

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**WEDNESDAY
SEPTEMBER 14, 2005
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 05-05

CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS:

Wayne Rayfield, Mayor
Lara Anderson, Mayor Pro Tem
Russell Chilton, Council Member
Diane L. 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)
- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (2 cases)
 - 1. Name of Case: Diedrich Coffee, Inc. v. City of Dana Point, et al, Orange County Superior Court Case No. 05CC03529
 - 2. Name of Case: Brongo Construction v. City of Dana Point, Orange County Superior Court Case No. 04CC10068

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Certificate of Recognition – Jim Wehan, Tall Ship Captain – Pilgrim and Spirit of Dana Point

Certificate of Recognition – City Motto Contest Winners, David and Joyce Kokx.

Business of the Month

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. **[SPECIAL MEETING MINUTES, JULY 18, 2005](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

3. **[REGULAR MEETING MINUTES, AUGUST 24, 2005](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

4. **[SPECIAL MEETING MINUTES, SEPTEMBER 6, 2005](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

5. **[PLANNING COMMISSION MEETING MINUTES, MEETING OF AUGUST 17, 2005](#)**

RECOMMENDED ACTION: That the City Council receive and file.

6. **[PLANNING COMMISSION ACTIONS, MEETING OF SEPTEMBER 7, 2005](#)**

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. **CLAIMS AND DEMANDS**

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

9. SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING SECTION 12.08.020 OF THE DANA POINT MUNICIPAL CODE TO ADDRESS A NUMERICAL INCONSISTENCY REGARDING STORAGE OF VEHICLES IN PUBLIC STREETS AND PUBLICLY OWNED PROPERTY, AND SECTION 12.08.028 REGARDING PARKING RESTRICTIONS ON NARROW STREETS [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 SECTIONS 12.08.020 AND 12.08.028 OF THE DANA POINT MUNICIPAL CODE.

10. ADOPTION OF RESOLUTION FOR THE CITY OF DANA POINT'S FEDERAL DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM FOR THE PERIOD OF OCTOBER 2005 TO SEPTEMBER 2006 [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) adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING THE DISADVANTAGED BUSINESS ENTERPRISE (DBE) ANNUAL PROGRAM FOR THE PERIOD OF OCTOBER 2005 TO SEPTEMBER 2006; and

(2) authorize the City Manager to execute the document.

11. ADOPT A RESOLUTION OF THE CITY OF DANA POINT CITY COUNCIL FOR THE APPROPRIATION OF FUNDING UNDER THE STRUCTURAL FIRE FUND ENHANCEMENT FUND PROGRAM [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, FOR THE APPROPRIATION OF FUNDING UNDER THE STRUCTURAL FIRE FUND ENHANCEMENT FUND PROGRAM (FUND 171).

12. **DRAFT RESOLUTION APPROVING VARIANCE V04-03 AND SITE DEVELOPMENT PERMIT SDP05-21(M) AT 25205 MANZANITA DRIVE** [STRATEGIC PLAN: EVALUTE 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 a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, GRANTING THE APPEAL AND REVERSING THE PLANNING COMMISSION'S DENIAL OF VARIANCE V04-03 TO ALLOW A NEW 2,930 SQUARE FOOT, TWO-STORY SINGLE-FAMILY DWELLING AND ATTACHED 412 SQUARE FOOT GARAGE TOGETHER MEASURING 29.25 FEET IN HEIGHT, INSTEAD OF THE MAXIMUM ALLOWABLE HEIGHT OF 26 FEET AND A MINOR SITE DEVELOPMENT PERMIT SDP05-21 (M) FOR RETAINING WALLS AS HIGH AS 12 FEET ON A 4,507 SQUARE FOOT LOT IN THE RESIDENTIAL SINGLE FAMILY 22 (RSF 22) ZONING DISTRICT AT 25205 MANAZANITA DRIVE.

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. 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

13. **HOUSING ASSISTANCE PILOT PROGRAM** [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 approve the transfer in affordable housing in-lieu fees from a fiduciary account, into the non-departmental reserve for services enhancements account for the Housing Assistance Pilot Program.

14. HURRICANE KATRINA DISASTER RELIEF

Due to posting requirements, a staff report will be provided at the Council meeting.

15. AMENDMENT OF CITY'S CONFLICT OF INTEREST CODE [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, AMENDING THE CITY'S CONFLICT OF INTEREST CODE.

NEW BUSINESS

16. AWARD CONTRACT TO THE PLANNING CENTER TO UPDATE THE HOUSING ELEMENT [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) authorize the City Manager to finalize the scope of work and enter into an agreement with the Planning Center; and (2) transfer funds from the Reserve for Service Enhancement fund to the Community Development Department, Planning Division Account 223.

STAFF REPORTS

(City Manager Doug Chotkevys)

(City Attorney Patrick Muñoz)

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 September 28, 2005 at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

CERTIFICATION

I, Elizabeth Ehring, 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 9, 2005, at 5:00 p.m.

ELIZABETH EHRLING, CITY CLERK

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.