

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**MAY 28, 2003
6:00 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

PLEDGE OF ALLEGIANCE: Dana Point Cub Scout Pack 11

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, MAY 14, 2003**

RECOMMENDED ACTION: That the City Council approve the minutes.

3. **PLANNING COMMISSION MEETING MINUTES, MAY 7, 2003**

RECOMMENDED ACTION: That the City Council receive and file.

4. **PLANNING COMMISSION ACTIONS, MEETING OF MAY 21, 2003**

RECOMMENDED ACTION: That the City Council receive and file.

5. **YOUTH BOARD MEETING MINUTES, APRIL 3, 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. **APPROVAL OF FIRST AMENDMENT TO CONSULTANT SERVICES AGREEMENT TO PLAYGROUND SERVICE COMPANY FOR CERTIFIED PLAYGROUND, PARKLAND AND FACILITIES SAFETY INSPECTION PROGRAM, FISCAL YEAR 03-04 AND FISCAL YEAR 04-05** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION]*

RECOMMENDED ACTION: That the City Council (1) approve the First Amendment to the Consultant Services Agreement to Playground Service Company and (2) authorize the City Manager to execute the agreement for Certified Playground, Parkland and Facilities Safety Inspection Program, FY03-04 and FY 04-05.

9. **APPROVAL OF SECOND AMENDMENT TO AGREEMENT EXERCISING THE SECOND ONE-YEAR RENEWAL OPTION, INCLUDING A COST OF LIVING INCREASE, FOR THE STREET SWEEPING MAINTENANCE AGREEMENT FOR FISCAL YEAR 2003-04** *[STRATEGIC PLAN: PLAN, MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

RECOMMENDED ACTION: That the City Council (1) approve the Second Amendment to the Street Sweeping Maintenance Agreement, exercising the second one-year renewal option, including a 3.9 percent CPI increase (per contract) and a 2.1 percent increase for extraordinary insurance cost increases for a total increase of 6 percent, for the period of July 1, 2003 to June 30, 2004; and (2) authorize the City Manager to execute an amendment document.

10. **SECOND READING AND ADOPTION OF AN ORDINANCE 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** [STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION]

RECOMMENDED ACTION: That the City Council adopt 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 PROCEDURE

11. **SECOND READING AND ADOPTION 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 adopt 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

12. **INTRODUCTION OF A CABLE TELEVISION ORDINANCE** [STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION]

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT RELATING TO FRANCHISES FOR CABLE COMMUNICATIONS SYSTEMS

13. **AWARD OF CONTRACT TO KEC ENGINEERING, INCORPORATED FOR THE CONSTRUCTION OF 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 (1) award a contract to KEC Engineering, Inc. for the construction of the Del Obispo Storm Drain Treatment Project; (2) authorize the City Manager to execute the contract; (3) authorize the expenditure for construction management and administration; (4) authorize a purchase order to Goffman, McCormick and Urban to provide materials testing services and geotechnical inspection; (5) authorize a purchase order to Harris and Associates for construction support services.

14. [OPPOSITION TO ASSEMBLY BILL 947 \(Jackson\), STATE COASTAL EROSION PRINCIPALS AND SEDIMENT MASTER PLAN](#) [STRATEGIC PLAN: RESTORE AND MAINTAIN THE INTEGRITY OF OUR OCEAN WATERS AND BEACHES]

RECOMMENDED ACTION: That the City Council direct and authorize staff to draft and send appropriate letters, to State officials and interested parties, identifying the City's opposition to Assembly Bill 947.

ORAL REPORTS

DANA POINT CUB SCOUT PACK 11

(Mayor William L. Ossenmacher)

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

There are no Public Hearings.

UNFINISHED BUSINESS

15. [ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE URBAN WATER DIVERSION PROJECT CONSTRUCTED ADJACENT TO COAST HIGHWAY BETWEEN DOHENY PARK ROAD AND CAMINO CAPISTRANO \(CITY LIMIT\) AND A STATUS REPORT ON THE ALIPAZ STORM DRAIN DIVERSION PROJECT](#) [STRATEGIC PLAN: RESTORE AND MAINTAIN THE INTEGRITY OF OUR OCEAN WATERS AND BEACHES]

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

CONSTRUCTION OF THE URBAN WATER DIVERSION PROJECT
CONSTRUCTED ADJACENT TO COAST HIGHWAY BETWEEN DOHENY PARK
ROAD AND CAMINO CAPISTRANO (CITY LIMIT)

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

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 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 June 11, 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 23, 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.