

# CITY OF DANA POINT

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**CITY COUNCIL  
REGULAR  
MEETING**



**APRIL 23, 2003  
5:00 P.M.**

## **AGENDA**

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

Next City Council Ordinance No. 03-08

### **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)
- C. PERSONNEL MATTERS – Government Code § 54957

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

### **RECONVENE CITY COUNCIL MEETING**

**PLEDGE OF ALLEGIANCE:** Council Member Rayfield

### **INVOCATION**

Offered by Council Member Lacy

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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, APRIL 9, 2003](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

**3. [YOUTH BOARD MEETING MINUTES, JANUARY 16, 2003](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**4. [YOUTH BOARD MEETING MINUTES, FEBRUARY 20, 2003](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**5. [YOUTH BOARD MEETING MINUTES, MARCH 20, 2003](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**6. [MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**7. CLAIMS AND DEMANDS**

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

**8. [2003 WEED ABATEMENT PROGRAM – AWARD OF CONTRACT](#) [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]**

RECOMMENDED ACTION: That the City Council award the 2003 Weed Abatement Contract to Pete's Trucking.

9. **FIRST AMENDMENT TO MANAGEMENT AGREEMENT FOR FACILITY MAINTENANCE 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 approve the first amendment for the Agreement for Management of City Owned Facilities and authorize the City Manager to sign the agreement.

10. **APPROVAL OF SECOND AMENDMENT TO THE TREE MAINTENANCE SERVICES CONTRACT WITH WEST COAST ARBORISTS, INC. AND APPROVAL OF AN AGREEMENT WITH ARBOR LIFE CONSULTING FOR PROJECT INSPECTION BY A CERTIFIED ARBORIST FOR A ONE-YEAR TERM** [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council (1) approve the Second Amendment to the agreement with West Coast Arborists, Inc. for Tree Maintenance Services for a one-year renewal; (2) approve an agreement with Arbor Life Consulting for project inspection by a certified arborist; and (3) authorize the City Manager to execute the amendment and the agreement.

11. **FISCAL YEAR 2002-2003 GRANT FUNDING PROGRAM** [STRATEGIC PLAN: PROMOTE CULTURAL ARTS AND HUMAN SERVICES]

RECOMMENDED ACTION: That the City Council fund \$1,000 for Toby's House from the Cultural & Human Services Grant Funding Program.

12. **SECOND READING AND ADOPTION OF AN ORDINANCE APPROVING A ZONE TEXT AMENDMENT AND LOCAL COASTAL PROGRAM AMENDMENT TO MODIFY THE MONUMENT SIGN REGULATIONS** [STRATEGIC PLAN: EVALUATE LAND USE ISSUES TO ENSURE THAT THE GOALS 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 SIGN CODE

13. **SECOND READING AND ADOPTION OF ORDINANCE CODIFYING SPEED LIMITS AT SECTION 12.16.010 OF THE DANA POINT MUNICIPAL CODE** [STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES]

RECOMMENDED ACTION: That the City Council adopt 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

14. **ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT ADOPTING A PROGRAM FOR THE PRE-QUALIFICATION OF CONTRACTORS SEEKING TO BID ON PUBLIC WORKS PROJECTS WITHIN 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) adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING A PROGRAM FOR THE PRE-QUALIFICATION OF CONTRACTORS SEEKING TO BID ON PUBLIC WORKS PROJECTS WITHIN THE CITY OF DANA POINT

15. **AUTHORIZATION OF A PURCHASE ORDER TO LINSOTT LAW AND GREENSPAN FOR TRAFFIC ENGINEERING SERVICES FOR THE DESIGN OF THE CROWN VALLEY LANDSCAPED MEDIAN PROJECT** [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council (1) authorize a purchase order to Linscott Law and Greenspan for traffic engineering services needed for the design of the Crown Valley Landscaped Median Project; (2) approve an expenditure for project management services as part of this effort; and (3) authorize a purchase order to Bush and Associates for surveying services.

16. **APPROVAL OF CONSULTANT SERVICES AGREEMENT WITH RJM DESIGN GROUP FOR CONCEPTUAL DESIGN SERVICES FOR THE DEVELOPMENT OF SEA TERRACE PARK** [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council (1) approve a Consultant Services Agreement with RJM Design Group to provide professional design services for the development of a conceptual design for the Development of Sea Terrace Park; (2) authorize the City Manager to execute the agreement; (3) authorize an expenditure for project management services; and (4) establish a Capital Improvement Program project in Fiscal Year 2002/2003 for development of Sea Terrace Park Project to allow the conceptual design and design effort to commence.

17. **AUTHORIZATION OF A PURCHASE ORDER TO ASSOCIATED LABORATORIES FOR SAMPLING OF URBAN RUNOFF AS REQUIRED BY THE SOUTH ORANGE COUNTY WASTEWATER AUTHORITY FOR THE ALIPAZ STORM DRAIN DIVERSION AND THE DIVERSIONS CONSTRUCTED AS PART OF THE URBAN RUNOFF DIVERSION PROJECT** [STRATEGIC PLAN: RESTORE AND MAINTAIN THE INTEGRITY OF OUR OCEAN WATERS AND BEACHES]

RECOMMENDED ACTION: That the City Council (1) authorize a purchase order to Associated Laboratories for sampling of urban runoff as required by the South Orange County Wastewater Authority for the Alipaz Storm Drain Diversion and the diversions constructed as part of the Urban Runoff Diversion Project; (2) approve an expenditure for project management services as

part of this effort; and (3) authorize payment to the City of San Juan Capistrano for the acceptance of urban runoff as it relates to the Alipaz Storm Drain Diversion Project.

