

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**WEDNESDAY
JULY 13, 2005
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 05-04

CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS:

Wayne Rayfield, Mayor
Lara Anderson, Mayor Pro Tem
Russell Chilton, Council Member
Diane Harkey, Council Member
James V. Lacy, Council Member

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b1), (4 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Government Code § 54956.9 (c), (1 case)
- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (3 cases)
 - 1. Name of Case: James Seitz v. the City of Dana Point & Does 1-10, Superior Court of the State of California, County of Orange - Central District, Case No. 04CC00691
 - 2. Name of Case: Diedrich Coffee, Inc. v. City of Dana Point, et al, Orange County Superior Court Case No. 05CC03529
 - 3. Name of Case: Headlands Reserve LLC and MH Sherman Co. v. the City of Dana Point, et al, Orange County Superior Court Case No. 798758, Court of Appeals Case No. G024366

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Business of the Month

Pam Alexander – 2005 Blue Ribbon Award Recipient

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.

CONSENT CALENDAR

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 8, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

3. [SPECIAL MEETING MINUTES, JUNE 15, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [REGULAR MEETING MINUTES, JUNE 22, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [PLANNING COMMISSION MEETING MINUTES, MEETING OF JUNE 15, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. **PLANNING COMMISSION ACTIONS, MEETING OF JULY 6, 2005**

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. **CITY TREASURER'S REPORT, MAY 2005**

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of May, 2005.

9. **CLAIMS AND DEMANDS**

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

10. **ADOPTION OF CLASS SPECIFICATIONS FOR EXISTING BUDGETED POSITIONS**
[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 THE NEW AND AMENDED CLASS SPECIFICATIONS FOR BUILDING OFFICIAL, ASSOCIATE ENGINEER, PARKS MAINTENANCE WORKER III, AND ENGINEERING TECHNICIAN, AND SENIOR CIVIL ENGINEER

11. **AWARD OF CONTRACT FOR STREET SWEEPING SERVICES** *[STRATEGIC PLAN: RESTORE AND MAINTAIN THE INTEGRITY OF OUR OCEAN WATERS AND BEACHES]*

RECOMMENDED ACTION: That the City Council (1) award a contract for weekly street sweeping services to CleanStreet, for FY2005/06 and FY 2006/07 with bi-annual renewal options; and (2) authorize the City Manager to execute the agreement and the future extensions as appropriate.

12. **AUTHORIZE DESIGN SERVICES FOR THE ANNUAL ROADWAY RESURFACING PROJECTS FY 05/06 AND FY 06/07** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

RECOMMENDED ACTION: That the City Council (1) authorize an expenditure of funds for design services for the FY 05/06 and FY 06/07 Annual Residential Roadway Resurfacing Projects, provided that the City Manager or his designee may approve additional payment not to exceed ten percent of the expenditure amount for changes in scope of work and contingencies; and (2) authorize advertisement for construction bids once the design is complete.

13. **SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAN POINT, CALIFORNIA, ADOPTING BY REFERENCE THE 2004 CALIFORNIA ELECTRICAL CODE** [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 an ordinance entitled:

AN ORDINANCE BY THE CITY OF DANA POINT ADOPTING BY REFERENCE THE 2004 CALIFORNIA ELECTRICAL CODE

14. **COASTAL ANIMAL SERVICES AUTHORITY COMMITTEE APPOINTMENTS** [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 appointments to the Coastal Animal Services Authority (CASA) Animal Shelter Project Committee as recommended.

15. **APPROVAL OF CONSULTANT SERVICES AGREEMENT WITH PSOMAS FOR DESIGN SERVICES FOR THE ARTERIAL HIGHWAY REHABILITATION PROJECT, FY 2004/2005** [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 to provide professional design services for the Arterial Roadway Resurfacing Project for FY 2005/2006, provided that the City Manager or his designee may approve additional payment not to exceed ten percent of the agreement amount for additional design services if needed; and (2) authorize the City Manager to execute the Agreement.

16. **ADOPTION OF A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF DANA POINT AND THE SOUTH COAST WATER DISTRICT FOR THE OPERATION AND MAINTENANCE OF THE SALT CREEK OZONE TREATMENT FACILITY SERVICES** [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 AN AGREEMENT BETWEEN THE CITY OF DANA POINT AND THE SOUTH COAST WATER DISTRICT FOR THE OPERATION AND MAINTENANCE OF THE SALT CREEK OZONE TREATMENT FACILITY;

(2) authorize the City Manager to sign the agreement on the City Council's behalf once the agreement is approved and the resolution is signed; (3) authorize the City Manager to pay South Coast Water District (SCWD) for the operation and maintenance of the facility pursuant to the recommended agreement, provided that the cost of said services can be increased up to 25%

for actual costs and contingencies; and (4) authorize an additional expenditure for construction support services for construction project completion from budgeted funds.

