

# CITY OF DANA POINT

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**CITY COUNCIL  
REGULAR  
MEETING**



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**JANUARY 26, 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), (2 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: 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

D. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Government Code § 54956.8  
(1 case)

1. Location: Pacific Coast Highway between the north City limit and the western edge of San Juan Creek, Dana Point, California
- Agency Negotiator: Douglas Chotkevys, City Manager  
Patrick Munoz, City Attorney  
Brad Fowler, Director of Public Works/  
City Engineer  
Matthew Sinacori, Deputy City Engineer
- Negotiating Parties: City of Dana Point and California Department of Transportation
- Under Negotiation: Relinquishment of portion of Pacific Coast Highway, including both price and terms of payment

E. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Government Code § 54957.6

Title: Director of Public Affairs/City Clerk

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

**RECONVENE CITY COUNCIL MEETING**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**PRESENTATIONS AND PROCLAMATIONS**

Orange County Health Agency Water Quality Monitoring

**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 17, 2005**

RECOMMENDED ACTION: That the City Council approve the minutes.

3. **PLANNING COMMISSION MEETING MINUTES, MEETING OF DECEMBER 15, 2004**

RECOMMENDED ACTION: That the City Council receive and file.

4. **PLANNING COMMISSION ACTIONS, MEETING OF JANUARY 19, 2005**

RECOMMENDED ACTION: That the City Council receive and file.

5. **YOUTH BOARD MINUTES, MEETING OF JANUARY 6, 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 the Claims and Demands.

8. **ESTABLISHMENT OF A NON-EXEMPT POSITION TITLE AND SALARY RANGE – PUBLIC WORKS INTERN (PART TIME)** *[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 AN ADDITIONAL POSITION TITLE AND SALARY RANGE

9. **DISPOSITION OF NON-ESSENTIAL RECORDS** *[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 2003-2004 disposition of nonessential City records in accordance with California State Law and the City's approved Records Retentions Schedule and adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE DISPOSITION OF CERTAIN INACTIVE CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA

10. [RATIFICATION OF EMERGENCY PURCHASE FOR STORM DRAIN DAMAGE REPAIRS AT 34695 CAMINO CAPISTRANO](#) [STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]
11. [CONTINUANCE OF LOCAL EMERGENCY PROCLAMATION FOR 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. Continue the Proclamation of Local Emergency that exists as a result of the recent winter storms.
2. Agendize this item for further consideration at the February 9, 2005 City Council Meeting.

## 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 PLANNING COMMISSION'S APPROVAL TO UPHOLD THE COMMUNITY DEVELOPMENT DIRECTOR'S DETERMINATION THAT THE PREVIOUS ENTITLEMENT TO OPERATE A DRIVE-THROUGH RESTAURANT AT THE PROPERTY LOCATED AT 34122 PACIFIC COAST HIGHWAY SHALL NOT APPLY TO THE PROPOSED COFFEE HOUSE/DRIVE-THROUGH USE AND THAT A CONDITIONAL USE PERMIT IS REQUIRED](#)

RECOMMENDED ACTION: That the City Council take action to sustain the Planning Commission's approval of the Community Development Director's determination by adopting a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, TO UPHOLD THE PLANNING COMMISSION'S ACTION TO UPHOLD

THE COMMUNITY DEVELOPMENT DIRECTOR'S DETERMINATION THAT THE PREVIOUS ENTITLEMENT TO OPERATE A DRIVE-THROUGH RESTAURANT AT THE PROPERTY LOCATED AT 34122 PACIFIC COAST HIGHWAY SHALL NOT APPLY TO THE PROPOSED COFFEE HOUSE DRIVE-THROUGH USE AND THAT A CONDITIONAL USE PERMIT IS REQUIRED.

13. [ADOPTION OF A RESOLUTION APPROVING A REQUESTED STREET NAME CHANGE FROM CORNICHE DRIVE TO RITZ POINTE DRIVE PURSUANT TO THE DANA POINT MUNICIPAL CODE](#) [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, APPROVING A REQUESTED STREET NAME CHANGE FROM CORNICHE DRIVE TO RITZ POINTE DRIVE PURSUANT TO THE DANA POINT MUNICIPAL CODE

and (2) direct staff to implement the street name change in conjunction with the Corniche Master Association and other affected parties.

## UNFINISHED BUSINESS

14. [ADOPTION OF RESOLUTION AMENDING THE AMOUNT OF SECURITY DEPOSIT APPLICABLE TO ROOFING COMPANIES IN CONNECTION WITH THE CITY'S CONSTRUCTION AND DEMOLITION WASTE RECYCLING 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 adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING AN INCREASE IN THE SECURITY DEPOSIT AMOUNT APPLICABLE TO ROOFING COMPANIES FOR THE CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING PROGRAM

15. [BOARDS AND COMMISSIONS, COMMITTEES AND SUB-COMMITTEES](#) [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 provide staff with direction as to formations of boards, commissions, committees, subcommittees, task forces, or assignments, and direct staff to bring back enabling resolutions as required.

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## NEW BUSINESS

16. [SUPPLEMENTAL FUNDING FOR THE FESTIVAL OF WHALES](#) [STRATEGIC PLAN:  
PROMOTE CULTURAL ARTS AND HUMAN SERVICES]

RECOMMENDED ACTION: That the City Council approve supplemental funding and authorize staff to transfer funds from the City Marketing Fund to the Festival of Whales account in Community Services.

## STAFF REPORTS

(City Manager Chotkevys)

## COUNCIL REPORTS

The City Council may discuss, act upon or seek consensus on matters described under Council Reports only if: They are agendized 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-agendized items may be presented as informational only.

## ADJOURNMENT

The next Regular Meeting of the City Council will be February 9, 2005 at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

## CERTIFICATION

I, Sharon Street, 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 January 21, 2005, at 5:00 p.m.

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SHARON STREET, CITY CLERK

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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.