

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**MONDAY
NOVEMBER 14, 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. 11-06

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 5:05 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 – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b1), (2 cases)
- B. CONFERENCE WITH LABOR NEGOTIATOR, Government Code § 54957.6

Agency Designated Representatives: City Manager
Unrepresented and Represented Employees: All positions in City

- C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957

Title: City Manager

Mayor Schoeffel recessed the meeting into a Closed Session at 5:06 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Schoeffel reconvened the meeting at 6:18 p.m. All Council Members were present.

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz; City Attorney; Kathy Ward, 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; Matt Sinacori, City Engineer; 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; and Bobbi Ogan, Deputy City Clerk.

CLOSED SESSION ANNOUNCEMENT

The Mayor indicated that the Council did not finish their Closed Session discussion; therefore they would return to Closed Session at the end of the City Council meeting.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Gunnar Steele, a fifth grader at R.H. Dana Elementary School.

INVOCATION

The Invocation was provided by Associate Pastor Dan Russell of Capo Beach Calvary.

PRESENTATIONS AND PROCLAMATIONS

November Business of the Month – Stacks Pancake House
Pancreatic Cancer Awareness Month

CONSENT CALENDAR

IT WAS MOVED BY COUNCIL MEMBER BARLETT, SECONDED BY COUNCIL MEMBER WEINBERG, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR EXCEPT ITEM 17.

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, OCTOBER 24, 2011

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, OCTOBER 17, 2011

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF NOVEMBER 7, 2011

RECEIVED AND FILED.

5. YOUTH BOARD MEETING MINUTES, OCTOBER 6, 2011

RECEIVED AND FILED.

6. YOUTH BOARD MEETING MINUTES, OCTOBER 20, 2011

RECEIVED AND FILED.

7. DANA POINT DESTINY AD HOC COMMITTEE MINUTES, JULY 28, 2011

RECEIVED AND FILED.

8. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

9. CITY TREASURER'S REPORT, SEPTEMBER AND OCTOBER 2011

RECEIVED AND FILE THE CITY TREASURER'S REPORT FOR THE MONTHS OF SEPTEMBER AND OCTOBER 2011.

10. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

11. ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT FY 2010/2011 PHASE II

ADOPTED **RESOLUTION 11-11-14-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PROJECT ENTITLED "ANNUAL ROADWAY RESURFACING PROJECT FY 2010/2011 PHASE II";

AND TRANSFERRED PROJECT SAVINGS TO THE ANNUAL ROADWAY RESURFACING PROJECT FY 2011/2012, CIP NUMBER 1253.

12. ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT FY 2010/2011 PHASE III

ADOPTED **RESOLUTION 11-11-14-02** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PROJECT ENTITLED "ANNUAL ROADWAY RESURFACING PROJECT FY 2010/2011 PHASE III";

AND TRANSFERRED PROJECT SAVINGS TO THE ANNUAL ROADWAY RESURFACING PROJECT FY 2011/2012, CIP NUMBER 1253.

13. HISTORIC PRESERVATION AGREEMENT (MILLS ACT) FOR THE PROPERTY LOCATED AT 35101 CAMINO CAPISTRANO

AUTHORIZED THE MAYOR TO SIGN A HISTORIC PRESERVATION AGREEMENT WHICH WILL ALLOW THE PROPERTY OWNERS OF THE HISTORIC STRUCTURE AT 35101 CAMINO CAPISTRANO TO PARTICIPATE IN THE STATE'S MILLS ACT PROGRAM.

14. APPROVAL OF COOPERATIVE AGREEMENT WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) FOR THE IMPLEMENTATION OF THE CROWN VALLEY PARKWAY TRAFFIC SIGNAL SYNCHRONIZATION PROJECT AS PART OF PROJECT P

APPROVED THE SUBJECT AGREEMENT, AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT AND ALLOW THE CITY MANAGER TO APPROVE MINOR CHANGES TO THE AGREEMENT IF NECESSARY; AND ADOPTED **RESOLUTION 11-11-14-03** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE CITY MANAGER AS THE AUTHORIZED REPRESENTATIVE TO EXECUTE ALL NECESSARY AGREEMENTS, AMENDMENTS AND OTHER DOCUMENTATION FOR OCTA FUNDING PROGRAMS INCLUDING MEASURE M2 ON BEHALF OF THE CITY COUNCIL.

