

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**JUNE 23, 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), (3 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 (1 case)
 - Property: Marinita Homeowners' Association
 - City Negotiators: Douglas Chotkevys, City Manager
Patrick Munoz, City Attorney
Kyle Butterwick, Director of Community Development
 - Negotiating Parties: City of Dana Point and Marinita Homeowners' Association 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

PRESENTATIONS AND PROCLAMATIONS

1. Featured Business of the Month – Olamendi's
2. Presentation to Reagan Library
3. Recognition of Outgoing Youth Board Members

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 26, 2004](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

3. **[REGULAR MEETING MINUTES, APRIL 28, 2004](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

4. **[PLANNING COMMISSION MEETING MINUTES, MAY 19, 2004](#)**

RECOMMENDED ACTION: That the City Council receive and file.

5. **[PLANNING COMMISSION MEETING MINUTES, JUNE 2, 2004](#)**

RECOMMENDED ACTION: That the City Council receive and file.

6. **[PLANNING COMMISSION ACTIONS, MEETING OF JUNE 2, 2004](#)**

RECOMMENDED ACTION: That the City Council receive and file.

7. **PLANNING COMMISSION ACTIONS, MEETING OF JUNE 16, 2004**

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

9. **CITY TREASURER'S REPORT, APRIL 2004**

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

10. **CLAIMS AND DEMANDS**

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

11. **ADOPTION OF AMBULANCE SERVICE ORDINANCE** *[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 consider amending Municipal Code, Chapter 5.24, "Ambulance Service", by conducting a second reading by title only, and adopting an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING IN ITS ENTIRETY CHAPTER 5.24 OF THE DANA POINT MUNICIPAL CODE AND ESTABLISHING NEW GENERAL OPERATING PROCEDURES AND STANDARDS FOR AMBULANCE TRANSPORTATION AND SERVICES WITHIN THE CITY

12. **ADOPTION OF CLASS SPECIFICATION FOR EXISTING PARKS SUPERVISOR POSITION** *[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, ADOPTING A CLASS SPECIFICATION FOR THE BUDGETED POSITION OF PARKS SUPERVISOR

13. **ADOPTION OF A RESOLUTION ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2005** *[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, ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2005

14. **CITYWIDE IMPLEMENTATION OF 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 citywide of the automated green waste collection program and multi-family residential waste processing program.

15. **APPROVAL OF CHANGE ORDER NUMBER ONE FOR THE STREET SWEEPING MAINTENANCE CONTRACT FOR FISCAL YEAR 2004-05** *[STRATEGIC PLAN: RESTORE AND MAINTAIN THE INTEGRITY OF OUR OCEAN WATERS AND BEACHES]*

RECOMMENDED ACTION: That the City Council (1) approve Contract Change Order Number One to CleanStreet for street sweeping maintenance services to extend the contract for Fiscal Year 2004/2005; and (2) increase the contract funding.

16. **APPROVAL OF AGREEMENT FOR THE ANNUAL TREE MAINTENANCE PROGRAM** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

RECOMMENDED ACTION: That the City Council (1) approve an agreement with West Coast Arborists, Inc. for Tree Maintenance Services; and (2) authorize the City Manager to execute the agreement.

17. **GENERAL MUNICIPAL ELECTION TO BE CONSOLIDATED WITH THE NOVEMBER 2, 2004 STATEWIDE GENERAL ELECTION** *[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 the following resolutions:

1. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CALLING AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2004 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES; and

2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2004 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE; and
3. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES' STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2004

18. **APPOINTMENTS TO THE DANA POINT YOUTH BOARD** *[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 appointments of eleven Board Members and eight At-large Members as recommended by the Mayor and Council Members, to serve a period of one year effective September 1, 2004.

19. **AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) AND 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 of Intention to amend the existing contract between the City of Dana Point and PERS, entitled:

A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY OF DANA POINT;

2. Introduce an Ordinance to amend the contract between the City and PERS entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF DANA POINT AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

20. [2004-2005 LAW ENFORCEMENT SERVICES AGREEMENT](#) [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 Law Enforcement Services Agreement with the County of Orange for law enforcement services for the 2004-2005 fiscal year.

21. [FUNDING SUPPORT FOR THE DANA POINT SUMMER TROLLEY](#) [STRATEGIC PLAN: INITIATE AND PROMOTE BUSINESS DEVELOPMENT]

RECOMMENDED ACTION: That the City Council authorize the allocation of funds from the City's AB2766 funds to support the operation of the Dana Point Summer Trolley.

22. [CITY COUNCIL GRANT RECOMMENDATIONS \(CHILTON AND RAYFIELD\)](#) [STRATEGIC PLAN: PROMOTE CULTURAL ARTS AND HUMAN SERVICES]

RECOMMENDED ACTION: That the City Council approve the recommended grant funding by Council Members Chilton and Rayfield as listed within the staff report per City Council Policy 116.

23. [CITY COUNCIL GRANT RECOMMENDATIONS \(OSSENMACHER\)](#) [STRATEGIC PLAN: PROMOTE CULTURAL ARTS AND HUMAN SERVICES]

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

24. [APPROVAL OF A SEVEN YEAR CAPITAL IMPROVEMENT PROGRAM AND AUTHORIZATION TO FORWARD THE SEVEN YEAR CAPITAL IMPROVEMENT PROGRAM TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY \(OCTA\)](#) [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council adopt the Seven Year Capital Improvement Program (CIP) for Fiscal Years 2004-2005 through 2009-2010 and authorize the Interim Director of Public Works and Engineering Services to forward the Seven Year CIP document to the Orange County Transportation Authority (OCTA).

