

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**MARCH 12, 2003
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 03-06

CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS:

Russell Chilton, Council Member
James V. Lacy, Council Member
Wayne Rayfield, Council Member
Joe Snyder, Mayor Pro Tem
William L. Ossenmacher, Mayor

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b1), (2 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Government Code § 54956.9 (c), (2 cases)

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE: Council Member Chilton

INVOCATION

Offered by Council Member Rayfield

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, FEBRUARY 26, 2003

RECOMMENDED ACTION: That the City Council approve the minutes.

3. PLANNING COMMISSION MEETING MINUTES, FEBRUARY 19, 2003 (0120-10)

RECOMMENDED ACTION: That the City Council receive and file.

4. PLANNING COMMISSION ACTIONS, MEETING OF MARCH 5, 2003 (0120-10)

RECOMMENDED ACTION: That the City Council receive and file.

5. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR (0100-10)

RECOMMENDED ACTION: That the City Council receive and file.

6. CITY TREASURER'S REPORT, JANUARY 2003 (0350-20)

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of January 2003.

7. CLAIMS AND DEMANDS (0300-30)

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

8. AWARD OF CONTRACT TO HONDO COMPANY, INCORPORATED FOR THE CONSTRUCTION OF THE LOT F PEDESTRIAN STAIRWAY RECONSTRUCTION PROJECT [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS] (0400-10)

RECOMMENDED ACTION: That the City Council (1) determine that the bid submitted by Renwick-Egan, Incorporated is non-responsive, relieve Renwick-Egan, Incorporated of its bid, and authorize the return of its bid security for construction of the Lot F Pedestrian Stairway Reconstruction Project; (2) award a contract to Hondo Company, Incorporated in the not-to-exceed amount of \$83,697 for the construction of the Lot F Pedestrian Stairway Reconstruction Project, provided that the City Manager or his designee may approve additional payment not to exceed fifteen percent of this amount for change orders and contingencies; (3) authorize the City

Manager to execute the contract; (4) authorize the expenditure of \$15,974 for construction management and administration; (5) authorize a purchase order to Goffman McCormick and Urban to provide materials testing services for a not-to-exceed fee of \$5,500; and (6) approve the transfer of \$11,562 from the Concrete Repair and Replacement Project, FY 02/03, Account Number 11-99-30-1165-311, to the Lot F Pedestrian Stairway Reconstruction Project, Account Number 11-99-30-1172-311, to fully fund the project.

9. **2003 WEED ABATEMENT PROGRAM** [MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS] (0370/38 / 0240-50)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DECLARING WEEDS A PUBLIC NUISANCE AND INITIATING ABATEMENT PROCEEDINGS.

Further, by minute order, to authorize staff to release bid packets to contractors to abate weeds in the City.

10. **ADOPTION OF RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE ARTERIAL HIGHWAY REHABILITATION PROJECT, FISCAL YEAR 2001/2002** [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS] (0400-10)

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 NOTICE OF COMPLETION FOR THE ARTERIAL HIGHWAY REHABILITATION PROJECT, FISCAL YEAR 2001/2002;

and (2) direct that any project savings be transferred to the Capital Improvement Program (CIP) Reserves.

11. **APPROVAL OF THE INSTALLATION OF STOP SIGNS ON VIA CALIFORNIA AT VIA GOMEZ TO CREATE AN ALL-WAY STOP** [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS] (0860-50)

RECOMMENDED ACTION: That the City Council (1) approve the installation of stop signs on Via California at Via Gomez, creating an all-way stop; and (2) direct staff to implement the installation of the stop signs as soon as possible.

12. **APPROVAL OF CHANGE ORDER NUMBER THREE FOR THE ANNUAL ROADWAY RESURFACING PROJECT, FISCAL YEAR 2002/2003** [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS] (0400-10)

RECOMMENDED ACTION: That the City Council (1) approve Contract Change Order Number Three to All American Asphalt for the Annual Roadway Resurfacing Project, Fiscal Year 2002/2003 for a not-to-exceed fee of \$163,068.30; and (2) approve the transfer of \$165,000

from the Concrete Repair and Replacement Project FY 02/03, Account Number 11-99-30-1165-311, to the Annual Roadway Resurfacing Project, Fiscal Year 2002/2003, Account Number 11-99-30-1169-311.

13. **APPROVAL OF A CONSULTANT SERVICES AGREEMENT WITH CROSSROADS SOFTWARE FOR THE PREPARATION OF THE GIS BASED AUTOMATED COLLISION/CITATION ANALYSIS AND TRACKING SYSTEM** [STRATEGIC PLAN: ENHANCE, EXPAND AND DEVELOP PROGRAMS THAT PROVIDE FOR A SAFE AND HEALTHY ENVIRONMENT] (0400-10)

RECOMMENDED ACTION: That the City Council (1) approve a Consultant Services Agreement with Crossroads Software for the preparation of the GIS Based Automated Collision/Citation Analysis and Tracking System for a not-to-exceed amount of \$39,729.23 and authorize the City Manager to execute the agreement; (2) approve the purchase of two computers and a plotter as a part of the program for a not-to-exceed fee of \$9,970; (3) acknowledge that all costs incurred will be reimbursed from the OTS Grant.

14. **APPROVAL OF CHANGE ORDER NUMBER THREE FOR THE CONSTRUCTION OF THE DEL OBISPO LANDSCAPED MEDIAN PROJECT – STONEHILL DRIVE TO PACIFIC COAST HIGHWAY** [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS] (0400-10)

RECOMMENDED ACTION: That the City Council (1) approve Contract Change Order Number Three to Orion Contracting, Incorporated for the Del Obispo Landscaped Median Project for a not-to-exceed fee of \$112,922.70; (2) approve the transfer of \$110,000 from the Concrete Repair and Replacement Project, FY 02/03, Account Number 11-99-30-1165-311, to the Del Obispo Landscaped Median Project, Account Number 11-99-30-1159-311, to fund the change order and the additional contingency.

