

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**APRIL 9, 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), (1 case)
- B. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Government Code § 54956.9 (c), (2 cases)
- C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Government Code § 54956.8 (1 case)

Location:	Parcel Nos. 673-052-19 and 682-211-28 S.W. Corner of Stonehill and Selva
Agency Negotiators:	Douglas Chotkevys, City Manager Patrick Munoz, City Attorney
Negotiating Parties:	City of Dana Point and Juliette Cummins Trust
Under Negotiation:	Price and terms of agreement relating to property

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

**RECONVENE CITY COUNCIL MEETING**

**PLEDGE OF ALLEGIANCE:** Council Member Lacy

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## INVOCATION

Offered by Mayor Pro Tem Snyder

## 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. **SPECIAL MEETING MINUTES, MARCH 20, 2003**

RECOMMENDED ACTION: That the City Council approve the minutes.

### 3. **REGULAR MEETING MINUTES, MARCH 26, 2003**

RECOMMENDED ACTION: That the City Council approve the minutes.

### 4. **PLANNING COMMISSION ACTIONS, MEETING OF APRIL 2, 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. **CITY TREASURER'S REPORT, FEBRUARY 2003**

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

### 7. **CLAIMS AND DEMANDS**

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

8. **APPROVAL OF PROFESSIONAL SERVICES AGREEMENT FOR AS-NEEDED TRAFFIC ENGINEERING SERVICES** [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) approve the professional services agreement with Robert W. Goedhart, P.E. for the provision of as-needed traffic engineering services in accordance with the proposal received, and (2) authorize the City Manager to execute the agreement.

9. **INTRODUCE AN ORDINANCE CODIFYING SPEED LIMITS AT SECTION 12.16.010 OF THE CITY OF DANA POINT MUNICIPAL CODE** [STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES]

RECOMMENDED ACTION: That the City Council introduce an ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CODIFYING SPEED LIMITS AT SECTION 12.16.010 OF THE MUNICIPAL CODE

10. **ADOPTION OF AN ORDINANCE TO AMEND THE CITY OF DANA POINT ZONING CODE TO PROVIDE CLARIFICATION AND CONSISTENCY TO EXISTING REGULATIONS AND INTRODUCE NEW PROVISIONS TO FURTHER THE GOALS OF THE GENERAL PLAN** [STRATEGIC PLAN: EVALUATE LAND USE ISSUES TO ENSURE THAT THE GOALS, POLICIES AND PROGRAMS OF THE GENERAL PLAN REFLECT THE COMMUNITY'S VISION AND MISSION]

RECOMMENDED ACTION: That the City Council adopt an ordinance entitled:

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

to update the City's Zoning Code and Local Coastal Program.

11. **ADOPTION OF AN ORDINANCE AMENDING CHAPTER 5.32, SECTION 9.07.090 AND SECTION 9.75 OF THE DANA POINT MUNICIPAL CODE RELATING TO ADULT ORIENTED BUSINESS PERMITS** [STRATEGIC PLAN: EVALUATE LAND USE ISSUES TO ENSURE THAT THE GOALS, POLICIES AND PROGRAMS OF THE GENERAL PLAN REFLECT THE COMMUNITY'S VISION AND MISSION]

RECOMMENDED ACTION: That the City Council adopt an ordinance entitled:

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

to update the City's Zoning Code and Local Coastal Program.

**12. SAN JOAQUIN HILLS AND FOOTHILL/EASTERN TRANSPORTATION CORRIDOR AGENCIES (TCA) – EXPLORATORY JOINT POWERS AGENCY (JPA)**

RECOMMENDED ACTION: That the City Council authorize the Mayor to execute any and all documentation necessary for the City of Dana Point to join a consolidated exploratory JPA to study the consolidation of the two TCA JPA's; and appoint Mayor Ossenmacher to serve on the exploratory JPA, as the City's representative, and Mayor Pro Tem Snyder to serve on the exploratory JPA as the alternate.

**13. RESPONSE TO THE ORANGE COUNTY GRAND JURY FINDINGS ON WOOD ROOFS AND PROPOSED AMENDMENT TO BUILDING CODE [STRATEGIC PLAN: EVALUATE LAND USE ISSUES TO ENSURE THAT THE GOALS, POLICIES, AND PROGRAMS OF THE GENERAL PLAN REFLECT THE COMMUNITY'S VISION AND MISSION]]**

RECOMMENDED ACTION: That the City Council:

1. review the Orange County Grand Jury's February 4, 2003 report entitled "Wood Roofs are Dangerous";
2. authorize the Mayor to sign the letter responding to the findings and recommended action;
3. introduce an ordinance entitled:  
AN ORDINANCE OF THE CITY OF DANA POINT AMENDING TABLE 15-A OF SECTION 8.02.035 OF CHAPTER 8.02 OF TITLE 8 OF THE DANA POINT MUNICIPAL CODE, TO REQUIRE CLASS A ROOFS FOR RESIDENTIAL RE-ROOFS AND ADDITIONS, WHEN MORE THAN FIFTY PERCENT (50%) OF THE ROOF IS REPLACED OR ADDED TO WITHIN ONE YEAR; and
4. set May 14, 2003 for a public hearing and second reading of the subject codes.

**PRESENTATIONS AND PROCLAMATIONS**

**ORAL REPORTS**

**A. MARINE CORPS FAMILY ASSISTANCE FUND**

Mayor Pro Tem Joe Snyder

**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.

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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.

## UNFINISHED BUSINESS

There is no Unfinished Business.

## NEW BUSINESS

14. CONSIDERATION OF FINANCIALLY SUPPORTING THE “FRIENDS OF YOUTH” EVENT OF THE BOYS & GIRLS CLUB OF CAPISTRANO VALLEY [STRATEGIC PLAN: PROMOTE CULTURAL ARTS AND HUMAN SERVICES]

RECOMMENDED ACTION: That the City Council (1) be a “Supporting Sponsor” of the Boys & Girls Club of Capistrano Valley’s annual “Friends of Youth” event in the amount of \$1,000; and (2) authorize the use of Reserve for Service Enhancement funds for this expenditure.

## PUBLIC HEARINGS

15. AMEND MONUMENT SIGN REGULATIONS [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY’S INFRASTRUCTURE AND NEIGHBORHOODS]

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 ZONE TEXT AMENDMENT ZTA02-02 AND LOCAL COASTAL PROGRAM AMENDMENT LCPA02-01 TO AMEND THE EXISTING SIGN CODE

and introduce an ordinance entitled:

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 SIGN CODE

to amend the regulations pertaining to monument signs.

## 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

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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 23, 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, April 4, 2003, at 5:00 p.m.

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SUSAN A. RAMOS, 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, 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.