

# CITY OF DANA POINT

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## **CITY COUNCIL REGULAR MEETING**



**MARCH 23, 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 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), (3 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: Hamilton v. City Council of the City of Dana Point, California (Respondent); James DeCarli, et al (Real Parties in Interest), Superior Court for the State of California, County of Orange, Central Justice Center, Case No. 04CC05259
- D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957

Title: City Manager

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

## RECONVENE CITY COUNCIL MEETING

## PLEDGE OF ALLEGIANCE

## INVOCATION

## PRESENTATIONS AND PROCLAMATIONS

Bob Moore, Veteran of Foreign Wars, presentation 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.

### 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, MARCH 7, 2005](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

### 3. **[REGULAR MEETING MINUTES, MARCH 9, 2005](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

### 4. **[SPECIAL MEETING AND ADJOURNED REGULAR MEETING MINUTES, MARCH 16, 2005](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

### 5. **[YOUTH BOARD MEETING MINUTES, FEBRUARY 17, 2005](#)**

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

**7. CLAIMS AND DEMANDS**

RECOMMENDED ACTION: That the City Council receive and file.

**8. RATIFICATION OF EMERGENCY PURCHASE FOR ASPHALT REPAIRS ON COAST HIGHWAY AND FOR TRUCKING REQUIRED TO REMOVE DEBRIS [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]**

RECOMMENDED ACTION: That the City Council (1) ratify the City Manager's action to waive competitive bidding for exceeding allowable expenditures per City Ordinances for emergency asphalt pavement repairs on Coast Highway; (2) ratify the City Manager's action to waive competitive bidding for allowable expenditures per City Ordinances for emergency debris removal; (3) transfer funds from the Capital Improvement Program Reserves to the CIP 2005 Storm Damage Repairs Project, Account Number 1190 to fund the cost of the work; and (4) authorize staff to pay Quickel Paving, Donny Goodwin Construction, and other necessary contractors, vendors and consultants for completing Asphalt Repairs and Debris Removal upon receipt of actual quantities and costs for the work.

**9. APPROVE AN AMENDMENT TO THE PARK, RECREATION, AND OPEN SPACE MASTER PLAN CONTRACT WITH RJM DESIGN GROUP, INC. TO: A) EXTEND THE TERM OF THE CONTRACT TO JULY 30, 2005; B) AUTHORIZE AN ADDITIONAL AMOUNT OF FUNDS TO COMPLETE THE PROJECT; AND C) AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT AMENDMENT [STRATEGIC PLAN: PROVIDE OPEN SPACE, PARKS, RECREATIONAL FACILITIES, GREENBELTS AND TRAILS]**

RECOMMENDED ACTION: That the City Council approve an amendment to the Park, Recreation and Open Space Master Plan Contract to: (a) extend the term of the contract to July 30, 2005; (b) authorize additional funding to complete the project; and (c) authorize the City Manager to execute the contract amendment.

**10. ORDINANCE AMENDING THE MUNICIPAL CODE RELATING 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 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 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.

11. [LIQUEFIED NATURAL GAS \(LNG\) RECEIVING TERMINAL](#) [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) Assign the proposed LNG terminal to the Ocean Water Quality Subcommittee to follow and report back on the aforementioned project; and 2) adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, OPPOSING A LIQUEFIED NATURAL GAS RECEIVING TERMINAL OFF THE COAST OF CAMP PENDLETON.

## 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

12. [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]

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

There is no Unfinished Business.

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## NEW BUSINESS

13. [DANA POINT YOUTH BOARD 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 the City Council approve the Youth Board's recommended Dana Point City Motto Contest project plan as presented in the staff report.

14. [EMERGENCY AND SUPPORT 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 consider the following actions designed to enhance disaster preparedness programs and to optimize City services related to emergency response, and the maintenance of City facilities and infrastructure:

- a) Combine the Facilities Maintenance Division with the Emergency Services Division under the umbrella of an expanded division identified as Emergency and Support Services;
- b) Authorize the creation of two new positions entitled: 1) Emergency and Support Services Manager; and 2) Building/Facilities Maintenance Worker; by adopting a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING TWO ADDITIONAL POSITION TITLES AND SALARY RANGES;

- c) Authorize the City Manager to fill these two new full-time positions; and
- d) Authorize the City Manager to provide notice to terminate the current agreement for building management services.

## 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.

(Mayor Rayfield)

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## ADJOURNMENT

The next Adjourned Regular Meeting of the City Council will be March 30, 2005 at 6:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

The next Adjourned Regular Meeting of the City Council will be April 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 Friday, March 18, 2005, at 5:00 p.m.

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SHARIE APODACA, INTERIM CITY CLERK

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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](http://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.