

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**MAY 14, 2003
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 03-10

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. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Government Code § 54956.8 (2 cases)
 - A. Property: 34360 Green Lantern, Dana Point
Agency Negotiators: Douglas Chotkevys, City Manager,
Patrick Munoz, City Attorney
Negotiating Parties: City of Dana Point and Sherwood Group, Inc.
Under Negotiation: Price and terms of agreement relating to property
 - B. Property: Assessor's Parcel Number (APN) 673-251-22
Agency Negotiators: Douglas Chotkevys, City Manager,
Patrick Munoz, City Attorney
Negotiating Parties: Kato Family
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 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, APRIL 23, 2003](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, MARCH 19, 2003](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION MEETING MINUTES, APRIL 16, 2003](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [PLANNING COMMISSION ACTIONS, MEETING OF MAY 7, 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. **CITY TREASURER'S REPORT, MARCH 2003**

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

8. **CLAIMS AND DEMANDS**

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

9. **ADOPT A RESOLUTION DENYING VARIANCE V02-19 AND THE AMENDMENT TO SITE DEVELOPMENT PERMIT SDP01-80(I) TO AUTHORIZE CONSTRUCTION OF A SINGLE-FAMILY DWELLING ON LOT 8 OF TRACT 16197 WITH A REDUCED REAR YARD SETBACK OF 8-FEET RATHER THAN THE 25-FEET REQUIRED BY CODE 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 adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA DENYING THE VARIANCE (V02-19) REQUEST FOR A REDUCTION OF THE REAR YARD SETBACK AND THE AMENDMENT TO THE SITE DEVELOPMENT PERMIT (SDP01-80(I)) RELATING TO THE REVERSE DESIGN AND DEED RESTRICTION AREA ON LOT 8 OF TRACT 16197

per Council direction from April 23, 2003.

10. **CONTRACT EXTENSION FOR CHARLES ABBOTT ASSOCIATES, INC. FOR BUILDING DIVISION SERVICES** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION]*

RECOMMENDED ACTION: That the City Council authorize the City Manager to renew the Charles Abbott Associates Inc. contract for an additional two (2) year period subject to the original "Agreement for Consultant Services" effective as of June 12, 2003.

11. **AUTHORIZATION TO ENTER THE WATER QUALITY BOOTH IN THE 2003 LEAGUE OF CALIFORNIA CITIES CONFERENCE AND EXPOSITION IN SACRAMENTO, CALIFORNIA SEPTEMBER 8 THROUGH SEPTEMBER 9, 2003** *[STRATEGIC PLAN: RESTORE AND MAINTAIN THE INTEGRITY OF OUR OCEAN WATERS AND BEACHES]*

RECOMMENDED ACTION: That the City Council (1) authorize Public Works staff to enter the water quality booth in the 2003 League of California Cities Exposition.

12. **AWARD OF CONTRACT TO BELAIRE-WEST LANDSCAPE, INC. 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) award a contract to Belaire-West Landscape, Inc. for the construction of the Alipaz Right-of-Way Landscaping Project – Stonehill Drive to Quail Run; (2) authorize the City Manager to execute the contract; (3) authorize PBS&J to perform construction management and administration; (4) authorize a purchase order to Goffman McCormick and Urban to provide materials testing services; (5) acknowledge the receipt of \$51,100 in State of California Department of Parks and Recreation Per capita Grant funds for this project and approve the addition of \$51,000 to the project budget; and (6) authorize a purchase order to Ann Christoph for additional construction support services for the Alipaz Right-of-Way Landscaping Project.

13. **APPROVAL OF CONSULTANT SERVICES AGREEMENT WITH PSOMAS FOR THE DESIGN OF THE STONEHILL DRIVE LANDSCAPED MEDIAN PROJECT, CITY LIMIT TO NIGUEL ROAD** [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 Psomas for design services for the Stonehill Drive Landscaped Median Project, City Limit to Niguel Road; (2) authorize PBS&J to perform project management services; (3) authorize the transfer of \$259,000 from the Undesignated General Fund reserves to the Stonehill Drive Landscaped Median Project, Account Number 11-99-30-1152-311, to fund the design effort.

