

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



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

ACTION AGENDA

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

Next City Council Ordinance No. 09-08

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Bartlett 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: Lisa A. Bartlett, Mayor
Lara Anderson, Council Member
Joel Bishop, Council Member
Scott Schoeffel, Council Member

Absent: Steven H. Weinberg, Mayor Pro Tem

CLOSED SESSION

City Attorney Munoz indicated that there was a need for a Closed Session as follows:

- 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

Mayor Bartlett 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 Bartlett reconvened the meeting at 6:04 p.m. All Council Members were present with the exception of Mayor Pro Tem Weinberg.

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Kathy M. Ward, City Clerk; Mike Killebrew, Assistant City Manager; Lt. Mark Levy, Chief of Police Services; Kyle Butterwick, Director of Community Development; Brad Fowler, Director of Public Works; Lynn Kelly, Management Analyst; Christy Teague, Economic Development Manager; Kevin Evans, Director of Community Services and Parks; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that he had no announcement.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by California State Assembly Member Diane Harkey.

INVOCATION

The Invocation was provided by Father Steve Sallot of St. Edwards Catholic Church.

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

COUNCIL MEMBER JOEL BISHOP ABSTAINED FROM VOTING ON ITEM NUMBER 3. IT WAS MOVED BY MAYOR LISA BARTLETT, SECONDED BY COUNCIL MEMBER LARA ANDERSON, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON CONSENT CALENDAR.

The motion carried by the following vote:

AYES: Council Member Lara Anderson, Council Member Joel Bishop, Council Member Scott Schoeffel, and Mayor Lisa A. Bartlett

NOES: None

ABSENT: Mayor Pro Tem Steven Weinberg

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 24, 2009

APPROVED THE MINUTES.

3. REGULAR MEETING MINUTES, SEPTEMBER 14, 2009

APPROVED THE MINUTES.

4. PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 9, 2009

RECEIVED AND FILED.

5. PLANNING COMMISSION ACTIONS, MEETING OF SEPTEMBER 21, 2009

RECEIVED AND FILED.

6. OCEAN WATER QUALITY SUBCOMMITTEE MEETING MINUTES, JULY 28, 2009

RECEIVED AND FILED.

7. TRAFFIC IMPROVEMENT SUBCOMMITTEE MEETING MINUTES, AUGUST 19, 2009

RECEIVED AND FILED.

8. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

9. CITY TREASURER'S REPORT, JULY 2009

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF JULY 2009.

10. CLAIMS AND DEMANDS

RECEIVED AND FILED 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

APPROVED SUBJECT AGREEMENT AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT.

12. HEALTH PLAN PROVISION FOR CALENDAR YEAR 2010

ADOPTED **RESOLUTION 09-09-28-01** 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"

AUTHORIZED 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 ALLOCATED 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

EXTENDED 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 AUTHORIZED THE CITY MANAGER TO EXECUTE THE EXTENSION ON BEHALF OF THE CITY.

PUBLIC COMMENTS

Diane Harkey
Todd Glen
Pat McCarroll
Paul Baker
Tim Boyer
Rock Kendall
Bruce Heyman
Bob Fowler
Carol Allen
Karin Schnell

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

15. COMMUNITY OPINION SURVEY CONSULTANT PROFESSIONAL SERVICES AGREEMENT

IT WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY MAYOR LISA BARTLETT, 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.

The motion carried by the following vote:

AYES: Council Member Lara Anderson, Council Member Joel Bishop, Council Member Scott Schoeffel, and Mayor Lisa A. Bartlett

NOES: None

ABSENT: Mayor Pro Tem Steven Weinberg

NEW BUSINESS

There were no New Business items.

PUBLIC COMMENTS (Continued)

There were no additional Public Comments.

STAFF REPORTS

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Bartlett declared the meeting adjourned at 7:10 p.m. and announced that 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.