY REFERENCE THE CALIFORNIA CODES OF REGULATIONS TITLE 24, PARTS 1-12, KNOWN AND DESIGNATED AS THE 2010 EDITION OF THE CALIFORNIA BUILDING CODE, 2010 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, 2010 EDITION OF THE CALIFORNIA ELECTRICAL CODE, 2010 EDITION OF THE CALIFORNIA PLUMBING CODE, 2010 EDITION OF THE CALIFORNIA MECHANICAL CODE, 2010 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2010 EDITION OF THE CALIFORNIA REFERENCE STANDARDS CODE, 2010 EDITION OF THE CALIFORNIA ENERGY CODE, 2010 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2010 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2010 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2010 EDITION OF THE CALIFORNIA FIRE CODE, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS](#)

RECOMMENDED ACTION: That the City Council conduct a Public Hearing and 1) introduce a first reading of an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTERS 8.02, 8.12, 8.14, 8.16, 8.20, 8.24, 8.26, 8.28, 8.30, 8.32, 8.34, 8.36, 8.38 AND ADDING CHAPTERS 8.03 AND 8.11 OF TITLE 8 OF THE DANA POINT MUNICIPAL CODE ADOPTING BY REFERENCE THE CALIFORNIA CODES OF REGULATIONS TITLE 24, PARTS 1-12, KNOWN AND DESIGNATED AS THE 2010 EDITION OF THE CALIFORNIA BUILDING CODE, 2010 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, 2010 EDITION OF THE CALIFORNIA ELECTRICAL CODE, 2010 EDITION OF THE CALIFORNIA PLUMBING CODE, 2010 EDITION OF THE CALIFORNIA MECHANICAL CODE, 2010 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2010 EDITION OF THE CALIFORNIA REFERENCE STANDARDS CODE, 2010 EDITION OF THE CALIFORNIA ENERGY CODE, 2010 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2010 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2010 EDITION OF THE CALIFORNIA

EXISTING BUILDING CODE AND THE 2010 EDITION OF THE CALIFORNIA FIRE CODE, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS.

The changes and modifications to the 2010 Editions of the California Building, Residential, Plumbing, Mechanical, Electrical, Green Building Standards and Fire Codes are reasonably necessary due to local conditions in Dana Point. Other amendments are of an administrative or procedural nature and concern themselves with subjects that are not covered by the Code or are reasonably necessary to safeguard life and property within the City of Dana Point. Adoption of these codes as amended will implement the latest codes in the City and complies with current State law; and

(2) adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, SETTING FORTH FINDINGS WITH RESPECT TO LOCAL CONDITIONS WITHIN THE CITY OF DANA POINT WHICH MAKE CERTAIN MODIFICATIONS AND CHANGES TO THE CALIFORNIA BUILDING CODE, CALIFORNIA RESIDENTIAL CODE, THE CALIFORNIA PLUMBING CODE, THE CALIFORNIA MECHANICAL CODE, THE CALIFORNIA ELECTRICAL CODE, CALIFORNIA GREEN BUILDING STANDARDS CODE AND THE CALIFORNIA FIRE CODE AND FIRE CODE STANDARDS REASONABLY NECESSARY FOR DIFFERENT OCCUPANCIES; and

(3) Instruct the Building Official to file the Resolution with the California Department of Housing and Community Development and the California Building Standards Commission.

UNFINISHED BUSINESS

There are no Unfinished Business items.

NEW BUSINESS

15. [INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING CHAPTER 15.10 OF THE MUNICIPAL CODE \(STORM WATER/SURFACE RUNOFF WATER QUALITY PROTECTION ORDINANCE\) TO ADDRESS WATER QUALITY REGULATION CHANGES REQUIRED IN THE NEW SAN DIEGO REGIONAL WATER QUALITY BOARD NPDES PERMIT](#)

RECOMMENDED ACTION: That the City Council introduce and hold the first reading of an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 15.10 OF THE MUNICIPAL CODE (STORM WATER/SURFACE RUNOFF WATER QUALITY PROTECTION ORDINANCE) TO ADDRESS SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD (SDRWQCB) WATER QUALITY REGULATION CHANGES.

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 agendized 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-agendized items may be presented as informational only.

ADJOURNMENT

The next Regular Meeting of the City Council will be November 8, 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, October 21, 2010, 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.