14. **APPROPRIATION OF ASSET FORFEITURE FUNDS FOR RENOVATION OF POLICE SERVICES SEARCH AND RESCUE VEHICLE** [STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION]

RECOMMENDED ACTION: That the City Council appropriate available funds from the Narcotics Forfeiture Account to the Police Services Budget for FY 2002-03 to fund the renovation of the Police Services Search and Rescue/Community Based Policing Vehicle.

15. **APPROVAL OF CITY OF DANA POINT PORTION OF THE NPDES STORMWATER MANAGEMENT PROGRAM FINAL PROPOSED SHARED COSTS BUDGET FOR FY 2003/04** [STRATEGIC PLAN: RESTORE AND MAINTAIN THE INTEGRITY OF OUR OCEAN WATERS AND BEACHES]

RECOMMENDED ACTION: That the City Council approve the Dana Point portion of the NPDES Stormwater Management Program Final Proposed Shared Costs Budget for Fiscal Year 2003-2004.

16. **APPROVAL OF MATCHING FUND CONTRIBUTION TO COUNTY OF ORANGE PROJECT FOR SAN JUAN CREEK BIKEWAY TO PROVIDE FLOOD PROTECTION AT PACIFIC COAST HIGHWAY** *[STRATEGIC PLAN: PROVIDE OPEN SPACE, PARKS, RECREATIONAL FACILITIES, GREENBELTS AND TRAILS]*

RECOMMENDED ACTION: That the City Council approve a contribution in the amount of \$10,000 from the Reserve for Service Enhancement to supplement the County's \$50,000 in matching funds for the County of Orange San Juan Creek Bikeway Project in order to obtain grant funding for the construction of flood protection facilities under the bridge at Pacific Coast Highway.

17. **FIRST READING OF AN ORDINANCE AMENDING THE MUNICIPAL CODE RELATING TO FORMAL AND INFORMAL BID PROCEDURES** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION]*

RECOMMENDED ACTION: That the City Council hold first reading and introduce an ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING SECTIONS 3.12.130 AND 3.12.250 OF THE DANA POINT MUNICIPAL CODE PERTAINING TO FORMAL BID PROCEDURES AND OPEN MARKET OR INFORMAL BID PROCEDURES

18. **FIRST READING OF AN ORDINANCE AMENDING THE MUNICIPAL CODE RELATING TO CITY MANAGER'S AUTHORIZATION TO ENTER INTO CONTRACTS** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION]*

RECOMMENDED ACTION: That the City Council hold first reading and introduce an ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING SECTION 3.12.290 OF THE DANA POINT MUNICIPAL CODE PERTAINING TO EXCEPTIONS TO COMPETITIVE BIDDING REQUIREMENT

19. **CENTRAL/COASTAL ORANGE COUNTY NATIVE COMMUNITY CONSERVATION PLAN (NCCP)** *[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 authorize staff to prepare an analysis of any changes in city policies that would have to be implemented if the City joined the NCCP, and then return with a subsequent recommendation based upon that review of the material.

PRESENTATIONS AND PROCLAMATIONS

Proclamation for National Public Works Week

ORAL REPORT

A. CONSIDERATION OF A GRANT REQUEST FOR THE DEL OBISPO ELEMENTARY SCHOOL DESTINATION IMAGINATION PROGRAM

Mayor William L. Ossenmacher

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

20. ADOPTION OF RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE GOLDEN LANTERN LANDSCAPED MEDIAN PROJECT BETWEEN PRISCILLA AND STONEHILL DRIVE [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 GOLDEN LANTERN LANDSCAPED MEDIAN PROJECT BETWEEN PRISCILLA AND STONEHILL DRIVE

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

NEW BUSINESS

21. [ENTER INTO HISTORIC PRESERVATION AGREEMENT \(MILLS ACT\) WITH PROPERTY OWNERS LOCATED AT 34532 CAMINO CAPISTRANO](#) [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 authorize the Mayor to sign the Historic Property Preservation Agreement which would allow the property owners (Alice Baum and Donald Burnes) of the historic structure located at 34532 Camino Capistrano to participate in the State's Mills Act program.

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 May 28, 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, May 9, 2003, at 5:00 p.m.

SUSAN A. RAMOS, CITY CLERK

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.