

# CITY OF DANA POINT

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**CITY COUNCIL  
REGULAR  
MEETING**



**MONDAY  
SEPTEMBER 28, 2009  
5:00 P.M.**

## **AGENDA**

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

Next City Council Ordinance No. 09-08

### **CALL TO ORDER**

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

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

### **CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (5 cases)

Name of Case(s): The Point Alternative Care - Case No. 30-2009-00298187  
Holistic Health - Case No. 30-2009-00298196  
Beach Cities Collective - Case No. 30-2009-00298208  
Dana Point Safe Harbor Collective - Case No. 30-2009-00298200  
Dana Point Beach Collective - Case No. 30-2009-00298206

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

**RECONVENE CITY COUNCIL MEETING**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

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## PRESENTATIONS AND PROCLAMATIONS

Business of the Month – Smart & Final  
Introduction of OCFA Chief Keith Richter  
OCFA Proclamation – Fire Prevention Week  
Introduction of Chief Executive Officer for the Orange County Transit Authority, Will Kempton

## 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 24, 2009](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

**3. [REGULAR MEETING MINUTES, SEPTEMBER 14, 2009](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

**4. [PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 9, 2009](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**5. [PLANNING COMMISSION ACTIONS, MEETING OF SEPTEMBER 21, 2009](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**6. [OCEAN WATER QUALITY SUBCOMMITTEE MEETING MINUTES, JULY 28, 2009](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**7. [TRAFFIC IMPROVEMENT SUBCOMMITTEE MEETING MINUTES, AUGUST 19, 2009](#)**

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

9. [CITY TREASURER'S REPORT, JULY 2009](#)

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of July 2009.

10. [CLAIMS AND DEMANDS](#)

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

11. [APPROVAL OF A CONSULTANT SERVICES AGREEMENT WITH KEETON KREITZER CONSULTING FOR ENVIRONMENTAL SERVICES RELATED TO STREET IMPROVEMENTS ON PACIFIC COAST HIGHWAY AND DEL PRADO BETWEEN BLUE LANTERN AND COPPER LANTERN](#)

RECOMMENDED ACTION: That the City Council 1) approve subject agreement and 2) authorize the City Manager to execute the Agreement.

12. [HEALTH PLAN PROVISION FOR CALENDAR YEAR 2010](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, MODIFYING HEALTH BENEFIT PLAN ALLOWANCES FOR ALL ELIGIBLE REPRESENTED AND NON-REPRESENTED CLASSIFICATIONS.

13. [2009 RECOVERY ACT JUSTICE ASSISTANCE GRANT FUND DISTRIBUTION AGREEMENT - "JAG"](#)

RECOMMENDED ACTION: That the City Council 1) authorize the City Manager to enter into an agreement with the County of Orange to apply for, receive and accept the FY 2009 Recover Act Edward Byrne Memorial Justice Assistance Grant for the U.S. Department of Justice, Office of Justice Program, Bureau of Justice Assistance (herein referred to as "JAG" and 2) allocate JAG funds to Dana Point Police Services to provide funding for neighborhood and business watch programs, community awareness and outreach via public service announcements, and education campaigns (i.e. Hide it, Lock it, or Lose it) to inform our residents of current crime trends and crime prevention techniques.

14. [EXTENSION OF AUDIT SERVICES AGREEMENT](#)

RECOMMENDED ACTION: That the City Council extend the City's audit services agreement with Roger's, Anderson, Malody & Scott, LLP ("RAMS") for a period of three years, covering the fiscal years ending June 30, 2010, 2011 and 2012, and authorize the City Manager to execute the extension on behalf of the City.

**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**

There are no Public Hearings.

## **UNFINISHED BUSINESS**

### **15. COMMUNITY OPINION SURVEY CONSULTANT PROFESSIONAL SERVICES AGREEMENT**

RECOMMENDED ACTION: That the City Council authorize the City Manager to enter into a Professional Services Agreement with True North Research to develop and conduct a statistically valid community opinion survey and revenue measure survey.

## **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.

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## ADJOURNMENT

The next Regular Adjourned Meeting of the City Council will be October 6, 2009, 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, September 24, 2009, at 5:00 p.m.

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KATHY M. WARD, CITY CLERK

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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.