

CITY OF DANA POINT

CITY COUNCIL REGULAR MEETING



**FEBRUARY 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), (1 case)
- 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), (2 cases)
 - 1. Name of Case: City of Dana Point v. Cheryl Saltus, SeAir Properties, Jose M. Barraza, and Does 1 – 50, Superior Court of the State of California, County of Orange – Central Justice Center, Case No. 04CC11069
 - 2. 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

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, JANUARY 28, 2005](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

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

RECOMMENDED ACTION: That the City Council approve the minutes.

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

RECOMMENDED ACTION: That the City Council receive and file.

5. [PLANNING COMMISSION ACTIONS, MEETING OF FEBRUARY 16, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. [YOUTH BOARD MEETING MINUTES, FEBRUARY 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. **CLAIMS AND DEMANDS**

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

9. **RATIFICATION OF EMERGENCY PURCHASE FOR STORM DRAIN DAMAGE REPAIRS ALONG GREEN LANTERN** *[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 immediately obtaining construction support services for emergency storm drain facility repairs on a 12-inch storm drain that carries drainage from Green Lantern down a slope to Cove Road, referred to as "Storm Drain Repairs"; (2) fund the cost of the work from the newly established Capital Improvement Program Project, namely CIP 2005 Storm Damage Repairs Project, Account Number 1190; 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.

10. **RESOLUTION OF SUMMARY VACATION OF STORM DRAIN EASEMENT LOCATED UPON THE PROPERTY AT 27265 CALLE ANEJO (ASSESSOR PARCEL NUMBER 691-181-20)** *[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, SUMMARILY VACATING A STORM DRAIN EASEMENT LOCATED UPON THE PROPERTY AT 27265 CALLE ANEJO (ASSESSOR PARCEL NUMBER 691-181-20) AS DEDICATED ON TRACT MAP NUMBER 8580

11. **ESTABLISHMENT OF THE TRAFFIC IMPROVEMENT 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 TRAFFIC IMPROVEMENT SUBCOMMITTEE;

(2) acknowledge the budget outlined in the Fiscal Impact Section that describes the staffing needs and resources for the Traffic Improvement Subcommittee; (3) authorize the transfer of funds from the Reserve for Service Enhancements to Account Number 53-223 for additional consultant services for traffic engineering and preparation of requested studies for the remainder of Fiscal Year 2004/2005; and (4) direct staff to budget funds per year in following years for required traffic engineering support services to prepare agendas, meeting minutes, attend

meetings, prepare reports and studies, and provide other requested information as part of the newly established subcommittee.

12. **ESTABLISHMENT OF THE POLICY REVIEW TASK FORCE** [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, ESTABLISHING A DANA POINT POLICY REVIEW TASK FORCE

13. **MODIFY CITY CLERK JOB CLASSIFICATION** [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, MODIFYING THE POSITION TITLE OF DIRECTOR OF PUBLIC AFFAIRS/CITY CLERK;

and (2) approve the amended City Clerk class specification.

14. **AWARD OF CONTRACT FOR THE 4TH OF JULY AERIAL FIREWORKS DISPLAY AND BARGE CONTRACT** [PROMOTE CULTURAL ARTS AND HUMAN SERVICES]

RECOMMENDED ACTION: That the City Council approve the following for the 2005 Fourth of July aerial fireworks display: (1) contract with Pyro-Spectacular for the aerial display; (2) contract with Pacific Tugboat Service to provide a barge to be used as the staging area for the fireworks display; and (3) authorize the City Manager to execute the agreements.

15. **ESTABLISHMENT OF THE CHAMBER RENOVATION TASK FORCE** [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, ESTABLISHING A CITY COUNCIL CHAMBER RENOVATION TASK FORCE

16. **ESTABLISHMENT OF THE RESIDENTIAL BUILDING HEIGHT TASK FORCE** [STRATEGIC PLAN: EVALUATE LAND USE ISSUES TO ENSURE THAT THE GOALS, POLICIES AND PROGRAMS FOR THE GENERAL PLAN REFLECT THE COMMUNITY'S VISION AND MISSION]

RECOMMENDED ACTION: That the City Council adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA,
ESTABLISHING A RESIDENTIAL BUILDING HEIGHT TASK FORCE

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

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

RECOMMENDED ACTION: That the City Council deny the appeal and uphold the Planning Commission approval of Master Coastal Development Permit CDP 04-23, Tentative Tract 16331 and Master Site Development Permit SDP 04-69.

UNFINISHED BUSINESS

18. [STATUS REPORT FOR THE CONSTRUCTION OF THE SALT CREEK OZONE TREATMENT FACILITY](#) [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council receive and file the status report and the presentation for the Construction of the Salt Creek Ozone Treatment Facility.

NEW BUSINESS

19. [AMENDMENT TO THE FY 2004/2005 AND FY 2005/2006 LAW ENFORCEMENT SERVICES AGREEMENT](#) [STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]

RECOMMENDED ACTION: That the City Council:

1. Authorize the transfer of funds from Service Enhancements Fund to Police Services Budget this Fiscal Year to a) prorated increased traffic enforcement services; and b) purchase of a 2005 Police Service Motorcycle; and
2. Amend FY 2005/2006 contract to provide funds for overtime to target specific identified problem traffic areas and to provide funds for one Crime Prevention Specialist and one Information Processing Technician.

STAFF REPORTS

(City Manager Doug Chotkevys)

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

The next Regular Meeting of the City Council will be March 9, 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, February 18, 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.