15. **REGULATION OF PARKING AND TRAFFIC ON CITY-OWNED PUBLIC PARKING FACILITIES** [STRATEGIC PLAN: PROVIDE OPEN SPACE, PARKS, RECREATIONAL FACILITIES, GREENBELTS AND TRAILS] (0860-50)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO ESTABLISH PARKING AND TRAFFIC REGULATIONS ON CITY-OWNED PUBLIC PARKING FACILITIES

16. **CONTRACT WITH MBIA MUNISERVICES COMPANY TO PROVIDE TRANSIENT OCCUPANCY TAX (TOT) AUDITING SERVICES** [STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES] (0400-10)

RECOMMENDED ACTION: That the City Council approve and authorize the City Manager to sign a two-year, renewable, Agreement and Addenda with MBIA MuniServices Company ("MMC") to undertake a routine Citywide audit of our Transient Occupancy Tax (TOT) revenue generators.

PRESENTATIONS AND PROCLAMATIONS

There are no Presentations and Proclamations.

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 decorum 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

17. ENTER INTO HISTORIC PRESERVATION AGREEMENT WITH PROPERTY OWNERS LOCATED AT 33762 CHULA VISTA [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS] (0400-10)

RECOMMENDED ACTION: That the City Council authorize the Mayor to sign Historic Property Preservation Agreement which would allow the property owners (Donald and Diane Shultz) of the historic structure located at 33762 Chula Vista to participate in the State's Mills Act program.

18. ENTER INTO HISTORIC PRESERVATION AGREEMENT WITH PROPERTY OWNER LOCATED AT 34001 CHULA VISTA [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS] (0400-10)

RECOMMENDED ACTION: That the City Council authorize the Mayor to sign Historic Property Preservation Agreement which would allow the property owner (Loretta Kaye Crippen) of historic structures to participate in the State's Mills Act program.

19. APPROVAL OF REVISED SITE PLAN FOR THE APPROVAL OF A SITE DEVELOPMENT PERMIT TO AUTHORIZE THE MERGER OF 2 LOTS INTO ONE, CONSTRUCTION OF 3,339 SQUARE-FOOT PROFESSIONAL OFFICE PROJECT AND SITE IMPROVEMENTS ON A VACANT SITE LOCATED AT 26852 AND 26862 CALLE HERMOSA IN THE CAPISTRANO BEACH AREA OF THE CITY: SDP02-11 [STRATEGIC PLAN: EVALUATE LAND USE ISSUES TO ENSURE THAT THE GOALS, POLICIES, AND PROGRAMS OF THE GENERAL PLAN RELECT THE COMMUNITY'S VISION AND MISSION] (0610-30)

RECOMMENDED ACTION: That the City Council take action to uphold the Planning Commission's action to approve SDP02-11, as modified, by adopting a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION DECISION TO APPROVE SITE DEVELOPMENT PERMIT SDP02-11 AUTHORIZING THE MERGER OF TWO LOTS AND CONSTRUCTION OF A PROFESSIONAL OFFICE PROJECT AND SITE IMPROVEMENTS ON A VACANT SITE IN THE CAPISTRANO BEACH AREA OF THE CITY: SITE DEVELOPMENT PERMIT SDP02-11/ 26852 & 26862 CALLE HERMOSA

20. REPORT ON MILLENNIUM HOUSING PROJECT AT DANA POINT MARINA MOBILE HOME ESTATES

21. AWARD OF CONTRACT TO GCI CONSTRUCTION, INCORPORATED FOR THE CONSTRUCTION OF THE NORTH CREEK STORM DRAIN TREATMENT PROJECT [STRATEGIC PLAN: RESTORE AND MAINTAIN THE INTEGRITY OF OUR OCEAN WATERS AND BEACHES] (0400-10)

RECOMMENDED ACTION: That the City Council (1) award a contract to GCI Construction, Incorporated in the not-to-exceed amount of \$589,912 for the construction of the North Creek Storm Drain Treatment Project, provided that the City Manager or his designee may approve additional payment not to exceed fifteen percent of this amount for change orders and contingencies; (2) authorize the City Manager to execute the contract; (3) authorize the expenditure of \$113,341 for construction management and administration; (4) authorize staff to issue a purchase order to Goffman McCormick and Urban to provide materials testing services for a not-to-exceed fee of \$14,500; (5) approve the transfer of \$59,500 in Clean Beaches Initiative Funding from the Del Obispo Storm Drain Treatment Project, Account Number 11-99-30-1153-311 to the North Creek Storm Drain Treatment Project, Account Number 11-99-30-1162-311.

NEW BUSINESS

There is no New Business.

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 William L. Ossenmacher)

ADJOURNMENT

The next Regular Meeting of the City Council will be March 26, 2003 at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

CERTIFICATION

I, SUSAN A. RAMOS, 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, March 7, 2003, at 5:00 p.m.

SUSAN A. RAMOS, CITY CLERK

DATE

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IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, YOU SHOULD CONTACT THE OFFICE OF THE CITY CLERK AT (949) 248-3500. NOTIFICATION 48 HOURS PRIOR TO THE MEETING WILL ENABLE THE CITY TO MAKE REASONABLE ARRANGEMENTS TO ASSURE ACCESSIBILITY.