

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**MONDAY
SEPTEMBER 12, 2011
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 11-04

CALL TO ORDER

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

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b1), (1 case)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case)
 - 1. Name of Case: City of Dana Point v. California Coastal Commission, San Diego County Superior Court Case No. 37-2010-00099827 (Consolidated with San Diego County Superior Court Case No. 37-2010-00099878)
- C. CONFERENCE WITH LABOR NEGOTIATOR, Government Code § 54957.6
 - Agency Designated Representatives: City Manager
 - Unrepresented and Represented Employees: All positions in City
- D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957

Title: City Manager

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

August Business of the Month – Killer Dana Surf Shop
DAR Constitution Week Proclamation
Presentations to Deputy Lollie Elmore

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.

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, JULY 25, 2011](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, JULY 18, 2011](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION MEETING MINUTES, AUGUST 1, 2011](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [OCEAN WATER QUALITY SUBCOMMITTEE ACTION MINUTES, MEETING OF JANUARY 25, 2011](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. [OCEAN WATER QUALITY SUBCOMMITTEE ACTION MINUTES, MEETING OF MAY 24, 2011](#)

RECOMMENDED ACTION: That the City Council receive and file.

7. [DANA POINT DESTINY AD HOC COMMITTEE ACTION MINUTES, MEETING OF JULY 28, 2011](#)

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, MAY, JUNE AND JULY 2011](#)

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the months of May, June and July 2011.

10. [CLAIMS AND DEMANDS](#)

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

11. [SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING CHAPTER 2.06 OF THE DANA POINT MUNICIPAL CODE REGARDING TERMS OF COMMISSIONS](#)

RECOMMENDED ACTION: That the City Council hold a second reading and adopt an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 2.06 BOARDS AND COMMISSIONS FOR TERMS OF COMMISSIONS OTHER THAN THE PLANNING COMMISSION AND YOUTH BOARD.

12. [SECOND READING AND ADOPTION OF AN ORDINANCE ESTABLISHING A REVISED SPEED LIMIT ON SELVA ROAD BETWEEN PACIFIC COAST HIGHWAY AND DANA STRAND/OCEAN FRONT LANE](#)

RECOMMENDED ACTION: That the City Council hold a second reading and adopt an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING A REVISED SPEED LIMIT ON SELVA ROAD BETWEEN PACIFIC COAST HIGHWAY AND DANA STRAND ROAD/OCEAN FRONT LANE.

13. [AGREEMENT WITH THE ORANGE COUNTY HEALTH CARE AGENCY FOR THE TRANSFER OF EQUIPMENT AND EXERCISE SERVICES RELATED TO THE PUBLIC HEALTH EMERGENCY STOCKPILE](#)

RECOMMENDED ACTION: That the City Council 1) approve the Agreement for Provision of Point of Dispensing Site Equipment Services and Agreement for Exercise Services between between County of Orange and City of Dana Point July 1, 2010 through June 30, 2015, and 2) authorize the City Manager to execute the agreements.

14. [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

At this time, the City Clerk will read the title(s) of the ordinance(s) listed on the agenda.

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. [RE-APPROPRIATION OF CITIZENS OPTION FOR PUBLIC SAFETY \(COPS\) PROGRAM FUNDS FROM FY 2010/2011 – \(AB 1913\)](#)

RECOMMENDED ACTION: That the City Council conduct a Public Hearing and 1) adjust the FY 2011/12 budget with the re-appropriation of unencumbered Citizens Option for Public Safety (COPS) program unspent monies remaining from the FY 2010/11 budget, to the Supplement Law Enforcement Service Fund (SLESF) account, and 2) appropriate funds from the SLESF to implement and maintain the following programs:

- Approve funding for the School Resource Officer position for this school year.
- Approve funding for Project STOP (Stop Trashing Our Parks).
- Approve funding for Project **Hide It, Lock It, or Lose It**.
- Approve funding for Project **It's Your Business**.

UNFINISHED BUSINESS

16. DANA POINT ARTS AND CULTURE COMMISSION MEMBER SELECTION

RECOMMENDED ACTION: That the City Council designate two City Council Members to serve as a subcommittee to review, screen and interview applicants for the Dana Point Arts and Culture Subcommittee; and make a recommendation for appointments to the full Council.

NEW BUSINESS

17. DANA POINT YOUTH BOARD INTERVIEWS

RECOMMENDED ACTION: That the City Council conduct interviews and consider appointments to fill eleven (11) expired terms on the Dana Point Youth Board with the remaining applicants appointed as Members At Large.

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 September 26, 2011, 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 8, 2011, 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.