

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
SEPTEMBER 16, 2008
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 08-10

CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS:

Joel Bishop, Mayor
Lisa A. Bartlett, Mayor Pro Tem
Lara Anderson, Council Member
Diane L. Harkey, Council Member
Steven H. Weinberg, Council Member

CLOSED SESSION

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

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Business of the Month – Luciana's Ristorante
Constitution Week Proclamation to Members of the DAR
Proposition 1B Funds Presentation by Supervisor Pat Bates

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, AUGUST 19, 2008

RECOMMENDED ACTION: That the City Council approve the minutes.

3. PLANNING COMMISSION MEETING MINUTES, AUGUST 12, 2008

RECOMMENDED ACTION: That the City Council receive and file.

4. PLANNING COMMISSION ACTIONS, MEETING OF AUGUST 26, 2008

RECOMMENDED ACTION: That the City Council receive and file.

5. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECOMMENDED ACTION: That the City Council receive and file.

6. CITY TREASURER'S REPORT, JULY 2008

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of July 2008

7. CLAIMS AND DEMANDS

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

8. AMENDMENT TO THE CITY'S CONFLICT OF INTEREST CODE

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA,
AMENDING THE CONFLICT OF INTEREST CODE

9. **APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF ORANGE AND PARTICIPANTS FOR USE OF THE COUNTY-WIDE MASS NOTIFICATION SYSTEM**

RECOMMENDED ACTION: That the City Council 1) approve the Memorandum of Understanding (MOU) between the County of Orange and participants for use of the County-wide Mass Notification System; and 2) authorize the City Manager to sign the MOU.

10. **APPROVAL OF A CONTRACT BETWEEN THE CITY OF DANA POINT AND PRO911 SYSTEMS FOR THE INSTALLATION OF A WIRELESS MESH NETWORK TO ENHANCE PUBLIC SERVICE, PUBLIC SAFETY AND DISASTER RESPONSE CAPABILITIES**

RECOMMENDED ACTION: That the City Council 1) approve the sole source contract between the City of Dana Point and Pro911 Systems for the purchase and installation of a wireless mesh network to enhance our Public Service, Public Safety, and disaster response capabilities in the amount detailed in the fiscal impact section; 2) authorize the City Manager to execute the contract; and 3) amend the FY 2008-09 General Fund Budget by authorizing appropriation of unencumbered funds inclusive of a 10% contingency.

11. **ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PACIFIC COAST HIGHWAY ROADWAY IMPROVEMENTS PROJECT (MEDIANS)**

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 A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PACIFIC COAST HIGHWAY ROADWAY MEDIANS IMPROVEMENTS PROJECT; and

2) transfer project savings as provided in the Fiscal Section.

12. **REIMBURSEMENT FOR PUBLIC IMPROVEMENTS ON SELVA ROAD AND PACIFIC COAST HIGHWAY**

RECOMMENDED ACTION: That the City Council authorize payment in the amount outlined in the Fiscal Impact Section for work completed on the City's behalf on Selva Road and on Pacific Coast Highway coincident with new development.

13. **PBS&J CONTRACT EXTENSION FOR PROFESSIONAL ENGINEERING SERVICES**

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a two year contract extension with PBS&J with two additional two year options.

14. **CITY SPONSORSHIP OF 2008 TURKEY TROT EVENT**

RECOMMENDED ACTION: That the City Council approve sponsoring the Dana Point Chamber of Commerce Turkey Trot 5K/10K and Kids Race on November 27, 2008.

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

15. [ADOPTION OF A RESOLUTION TO VACATE AN EASEMENT FOR PUBLIC ROADWAY PURPOSES OF AN ALLEY GENERALLY LOCATED WEST OF DOHENY PARK ROAD BETWEEN VICTORIA BOULEVARD AND DOMINGO AVENUE](#)

RECOMMENDED ACTION: That the City Council 1) conduct a Public Hearing for the vacation of the alley generally located at the westerly end of Domingo Avenue between Victoria Boulevard and Domingo Avenue, and 2) adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT ORDERING THE VACATION OF AN EASEMENT FOR PUBLIC ROADWAY PURPOSES OF AN ALLEY GENERALLY LOCATED WEST OF DOHENY PARK ROAD BETWEEN VICTORIA BOULEVARD AND DOMINGO AVENUE.

UNFINISHED BUSINESS

16. [FISCAL YEAR 2008-09 PROPOSED BUDGET ADJUSTMENTS](#)

RECOMMENDED ACTION: That the City Council amend the FY2008-09 ("FY09") General Fund operating budget and Facilities Fund operating budget by authorizing appropriation of unencumbered funds and adjustments to certain FY09 General Fund revenues as enumerated in this report.

NEW BUSINESS

There is no New Business.

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 October 7, 2008, 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 Friday, September 12, 2008, at 5:00 p.m.

KATHY M. WARD, CITY CLERK

DATE

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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.