

# CITY OF DANA POINT

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## CITY COUNCIL REGULAR MEETING



**MONDAY  
SEPTEMBER 26, 2011  
5:00 P.M.**

## AGENDA

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

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Next City Council Ordinance No. 11-06

### 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), (2 cases) Holistic Health v. City of Dana Point – 30-2011 00445008; Beach Cities Collective v. City of Dana Point - 30-2011 00444134.

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

### RECONVENE CITY COUNCIL MEETING

### PLEDGE OF ALLEGIANCE

### INVOCATION

### PRESENTATIONS AND PROCLAMATIONS

Police Services Public Safety Award  
September Business of the Month – Tutor & Spunky's Deli  
Green Business Award presented by Dana Point Earth Ocean Society  
Dana Point Relay for Life Presentation

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## 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, SEPTEMBER 12, 2011**

RECOMMENDED ACTION: That the City Council approve the minutes.

**3. PLANNING COMMISSION MEETING MINUTES, AUGUST 15, 2011**

RECOMMENDED ACTION: That the City Council receive and file.

**4. PLANNING COMMISSION ACTIONS, MEETING OF SEPTEMBER 19, 2011**

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

**6. CLAIMS AND DEMANDS**

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

**7. HEALTH PLAN PROVISIONS FOR CALENDAR YEAR 2012**

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 ALL ELIGIBLE NON-REPRESENTED CLASSIFICATIONS

**8. AWARD OF CONTRACT FOR THE CONSTRUCTION OF THE FOUNTAIN IMPROVEMENTS  
AT LA PLAZA PARK PROJECT**

RECOMMENDED ACTION: That the City Council 1) award a contract for the construction of the Fountain Improvements at La Plaza Park Project which was informally bid and 2) authorize the City Manager or his designee to administer the contract with appropriate monitoring, testing, inspection, and change orders up to the limit of funds shown in the Fiscal Section; and 3) transfer Project funding per the Fiscal Impact Section.

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**

There are no Public Hearing Items.

## **UNFINISHED BUSINESS**

There are no Unfinished Business items.

## **NEW BUSINESS**

### **9. SINGLE USE PLASTIC BAG DISPOSAL**

RECOMMENDED ACTION: That the City Council receive and discuss the enclosed information related to single use bags in Dana Point and provide direction to staff with regard to further action, if any.

## **PUBLIC COMMENTS (Continued)**

## **STAFF REPORTS**

(City Manager Doug Chotkevys)

(City Attorney Patrick Muñoz)

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

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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 October 10, 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 22, 2011, at 5:00 p.m.

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KATHY M. WARD, CITY CLERK

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DATE

Subscriptions to receive City Council Agendas on a regular basis are available through the City Clerk's Office. Agendas are also available on the City's website at [www.danapoint.org](http://www.danapoint.org). In addition, Agenda related materials (including materials, if any, provided to the City Council after the Agenda was posted) may be reviewed in the office of the City Clerk during regular business hours or on the website at [www.danapoint.org](http://www.danapoint.org).

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.