

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**JUNE 25, 2003
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 03-13

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), (3 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Government Code § 54956.9 (c), (2 cases)
- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case)

Name of Case: Gail Y. Levinson Mann, Joetta Dertinger, Rick Dertinger, Mary Summers and Robert Summers v. City of Dana Point, Staff, Planning Commission and City Council, Orange County Superior Court Case No. 03CC06202

- D. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Government Code §54956.8 (1 case)

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

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE: Veterans of Foreign Wars, Dana Point Post No. 9934

INVOCATION

Offered by Bob Moore, Chaplain, Veterans of Foreign Wars, Dana Point Post No. 9934

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, JUNE 11, 2003](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, JUNE 4, 2003](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION ACTIONS, MEETING OF JUNE 18, 2003](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [YOUTH BOARD MEETING MINUTES, FEBRUARY 6, 2003](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. [YOUTH BOARD MEETING MINUTES, JUNE 5, 2003](#)

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

8. **CLAIMS AND DEMANDS**

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

9. **APPROVE AMENDMENT NO. 7 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 DECEMBER 31, 2003** *[STRATEGIC PLAN: PROMOTE CULTURAL ARTS AND HUMAN SERVICES]*

RECOMMENDED ACTION: That the City Council approve Amendment No. 7 to existing contract No. C-8-0370 with Orange County Transit Authority (OCTA) for senior transportation to the Del Obispo Community/Senior Center through December 31, 2003 and authorize the City Manager to execute the agreement.

10. **APPROVAL OF CONSULTANT SERVICES AGREEMENT FOR PROFESSIONAL PLANNING SERVICES** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION]*

RECOMMENDED ACTION: That the City Council authorize the City Manager to sign a two-year consultant agreement with Hogle-Ireland, Inc. to provide professional planning services.

11. **ANNUAL CITY COUNCIL GRANT ALLOCATIONS TO BENEFIT DANA POINT COMMUNITY ORGANIZATIONS** *[STRATEGIC PLAN: PROMOTE CULTURAL ARTS AND HUMAN SERVICES]*

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

12. **APPROVAL OF ROAD MAINTENANCE AND OPERATION AGREEMENT WITH THE COUNTY OF ORANGE PUBLIC FACILITIES AND RESOURCES DEPARTMENT (PFRD)** *[STRATEGIC PLAN: PLAN, MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

RECOMMENDED ACTION: That the City Council (1) approve the agreement with the County of Orange for road maintenance services for a two-year period with a six-month termination clause; (2) authorize the City Manager to execute the agreement; (3) direct the City Manager to evaluate the current County of Orange contract and the services being provided by the County of Orange to verify if it is adequate to meet the City's needs; (4) approve a consultant services agreement with Charles Abbott Associates, Incorporated to complete an audit of the maintenance services currently being provided; and (5) authorize the transfer of funds from the Reserve for Service Enhancements to Road Maintenance/Professional Services, Account Number 01-52-20-0000-223.

13. **AUTHORIZATION TO AMEND THE PURCHASE ORDER WITH PBS&J FOR ASSISTANCE WITH THE IMPLEMENTATION OF THE CITY'S JURISDICTIONAL URBAN RUNOFF MANAGEMENT PROGRAM/LOCAL IMPLEMENTATION PLAN TO COMPLY WITH THE SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT REQUIREMENTS** *[STRATEGIC PLAN: RESTORE AND MAINTAIN THE INTEGRITY OF OUR OCEAN WATERS AND BEACHES]*

RECOMMENDED ACTION: That the City Council authorize the amendment of the purchase order to PBS&J for the continued implementation of the City's Jurisdictional Urban Runoff Management Program/Local Implementation Plan (JURMP/LIP).

14. **ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT, FISCAL YEAR 2002/2003** *[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 ANNUAL ROADWAY RESURFACING PROJECT, FISCAL YEAR 2002/2003;

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

15. **APPROVAL OF AMENDMENT TO AGREEMENT EXERCISING THE REMAINING ONE-YEAR RENEWAL OPTION FOR TRAFFIC SIGNAL MAINTENANCE SERVICES WITH TRAFFIC SIGNAL MAINTENANCE, INC.** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

RECOMMENDED ACTION: That the City Council (1) approve an amendment to the Traffic Signal Maintenance Agreement with Signal Maintenance, Inc. exercising the remaining one-year renewal option, for the period of July 1, 2003 to June 30, 2004, and (2) authorize the City Manager to execute the amendment document.

