

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING/JOINT
MEETING WITH THE
PLANNING COMMISSION**



**WEDNESDAY
APRIL 27, 2005
5:00 P.M.**

AGENDA

Location: City of Dana Point Community Center, 34052 Del Obispo, Dana Point, California 92629

Next City Council Ordinance No. 05-02

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: 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
 - 4. Name of Case: Pioneer Builders v. City of Dana Point, Orange County Superior Court Case No. 03CC13460

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

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 ADJOURNED MEETING MINUTES, APRIL 11, 2005](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, MEETING OF APRIL 6, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION ACTIONS, MEETING OF APRIL 20, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [YOUTH BOARD MINUTES, MEETING OF MARCH 17, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. [YOUTH BOARD MINUTES, MEETING OF APRIL 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. **ADOPTION OF RESOLUTION APPROVING FINAL TRACT MAP NO. 15924, THE ACCOMPANYING LANDSCAPE AND MAINTENANCE AGREEMENT AND THE ACCOMPANYING SUBDIVISION IMPROVEMENT AGREEMENT** [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, APPROVING FINAL TRACT MAP NO. 15924, THE REQUIRED LANDSCAPE AND MAINTENANCE AGREEMENT AND THE ACCOMPANYING SUBDIVISION IMPROVEMENT AGREEMENT.

10. **AWARD OF CONTRACT FOR THE CONSTRUCTION OF THE STONEHILL DRIVE AND CAMINO CAPISTRANO INTERSECTION IMPROVEMENT PROJECT, AS PART OF THE ANNUAL TRAFFIC SAFETY IMPROVEMENT PROGRAM** [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council (1) award a contract to Orion Contracting, Incorporated (Bid Schedule A work only) for the construction of the Stonehill Drive and Camino Capistrano Intersection Improvement Project as part of the Annual Traffic Safety Program (CIP #1175), provided that the City Manager or his designee may approve additional payment not to exceed ten percent of the contract amount for change orders and contingencies; (2) authorize the expenditures for various construction support, administration and management expenditures as outlined in the Fiscal Impact Section of the agenda report; (3) direct staff to secure payment from the Orange County Transportation Authority under the Growth Management Area funding program, as this project is being partially funded using grant funds; (4) authorize the transfer of funds from the Annual Roadway Resurfacing Project FY04-05 (CIP #1184); and (5) authorize the transfer of funds from the Citywide Sidewalk Evaluation Project (CIP #1137)

11. **2005 WEED ABATEMENT PROGRAM, AUTHORIZATION TO ABATE WEEDS** [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council hear any objections regarding weed abatement and thereafter adopt a resolution entitled:

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, OVERRULING OBJECTIONS AND PROCEEDING WITH WEED ABATEMENT

-or-

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, HEARING NO OBJECTIONS AND PROCEEDING WITH WEED ABATEMENT

authorizing staff to abate weeds upon public or private property, and to report back to the City Council on July 27, 2005, with an itemized report detailing abatement cost.

12. REJECTION OF ALL BIDS FOR CONSTRUCTION OF THE NEW POLICE SERVICES FACILITY AT CITY PLAZA [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) reject all bids received for the construction of the Police Services Renovation Project 2005; (2) authorize the return of all contractor-submitted bid securities for the project; and (3) authorize staff to revise the bid documents to include the Administration office expansion and re-advertise the project for construction bids as soon as possible.

13. SECOND READING AND ADOPTION OF 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 adopt an ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING SECTION 12.16.010 OF THE CITY OF DANA POINT MUNICIPAL CODE CODIFYING SPEED LIMITS IN THE CITY OF DANA POINT

14. 2004-2005 BUDGET ADJUSTMENT [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 transfer funds from the Undesignated General Reserve Fund to the City Attorney account number 01-71-20-0000-231 to pay for additional City Attorney fees related to unanticipated litigation.

15. FEES FOR APPEALING PLANNING COMMISSION ACTIONS [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 an increase in fees for appeals of Planning Commission actions by adopting a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING FEES FOR THE APPEAL OF PLANNING COMMISSION ACTIONS

16. **CIVIL FINES FOR VIOLATIONS OF THE CITY'S NOISE CONTROL ORDINANCE**
[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 specify a civil fine not exceeding one thousand dollars (\$1,000.00) for violations of the City's Noise Control Ordinance [DMP Chapter 11.10] by adopting a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, SPECIFYING CIVIL FINES FOR VIOLATIONS OF THE CITY'S NOISE CONTROL ORDINANCE

17. **APPROVE (a) THE SPONSORSHIP OF THE CAPISTRANO VALLEY SYMPHONY 2005 FOURTH OF JULY CONCERT; (b) APPROVE THE TRANSFER OF FUNDS FROM THE RESERVE SERVICE ENHANCEMENT FUND TO THE COMMUNITY SERVICES ACCOUNT (81); AND (c) AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT**
[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]

RECOMMEND ACTION: That the City Council a) approve the sponsorship of the Capistrano Valley Symphony (CVS) 2005 Fourth of July Concert; b) approve the transfer of funds from the Reserve Service Enhancement (RSE) Fund to the Community Services Account (81-241); and c) authorize the City Manager to execute the contract.

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.

CALL TO ORDER – JOINT SESSION OF THE CITY COUNCIL AND THE PLANNING COMMISSION

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

ROLL CALL OF PLANNING COMMISSION MEMBERS:

Norman Denton, Chair
April O'Connor, Vice-Chair
Greg Powers, Commissioner
J. Scott Schoeffel, Commissioner
Steve Weinberg, Commissioner

NEW BUSINESS

18. [**JOINT SESSION WITH PLANNING COMMISSION RE: STRATEGIC PLAN AND OTHER PLANNING MATTERS**](#)

RECOMMENDED ACTION: That the City Council and Planning Commission hold joint discussions relative to the City of Dana Point Strategic Plan and other planning related matters including variances, the General Plan and the City's Capital Improvement Project program.

STAFF REPORTS

(Doug Chotkevys, City Manager)

(Patrick Muñoz, City Attorney)

COMMISSION REPORTS

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 May 11, 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 April 22, 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.