18. **RESPONSE TO THE ORANGE COUNTY GRAND JURY FINDINGS ON WOOD ROOFS**  
*[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 review the Orange County Grand Jury's February 4, 2003 report entitled "Wood Roofs are Dangerous" and authorize the Mayor to sign the letter responding to the findings and recommended action.

19. **ADOPTION OF A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF DANA POINT AND THE SOUTH COAST WATER DISTRICT FOR THE CITY OF DANA POINT'S INTERIM USE OF FACILITIES TO DIVERT DRY WEATHER FLOWS FROM A STORM DRAIN CHANNEL LOCATED IN DEL OBISPO PARK** *[STRATEGIC PLAN: RESTORE AND MAINTAIN THE INTEGRITY OF OUR OCEAN WATERS AND BEACHES]*

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING AN AGREEMENT BETWEEN THE CITY OF DANA POINT AND THE SOUTH COAST WATER DISTRICT FOR THE INTERIM USE OF FACILITIES TO DIVERT DRY WEATHER FLOWS FROM THE DEL OBISPO STORM DRAIN

20. **ADOPTION OF A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF DANA POINT AND THE SOUTH COAST WATER DISTRICT FOR THE CITY OF DANA POINT'S INTERIM USE OF FACILITIES TO DIVERT DRY WEATHER FLOWS FROM THE NORTH CREEK STORM DRAIN** *[STRATEGIC PLAN: RESTORE AND MAINTAIN THE INTEGRITY OF OUR OCEAN WATERS AND BEACHES]*

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING AN AGREEMENT BETWEEN THE CITY OF DANA POINT AND THE SOUTH COAST WATER DISTRICT FOR THE INTERIM USE OF FACILITIES TO DIVERT DRY WEATHER FLOWS FROM THE NORTH CREEK STORM DRAIN

## **PRESENTATIONS AND PROCLAMATIONS**

Certificates of Recognition – Medal of Valor Recipients

## **ORAL REPORTS**

### **A. CONSIDERATION OF GRANT FUNDING SUPPORT FOR PROJECT 999**

Mayor William L. Ossenmacher / Council Member Russell Chilton

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**B. STATUS UPDATE - THE MARINE CORPS FAMILY ASSISTANCE FUND**

Mayor Pro Tem Joe Snyder

**RECEPTION - HONORING OUR MEDAL OF VALOR RECIPIENTS**

**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**

21. [APPEAL OF PLANNING COMMISSION DECISION TO UPHOLD THE ADMINISTRATIVE DECISION APPROVING A ONE YEAR EXTENSION FOR THE ENTITLEMENTS FOR TENTATIVE PARCEL MAP TPM98-230 AND SITE DEVELOPMENT PERMIT SDP99-17](#)  
*[STRATEGIC PLAN: EVALUATE LAND USE ISSUES TO ENSURE THAT THE GOALS OF THE GENERAL PLAN REFLECT THE COMMUNITY'S VISION AND MISSION]*

RECOMMENDED ACTION: That the City Council conduct a Public Hearing and take action to uphold the Planning Commission decision on the Administrative Approval to extend TPM 98-230 and SDP 99-17 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 A ONE YEAR EXTENSION FOR THE ENTITLEMENTS FOR TENTATIVE PARCEL MAP TPM 98-230 AND SITE DEVELOPMENT PERMIT SDP 99-17

22. [AMENDMENT TO SITE DEVELOPMENT PERMIT SDP01-80\(I\) AND VARIANCE V02-19 \(PIONEER\) TO AUTHORIZE THE CONSTRUCTION OF A SINGLE FAMILY DWELLING ON LOT 8 OF TRACT 16197 WITH A REDUCED REAR YARD SETBACK AND AMENDMENT TO THE FLOOR PLAN AND DEED RESTRICTION AREAS FOR A PROJECT LOCATED IN THE CAPISTRANO BEACH PORTION OF THE CITY](#) *[STRATEGIC PLAN: EVALUATE LAND USE ISSUES TO ENSURE THAT THE GOALS OF THE GENERAL PLAN REFLECT THE COMMUNITY'S VISION AND MISSION]*

RECOMMENDED ACTION: That the City Council conduct a Public Hearing and conditionally approve the Variance request for a reduction of the rear yard setback and conditionally approve

the amendment to the Site Development Permit relating to the reverse design and deed restriction area by adopting a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONDITIONALLY APPROVING THE VARIANCE REQUEST FOR A REDUCTION OF THE REAR YARD SETBACK AND CONDITIONALLY APPROVING THE AMENDMENT TO THE SITE DEVELOPMENT PERMIT RELATING TO THE REVERSE DESIGN AND DEED RESTRICTION AREA: SITE DEVELOPMENT PERMIT SDO02-11/26852 AND 26862 CALLE HERMOSA

## UNFINISHED BUSINESS

23. [ADOPTION OF RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE CRYSTAL COVE BLUFF STABILIZATION 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 COVE BLUFF STABILIZATION PROJECT;

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

24. [2003 WEED ABATEMENT PROGRAM – AUTHORIZATION TO ABATE WEEDS](#) *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

RECOMMENDED ACTION: That the City Council hear any objections regarding weed abatement and thereafter adopt a Resolution entitled:

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, OVERRULING OBJECTIONS AND PROCEEDING WITH WEED ABATEMENT

-or-

- B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, HEARING NO OBJECTIONS AND PROCEEDING WITH WEED ABATEMENT

## NEW BUSINESS

There is no New Business.

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## 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 May 14, 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 18, 2003, at 5:00 p.m.

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SUSAN A. RAMOS, CITY CLERK

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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](http://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.