

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**WEDNESDAY
OCTOBER 12, 2005
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 05-06

CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS:

Wayne Rayfield, Mayor
Lara Anderson, Mayor Pro Tem
Russell Chilton, Council Member
Diane Harkey, Council Member
James V. Lacy, Council Member

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b1), (3 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Government Code § 54956.9 (c), (1 case)

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Deputy of the Year – Craig Nelson

Business of the Month – The Brig Restaurant

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 herein except those that are removed for separate action, which will be read separately.

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 28, 2005](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, MEETING OF SEPTEMBER 21, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION ACTIONS, MEETING OF OCTOBER 5, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [YOUTH BOARD MEETING MINUTES, SEPTEMBER 15, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

7. CLAIMS AND DEMANDS

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

8. [SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING SECTION 14.01.540 OF THE DANA POINT MUNICIPAL CODE, PAVING SPECIFICATIONS FOR ROADWAY RESURFACING \[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS\]](#)

RECOMMENDED ACTION: That the City Council adopt an ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING SECTION 14.01.540 OF THE DANA POINT MUNICIPAL CODE, PAVING SPECIFICATIONS FOR ROADWAY RESURFACING.

9. **REQUEST TO INITIATE A GENERAL PLAN AMENDMENT GPA05-01 TO CHANGE THE LAND USE DESIGNATION AT THE PROPERTY LOCATED AT 34202 DEL OBISPO** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

RECOMMENDED ACTION: That the City Council authorize the initiation of General Plan Amendment GPA05-01 based upon the information and discussion included in the report. The applicant's letter of request is provided as Supporting Document A of the report.

10. **STATE CONTROLLER CERTIFICATION - SINGLE AUDIT REPORT** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

RECOMMENDED ACTION: Receive and file 2003-2004 Fiscal Year Single Audit Report Certification and Audit Findings Resolution from the California State Controller.

11. **AWARD OF FINANCIAL SERVICES CONTRACT WITH FIELDMAN, ROLAPP & ASSOCIATES TO PROVIDE INDEPENDENT FINANCIAL SERVICES TO FACILITATE THE FORMATION OF COMMUNITY FACILITIES DISTRICT(S) IN CONJUNCTION WITH THE HEADLANDS DEVELOPMENT** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a Financial Services Contract between the City of Dana Point and Fieldman, Rolapp & Associates to provide independent financial advisory services in connection with the proposed funding of various public improvements through the formation of one or more Community Facilities Districts in conjunction with the Headlands Development.

ORAL REPORTS

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 the Public Comments 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 hearings.

UNFINISHED BUSINESS

12. **SECOND READING AND ADOPTION OF ORDINANCE REGARDING LIMITING THE USE OF THE CITY'S POWER OF EMINENT DOMAIN** *[STRATEGIC PLAN: EVALUATE LAND USE ISSUES TO ENSURE THAT THE GOALS, POLICIES, AND PROGRAMS OF THE GENERAL PLAN REFLECT THE COMMUNITY'S VISION AND MISSION]*

RECOMMENDED ACTION: That the City Council adopt an ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, LIMITING THE USE OF THE CITY'S POWER OF EMINENT DOMAIN.

13. **INVESTMENT REVIEW COMMITTEE – EXPANSION OF SCOPE OF RESPONSIBILITY** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA EXPANDING THE INVESTMENT REVIEW COMMITTEE'S SCOPE OF RESPONSIBILITY TO INCLUDE POLICY RECOMMENDATIONS RELATIVE TO THE IMPLEMENTATION OF FISCAL POLICIES, AND ADOPTING A MISSION STATEMENT FOR THE INVESTMENT REVIEW COMMITTEE.

NEW BUSINESS

14. **DISCONTINUATION OF STREET SWEEPING IN WEEKS FOLLOWING HOLIDAYS RESULTING FROM CONFLICTS WITH TRASH COLLECTION** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

RECOMMENDED ACTION: That the City Council authorize staff to discontinue street sweeping after holidays resulting from conflicts with trash collection and the inherent ineffectiveness due to those conflicts.

15. **ELECTION CODE REFORMS** [STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]

RECOMMENDED ACTION: That the City Council:

1) Consider recommendations of Council Policy Task Force to adopt regulations pertaining to campaign finance reform and local ethics reform; and

2) Approve first reading and introduction of the following ordinances entitled:

a. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING AN AMENDMENT TO DANA POINT MUNICIPAL CODE SECTION 2.05.056 LIMITING THE AMOUNT OF CONTRIBUTIONS MADE TO INDEPENDENT EXPENDITURE COMMITTEES.

b. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING AN AMENDMENT TO DANA POINT MUNICIPAL CODE CHAPTER 2.05 PREVENTING FORMER MEMBERS OF THE CITY COUNCIL AND THE CITY PLANNING COMMISSION FROM APPEARING BEFORE THE CITY FOR ONE YEAR AFTER LEAVING CITY SERVICE AND CREATING A LIFETIME BAN ON FORMER OFFICIALS AND APPOINTEES WORKING ON MATTERS ON WHICH THEY WORKED DURING THEIR TIME AS CITY OFFICIALS AND APPOINTEES.

c. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING AN AMENDMENT TO DANA POINT MUNICIPAL CODE CHAPTER 2.05 IMPOSING FINES FOR THE LATE-FILING OF CAMPAIGN REPORTS IN RELATION TO CITY ELECTIONS.

d. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING AN AMENDMENT TO DANA POINT ZONING CODE CHAPTER 9.37 REGULATING THE USE OF VARIOUS "YARD SIGNS" IN THE CITY.

e. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING AN AMENDMENT TO DANA POINT MUNICIPAL CODE CHAPTER 2.05 LIMITING THE AMOUNT OF SELF-LOANS THAT CAN BE MADE BY CANDIDATES IN CITY ELECTIONS.

16. **CONSIDERATION OF BALLOT MEASURE REGARDING EMINENT DOMAIN**

STAFF REPORTS

(Doug Chotkevys, City Manager)

(Patrick Muñoz, City Attorney)

COUNCIL REPORTS

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 26, 2005 at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

CERTIFICATION

I, Cathy Catlett, Assistant 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, October 7, 2005, at 5:00 p.m.

CATHY CATLETT, ASSISTANT 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.