

# CITY OF DANA POINT

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## **CITY COUNCIL REGULAR MEETING**



**WEDNESDAY  
SEPTEMBER 13, 2006  
5:00 P.M.**

## **AGENDA**

**Location: City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point, California 92629**

Next City Council Ordinance No. 06-07

### **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 – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b1), (2 cases):
1. Personnel Matters
  2. Coast Highway Bike Lane
  3. Patrick Evans/Brown Act

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

### **RECONVENE CITY COUNCIL MEETING**

### **PLEDGE OF ALLEGIANCE**

### **INVOCATION**

### **PRESENTATIONS AND PROCLAMATIONS**

Presentation by Mission Hospital's Vice President of Marketing Paula Serios Regarding the Hospital Expansion and the Widening of Crown Valley Parkway.

Business of the Month – Beacon Printing

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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, AUGUST 23, 2006](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

**3. [PLANNING COMMISSION MEETING MINUTES, AUGUST 16, 2006](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**4. [PLANNING COMMISSION ACTIONS, MEETING OF SEPTEMBER 6, 2006](#)**

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

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

**7. CLAIMS AND DEMANDS**

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

**8. [SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE DANA POINT REGULATING BICYCLES AND PEDESTRIANS ON COAST HIGHWAY BETWEEN PALISADES DRIVE AND CAMINO CAPISTRANO AND AUTHORIZING POSTING OF SIGNAGE REGARDING SAME](#)**

RECOMMENDED ACTION: That the City Council hold second reading and adopt an ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADDING CHAPTER 12.18 TO THE MUNICIPAL CODE ENTITLED "COAST HIGHWAY RESTRICTIONS" PROHIBITING BICYCLES, PEDESTRIANS AND OTHER NON-VEHICLE MODES OF TRANSPORTATION ON COAST HIGHWAY BETWEEN CAMINO CAPISTRANO AND PALISADES DRIVE AND REQUIRING THAT ALL SUCH MODES OF TRAVEL USE THE PROTECTED BICYCLE AND PEDESTRIAN TRAVEL WAY

9. **SECOND READING AND ADOPTION OF AN ORDINANCE REGARDING PARKS AND RECREATION FACILITIES REGULATIONS**

RECOMMENDED ACTION: That the City Council approve staff recommendation of amendments to the Municipal Code in anticipation of taking ownership of Lantern Bay Park from the County of Orange effective September 1, 2006; to continue and effectively regulate permits for private weddings/events at that park that involve alcohol consumption; to enhance City-sponsored events; and to mitigate public nuisances related to park issues by holding second reading and adoption of an ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING SECTIONS 13.04.030, 13.04.090, 13.04.130, 13.04.170, AND 13.04.220 OF THE MUNICIPAL CODE AND ADDING SECTION 13.04.235 TO THE MUNICIPAL CODE REGARDING PARKS AND RECREATIONAL FACILITIES REGULATIONS

10. **FISCAL YEAR 2006 YEAR-END FISCAL REPORT / FISCAL YEAR 2007 PROPOSED BUDGET ADJUSTMENTS**

RECOMMENDED ACTION: That the City Council receive and file the Fiscal Year 2005-06 ("FY06") Year-End Fiscal Report and:

- A. Amend the General Fund operating budget by authorizing the carryover and re-appropriation of certain unencumbered funds as identified in the report from the FY06 Budget to the FY 2006-07 ("FY07") Budget, and authorizing certain adjustments to the FY07 Revenue and Expenditure Budget by adopting a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING THE FISCAL YEAR 2006-07 BUDGET;

- B. Authorize staffing adjustments to two existing positions in the Public Works Department to bring those positions in line with industry standards; and add one new position and reclassify one existing position in the Community Development Department to enhance customer service and internal operations;

- C. Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING THE FY 06-07 BUDGET; ADOPTING THE NEW POSITION TITLE SALARY RANGE AND CLASS SPECIFICATION FOR SENIOR MANAGEMENT ANALYST; AND RECLASSIFYING THE EXISTING PUBLIC WORKS ADMINISTRATIVE MANAGER POSITION TO SENIOR MANAGEMENT ANALYST;

- D. Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING THE FY 06-07 BUDGET; ADOPTING THE NEW POSITION TITLE, SALARY RANGE, AND CLASS SPECIFICATION FOR SENIOR CIVIL ENGINEER – CAPITAL IMPROVEMENT PROGRAM; AND RECLASSIFYING THE EXISTING ASSOCIATE ENGINEER POSITION TO SENIOR CIVIL ENGINEER – CAPITAL IMPROVEMENT PROGRAM;

- E. Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING THE FY 06-07 BUDGET TO INCLUDE THE ADDITION OF A SECOND PERMIT TECHNICIAN POSITION IN THE BUILDING DIVISION OF THE COMMUNITY DEVELOPMENT DEPARTMENT; and

- F. Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING THE FY 06-07 BUDGET AND RECLASSIFYING THE EXISTING PERMIT COORDINATOR IN THE COMMUNITY DEVELOPMENT DEPARTMENT TO THE POSITION OF ASSOCIATE PLANNER.

11. **AWARD OF A CONTRACT TO HORIZONS CCI SERVICES, INCORPORATED FOR THE CONSTRUCTION OF THE CITY COUNCIL CHAMBER REMODEL PROJECT**

RECOMMENDED ACTION: That the City Council (1) award a contract to Horizons CCI Services, Incorporated for construction of the City Council Chamber Remodel Project, provided that the City Manager or his designee may approve additional payment not to exceed fifteen percent of the contract amount for change orders and contingencies.

## **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.

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## **PUBLIC HEARINGS**

### **12. LOCAL PROGRAM AMENDMENT (LCPA 06-03) AND SPECIFIC PLAN AMENDMENT FOR DANA POINT HARBOR**

RECOMMENDED ACTION: That the City Council conduct a Public Hearing and approve Dana Point Local Coastal Program Amendment LCPA 06-03 and Dana Point Specific Plan Amendment for the Dana Point Harbor by introducing an ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADOPTING THE LOCAL COASTAL PROGRAM AMENDMENT LCPA 06-03 FOR THE DANA POINT HARBOR REVITALIZATION PLAN AND DISTRICT REGULATIONS, THAT ALSO AMENDS THE DANA POINT SPECIFIC PLAN AND ZONING CODE, FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION

for the entire Dana Point Harbor in order for the County of Orange – Dana Point Harbor Department to implement the improvements proposed as part of the Dana Point Harbor Revitalization Plan and adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REGARDING LOCAL COASTAL PROGRAM AMENDMENT LCPA06-03 AND REQUESTING CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION

specifying that Local Coastal Program Amendment LCPA 06-03 be submitted to the California Coastal Commission for certification.

## **UNFINISHED BUSINESS**

There are no Unfinished Business items.

## **NEW BUSINESS**

There are no New Business items.

## **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-agendized items may be presented as informational only.

## ADJOURNMENT

The next Regular Meeting of the City Council will be September 27, 2006, at 5:00 p.m. at the City of 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 Library by Friday, September 8, 2006, at 5:00 p.m.

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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.