25. [AUTHORIZATION TO ADVERTISE FOR CONSTRUCTION BIDS FOR THE ARTERIAL HIGHWAY REHABILITATION PROJECT PHASE III FOR FY 03/04 ON DEL OBISPO STREET BETWEEN STONEHILL DRIVE AND THE NORTHERLY CITY LIMIT](#) [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council (1) authorize advertisement for construction bids for the Arterial Roadway Resurfacing Project Phase III, Fiscal year 2003/2004 on Del Obispo Street between Stonehill Drive and the northerly City limit; and (2) acknowledge that City

staff will construct the new traffic signal at Blue Sail and Del Obispo Street, previously approved by the City Council, with this project.

26. **AUTHORIZATION TO ADVERTISE FOR CONSTRUCTION BIDS FOR THE CONSTRUCTION OF THE HISTORICAL CONCRETE REPAIR AND REPLACEMENT PROJECT, FY 03-04**
[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council (1) authorize advertisement for construction bids for the Historical Concrete Repair and Replacement Project FY 03/04; and (2) authorize the transfer of funds from the Capital Improvement Program reserves to the Concrete Repair and Replacement Project, FY 03/04.

27. **DETERMINATION OF THE PROCESS FOR SELECTING PUBLIC ART FOR FIRE STATION #29**
[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council authorize the implementation of certain application procedures and criteria for selecting public art for Fire Station #29.

28. **AMENDMENT TO HOGLE-IRELAND CONTRACT AND CITY STAFFING ADJUSTMENT**

RECOMMENDED ACTION: That the City Council:

1. Reduce the Hogle-Ireland contracted staff by one Senior Associate Project manager; and
2. Reclassify the City's existing Associate Planner position to the classification of Senior Planner, creating a second Senior Planner position.

29. **ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, FOR THE ESTABLISHMENT OF THE NAME OF THE OPEN SPACE IMPROVEMENTS AT THE CITY-OWNED LOT AT LA CRESTA AND VIOLET LANTERN**
[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, FOR THE ESTABLISHMENT OF THE NAME OF THE OPEN SPACE IMPROVEMENTS AT THE CITY-OWNED VACANT LOT AT 24611 LA CRESTA DRIVE

30. **APPROVE AMENDMENT NO. 9 TO CONTRACT AGREEMENT NO. C-8-0370 WITH ORANGE COUNTY TRANSIT AUTHORITY TO PROVIDE SENIOR TRANSPORTATION SERVICES TO THE DEL OBISPO COMMUNITY/SENIOR CENTER THROUGH JUNE 30, 2005**
[STRATEGIC PLAN: PROMOTE CULTURAL ARTS AND HUMAN SERVICES]

RECOMMENDED ACTION: That the City Council approve Amendment No. 9 to existing contract No. C-8-0370 with Orange County Transit Authority (OCTA) for senior transportation to

the Del Obispo Community/Senior Center through June 30, 2005 and authorize the City Manager to execute the agreement.

31. [FIRST READING OF ORDINANCE AMENDING DANA POINT MUNICIPAL CODE SECTIONS 2.05.068 AND 2.05.070](#) [STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND DOST-EFFECTIVENESS]

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

AN ORDINANCE AMENDING DANA POINT MUNICIPAL CODE SECTIONS 2.05.068 AND 2.05.070

32. [ADOPTION OF RESOLUTION APPROVING A NOTICE OF COMPLETION FOR CONSTRUCTION OF THE SYCAMORE CREEK TRAIL 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 CONSTRUCTION OF THE SYCAMORE CREEK TRAIL PROJECT

and (2) direct staff to transfer all project saving to the Capital Improvement Program Reserves.

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

33. [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 [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] (CONTINUED FROM THE MEETING OF MAY 26, 2004)

RECOMMENDED ACTION: That the City Council conduct a Public Hearing and accept the appellant's request to withdraw the appeal of the Planning Commission's approval and consider the matter final.

34. ZONE TEXT AMENDMENT (ZTA04-01) AND LOCAL COASTAL PROGRAM AMENDMENT (LCPA04-01) TO ESTABLISH REGULATIONS PERTAINING TO FRACTIONAL OWNERSHIP DEVELOPMENT [STRATEGIC PLAN: EVALUATE LAND USE ISSUES TO ENSURE THAT THE GOALS OF THE GENERAL PLAN REFLECT THE COMMUNITY'S VISION]

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

1. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NEGATIVE DECLARATION FOR ZONE TEXT AMENDMENT ZTA04-01 AND LOCAL COASTAL PROGRAM AMENDMENT LCPA04-01 ESTABLISHING FRACTIONAL OWNERSHIP DEVELOPMENT STANDARDS

-and-

2. Introduce an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A ZONE TEXT AMENDMENT ZTA04-01 AND LOCAL COASTAL PROGRAM AMENDMENT LCPA04-01 ESTABLISHING FRACTIONAL OWNERSHIP DEVELOPMENT STANDARDS

to establish regulations pertaining to fractional ownership development.

ORAL REPORTS

Staff presentation of Sycamore Creek Trail Project

UNFINISHED BUSINESS

There is no Unfinished Business.

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 July 14, 2004 Regular Meeting of the City Council will not be held to accommodate vacation schedules.

The next Regular Meeting of the City Council will be July 28, 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, June 18, 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.