

# CITY OF DANA POINT

**CITY COUNCIL  
ADJOURNED  
REGULAR  
MEETING**



**JANUARY 17, 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:**

James V. Lacy, Mayor Pro Tem  
Lara Anderson, Council Member  
Russell Chilton, Council Member  
Diane Harkey, Council Member  
Wayne Rayfield, 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), (6 cases)
  - 1. Name of Case: Hamilton v. City Council of the City of Dana Point, California, Superior Court for the State of California, County of Orange, Central Justice Center, Case No. 04CC05259
  - 2. Name of Case: City of Dana Point v. Warren & Does 1-50, Orange County Superior Court Case No. 04CC07344
  - 3. Name of Case: Pepi Weitzman v. The City of Dana Point and Headlands Reserve, LLC, Superior Court for the State of California, County of Orange Central District, Case No. 04CC00716

4. Name of Case: Robert Traphagen and Bonny Pitkin v. the City of Dana Point, Superior Court of the State of California, County of Orange – Central District, Case No. 04CC00676
5. Name of Case: James Seitz v. the City of Dana Point & Does 1-10, Superior Court of the State of California, County of Orange – Central District, Case No. 04CC00691
6. 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

**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

Business of the Year

Presentations from Orange County Fire Authority

**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, DECEMBER 8, 2004](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION ACTIONS, MEETING OF DECEMBER 15, 2004](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [YOUTH BOARD MINUTES, MEETING OF NOVEMBER 18, 2004](#)

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, NOVEMBER 2004](#)

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of November, 2004.

7. [AWARD OF CONTRACT TO ALL AMERICAN ASPHALT FOR DEL OBISPO STREET REPAIRS BETWEEN STONEHILL DRIVE AND THE NORTHERLY CITY LIMIT](#) *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

RECOMMENDED ACTION: That the City Council (1) find that the failure of All American Asphalt to properly extend several unit prices correctly while completing their bid did not provide an unfair advantage over other bidders, that All American Asphalt is still the lowest responsive bidder, and, therefore, the City Council waives such irregularity; (2) award a contract to All American Asphalt for the construction of the Arterial Roadway Resurfacing Project, Phase III on Del Obispo Street between Stonehill Drive and the Northerly City Limit, provided that the City Manager or his designee may approve additional payment not to exceed fifteen percent of the amount for change orders and contingencies; (3) authorize the expenditures for various construction support, administration and management expenditures as outlined in the Fiscal Impact Section of this report; and (4) 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 February 12, 2003.

8. [ADOPT A RESOLUTION AUTHORIZING STAFF TO SUBMIT ARTERIAL HIGHWAY REHABILITATION PROGRAM APPLICATIONS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMBINED TRANSPORTATION FUNDING PROGRAM](#) *[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, AUTHORIZING STAFF TO SUBMIT ARTERIAL HIGHWAY REHABILITATION PROGRAM APPLICATIONS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMBINED TRANSPORTATION FUNDING PROGRAM.

9. **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.

10. **RECEIVE AND FILE THE RESOLUTION ADOPTED BY THE DESIGNATED GROWTH MANAGEMENT AREA (GMA) NUMBER 11 ELECTED OFFICIALS FOR GMA 11 TRANSPORTATION PROJECT FUNDING** [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council (1) receive and file the resolution adopted by the designated elected officials for the use of Growth Management Area (GMA) Number 11 Funding; and (2) based on the approved resolution, authorize staff to add the anticipated revenue from the GMA #11 Program to the various CIP street project accounts as noted in the Fiscal Impact Section.

11. **RESOLUTION PROCLAIMING EXISTENCE OF A 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 ratify and adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, PROCLAIMING EXISTENCE OF A 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**

There are no Public Hearings.

## **UNFINISHED BUSINESS**

12. **CONSULTANT'S REVIEW OF PLANNING, BUILDING AND PUBLIC WORKS COUNTER OPERATIONS FOR 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) receive and file the Citygate Associates report of the Planning, Building and Public Works counter operations and (2) direct staff to prepare an implementation plan of Citygate Associates' report recommendations in conjunction with the FY2005-2007 City budget.

## **NEW BUSINESS**

13. **COUNCIL REORGANIZATION**

RECOMMENDED ACTION: That the City Council elect the Mayor and Mayor Pro Tem to serve during 2005.

14. **CITY COUNCIL APPOINTED REPRESENTATIVES** [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 review and make revisions to the list of City Representatives.

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 review the list of past City boards, commissions, committees and subcommittees, and direct staff to take appropriate action.

## **STAFF REPORTS**

(City Manager Doug Chotkevys)

(City Attorney Munoz)

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## 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 January 26, 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 14, 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.