

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**FEBRUARY 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)

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

Desalinization Plant and Doheny Monitoring Wells

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, JANUARY 26, 2005](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MINUTES, MEETING OF JANUARY 19, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION ACTIONS, MEETING OF FEBRUARY 2, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [YOUTH BOARD MINUTES, MEETING OF JANUARY 20, 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. [TREASURER'S REPORT, DECEMBER 2004](#)

RECOMMENDED ACTION: That the City Council receive and file.

8. CLAIMS AND DEMANDS

RECOMMENDED ACTION: That the City Council receive and file.

9. **AWARD OF CONTRACT TO ORION CONTRACTING, INCORPORATED FOR THE CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT, FISCAL YEAR 2004/2005** [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) award a contract to Orion Contracting, Incorporated for the construction of the Annual Roadway Resurfacing Project, Fiscal Year 2004/2005, provided that the City Manager or his designee may approve additional payment not to exceed fifteen percent of 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 this report; and (3) direct staff to secure payment from the City of San Juan Capistrano pursuant to Section 1.4 of the Reimbursement Agreement approved by the Dana Point City Council on November 10, 2004.

10. **APPROVAL OF THE SECOND AMENDMENT TO THE AGREEMENT WITH PSOMAS FOR ADDITIONAL DESIGN SERVICES FOR REHABILITATION OF STONEHILL DRIVE AS PART OF THE ARTERIAL ROADWAY RESURFACING PROJECT** [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 Second Amendment, included as Action Document A, to Psomas under the Arterial Highway Rehabilitation Project for additional design services to finalize the construction documents for the rehabilitation of Stonehill Drive between Golden Lantern and Niguel Road; and (2) authorize advertisement for construction bids once the design is completed.

11. **TERMINATION OF LOCAL EMERGENCY** [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 terminate the Proclamation of Local Emergency.

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 THE APPROVAL BY THE PLANNING COMMISSION OF MASTER COASTAL DEVELOPMENT PERMIT CDP 04-23, MASTER SITE DEVELOPMENT PERMIT SDP 04-96, AND TENTATIVE TRACT MAP 16331](#) [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

NOTE: THIS PUBLIC HEARING WILL NOT BE HELD. IT WILL BE RE-NOTICED FOR FEBRUARY 23, 2005 AT 6:00 P.M.

UNFINISHED BUSINESS

13. [ADOPTION OF RESOLUTION DESIGNATING THREE INTERSECTIONS LOCATED ON AVENIDA LAS PALMAS AND CALLE DEL SOL AS ALL-WAY STOP CONTROL INTERSECTIONS AND AUTHORIZING THE INSTALLATION OF STOP SIGNS](#) [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, DESIGNATING THREE INTERSECTIONS LOCATED ON AVENIDA LAS PALMAS AND CALLE DEL SOL AS ALL-WAY STOP CONTROL INTERSECTIONS AND AUTHORIZING THE INSTALLATION OF STOP SIGNS

(2) direct the Traffic Subcommittee to review and advise the Council on the existing situation at the Las Palmas and Calle Real intersection and advise on the possible alternatives such as the installation of a four-way stop sign at the intersection, a controlled right-turn movement, striping, and other appropriate potential solutions; and (3) transfer funds from the Reserve for Service Enhancements to the City's Street Maintenance Budget to fund the installation of the stop signs and associated striping.

14. [AWARD OF CONTRACT TO INTERNATIONAL PAVEMENT SOLUTIONS, INCORPORATED FOR THE CONSTRUCTION OF THE COMMUNITY CENTER ACCESS PROJECT AS PART OF THE GENERAL PARK REHABILITATION PROGRAM](#) [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) award a contract to International Pavement Solutions, Incorporated for the construction of the Community Center Access Project, provided that the City Manager or his designee may approve additional payment not to exceed fifteen percent of this 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 this report; (3) establish a new Capital Improvement

Program project entitled "Community Center Access Project"; and (4) transfer funds from the CIP Reserve Fund into the newly established Community Center Access Project.

15. **CONTINUED DISCUSSION RELATIVE TO SUBCOMMITTEES AND TASK FORCES**

16. **AUTHORIZATION OF AN ADDITIONAL EXPENDITURE FOR CONSULTING SERVICES FOR RELINQUISHMENT OF PACIFIC COAST HIGHWAY FROM THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION TO THE CITY OF DANA POINT** [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) authorize an expenditure of additional funds to extend consulting services for facilitating the relinquishment of Pacific Coast Highway from the State of California; and (2) approve the transfer of funds from the Undesignated General Fund Reserves Account to fund the extended consulting services agreement.

NEW BUSINESS

17. **FEDERAL GOVERNMENT REPRESENTATION AND CONSULTING 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 approve a Professional Services Agreement for federal government representation and consulting services with Peyser Associates Inc.

STAFF REPORTS

City Manager Chotkevys

City Attorney Munoz

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 February 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 February 4, 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.