

CITY OF DANA POINT

**CITY COUNCIL
ADJOURNED
REGULAR
MEETING**



**MONDAY
APRIL 11, 2005
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 05-01

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), (4 cases)
 - 1. Name of Case: City of Dana Point v. Warren & Does 1-50, Orange County Superior Court Case No. 04CC07344
 - 2. Name of Case: Diedrich Coffee, Inc. v. City of Dana Point, et al, Orange County Superior Court Case No. 05CC03529
 - 3. 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

4. Name of Case: James Seitz v. the City of Dana Point & Does 1-10, Superior Court of the State of California, County of Orange - Central District, Case No. 04CC00691

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Featured Business of the Month

Recognition of Sponsors – Festival of Whales Parade

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. [REGULAR MEETING MINUTES, MARCH 23, 2005](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [ADJOURNED REGULAR MEETING MINUTES, MARCH 30, 2005](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

4. [PLANNING COMMISSION MEETING MINUTES, MEETING OF MARCH 2, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. **PLANNING COMMISSION ACTIONS, MEETING OF APRIL 6, 2005**

RECOMMENDED ACTION: That the City Council receive and file.

6. **YOUTH BOARD MINUTES, MEETING OF MARCH 3, 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. **TREASURER'S REPORT, FEBRUARY 2005**

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

9. **CLAIMS AND DEMANDS**

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

10. **ESTABLISHMENT OF THE DANA POINT UTILITY UNDERGROUNDING SUBCOMMITTEE**
[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 (1) adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING A DANA POINT UTILITY UNDERGROUNDING SUBCOMMITTEE

(2) acknowledge the budget outlined in the Fiscal Impact Section that describes the staffing needs and resources for the Utility Undergrounding Subcommittee; and (3) approve the application and direct staff to advertise for interested resident involvement as it relates to serving on the Subcommittee.

11. **INTRODUCE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING THE DANA POINT MUNICIPAL CODE CODIFYING SPEED LIMITS**
[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 introduce and hold first reading by title only, of an ordinance of the City of Dana Point entitled:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING THE DANA POINT MUNICIPAL CODE, CHAPTER 12.16.010, ESTABLISHING

SPEED LIMITS IN THE CITY OF DANA POINT PURSUANT TO THE CALIFORNIA VEHICLE CODE

12. **OPPOSITION BY RESOLUTION TO AB 991 REGARDING MOSQUITO ABATEMENT AND VECTOR CONTROL DISTRICTS** [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, OPPOSING AB 991 (DEVORE) REGARDING MOSQUITO ABATEMENT AND VECTOR CONTROL DISTRICTS

13. **AMENDMENT TO AGREEMENT BETWEEN ALL CITY MANAGEMENT SERVICES, INC. AND THE CITY OF DANA POINT FOR PROVIDING SCHOOL CROSSING GUARD SERVICES** [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 approve the Amendment to the Agreement between All City Management Services, Inc. and the City of Dana Point for providing School Crossing Guard Services for fiscal year 2005-2006.

14. **SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING SECTION 3.13 OF THE DANA POINT MUNICIPAL CODE PERTAINING TO FORMAL AND INFORMAL BID PROCEDURES FOR PUBLIC CONTRACTS** [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 hold a second reading by title only, of an ordinance of the City of Dana Point entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING THE DANA POINT MUNICIPAL CODE, CHAPTER 3.13, FOR THE PURPOSE OF ALLOWING THE CITY TO FURTHER UTILIZE INFORMAL BIDDING PROCEDURES AND CITY WORK FORCES PURSUANT TO THE CALIFORNIA UNIFORM CONSTRUCTION COST ACCOUNTING ACT

15. **APPROVE AMENDMENT TO EMPLOYMENT CONTRACT FOR CITY MANAGER** [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 contract amendment.

16. **AMENDMENT OF CLASS SPECIFICATION FOR EXISTING EMERGENCY SERVICES COORDINATOR POSITION** [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, in order to facilitate the enhancement and recently approved reorganization of the Emergency and Support Services Division, adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING THE SALARY RANGE AND CLASS SPECIFICATION FOR THE BUDGETED POSITION OF EMERGENCY SERVICES COORDINATOR

17. **ESTABLISHMENT OF THE DANA POINT LIBRARY AND SEA TERRACE PARK SUBCOMMITTEE** [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, ESTABLISHING A DANA POINT LIBRARY AND SEA TERRACE PARK SUBCOMMITTEE;
and

(2) authorize the transfer of funds from the Reserve for Service Enhancement Account to the City Council Professional Services Account for legal expenses and other costs associated with the new Subcommittee's operations.

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

18. APPEAL OF PLANNING COMMISSION APPROVAL OF TENTATIVE TRACT MAP TTM 16620 AND SITE DEVELOPMENT PERMIT SDP04-32 AND A CORRESPONDING MITIGATED NEGATIVE DECLARATION AT 35392 CAMINO CAPISTRANO [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] (NOTE: THIS PUBLIC HEARING CONTINUED FROM MARCH 23, 2005 COUNCIL MEETING)

RECOMMENDED ACTION: That the City Council conduct a Public Hearing and deny the appeal and uphold the Planning Commission approval of Tentative Tract Map TTM 16620 and Site Development Permit SDP04-32 and a corresponding Mitigated Negative Declaration.

UNFINISHED BUSINESS

19. PLANNING COMMISSION APPOINTMENTS [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 consider appointments to fill two expired four-year terms on the Dana Point Planning Commission, and up to three alternate seats as determined by the Council.

20. ESTABLISHMENT OF THE TOWN CENTER SUBCOMMITTEE [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 (1) adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING A DANA POINT TOWN CENTER SUBCOMMITTEE; and

(2) appoint City Council representatives to the Subcommittee and determine the number of public members; direct the City Clerk to advertise for the positions.

NEW BUSINESS

There is no 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 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 April 27, 2005 at 5:00 p.m. at a location in Dana Point, California, to be determined and noticed according to law.

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 April 8, 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.