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**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR ACTION AGENDA  
September 16, 2008**

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**CALL TO ORDER**

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

Present: Mayor Joel Bishop  
Mayor Pro Tem Lisa A. Bartlett  
Council Member Lara Anderson  
Council Member Diane L. Harkey (Arrived at 5:30 p.m.)  
Council Member Steven Weinberg

Absent: None

**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), (1 case)**

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

Mayor Bishop recessed the meeting into a Closed Session at 5:01 p.m. pursuant to Government Code Section 54956 et seq.

**RECONVENE CITY COUNCIL MEETING**

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

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Munoz stated that there was no announcement.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Planning Commissioner Ed Conway.

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---

**INVOCATION**

The Invocation was provided by Bishop Kirk Lindahl, Capistrano First Ward, Church of Jesus Christ of Latter Day Saints.

**PRESENTATIONS AND PROCLAMATIONS**

1. Recognition of Lt. Mark Levy
2. Business of the Month - Luciana's Ristorante
3. Constitution Week Proclamation to Members of the DAR
4. Proposition 1B Funds Presentation by Supervisor Pat Bates

**CONSENT CALENDAR**

Staff removed Item #11 and Mayor Pro Tem Bartlett removed Item #14 from the Consent Calendar.

Mayor Bishop stated that he would have to abstain from voting on Item #12 as he had a potential conflict of interest.

APPROVED BALANCE OF CONSENT CALENDAR. Vote = 5-0

**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, AUGUST 19, 2008**

APPROVED THE MINUTES.

**3. PLANNING COMMISSION MEETING MINUTES, AUGUST 12, 2008**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

**5. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR**

RECEIVED AND FILED.

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---

**6. CITY TREASURER'S REPORT, JULY 2008**

RECEIVED AND FILED THE CITY'S TREASURER REPORT FOR THE MONTH OF JULY, 2008.

**7. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

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

ADOPTED RESOLUTION **08-09-16-01** 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**

APPROVED THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE COUNTY OF ORANGE AND PARTICIPANTS FOR USE OF THE COUNTY-WIDE MASS NOTIFICATIONS SYSTEM AND AUTHORIZED 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**

APPROVED 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, AUTHORIZED THE CITY MANAGER TO EXECUTE THE CONTRACT, AND AMENDED 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)**

Staff had removed this item from the Consent Calendar.

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IT WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY MAYOR PRO TEM LISA A. BARTLETT, THAT THE CITY COUNCIL ADOPT RESOLUTION **08-09-16-02** 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*

TRANSFERRED PROJECT SAVINGS AS PROVIDED IN THE FISCAL SECTION.

The motion carried by the following vote:

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

NOES: None

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

Mayor Bishop abstained from voting on this item due to a potential conflict of interest.

AUTHORIZED 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**

AUTHORIZED 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**

Mayor Pro Tem Bartlett had removed this item from the Consent Calendar.

APPROVED SPONSORING THE DANA POINT CHAMBER OF COMMERCE TURKEY TROT 5K/10K AND KIDS RACE ON NOVEMBER 27, 2008.

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---

The motion carried by the following vote:

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

NOES: None

**PUBLIC COMMENTS**

Bruce Junor  
Mike Holland  
Richard Gardner

**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**

IT WAS MOVED BY COUNCIL MEMBER STEVEN WEINBERG, SECONDED BY MAYOR PRO TEM LISA A. BARTLETT, THAT THE CITY COUNCIL 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 ADOPT RESOLUTION **08-09-16-03** 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.*

The motion carried by the following vote:

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

NOES: None

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**UNFINISHED BUSINESS**

**16. FISCAL YEAR 2008-09 PROPOSED BUDGET ADJUSTMENTS**

IT WAS MOVED BY COUNCIL MEMBER STEVEN WEINBERG, SECONDED BY MAYOR PRO TEM LISA A. BARTLETT, TO 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 THE REPORT.

The motion carried by the following vote:

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

NOES: None

**NEW BUSINESS**

There was no New Business.

**PUBLIC COMMENTS**

There were no additional Public Comments.

**STAFF REPORTS**

There were no Staff Reports.

**COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED**

**ADJOURNMENT**

There being no further business before the City Council at this session, Mayor Bishop declared the meeting adjourned at 7:33 p.m. and announced that 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.