

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**APRIL 28, 2004
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 04-02

CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS:

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

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b1), (7 cases)
- 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 (2 cases)
 - 1. Location: Pacific Coast Highway between the north City limit and the western edge of San Juan Creek, Dana Point, California
 - City Negotiators: Douglas Chotkevys, City Manager
Patrick Munoz, City Attorney
Larry Pierce, Interim Director of Public Works/Engineering
Matthew Sinacori, Deputy City Engineer
 - Negotiating Parties: City of Dana Point and California Department of Transportation
 - Under Negotiation: Relinquishment of portion of Pacific Coast Highway, including both price and terms of payment

2. Property: 26351 and 26315 Via Canon, Dana Point, California
City Negotiators: Douglas Chotkevys, City Manager
Patrick Munoz, City Attorney
Kyle Butterwick, Director of Community Development
Negotiating Parties: City of Dana Point and Barratt American Inc. or other interested parties
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

INVOCATION

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 10, 2004](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [REGULAR MEETING/JOINT MEETING MINUTES, MARCH 24, 2004](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

4. [PLANNING COMMISSION MEETING MINUTES, MARCH 3, 2004](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [PLANNING COMMISSION MEETING MINUTES, MARCH 17, 2004](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. **PLANNING COMMISSION ACTIONS, MEETING OF MARCH 17, 2004**

RECOMMENDED ACTION: That the City Council receive and file.

7. **PLANNING COMMISSION ACTIONS, MEETING OF APRIL 7, 2004**

RECOMMENDED ACTION: That the City Council receive and file.

8. **YOUTH BOARD MEETING MINUTES, FEBRUARY 19, 2004**

RECOMMENDED ACTION: That the City Council receive and file.

9. **YOUTH BOARD MEETING MINUTES, MARCH 4, 2004**

RECOMMENDED ACTION: That the City Council receive and file.

10. **MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR**

RECOMMENDED ACTION: That the City Council receive and file.

11. **CITY TREASURER'S REPORT, FEBRUARY 2004**

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

12. **CLAIMS AND DEMANDS**

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

13. **AMENDMENT TO AGREEMENT BETWEEN ALL CITY MANAGEMENT SERVICES, INC. AND THE CITY OF DANA POINT FOR PROVIDING SCHOOL CROSSING GUARD 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) authorize the City Manager to approve the Amendment to Agreement between All City Management Services, Inc. and the City of Dana Point for providing School Crossing Guard Services for fiscal year 2004-2005; and (2) authorize the necessary budget appropriations listed in the Fiscal Impact section of the report for FY04 and FY05.

14. **BIANNUAL CAMPAIGN CONTRIBUTION AND EXPENDITURE LIMITS ADJUSTMENT** *[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 adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADJUSTING THE CAMPAIGN CONTRIBUTION AND CAMPAIGN EXPENDITURE LIMITS TO REFLECT CHANGES IN THE CONSUMER PRICE INDEX, AS REQUIRED BY SECTION 2.05.058 OF THE DANA POINT MUNICIPAL CODE

15. **CITY MANAGER EMPLOYMENT AGREEMENT** [STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]

16. **ADOPTION OF A RESOLUTION ACCEPTING TWO EASEMENTS BETWEEN THE CITY OF DANA POINT AND CAPISTRANO BAY DISTRICT FOR THE PLACEMENT AND FUTURE MAINTENANCE OF STORM DRAIN FACILITIES AND STRUCTURES ASSOCIATED WITH THE CAPISTRANO BEACH STORM DRAIN PHASE II PROJECT** [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, ACCEPTING TWO EASEMENTS BETWEEN THE CITY OF DANA POINT AND CAPISTRANO BAY DISTRICT FOR THE PLACEMENT AND FUTURE MAINTENANCE OF STORM DRAIN FACILITIES AND STRUCTURES ASSOCIATED WITH THE CAPISTRANO BEACH STORM DRAIN PHASE II PROJECT

17. **STATUS REPORT EMERGENCY AMBULANCE RFP PROCESS** [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 receive and file the status report, and direct the Mayor Pro Tem Jim Lacy, the City Manager, and the Emergency Services Coordinator to review the submitted RFP's and return with a recommendation.

18. **CITY COUNCIL GRANT RECOMMENDATION (SNYDER)** [STRATEGIC PLAN: PROMOTE CULTURAL ARTS AND HUMAN SERVICES]

RECOMMENDED ACTION: That the City Council approve the recommended grant funding by Mayor Snyder as listed within the staff report per City Council Policy 116.

19. **PILOT PROGRAM – AUTOMATED GREEN WASTE COLLECTION AND MULTI-FAMILY RESIDENTIAL WASTE PROCESSING** [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 implementation of a pilot automated green waste collection program and pilot program for processing multi-family residential waste.

20. **AWARD OF CONTRACT FOR AUDIT 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 award a three-year contract for audit services to Teaman, Ramirez & Smith, covering the fiscal years ended June 30, 2004, 2005 and 2006, and authorize the City Manager to execute the contract on the City's behalf.

