

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**MONDAY
APRIL 25, 2011
5:00 P.M.**

ACTION AGENDA

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

Next City Council Ordinance No. 11-03

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Schoeffel at 5:02 p.m. in the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point.

ROLL CALL OF CITY COUNCIL MEMBERS:

Scott Schoeffel, Mayor
Lara Anderson, Mayor Pro Tem
Lisa A. Bartlett, Council Member
William P. Brough, Council Member
Steven H. Weinberg, Council Member

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), Name of cases: City of Dana Point v. Holistic Health - 30-201000352106; City of Dana Point v. Beach Cities Collective – 30-201000352103; City of Dana Point v. The Point Alternative Care - 30-201000352093; Holistic Health v. City of Dana Point – 30-2011 00445008; Beach Cities Collective v. City of Dana Point - 30-2011 00444134.

Mayor Schoeffel recessed the meeting into a Closed Session at 5:03 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Schoeffel reconvened the meeting at 6:01 p.m. All Council Members were present.

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Bobbi Ogan, Deputy 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; John Tilton, City Architect; Christy Teague, Economic Development Manager; Lynn Kelly, Management Analyst; Kevin Evans, Director of Community Services and Parks; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; Werner Abrajano, Associate Engineer; Matthew Sinacori, City Engineer; Archie Rempher, Construction Manager; Mark Sutton, Building Official; and Windy Robles, City Clerk Specialist.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz announced that in regards to the City's cases against Beach Cities Collective, The Point Alternative Care, and Holistic Health the City has prevailed on summary judgment motions with respect to all three marijuana dispensaries. He stated that the City Attorney's office is in the process of preparing motions for collecting attorneys' fees that were incurred in those lawsuits. He stated that the City needs to present the legal billings to the court for that purpose. He reported that in Closed Session the Council voted to waive the attorney-client privilege with respect to the legal bills for the limited purpose of allowing them to bring those motions with the exception of certain attorney-client privilege materials within the bills that will be redacted. He stated the he would like the record to be clear that it is not a whole-sale waiver of the attorney-client privilege; it is merely with respect to those records for the purpose of the attorney fee motions only.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Lieutenant Mark Levy.

INVOCATION

The Invocation was provided by South Coast Water District Director Bob Moore.

PRESENTATIONS AND PROCLAMATIONS

Donate Life Month
California Department of Transportation 2010 Excellence in Transportation Award

CONSENT CALENDAR

IT WAS MOVED BY COUNCIL MEMBER BARTLETT, SECONDED BY COUNCIL MEMBER WEINBERG, 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 Steven Weinberg, Mayor Pro Tem Lara Anderson and Mayor Scott Schoeffel

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, APRIL 11, 2011

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, APRIL 4, 2011

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF APRIL 18, 2011

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. PARTICIPATION IN ORANGE COUNTY SMALL CITY URBAN COUNTY PROGRAM

ADOPTED RESOLUTION 11-04-25-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, TO PARTICIPATE IN THE SMALL CITY URBAN COUNTY PROGRAM THROUGH THE COUNTY OF ORANGE; and

AUTHORIZED THE CITY MANAGER TO SIGN THE COOPERATIVE AGREEMENT.

8. PROFESSIONAL SERVICES AGREEMENT FOR SUPPLEMENTAL DEVELOPMENT COUNTER SERVICES

AUTHORIZED THE CITY MANAGER TO CONTINUE THE PROFESSIONAL SERVICES AGREEMENT WITH MELAD AND ASSOCIATES.

9. PROFESSIONAL SERVICES AGREEMENT – ECONOMIC DEVELOPMENT STAFF SUPPORT PROVIDED BY THE DANA POINT CHAMBER OF COMMERCE

AUTHORIZED THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH THE DANA POINT CHAMBER OF COMMERCE TO PROVIDE STAFF

SUPPORT AND SERVICES TO THE CITY IN SUPPORT OF THE DEVELOPMENT AND IMPLEMENTATION OF ENHANCED ECONOMIC DEVELOPMENT ACTIVITIES.

10. APPROVAL OF CONTRACT TO HOST A KANSAS CITY BARBEQUE SOCIETY BARBEQUE CHAMPIONSHIP CONTEST

AUTHORIZED THE CITY MANAGER TO NEGOTIATE AND EXECUTE A ONE YEAR AGREEMENT WITH ARLIE BRAGG TO COORDINATE PROMOTION AND EXECUTION OF A KANSAS CITY BARBEQUE SOCIETY SANCTIONED EVENT IN SEA TERRACE PARK ON SEPTEMBER 23RD AND 24TH, 2011.

PUBLIC COMMENTS

Bob Becker
Alan Wickstrom

PUBLIC HEARINGS

There were no Public Hearing items.

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

11. AFTER-ACTION REPORT ON FEMA GRADED EXERCISE AT SAN ONOFRE NUCLEAR GENERATING STATION (SONGS)

RECEIVED AND FILED THE REPORT.

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 Schoeffel declared the meeting adjourned at 6:48 p.m. and announced that the next Regular Meeting of the City Council will be held on May 9, 2011, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.