

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**MARCH 26, 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: Mayor Pro Tem Snyder

INVOCATION

Offered by Council Member Chilton

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, MARCH 12, 2003

RECOMMENDED ACTION: That the City Council approve the minutes.

3. PLANNING COMMISSION MEETING MINUTES, MARCH 5, 2003

RECOMMENDED ACTION: That the City Council receive and file.

4. PLANNING COMMISSION ACTIONS, MEETING OF MARCH 19, 2003

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. CLAIMS AND DEMANDS

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

7. AWARD OF CONTRACT TO BRONGO CONSTRUCTION FOR THE CONSTRUCTION OF THE CONCRETE REPAIR AND REPLACEMENT PROJECT, FY 02/03 [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council (1) award a contract to Brongo Construction in the not-to-exceed amount of \$589,226.20 for the construction of the Concrete Repair and Replacement Project, FY 02/03; (2) authorize the City Manager to execute the contract; (3) authorize the expenditure of \$79,000 for field design mark-outs/construction support services for repair and replacement locations prior to construction in the various construction zones; (4) authorize the expenditure of \$149,760 for construction management and administration; (5) authorize a purchase order to the County of Orange for supplemental inspection services for a not-to-exceed amount of \$102,661; (6) authorize the expenditure of up to \$50,000 for additional inspection services if the need arises once the project is in construction; (7) authorize a purchase order to Goffman McCormick and Urban to provide materials testing services for a not-to-exceed fee of \$45,000; and (8) acknowledge that the Director of Public Works intends to

utilize City staff, via the Interim Street Maintenance/Public Works Inspector, for full time inspection services for this project.

8. **REJECTION OF ALL BIDS FOR THE CONSTRUCTION OF THE ALIPAZ RIGHT-OF-WAY LANDSCAPING PROJECT – STONEHILL DRIVE TO QUAIL RUN** [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council (1) reject all bids received for the construction of the Alipaz Right-of-Way Landscaping Project; (2) authorize the return of all contractor-submitted bid securities for the project; and (3) authorize staff to revise the bid documents and re-advertise the project for construction bids as soon as possible.

9. **FIRST AMENDMENT TO CITY MANAGER CONTRACT** [STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES]

RECOMMENDED ACTION: That the City Council approve the contract amendment.

10. **APPROVAL OF FINAL PLANS AND AUTHORIZATION TO ADVERTISE THE DEL OBISPO STORM DRAIN TREATMENT PROJECT** [STRATEGIC PLAN: RESTORE AND MAINTAIN THE INTEGRITY OF OUR OCEAN WATERS AND BEACHES]

RECOMMENDED ACTION: That the City Council approve the final plans, included in the report as Supporting Document A, and authorize staff to advertise the Del Obispo Storm Drain Treatment Project.

11. **ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CRYSTAL LANTERN STORM DRAIN PHASE I PROJECT** [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

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 CRYSTAL LANTERN STORM DRAIN PHASE I PROJECT;

(2) direct the City Attorney to continue negotiations with the IFT Pipeline Engineers' surety, American Safety Casualty Insurance Company, related to liquidated damages and the unresolved issue of the brick sidewalk at 34142 Manzanita; and (3) direct that any project savings be transferred to the Capital Improvement Program (CIP) Reserves.

12. APPROVAL OF AMENDMENT TO AGREEMENT WITH TETRA TECH, INC. FOR ADDITIONAL DESIGN SERVICES FOR THE STORM DRAIN MASTER PLAN IMPROVEMENTS – PHASE II PROJECT [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY’S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council (1) approve an amendment to the agreement with Tetra Tech, Inc. for additional design services for the Storm Drain Master Plan Improvements – Phase II Project for a not-to-exceed fee of \$121,919; (2) authorize the City Manager to execute the amendment; and (3) authorize the expenditure of \$10,000 for additional project management services for the Storm Drain Master Plan Improvements – Phase II Project.

13. AUTHORIZATION TO AMEND THE PURCHASE ORDER WITH PBS&J FOR ASSISTANCE WITH THE IMPLEMENTATION OF THE CITY’S JURISDICTIONAL URBAN RUNOFF MANAGEMENT PROGRAM TO COMPLY WITH THE SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT REQUIREMENTS [STRATEGIC PLAN: RESTORE AND MAINTAIN THE INTEGRITY OF OUR OCEAN WATERS AND BEACHES]

RECOMMENDED ACTION: That the City Council authorize the amendment of the purchase order with PBS&J in an amount not to exceed \$40,000 for additional professional assistance in implementing the Jurisdictional Urban Runoff Management Program, also known as the Local Implementation Plan (LIP), for the remainder of this fiscal year.

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

14. ZONE TEXT AMENDMENT FOR MINOR CHANGES AND CLARIFICATIONS TO THE ZONING CODE CLEAN-UP AND AMENDMENTS TO THE CURRENT ADULT BUSINESS REGULATIONS

RECOMMENDED ACTION: That the City Council conduct a Public Hearing and adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NEGATIVE DECLARATION FOR A ZONE TEXT AMENDMENT AND LOCAL COASTAL PROGRAM AMENDMENT TO AMEND THE ZONING CODE TO PROVIDE CLARIFICATION AND CONSISTENCY OF EXISTING REGULATIONS AND TO INTRODUCE NEW PROVISIONS WHICH FURTHER THE GOALS OF THE GENERAL PLAN;

and introduce an ordinance to amend the Zoning Code entitled:

- A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A ZONE TEXT AMENDMENT AND LOCAL COASTAL PROGRAM AMENDMENT REVISING THE CITY OF DANA POINT ZONING CODE TO PROVIDE CLARIFICATION AND CONSISTENCY OF EXISTING REGULATIONS AND TO INTRODUCE NEW PROVISIONS WHICH FURTHER THE GOALS OF THE GENERAL PLAN;

and introduce an ordinance to revise the City's adult business regulations entitled:

- B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 5.32, SECTION 9.07.090 AND SECTION 9.75 OF THE DANA POINT MUNICIPAL CODE RELATING TO ADULT ORIENTED BUSINESS PERMITS.

UNFINISHED BUSINESS

There is no Unfinished Business.

NEW BUSINESS

15. [AWARD OF CONTRACT FOR THE 4TH OF JULY AERIAL FIREWORKS DISPLAY AND BARGE CONTRACT](#) [*STRATEGIC PLAN: PROMOTE CULTURAL ARTS AND HUMAN SERVICES*]

RECOMMENDED ACTION: That the City Council approve the following for the 2003 Fourth of July aerial fireworks display:

1. Contract with Fireworks & Stage FX America in the amount of \$40,000 for the aerial display;
3. Contract with Foss Maritime Company in the amount of \$11,800 to provide a barge to be used as the staging area for the fireworks display; and
3. Authorize the City Manager to execute the agreements.

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 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.

(Mayor William L. Ossenmacher)

ADJOURNMENT

The next Regular Meeting of the City Council will be April 9, 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 21, 2003, at 5:00 p.m.

SUSAN A. RAMOS, CITY CLERK

DATE

Subscriptions to receive City Council Agendas on a regular basis are available through the City Clerk's Office. Agendas are also available on the City's website at www.danapoint.org.

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, MANY 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.