

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**TUESDAY
NOVEMBER 6, 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 LABOR NEGOTIATOR, Government Code § 54957.6

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

- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case)

Name of Case: Craig Daniel, Carol Daniel, Chris Neria and Stacy Neria v. the City of Dana Point, Superior Court of the State of California, County of Orange – Central District, Case No. #06CC10395

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

Title: City Clerk

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Business of the Month – Optivest
Yvonne English Presentation “Weaving the Tapestry of Dana Point”
Certificate of Recognition – Ray Woods

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, OCTOBER 16, 2007](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

3. **[PLANNING COMMISSION MEETING MINUTES, OCTOBER 9, 2007](#)**

RECOMMENDED ACTION: That the City Council receive and file.

4. **[PLANNING COMMISSION ACTIONS, MEETING OF OCTOBER 23, 2007](#)**

RECOMMENDED ACTION: That the City Council receive and file.

5. **[YOUTH BOARD MEETING MINUTES, SEPTEMBER 20, 2007](#)**

RECOMMENDED ACTION: That the City Council receive and file.

6. **[CHARITABLE GRANT SUBCOMMITTEE DRAFT MEETING MINUTES, OCTOBER 23, 2007](#)**

RECOMMENDED ACTION: That the City Council receive and file.

7. **[MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR](#)**

RECOMMENDED ACTION: That the City Council receive and file.

8. **CITY TREASURER'S REPORT, SEPTEMBER 2007**

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of September 2007.

9. **CLAIMS AND DEMANDS**

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

10. **APPROVAL OF INSPECTION AND MAINTENANCE AGREEMENT WITH SOUTH COAST WATER DISTRICT FOR THE CITY OWNED SEWAGE PUMPING STATION AT DEL OBISPO PARK**

RECOMMENDED ACTION: That the City Council (1) approve an agreement for Sewer Lift Station Inspection and Cleaning, and (2) authorize the City Manager to execute the agreement.

11. **APPROVAL OF AGREEMENT TO RENEW OPTION YEAR ANNUAL TREE TRIMMING CONTRACT AND RATIFY FISCAL YEAR 2007 CONTRACT TO COVER ADDITIONAL REQUESTED SERVICES**

RECOMMENDED ACTION: That the City Council (1) approve the option year renewal of the tree maintenance contract with West Coast Arborists, Inc. including an agreed upon 2.9% Consumer Price Index increase; (2) adjust the contracted amount to match the Council approved Fiscal Year 2007-08 budget amount; (3) ratify the contract to cover expenditures for additional services required during Fiscal Year 2006-07; and, (4) authorize the City Manager to execute the agreement.

12. **RESULTS OF INTERIM TRAFFIC CALMING MEASURES ON DEL PRADO AND PACIFIC COAST HIGHWAY BETWEEN COPPER LANTERN TO BLUE LANTERN**

RECOMMENDED ACTION: That the City Council 1) receive and file this staff report providing status on the speed reduction results from the interim traffic calming measures the City Council approved in February 2007 on Del Prado and Pacific Coast Highway from Copper Lantern to Blue Lantern.

13. **DISPOSITION OF NON-ESSENTIAL CITY RECORDS**

RECOMMENDED ACTION: That the City Council approve the 2007 disposition of non-essential City records in accordance with California State law and the City's approved Records Retention Schedule and adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE DISPOSITION OF CERTAIN INACTIVE CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

14. [REVISION OF COUNCIL POLICY 401 RELATED TO CITY MANAGER PERFORMANCE EVALUATIONS](#)

RECOMMENDED ACTION: That the City Council adopt revised Policy 401 related to the manner in which performance evaluations of the City Manager occur which has been revised to make it consistent with his contract.

15. [PROFESSIONAL SERVICES AGREEMENT FOR THE ADMINISTRATION OF FLEXIBLE SPENDING PLAN](#)

RECOMMENDED ACTION: That the City Council authorize the City Manager to enter into a Professional Services Agreement with Benefit Administration Corporation.

