

# CITY OF DANA POINT

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## **CITY COUNCIL REGULAR MEETING**



**TUESDAY  
OCTOBER 2, 2007  
5:00 P.M.**

## **AGENDA**

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

Next City Council Ordinance No. 07-09

## **CALL TO ORDER**

## **ROLL CALL OF CITY COUNCIL MEMBERS:**

Diane L. Harkey, Mayor  
Lisa A. Bartlett, Mayor Pro Tem  
Lara Anderson, Council Member  
Joel Bishop, 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: Public Records Act Claim - Traphagen

- B. CONFERENCE WITH LABOR NEGOTIATOR, Government Code § 54957.6

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

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

## **RECONVENE CITY COUNCIL MEETING**

## **PLEDGE OF ALLEGIANCE**

## **INVOCATION**

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## PRESENTATIONS AND PROCLAMATIONS

Business of the Month – The Market at Monarch Beach

## 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.

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

### 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 18, 2007](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

### 3. [PLANNING COMMISSION ACTIONS, MEETING OF SEPTEMBER 25, 2007](#)

RECOMMENDED ACTION: That the City Council receive and file.

### 4. [YOUTH BOARD MEETING MINUTES, SEPTEMBER 6, 2007](#)

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. [CITY TREASURER'S REPORT, AUGUST 2007](#)

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of August.

### 7. **CLAIMS AND DEMANDS**

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

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8. **FISCAL YEAR 2007-08 PROPOSED BUDGET ADJUSTMENTS**

RECOMMENDED ACTION: That the City Council amend the FY2007-08 ("FY08") General Fund operating budget and Facilities Fund operating budget by authorizing the carryover and re-appropriation of certain unencumbered funds as identified in this report, and authorize increases to certain FY08 General Fund revenues based on updated information received since adoption of the original budget.

9. **AWARD OF CONTRACT FOR CUSTODIAL SERVICES FOR CITY HALL AND COMMUNITY CENTER**

RECOMMENDED ACTION: That the City Council award a contract to Rock Maintenance and Janitorial for Custodial Services for the City Hall and Community Center facilities and authorize the City Manager to execute the contract.

**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 counter in the Council Chamber foyer. 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**

**UNFINISHED BUSINESS**

10. **APPROVAL OF SEA TERRACE PARK EASEMENT, RIGHT-OF-ENTRY, CONSTRUCTION AND MAINTENANCE AGREEMENT WITH MAKALLON, INCORPORATED AND ASSOCIATED SDG&E EASEMENT RESOLUTION**

RECOMMENDED ACTION: That the City Council 1) approve Easement, Right-of-Entry, Construction and Maintenance Agreement; 2) authorize the City Manager an amendment with RJM Consulting Group for addition design services required to complete the preparation of construction documents for the Sea Terrace Park Improvement Project; and 3) adopt a resolution entitled as follows:

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, GRANTING A EASEMENT FOR MAINTENANCE PURPOSES ACROSS SEA TERRACE PARK FROM THE CITY OF DANA POINT TO SAN DIEGO GAS AND ELECTRIC

11. **APPROVAL OF THE TRANSFER OF CAPITAL IMPROVEMENT PROGRAM RESERVE FUNDS FOR GOLDEN LANTERN MEDIAN LANDSCAPE IMPROVEMENTS**

RECOMMENDED ACTION: That the City Council approve the transfer of funds from the Capital Improvement Program Reserve into the General Funds account 55-245 to enhance the Golden Lantern medians.

## **NEW BUSINESS**

There are no New Business items.

## **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 agendaized 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-agendaized items may be presented as informational only.

## **ADJOURNMENT**

The next Regular Meeting of the City Council will be October 16, 2007, 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 Friday, September 28, 2007, at 5:00 p.m.

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KATHY M. WARD, CITY CLERK

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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.