21. **CITY MANAGER HOUSING AGREEMENT** [STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]

22. **APPROVAL OF THE INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF BLUE SAIL DRIVE AND DEL OBISPO STREET AS PART OF THE ANNUAL TRAFFIC SAFETY IMPROVEMENTS PROGRAM, FISCAL YEAR 2003/2004** [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council (1) approve the installation of a traffic signal at Blue Sail Drive and Del Obispo Street under the Annual Traffic Safety Improvements Program, Fiscal Year 2003/2004; and (2) authorize a transfer of funds from the Annual Traffic Safety Improvement Program FY03/04 account to the Arterial Roadway Resurfacing Project Phase III (Del Obispo) to construct the new signal.

23. **2004 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

authorizing staff to abate weeds upon public or private property, and to report back to the City Council on July 28, 2004, with an itemized report detailing abatement cost.

24. **WEED ABATEMENT PROGRAM, AWARD CONTRACT** [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council award the 2004 Weed Abatement Contract to H&M Excavating.

25. **STORM WATER EDUCATION STREET BANNERS** [STRATEGIC PLAN: RESTORE AND MAINTAIN THE INTEGRITY OF OUR OCEAN WATERS AND BEACHES]

RECOMMENDED ACTION: That the City Council (1) receive and file the report on the status of the City's Used Oil Recycling Grant Program; and (2) approve the purchase of storm water education street banners.

26. **ADOPTION OF A RESOLUTION APPROVING THE SUBMITTAL OF AN APPLICATION TO THE LAND AND WATER CONSERVATION FUND PROGRAM FOR THE SEA TERRACE PARK RECREATIONAL TRAILS PROJECT** [STRATEGIC PLAN: PROVIDE OPEN SPACE, PARKS, RECREATIONAL FACILITIES, GREENBELTS AND TRAILS]

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 THE APPLICATION FOR LAND AND WATER CONSERVATION FUNDS FOR THE SEA TERRACE PARK RECREATIONAL TRAILS PROJECT; and

2. Authorize staff to prepare a Land and Water Conservation Fund Program Grant Application for submittal to the State of California Department of Parks and Recreation for completion of the Sea Terrace Park Recreational Trails Project.

27. **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 2004 Fourth of July aerial fireworks display: (1) contract with Pyro-Spectacular for the aerial display; (2) contract with Pacific Tugboat Service 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.

28. **APPROVAL OF AN INCREASED CONTINGENCY FOR THE CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT, FISCAL YEAR 2003/2004** [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council (1) approve an increase in the allowable contingency from ten percent to thirty percent of the total contract amount for construction of the Annual Roadway Resurfacing Project FY 03/04 Project; (2) authorize additional funds for

additional construction management services; and (3) approve the transfer of funds from the San Juan Avenue and Violet Lantern Reconstruction Project to the Annual Roadway Resurfacing Project, Fiscal Year 2003/2004, Account Number 11-99-30-1177-311.

PRESENTATIONS AND PROCLAMATIONS

1. Orange County Transportation Authority (OCTA)
2. Featured Business of the Month – Aegis Assisted Living of Dana Point
3. Festival of Whales Awards Certificates

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

29. [APPEAL OF PLANNING COMMISSION DECISION APPROVING COASTAL DEVELOPMENT PERMIT CDP94-01\(I\) TO ALLOW THE CONSTRUCTION OF A NEW APPROXIMATE 7,835 SQUARE FOOT, SINGLE-FAMILY RESIDENCE ON A 34,630 SQUARE FOOT BLUFF-TOP LOT WITH A SITE DEVELOPMENT PERMIT SDP03-09 TO ALLOW A GARAGE AND TWO \(2\) STORY CONFIGURATION AND RETAINING WALLS AS HIGH AS 6.5 FEET IN HEIGHT AND VARIANCE V03-10 TO EXCEED THE MAXIMUM HEIGHT LIMIT BY 11 FEET THREE \(3\) INCHES, AND FOR THE REQUIREMENTS FOR DEVELOPMENT ADJACENT TO COASTAL BLUFFS LOCATED AT 35009 CAMINO CAPISTRANO](#) (CONTINUED FROM THE MEETING OF MARCH 10, 2004) [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 continue the item to the May 26, 2004 Council meeting.

UNFINISHED BUSINESS

30. **AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE SALT CREEK OZONE TREATMENT FACILITY** [*STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS*]

RECOMMENDED ACTION: That the City Council (1) award a contract to Metro Builders and Engineers Group, Ltd. for the construction of the Salt Creek Ozone Treatment Facility along with acceptance of letter relative to bid irregularity; (2) authorize the expenditures for various construction support, administration and management expenditures as outlined in the Fiscal Impact Section of the report; and (3) authorize the transfer of funds from various CIP projects and reserve accounts to the Salt Creek Ozone Treatment Facility as outlined in the Fiscal Impact section of the report, and designate funds secured from the State of California Water Resources Control Board for the Del Obispo Storm Drain Diversion Project as an anticipated project revenue.

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 Joe Snyder)

ADJOURNMENT

The next Regular Meeting of the City Council will be May 12, 2004 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 Friday, April 23, 2004, at 5:00 p.m.

SHARON STREET, 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, 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.