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

16. [ADOPTION BY REFERENCE THE CALIFORNIA CODES OF REGULATIONS TITLE 24, PARTS 1-12, KNOWN AND DESIGNATED AS THE 2007 EDITION OF THE CALIFORNIA BUILDING CODE, 2007 EDITION OF THE CALIFORNIA ELECTRICAL CODE, 2007 EDITION OF THE CALIFORNIA PLUMBING CODE, 2007 EDITION OF THE CALIFORNIA MECHANICAL CODE, 2007 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2007 EDITION OF THE CALIFORNIA REFERENCE STANDARDS CODE, 2007 EDITION OF THE CALIFORNIA ENERGY CODE, 2007 EDITION OF THE CALIFORNIA ELEVATOR SAFETY CONSTRUCTION CODE, 2007 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2007 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2007 EDITION OF THE CALIFORNIA FIRE CODE, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS.](#)

RECOMMENDED ACTION: That the City Council:

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- (1) Introduce for first reading an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTERS 8.02, 8.14, 8.16, 8.20, 8.24, 8.28 AND ADDING CHAPTERS 8.30, 8.32, 8.34, 8.36, 8.38, AND 8.40 OF TITLE 8 OF THE DANA POINT MUNICIPAL CODE ADOPTING BY REFERENCE THE CALIFORNIA CODES OF REGULATIONS TITLE 24, PARTS 1-12, KNOWN AND DESIGNATED AS THE 2007 EDITION OF THE CALIFORNIA BUILDING CODE, 2007 EDITION OF THE CALIFORNIA ELECTRICAL CODE, 2007 EDITION OF THE CALIFORNIA PLUMBING CODE, 2007 EDITION OF THE CALIFORNIA MECHANICAL CODE, 2007 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2007 EDITION OF THE CALIFORNIA REFERENCE STANDARDS CODE, 2007 EDITION OF THE CALIFORNIA ENERGY CODE, 2007 EDITION OF THE CALIFORNIA ELEVATOR SAFETY CONSTRUCTION CODE, 2007 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2007 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2007 EDITION OF THE CALIFORNIA FIRE CODE, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS.

The changes and modifications to the 2007 Editions of the California Building, Plumbing, Mechanical, Electrical and Fire Codes are reasonably necessary due to local conditions in Dana Point. Other amendments are of an administrative or procedural nature and concern themselves with subjects that are not covered by the Code or are reasonably necessary to safeguard life and property within the City of Dana Point. Adoption of these codes as amended will implement the latest codes in the City and complies with current State law; and

- (2) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, SETTING FORTH FINDINGS WITH RESPECT TO LOCAL CONDITIONS WITHIN THE CITY OF DANA POINT WHICH MAKE CERTAIN MODIFICATIONS AND CHANGES TO THE CALIFORNIA BUILDING CODE, THE CALIFORNIA PLUMBING CODE, THE CALIFORNIA MECHANICAL CODE, THE CALIFORNIA ELECTRICAL CODE AND THE CALIFORNIA FIRE CODE AND FIRE CODE STANDARDS REASONABLY NECESSARY FOR DIFFERENT OCCUPANCIES.

- (3) Instruct the Building Official to file the Resolution with the California Building Standards Commission.

17. [A REQUEST TO AMEND CITY COUNCIL RESOLUTION NO. 06-08-23-04 FOR VARIANCE V05-08, COASTAL DEVELOPMENT PERMIT CDP05-25 AND MINOR SITE DEVELOPMENT PERMIT SDP05-65M AT 34142 CHULA VISTA](#)

RECOMMENDED ACTION: That the City Council adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DENYING THE REQUEST TO AMEND RESOLUTION NO. 06-08-23-24 FOR VARIANCE V05-08, COASTAL DEVELOPMENT PERMIT CDP05-25 AND MINOR SITE DEVELOPMENT PERMIT SDP05-65M AT 34142 CHULA VISTA.

UNFINISHED BUSINESS

18. [APPROVAL OF TRAFFIC CIRCULATION FOR PACIFIC COAST HIGHWAY AND DEL PRADO BETWEEN COPPER LANTERN AND BLUE LANTERN](#)

RECOMMENDED ACTION: That the City Council 1) approve a concept for traffic circulation for subject streets, 2) authorize the City Manager to obtain professional financial advisory services to assist staff with identifying funding strategies for City Council consideration for the selected traffic circulation pattern, and 3) amend the FY 2007-08 ("FY08") General Fund operating budget as discussed in the Fiscal Section.

19. [APPROVAL OF A CONSULTANT SERVICES AGREEMENT WITH FEHR & PEERS FOR TOWN CENTER PARKING ANALYSIS](#)

RECOMMENDED ACTION: That the City Council 1) authorize the City Manager to enter into a contract with Fehr & Peers for a Comprehensive Parking Analysis for Town Center; and 2) amend the FY2007-08 ("FY08") General Fund operating budget as discussed in the Fiscal Impact Section.

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 December 4, 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, November 2, 2007, at 5:00 p.m.

KATHY M. WARD, CITY CLERK

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.

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.