15. DONAHUE, HAWRAN & MALM, LLC CONTRACT EXTENSION FOR PROPERTY APPRAISAL SERVICES

AUTHORIZED THE CITY MANAGER TO EXECUTE A TWO YEAR CONTRACT EXTENSION WITH DONAHUE, HAWRAN & MALM, LLC WITH ONE (1) ADDITIONAL TWO YEAR RENEWAL OPTION.

16. CITY COUNCIL AND PLANNING COMMISSION MEETING DATES

HELD A SECOND READING AND ADOPTED **ORDINANCE 11-06** ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING SECTIONS 2.04.010 AND 2.07.011 OF THE DANA POINT MUNICIPAL CODE REGARDING THE DATE OF REGULAR MEETINGS FOR THE CITY COUNCIL AND PLANNING COMMISSION.

17. DISPOSITION OF NON-ESSENTIAL CITY RECORDS

IT WAS MOVED BY MAYOR PRO TEM ANDERSON, SECONDED BY COUNCIL MEMBER BARTLETT TO CONTINUE THIS ITEM TO THE NEXT COUNCIL MEETING.

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

18. FISCAL YEAR 2011-12 PROPOSED BUDGET ADJUSTMENTS

AMENDED THE FY2011-12 GENERAL FUND AND CAPITAL IMPROVEMENTS FUND BUDGETS BY AUTHORIZING THE CARRYOVER AND RE-APPROPRIATION OF UNENCUMBERED FY11 FUNDS TO FY12.

19. ADOPTION OF MEMORANDUM OF UNDERSTANDING WITH DANA POINT EMPLOYEES ASSOCIATION (DPEA)

APPROVED THE MEMORANDUM OF UNDERSTANDING (MOU) WITH THE DANA POINT EMPLOYEES ASSOCIATION (DPEA) AND AUTHORIZED THE CITY MANAGER TO SIGN THE MOU.

PUBLIC COMMENTS

Dorean Ora
Pam Tappan
Mary Jeffries

Todd Glen
Hal Brice
Barbara Wagner
Kenneth Wagner
Susan Parmelee
Leslie Davis
Steven Hagy
Denise Erkeneff
Karin Schnell
Alan Warren
Richard Foley
Reverend Loc Tran

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

20. AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE PACIFIC COAST HIGHWAY MEDIAN PROJECT PHASE 2

IT WAS MOVED BY COUNCIL MEMBER WEINBERG, SECONDED BY COUNCIL MEMBER BARTLETT, THAT THE CITY COUNCIL APPROVE THE CONSTRUCTION CONTRACT DOCUMENTS REQUIRED FOR THE "PACIFIC COAST HIGHWAY MEDIAN PROJECT (FROM NIGUEL SHORES OVERPASS TO SELVA ROAD)"; ACKNOWLEDGE AND ACCEPT THE BID WITHDRAWAL (ON FILE IN PUBLIC WORKS) FROM WEST COAST PUBLIC WORKS, INCORPORATED DUE TO AN INADVERTENT CLERICAL ERROR; AWARD A CONTRACT TO ALL AMERICAN ASPHALT FOR CONSTRUCTION OF THE PACIFIC COAST HIGHWAY MEDIAN PROJECT (FROM NIGUEL SHORES OVERPASS TO SELVA ROAD), PROVIDING THAT THE CITY MANAGER OR HIS DESIGNEE SIGNS AND ADMINISTERS THE SUBJECT CONTRACT AND MAY APPROVE ADDITIONAL PAYMENT FOR CHANGE ORDERS, CONTINGENCIES, CONSTRUCTION MANAGEMENT SERVICES, SOILS AND MATERIAL TESTING, AND CONSTRUCTION DESIGN SUPPORT FOR THE PROJECT AS NOTED IN THE FISCAL IMPACT SECTION; AND TRANSFER FUNDING AS NOTED IN THE FISCAL IMPACT SECTION.

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

NEW BUSINESS

There were no New Business items.

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 8:08 p.m. and announced that the next Regular Meeting of the City Council will be held on November 28, 2011, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.