

# CITY OF DANA POINT

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## CITY COUNCIL REGULAR MEETING



**WEDNESDAY  
NOVEMBER 8, 2006  
5:00 P.M.**

## AGENDA

**Location: City of Dana Point Community Center, 34052 Del Obispo, Dana Point, California 92629**

Next City Council Ordinance No. 06-10

### CALL TO ORDER

### ROLL CALL OF CITY COUNCIL MEMBERS:

Lara Anderson, Mayor  
Russell Chilton, Mayor Pro Tem  
Diane L. Harkey, Council Member  
James V. Lacy, Council Member  
Wayne Rayfield, Council Member

### CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case)

Name of Case: City of Dana Point v. The Sunshine Group, LLC, et al., Orange County Superior Court Case No. 05CC08592

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

### RECONVENE CITY COUNCIL MEETING

### PLEDGE OF ALLEGIANCE

### INVOCATION

### PRESENTATIONS AND PROCLAMATIONS

Business of the Month – Dana Capistrano Animal Clinic

Presentation of Check from Senator Harmon and Assembly Member Walters

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## 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, OCTOBER 25, 2006](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

**3. [PLANNING COMMISSION MEETING MINUTES, OCTOBER 4, 2006](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**4. [PLANNING COMMISSION ACTIONS, MEETING OF NOVEMBER 1, 2006](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**5. [YOUTH BOARD MEETING MINUTES, OCTOBER 19, 2006](#)**

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. [CITY TREASURER'S REPORT, SEPTEMBER 2006](#)**

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of September 2006.

**8. CLAIMS AND DEMANDS**

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

9. **PRELIMINARY APPROVAL OF \$100,000 FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION THROUGH COUNTY OF ORANGE FOR ADA IMPROVEMENTS TO FOUR CITY FACILITIES TO SUPPLEMENT ANTICIPATED CITY FUNDS FOR ADA IMPROVEMENTS IN FISCAL YEAR 2007-2008**

RECOMMENDED ACTION: That the City Council approve and adopt the resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, TO SEEK PRELIMINARY APPROVAL OF \$100,000 FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION THROUGH COUNTY OF ORANGE FOR ADA IMPROVEMENTS TO FOUR CITY FACILITIES TO SUPPLEMENT ANTICIPATED CITY FUNDS FOR ADA IMPROVEMENTS IN 2007-2008 FISCAL YEAR

10. **CHARITABLE GRANT FUNDING APPLICATIONS**

RECOMMENDED ACTION: That the City Council approve charitable grant funding totaling \$5,000 to the following organizations:

The Laguna Playhouse	\$3,600
South Coast Medical Center	\$1,400

11. **ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR ARTERIAL HIGHWAY REHABILITATION PROJECT ON COAST HIGHWAY BETWEEN DOHENY PARK ROAD AND CAMINO CAPISTRANO**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE ARTERIAL ROADWAY RESURACING PROJECT – COAST HIGHWAY BETWEEN DOHENY PARK ROAD AND CAMINO CAPISTRANO

and direct staff to transfer all project savings to the Capital Improvement Program reserves.

12. **APPROVAL OF A FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR PART-TIME, AS-NEEDED TRAFFIC ENGINEERING SERVICES**

RECOMMENDED ACTION: That the City Council: (1) approve the First Amendment to the Consultant Services Agreement with Conrad Lapinski for part-time, as-needed traffic engineering services; (2) authorize the City Manager to sign the amendment; (3) authorize the City Manager to approve the four annual extensions allowed in the Agreement provided that satisfactory services have been provided; and (4) authorize the expenditure for Traffic Engineering services as noted in Action Document A and the Fiscal Impact Section of this report.

13. **DISPOSITION OF NONESSENTIAL CITY RECORDS**

RECOMMENDED ACTION: That the City Council approve the 2006 disposition of nonessential City records in accordance with California State law and the City's approved Records Retention 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

**14. PROPOSED ANTI-LITTERING ORDINANCE**

RECOMMENDED ACTION: That the City Council introduce and hold first reading of an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADDING CHAPTER 6.45 OF THE MUNICIPAL CODE ENTITLED THE "ANTI-LITTERING ORDINANCE."

**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 this Public Comments portion of the agenda. At the Mayor's discretion, the balance of public comments will be heard after the New Business portion of the agenda. All comments are to be directed to the City Council and shall not consist of any personal attacks. Members of the public are expected to maintain a professional, courteous decorum during their comments. 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**

**15. GENERAL PLAN AMENDMENT (GPA06-02), ZONE CHANGE (ZC06-01), ZONE TEXT AMENDMENT (ZTA06-04) AND LOCAL COASTAL PROGRAM AMENDMENT (LCPA06-05) FOR ADOPTION OF THE TOWN CENTER PLAN (CONTINUED FROM MEETING OF OCTOBER 25, 2006)**

RECOMMENDED ACTION: That the City Council adopt:

1. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE TOWN CENTER PLAN;

2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT GPA 06-02, WHICH AMENDS THE GENERAL PLAN LAND USE ELEMENT, URBAN DESIGN ELEMENT, CIRCULATION ELEMENT, AND ECONOMIC DEVELOPMENT ELEMENT, TABLES AND DIAGRAM, AND SUBMISSION OF GPA 06-02 AS LOCAL COASTAL PROGRAM AMENDMENT LCPA06-05 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION;

3. Introduce an ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA06-04 AND ZONE CHANGE ZC06-01 TO ESTABLISH THE TOWN CENTER DISTRICT AND INCORPORATE THE TOWN CENTER PLAN AS APPENDIX E OF THE ZONING CODE, AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA06-05 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION;

4. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REGARDING LOCAL COASTAL PROGRAM AMENDMENT LCPA06-05 AND REQUESTING CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

16. [GENERAL PLAN AMENDMENT GPA 04-01, ZONE CHANGE ZC 04-01, TENTATIVE TRACT MAP TTM 16730 AND SITE DEVELOPMENT PERMIT SDP 06-25 TO CHANGE THE GENERAL PLAN AND ZONING DESIGNATIONS FOR 35200 DEL REY FROM COMMUNITY FACILITIES \(CF\) TO SINGLE FAMILY RESIDENTIAL \(RSF 7\) ALONG WITH A REQUEST TO SUBDIVIDE THE EXISTING 1.77 ACRE SITE INTO TEN \(10\) SINGLE-FAMILY RESIDENTIAL LOTS. THE SITE IS CURRENTLY ZONED BOTH COMMUNITY FACILITIES \(CF\) AND SINGLE FAMILY RESIDENTIAL \(RSF 7\) AND IS LOCATED AT THE TERMINUS OF DEL REY, A PRIVATE STREET, WITHIN CAPISTRANO BEACH AND ADDRESSED AS 35200 & 35322 DEL REY](#)

RECOMMENDED ACTION: That the City Council take the following actions:

1. Review and approve a Resolution for the Mitigated Negative Declaration entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION FOR GENERAL PLAN AMENDMENT GPA04-01, ZONE CHANGE ZC04-01, TENTATIVE TRACT MAP TTM 16730 AND SITE DEVELOPMENT PERMIT SDP06-25.

2. Review and approve Resolution for General Plan Amendment GPA04-01 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT GPA04-01 TO CHANGE THE GENERAL PLAN DESIGNATION FOR 35200 DEL REY FROM COMMUNITY FACILITIES (CF) TO SINGLE FAMILY RESIDENTIAL (RSF 7). THE SITE IS CURRENTLY ZONED BOTH COMMUNITY FACILITIES (CF) AND SINGLE FAMILY

RESIDENTIAL (RSF 7) AND IS LOCATED AT THE TERMINUS OF DEL REY, A PRIVATE STREET, WITHIN CAPISTRANO BEACH AND ADDRESSED AS 35200 & 35322 DEL REY.

3. Introduce and hold first reading of an Ordinance approving Zone Change ZC04-01 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE CHANGE ZC04-01 TO CHANGE THE ZONING DESIGNATION FOR 35200 DEL REY FROM COMMUNITY FACILITIES (CF) TO SINGLE FAMILY RESIDENTIAL (RSF 7). THE SITE IS CURRENTLY ZONED BOTH COMMUNITY FACILITIES (CF) AND SINGLE FAMILY RESIDENTIAL (RSF 7) AND IS LOCATED AT THE TERMINUS OF DEL REY, A PRIVATE STREET, WITHIN CAPISTRANO BEACH AND ADDRESSED AS 35200 & 35322 DEL REY.

4. Review and approve Resolution for Tentative Tract Map TTM 16730 and Site Development Permit SDP06-25 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING TENTATIVE TRACT MAP TTM 16730, AND SITE DEVELOPMENT PERMIT SDP06-25 TO SUBDIVIDE THE EXISTING 1.76 ACRE SITE INTO TEN (10) SINGLE-FAMILY RESIDENTIAL LOTS. THE SITE IS CURRENTLY LOCATED AT THE TERMINUS OF DEL REY, A PRIVATE STREET, WITHIN CAPISTRANO BEACH AND ADDRESSED AS 35200 & 35322 DEL REY.

5. Introduce and hold first reading of an Ordinance authorizing the Orange County Sheriff's Department to enforce the "No Parking – Fire Lane" restrictions along Del Rey entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADDING CHAPTER 12.18 ENTITLED "PARKING RESTRICTIONS ON DEL REY" TO TITLE 12 (VEHICLES AND TRAFFIC) OF THE DANA POINT MUNICIPAL CODE.

17. [APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF COASTAL DEVELOPMENT PERMIT CDP05-20 AND SITE DEVELOPMENT PERMIT SDP05-58\(M\) FOR A NEW SINGLE-FAMILY DWELLING AT 24332 SANTA CLARA AVENUE](#)

*DUE TO A SCHEDULING CONFLICT WITH THE APPELANT, THIS PUBLIC HEARING HAS BEEN RESCHEDULED TO THE MEETING OF NOVEMBER 20, 2006.*

## UNFINISHED BUSINESS

18. [HEADLANDS COMMUNITY FACILITIES DISTRICT](#)

RECOMMENDED ACTION: That the City Council review the developer's request to modify underwriting services and make related amendments to the Headlands Acquisition Agreement, and deny, approve, or provide direction to staff regarding the same.

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## NEW BUSINESS

There is no New Business.

## PUBLIC COMMENTS (Continued)

## 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.

## ADJOURNMENT

An Adjourned Regular Meeting of the City Council will be held on November 20, 2006 (in-lieu of Regular Council meeting November 22<sup>nd</sup>) at 5:00 p.m. in the Dana Point Community Center located at 34052 Del Obispo, Dana Point, California.

## CERTIFICATION

I, Kathy M. Ward, Acting 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 Community Center by Friday, November 3, 2006, at 5:00 p.m. Agendas will not be posted at the Dana Point Library from October 13, 2006 through November 3, 2006 due to closure for renovations.

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KATHY M. WARD, ACTING 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.