16. **ADOPTION OF A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE SOUTH COAST WATER DISTRICT AND THE CITY OF DANA POINT FOR THE CITY OF DANA POINT'S INTERIM USE OF FACILITIES TO DIVERT DRY WEATHER FLOWS FROM VARIOUS STORM DRAINS ALONG COAST HIGHWAY AND BEACH ROAD FROM DOHENY PARK ROAD TO CAMINO CAPISTRANO** *[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 THE FIRST AMENDMENT TO AGREEMENT BETWEEN THE SOUTH COAST WATER DISTRICT (SCWD) AND THE CITY OF DANA POINT FOR THE ACCEPTANCE OF

URBAN RUNOFF FOR TRANSMISSION TO THE SOUTH ORANGE COUNTY WASTEWATER AUTHORITY (SOCWA) TREATMENT PLANT AS PART OF THE URBAN RUNOFF DIVERSION PROJECT

17. [APPROVAL OF AGREEMENT FOR LANDSCAPE AND IRRIGATION RELATING TO PARKWAY MAINTENANCE AT VIA VERDE AND CAMINO CAPISTRANO FOR THE DEVELOPMENT OF TRACT 16133](#) [*STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS*]

RECOMMENDED ACTION: That the City Council approve the agreement for landscape and irrigation maintenance in the public right-of-way at Via Verde and Camino Capistrano for the development of Tract 16133 in Capistrano Beach.

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

18. [PUBLIC HEARING FOR PRELIMINARY OPERATING AND CAPITAL IMPROVEMENT BUDGETS FOR FISCAL YEARS 2003-2004 AND 2004-2005 \(Continued from the meeting of June 11, 2003\)](#) [*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) conduct a Public Hearing to review the City of Dana Point Preliminary Operating and Capital Improvement Program Budgets for Fiscal Year 2003-2004 ("FY2004") and Fiscal Year 2004-2005 ("FY2005"); (2) receive public input; (3) close the Public Hearing; (4) deliberate; and (5) adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADOPTING A BUDGET FOR THE CITY OF DANA POINT FOR THE FISCAL YEARS 2003-2004 AND 2004-2005 AND ADOPTING THE SEVEN-YEAR CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FISCAL YEARS 2003-2004 THROUGH 2009-2010

19. **ANNUAL REVIEW OF THE GENERAL GOVERNMENT FACILITIES, FIRE PROTECTION FACILITIES AND TRANSPORTATION FACILITIES DEVELOPMENT IMPACT FEES** [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council conduct a Public Hearing and adopt resolutions entitled:

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REAFFIRMING THE APPLICATION OF THE GENERAL GOVERNMENT FACILITIES, FIRE PROTECTION FACILITIES, AND TRANSPORTATION FACILITIES DEVELOPMENT IMPACT FEE PROGRAM FOR ALL NEW DEVELOPMENT LOCATED WITHIN THE CITY OF DANA POINT FOR THE 2003-2004 FISCAL YEAR

-and-

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADJUSTING THE GENERAL GOVERNMENT FACILITIES, FIRE PROTECTION FACILITIES, AND TRANSPORTATION FACILITIES DEVELOPMENT IMPACT FEE SCHEDULE FOR ALL NEW DEVELOPMENT LOCATED WITHIN THE CITY OF DANA POINT; AND RESCINDING RESOLUTION NO. 02-06-25-07

adjusting the Development Impact Fee schedule by two and two tenths (+2.2%).

UNFINISHED BUSINESS

There is no Unfinished Business.

NEW BUSINESS

20. **2003-2004 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 2003-2004 fiscal year.

21. **ADOPTION OF A RESOLUTION ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2004** [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 2004

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 July 9, 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, June 20, 2003, at 5:00 p.m.

SUSAN A. RAMOS, CMC, 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.