

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**WEDNESDAY
JUNE 8, 2005
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 05-03

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), (1 case)
 - 1. Name of Case: Robert Traphagen and Bonny Pitkin v. the City of Dana Point, Superior Court of the State of California, County of Orange – Central District, Case No. 04CC00676

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Businesses of the Month

Merry Grasska – School Nurse of the Year

Recognition of employees who assisted in storm related disasters

CR&R – Present Donation for 4th of July Concert to the City

Mothers Against Drunk Driving (MADD) Award to Deputy Matt Johnson

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.

CONSENT CALENDAR

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. [PLANNING COMMISSION MEETING MINUTES, MEETING OF MAY 18, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

3. [PLANNING COMMISSION ACTIONS, MEETING OF JUNE 1, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [YOUTH BOARD MINUTES, MEETING OF MAY 19, 2005](#)

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. **TREASURER'S REPORT**

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

7. **CLAIMS AND DEMANDS**

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

8. **AUTHORIZE AGREEMENT FOR PARTICIPATION IN THE URBAN COUNTY COMMUNITY BLOCK GRANT AND HOME PROGRAMS FOR FY 2006-2009** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

RECOMMENDED ACTION: That the City Council authorize the Mayor to sign the agreement for the City's participation in the Urban County Community Block Grant and HOME Programs for FY 2006-2009.

9. **LANDSCAPING MODIFICATIONS AND ENTRY IMPROVEMENTS ON GOLDEN LANTERN BETWEEN DEL PRADO AND DANA POINT HARBOR DRIVE** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

RECOMMENDED ACTION: That the City Council accept proposed landscaping modifications and entry improvements to Golden Lantern between Del Prado and Dana Point Harbor Drive.

10. **RESOLUTION FOR ACCEPTANCE OF THE SOUTH ORANGE COUNTY INTEGRATED REGIONAL WATER MANAGEMENT PLAN** *[STRATEGIC PLAN: RESTORE AND MAINTAIN THE INTEGRITY OF OUR OCEAN WATERS AND BEACHES]*

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ACCEPTING THE "SOUTH ORANGE COUNTY INTEGRATED REGIONAL WATER MANAGEMENT PLAN".

11. **ADDITIONAL SUBMITTAL REQUIREMENTS FOR BUILDING HEIGHT VARIANCE APPLICATIONS** *[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 direct staff to implement additional submittal requirements that include story pole staking and visual context exhibits for development that does not comply with the City's Zoning Code standards for maximum allowed building height.

12. [ADOPTION OF RESOLUTION APPROVING THE INSTALLATION OF A DECORATIVE DRIVEWAY AT 33802 COPPER LANTERN PURSUANT TO THE DANA POINT MUNICIPAL CODE; AND INTRODUCE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING SECTION 14.01.530 OF THE MUNICIPAL CODE](#) [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council (1) adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING THE INSTALLATION OF A DECORATIVE DRIVEWAY AT 33802 COPPER LANTERN PURSUANT TO SECTION 14.01.530 OF THE DANA POINT MUNICIPAL CODE;

(2) direct staff to issue an encroachment permit pursuant to Dana Point requirements for the installation of the driveway; and (3) introduce and hold first reading of an ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING SECTION 14.01.530 OF THE DANA POINT MUNICIPAL CODE.

13. [ADOPTION OF RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE HISTORICAL CONCRETE REPAIR AND REPLACEMENT PROJECT, FY 03/04](#) [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council (1) adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE HISTORICAL CONCRETE REPAIR AND REPLACEMENT PROJECT, FY 03/04;

and (2) direct staff to transfer all project savings to the Capital Improvement Program Reserve Fund.

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

14. **CONSIDER PRELIMINARY OPERATING AND CAPITAL IMPROVEMENT BUDGETS FOR FISCAL YEARS 2005-2006 AND 2006-2007** [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) conduct a Public Hearing to review the City of Dana Point Preliminary Operating and Capital Improvement Budgets for Fiscal Years 2005-2006 ("FY2006") and 2006-2007 ("FY2007"); (2) following public input and Council discussion, continue the Public Hearing to June 22, 2005 at 6:00 p.m. for further deliberation and adoption of the ensuing two-year budget.

15. **APPEAL OF PLANNING COMMISSION APPROVAL OF AMENDED SITE DEVELOPMENT PERMIT SDP91-07M(III); AND TENTATIVE TRACT MAP TTM 16769 FOR HOTEL RESIDENTIAL SOUTH IN THE MONARCH BEACH RESORT SPECIFIC PLAN AREA** [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 APPROVAL OF TENTATIVE TRACT MAP TTM 16769 TO AMEND PREVIOUSLY RECORDED FINAL MAP 14589 AND SITE DEVELOPMENT PERMIT SDP91-07M(III) FOR A REDUCTION IN THE NUMBER OF DWELLING UNITS FOR HOTEL RESIDENTIAL SOUTH ON THE NORTHWEST CORNER ON NIGUEL ROAD AND STONEHILL DRIVE IN THE MONARCH BEACH RESORT SPECIFIC PLAN AREA.

UNFINISHED BUSINESS

16. **REVIEW AND ADOPTION OF THE TOP TEN GUIDING PRINCIPLES FOR TOWN CENTER** [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, ADOPTING THE TOP TEN GUIDING PRINCIPLES FOR TOWN CENTER

NEW BUSINESS

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 June 22, 2005 at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

CERTIFICATION

I, Sharie Apodaca, Interim 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 June 3, 2005, at 5:00 p.m.

SHARIE APODACA, INTERIM 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.