

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
FEBRUARY 7, 2012
5:00 P.M.**

ACTION AGENDA

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

Next City Council Ordinance No. 12-03

CALL TO ORDER

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

Lara Anderson, Mayor
Steven Weinberg, Mayor Pro Tem
Lisa A. Bartlett, Council Member (*arrived at 5:02 p.m.*)
William P. Brough, Council Member
J. 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), (2 cases)

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

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Jennifer Farrell; Assistant City Attorney; Kathy Ward, City Clerk; Mike Killebrew, Assistant City Manager; Mike Rose, Director of Disaster Preparedness; Lt. Mark Levy, Police Services; Kyle Butterwick, Director of Community Development; Brad Fowler, Director of Public Works/Engineering; Lynn Kelly, Management Analyst; Christy Teague,

Economic Development Manager; Jennifer Anderson, Senior Management Analyst; Kevin Evans, Director of Community Services and Parks; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Wayne Rayfield.

INVOCATION

The Invocation was provided by Reverend Paul Peck.

PRESENTATIONS AND PROCLAMATIONS

Volunteer of the Month – Ross Teasley

CONSENT CALENDAR

IT WAS MOVED BY MAYOR ANDERSON, SECONDED BY COUNCIL MEMBER SCHOEFFEL, THAT THE CITY COUNCIL CONSIDER ITEM 12 PRIOR TO ITEM 11.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

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

The motion carried by the following vote:

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

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, JANUARY 17, 2012

APPROVED THE MINUTES.

3. PLANNING COMMISSION ACTIONS, MEETING OF JANUARY 23, 2012

RECEIVED AND FILED.

4. YOUTH BOARD MEETING MINUTES, JANUARY 19, 2012

RECEIVED AND FILED.

5. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

6. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

7. COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2011

RECEIVED AND FILED THE COMPREHENSIVE ANNUAL FINANCIAL REPORT ("CAFR") FOR THE YEAR ENDED JUNE 30, 2011.

8. AWARD OF CONTRACT FOR THE CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT FY 11/12

APPROVED THE CONSTRUCTION CONTRACT DOCUMENTS REQUIRED FOR THE "ANNUAL RESIDENTIAL ROADWAY RESURFACING PROJECT FY 11/12"; APPROVED AWARD OF A CONTRACT TO RJ NOBLE COMPANY FOR CONSTRUCTION OF THE ANNUAL RESIDENTIAL ROADWAY RESURFACING PROJECT FY 11/12, PROVIDING THAT THE CITY MANAGER OR HIS DESIGNEE SIGNS AND ADMINISTERS THE SUBJECT CONTRACT AND MAY APPROVE ADDITIONAL PAYMENT FOR CHANGE ORDERS, CONTINGENCIES, MANAGEMENT SERVICES, SOILS AND MATERIALS TESTING, AND CONSTRUCTION DESIGN SUPPORT FOR THE PROJECT AS NOTED IN THE FISCAL IMPACT SECTION AND APPROVED A SECOND AMENDMENT FOR CONSULTANT SERVICES WITH HALL AND FOREMAN FOR SURVEYING SERVICES FOR THE PROJECT.

9. PLANNING COMMISSION MINUTES, MEETING OF JANUARY 9, 2012

RECEIVED AND FILED.

10. RETAINER AGREEMENT – SHULMAN HODGES AND BASTIAN LLP

AUTHORIZED THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE LAW FIRM OF SHULMAN HODGES & BASTIAN LLP TO SERVE AS LEGAL COUNSEL IN

CONNECTION WITH THE COLLECTION OF CERTAIN JUDGMENTS AWARDED BY THE COURTS.

PUBLIC COMMENTS

Bob Fairbanks
Ingrid McGuire

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

12. CONSIDERATION OF A NEGATIVE DECLARATION FOR PROHIBITING THE DISTRIBUTION OF SINGLE-USE PLASTIC CARRYOUT BAGS AT THE POINT-OF-SALE AT LOCAL RETAIL ESTABLISHMENTS AND CONSIDERATION OF AN ORDINANCE ADDING A NEW CHAPTER 6.47 "PLASTIC CARRY-OUT BAGS" TO TITLE 6 OF THE DANA POINT MUNICIPAL CODE PROHIBITING THE DISTRIBUTION OF SINGLE-USE PLASTIC CARRY-OUT BAGS AT THE POINT OF SALE AT LOCAL RETAIL ESTABLISHMENTS

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY COUNCIL MEMBER BARTLETT, THAT THE CITY COUNCIL DIRECT STAFF TO AMEND THE ORDINANCE TO INCLUDE THE FOLLOWING:

1. AMENDMENT TO THE DEFINITION OF A REUSEABLE PLASTIC BAG
2. CREATE AN EXEMPT CLASS OF SMALL BUSINESSES FOR AN EXEMPTION OF EIGHTEEN MONTHS FROM THE TIME OF ADOPTION OF THIS ORDINANCE.
3. CITY COUNCIL TO RECEIVE A REPORT ONCE A YEAR WITH INPUT FROM THE STAKEHOLDERS.
4. ONCE THE LEGAL CHALLENGES ARE RESOLVED REGARDING THE CHARGING OF BAGS THAT THE CITY COUNCIL RECONSIDERS THE LANGUAGE IN THE ORDINANCE.

The motion carried by the following vote:

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

NOES: Council Member William Brough

ABSENT: None

11. CONSIDERATION OF A NEGATIVE DECLARATION FOR PROHIBITING THE DISTRIBUTION OF EXPANDED POLYSTYRENE (STYROFOAM) FOOD SERVICE WARE AT LOCAL FOOD VENDORS, CITY FACILITIES, AND CITY-SPONSORED EVENTS; AND CONSIDERATION OF AN ORDINANCE ADDING A NEW CHAPTER 6.46 “EXPANDED POLYSTYRENE FOOD SERVICE WARE” TO TITLE 6 OF THE DANA POINT MUNICIPAL CODE PROHIBITING THE DISTRIBUTION OF EXPANDED POLYSTYRENE (STYROFOAM) FOOD SERVICE WARE AT LOCAL FOOD VENDORS, CITY FACILITIES, AND CITY SPONSORED EVENTS

IT WAS MOVED BY MAYOR PRO TEM WEINBERG, SECONDED BY COUNCIL MEMBER BARTLETT, THAT THE CITY COUNCIL ADOPT **RESOLUTION 12-02-07-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION FOR PROHIBITING THE DISTRIBUTION OF EXPANDED POLYSTYRENE (STYROFOAM) FOOD SERVICE WARE AT LOCAL FOOD VENDORS, CITY FACILITIES, AND CITY SPONSORED EVENTS; and

HOLD THE FIRST READING OF AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADDING A NEW CHAPTER 6.46 “EXPANDED POLYSTYRENE FOOD SERVICE WARE” TO TITLE 6 OF THE DANA POINT MUNICIPAL CODE PROHIBITING THE DISTRIBUTION OF EXPANDED POLYSTYRENE (STYROFOAM) FOOD SERVICE WARE AT LOCAL FOOD VENDORS, CITY FACILITIES, AND CITY SPONSORED EVENTS.

The motion carried by the following vote:

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

NOES: Council Member William Brough

ABSENT: None

NEW BUSINESS

There were no New Business items.

PUBLIC COMMENTS (Continued)

There were no additional Public Comments received.

STAFF REPORTS

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Anderson declared the meeting adjourned at 9:50 p.m. She announced that the next Regular Meeting of the City Council will be February 21, 2012, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.