

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**MARCH 9, 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) (3 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
 - 3. Name of Case: Headlands Reserve LLC and MH Sherman Co. v. the City of Dana Point, et al, Orange County Superior Court Case No. 798758, Court of Appeals Case No. G024366

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Orange County Human Relations Commission

Business of the Month

Presentation to Deputy Jeff McLain, Orange County Sheriff's Department

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, FEBRUARY 23, 2005](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, MEETING OF FEBRUARY 16, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION ACTIONS, MEETING OF MARCH 2, 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, JANUARY 2005**

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

7. **CLAIMS AND DEMANDS**

RECOMMENDED ACTION: That the City Council receive and file.

8. **2005 WEED ABATEMENT PROGRAM** *[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, DECLARING WEEDS A PUBLIC NUISANCE AND INITIATING ABATEMENT PROCEEDINGS.

Further, by minute order, authorize staff to release bid packets to contractors to abate weeds in the City.

9. **JOINT AGREEMENT FOR THE OPERATION, MAINTENANCE, AND FINANCIAL MANAGEMENT OF THE ORANGE COUNTY 800 MHz COUNTYWIDE COORDINATED COMMUNICATIONS SYSTEM DATED NOVEMBER 2004** *[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) approve the Joint Agreement for the Operation, Maintenance, and Financial Management of the Orange County 800 MHz Countywide Coordinated Communications System; (2) authorize the Mayor to execute the Joint Agreement; and (3) direct the City Clerk to certify the adoption of this Agreement and process two copies, one original for the County Clerk of the Board, and one original for the City Clerk's records.

10. **APPROVE AMENDMENT NO. 10 TO CONTRACT AGREEMENT NO.C-95-971 WITH ORANGE COUNTY TRANSIT AUTHORITY TO PROVIDE SENIOR TRANSPORTATION SERVICES TO THE DEL OBISPO COMMUNITY/SENIOR CENTER THROUGH JUNE 30, 2005** *[STRATEGIC PLAN: PROMOTE CULTURAL ARTS AND HUMAN SERVICES]*

RECOMMENDED ACTION: That the City Council approve Amendment No. 10 to the existing contract No. C-95-971 with Orange County Transit Authority (OCTA) for senior transportation to the Del Obispo Community/Senior Center through June 30, 2005 and authorize the City Manager to execute the agreement.

11. **RATIFICATION OF EMERGENCY PURCHASE FOR STORM DRAIN DAMAGE REPAIRS ALONG DEL OBISPO STREET** [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) ratify the City Manager's action to waive competitive bidding for immediately obtaining construction support services for emergency storm drain facility repairs on a storm drain across Del Obispo Street, herein referred to as "Storm Drain Repairs"; (2) authorize the transfer of funds from the Capital Improvement Program reserve fund to the 2005 Storm Damage Repair Project (CIP#1190) to fund the project; and (3) authorize staff to pay GCI Construction, Incorporated and other necessary contractors, vendors and consultants for completing Storm Drain Repairs upon receipt of actual quantities and costs for the emergency work.

12. **ESTABLISHMENT OF THE DANA POINT OCEAN WATER QUALITY SUBCOMMITTEE** [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) adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT,
CALIFORNIA, ESTABLISHING A DANA POINT OCEAN WATER QUALITY
SUBCOMMITTEE;

(2) acknowledge the budget outlined in the Fiscal Impact Section that describes the staffing needs and resources for the Ocean Water Quality Subcommittee; and (3) approve the application, included as Supporting Document B, and direct staff to advertise for interested resident involvement as it relates to serving on the Subcommittee.

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

There are no Public Hearings.

UNFINISHED BUSINESS

There is no Unfinished Business.

NEW BUSINESS

13. [2004 ANNUAL REPORT - CODE ENFORCEMENT](#) [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 receive and file the report.

14. [FISCAL YEAR 2004-2005 MID-YEAR BUDGET REVIEW](#) [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 receive and file the Mid-Year Budget Report and approve the recommended FY05 Budget Adjustment.

15. [APPROVE AN AGREEMENT WITH THE COUNTY OF ORANGE TO PROVIDE FUNDING SUPPORT FOR A DANA POINT HARBOR BABY BEACH WATER CIRCULATION DEMONSTRATION PROJECT TO IMPROVE WATER QUALITY](#) [STRATEGIC PLAN: RESTORE AND MAINTAIN THE INTEGRITY OF OUR OCEAN WATERS AND BEACHES]

RECOMMENDED ACTION: That the City Council (1) approve an agreement in support of a Dana Point Harbor Baby Beach Water Circulation Demonstration Project to improve water quality with the County of Orange, to be administered by the City Manager, and (2) approve an expenditure of funds from Public Work's Water Quality Account #57-251 for subject project.

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)

ADJOURNMENT

There will be an Adjourned Meeting of the City Council will be March 16, 2005 at 6:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

The next Regular Meeting of the City Council will be March 23, 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 4, 2005, at 5:00 p.m.

SHARIE APODACA, INTERIM CITY CLERK

DATE

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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.