

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**WEDNESDAY
AUGUST 24, 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 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: Surfrider Foundation and Sierra Club v. California Coastal Commission, Headlands Reserve, LLC and City of Dana Point, Superior Court of San Francisco County, Case No. CPF05505023

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 – Dana Point Hardware

Community Center Access Project

Certificate of Recognition – Shane Soderlund

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, JULY 13, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

3. [REGULAR MEETING MINUTES, JULY 27, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [REGULAR MEETING MINUTES, AUGUST 10, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [PLANNING COMMISSION MEETING MINUTES, MEETING OF JULY 6, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file

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6. [PLANNING COMMISSION MEETING MINUTES, MEETING OF JULY 20, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

7. [PLANNING COMMISSION MEETING MINUTES, MEETING OF AUGUST 3, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

8. [PLANNING COMMISSION ACTIONS, MEETING OF JULY 20, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

9. [PLANNING COMMISSION ACTIONS, MEETING OF AUGUST 3, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

10. [PLANNING COMMISSION ACTIONS, MEETING OF AUGUST 17, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

11. [YOUTH BOARD MEETING MINUTES, MEETING OF JULY 7, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

12. [YOUTH BOARD MEETING MINUTES, MEETING OF JULY 21, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

14. [CITY TREASURER'S REPORT, JUNE 2005](#)

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of June, 2005.

15. [CITY TREASURER'S REPORT, JULY 2005](#)

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of July, 2005.

16. **CLAIMS AND DEMANDS**

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

17. **RATIFICATION FOR CHANGE OF FEDERAL LEGISLATURE ADVOCATE'S CONTRACT FIRM** *[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 a replacement Consultant Agreement to continue Federal Legislative Advocacy Services from Mr. Thane Young with his new firm, Van Scoyoc Associates, Action Document A.

18. **APPROVAL OF BUDGET AMENDMENTS FY 2005-06** *[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 and adopt a resolution amending the General Fund operating budget by authorizing the carryover and re-appropriation of certain unencumbered fund balances from FY 2004-05 Budget to the FY 2005-06 Budget, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING THE FISCAL YEAR 2005-06 BUDGET.

19. **MODIFICATION OF THE RESIDENTIAL TOWN CENTER SUBCOMMITTEE MEMBERSHIP** *[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, MODIFYING THE MEMBERSHIP OF THE TOWN CENTER SUBCOMMITTEE TO INCLUDE A MEMBER OF THE CITY'S PLANNING COMMISSION.

20. **TOWN CENTER PUBLIC OUTREACH CONTRACT** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

RECOMMENDED ACTION: The Town Center (TC) Subcommittee will be meeting on August 23, 2005, to discuss and identify a recommendation for this item. Due to posting requirements, a staff report with the recommendation of the TC Subcommittee will be made available at the City Council meeting.

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

21. [APPEAL OF THE PLANNING COMMISSION'S DENIAL OF VARIANCE VO4-03 AND SITE DEVELOPMENT PERMIT SDP05-21 \(M\) FOR A NEW SINGLE-FAMILY DWELLING AT 25205 MANZANITA DRIVE](#) *[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 a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DENYING THE APPEAL AND UPHOLDING 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 THAT EXCEEDS 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 (RSF 22) ZONING DISTRICT AT 25205 MANZANITA DRIVE.

UNFINISHED BUSINESS

22. [DANA POINT CITY MOTTO CONTEST](#) *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

RECOMMENDED ACTION: That City Council review and discuss the "top ten" list of suggested mottos from the Youth Board and then either select a City motto or direct staff to further study the issue and return with a recommended revised process for selecting a City motto.

23. [FESTIVAL OF WHALES 2006](#) [STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]

RECOMMENDED ACTION: The Special Event Task recommends the City Council receive and file this report, and authorize the City to act as facilitator of the 2006 Festival of Whales.

24. [ADOPTION OF A RESOLUTION RESERVING FUNDS FOR THE MAINTENANCE OF PACIFIC COAST HIGHWAY](#) [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, RESERVING FUNDS FOR THE MAINTENANCE OF PACIFIC COAST HIGHWAY AS PART OF THE RELINQUISHMENT OF PACIFIC COAST HIGHWAY BETWEEN THE WEST EDGE OF THE SAN JUAN CREEK BRIDGE AND THE NORTHERN CITY LIMIT.

25. [AMENDMENTS TO STRATEGIC PLAN](#) [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 review the proposed revisions to the City of Dana Point Strategic Plan and direct staff to finalize the document for publication and dissemination.

NEW BUSINESS

26. [INTRODUCTION AND FIRST READING 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 introduce and hold first reading of 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.

27. [AMENDMENTS TO 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 CONFLICT OF INTEREST CODE

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 agendized 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-agendized items may be presented as informational only.

ADJOURNMENT

The next Regular Meeting of the City Council will be September 14, 2005 at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

CERTIFICATION

I, Liz Ehling, 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 August 19, 2005, at 5:00 p.m.

LIZ EHRLING, 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.