17. [ADOPTION OF RESOLUTION APPROVING FINAL TRACT MAP NO. 16620, THE REQUIRED LANDSCAPING, IRRIGATION AND MAINTENANCE AGREEMENT AND THE ACCOMPANYING SUBDIVISION IMPROVEMENT AGREEMENT](#) [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, APPROVING FINAL TRACT MAP NO. 16620, THE REQUIRED LANDSCAPE, IRRIGATION, AND MAINTENANCE AGREEMENT, AND THE ACCOMPANYING SUBDIVISION IMPROVEMENT AGREEMENT

18. [ADOPTION OF RESOLUTION DESIGNATING THE INTERSECTION LOCATED ON AVENIDA LAS PALMAS AT CALLE REAL AS AN ALL-WAY STOP CONTROL INTERSECTION AND AUTHORIZING THE INSTALLATION OF STOP SIGNS](#) [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, DESIGNATING THE INTERSECTION ON AVENIDA LAS PALMAS AT CALLE REAL AS AN ALL-WAY STOP CONTROL INTERSECTION AND AUTHORIZING THE INSTALLATION OF STOP SIGNS

19. [ADOPTION OF RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE COMMUNITY CENTER ACCESS PROJECT AS PART OF THE GENERAL PARK REHABILITATION PROGRAM](#) [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 COMMUNITY CENTER ACCESS PROJECT AS PART OF THE GENERAL PARK REHABILITATION PROGRAM;

and (2) direct staff to transfer all project savings to the Capital Improvement Program Reserve Fund.

20. **AWARD OF CONTRACT FOR THE CONSTRUCTION OF THE TRAFFIC SIGNAL IMPROVEMENTS AT VARIOUS INTERSECTIONS PROJECT, AS PART OF THE ANNUAL TRAFFIC SAFETY IMPROVEMENT PROGRAM** [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council (1) award a contract for the construction of the Traffic Signal Improvements at Various Intersections Project as part of the Annual Traffic Safety Program (CIP # 1183), provided that the City Manager or his designee may approve additional payment not to exceed fifteen percent of the contract amount for change orders and contingencies; (2) authorize the expenditures for various construction support, administration and management expenditures as outlined in the Fiscal Impact Section of the report; and (3) direct staff to secure payment from the Orange County Transportation Authority under the Growth Management Area funding program, as this project is being partially funded using OCTA grant funds.

21. **AWARD OF CONTRACT TO W.A. RASIC CONSTRUCTION COMPANY, INCORPORATED FOR THE CONSTRUCTION OF THE MASTER PLAN OF DRAINAGE PRIORITY ONE PROJECT PHASE II (CAPISTRANO BEACH)** [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council (1) award a contract to W.A. Rasic Construction Company, Incorporated for the construction of the Master Plan of Drainage Priority One Project Phase II, Capital Improvement Project #1139, provided that the City Manager or his designee may approve additional payment not to exceed six percent of the contract amount for change orders and contingencies; and (2) authorize the expenditures for various construction support, administration and management expenditures as outlined in the Fiscal Impact Section of the report.

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

22. **ANNEXATION TO THE ACAPULCO PREFERENTIAL PARKING DISTRICT OF INTERA WAY, DE LEON DRIVE, CORTES DRIVE AND GALLEON DRIVE** [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 conduct a Public Hearing and adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING RESOLUTION NO. 04-07-28-03 TO ANNEX THE FOLLOWING STREETS AS PART OF THE ACAPULCO PREFERENTIAL PARKING DISTRICT:

- (A) INTERA WAY FROM STONEHILL DRIVE TO CORTES DRIVE
- (B) DE LEON DRIVE FROM INTERA TO CUL-DE-SAC
- (C) CORTES DRIVE FROM CUL-DE-SAC TO GALLEON DRIVE
- (D) GALLEON DRIVE FROM CORTES DRIVE TO CUL-DE-SAC

23. **PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION DECLARING THE PUBLIC INTEREST AND NECESSITY OF A PORTION OF THE PROPERTY LOCATED AT 34862 PACIFIC COAST HIGHWAY, DANA POINT** [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 conduct a Public Hearing and adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT DIRECTING AND AUTHORIZING THE CONDEMNATION OF A STORM DRAIN EASEMENT OVER A PORTION OF THE PROPERTY LOCATED AT 34862 PACIFIC COAST HIGHWAY IN THE CITY OF DANA POINT, STATE OF CALIFORNIA AND DECLARING THE PUBLIC NECESSITY THEREFORE (PARCEL NOS. 691-411-44 THROUGH 691-411-54)

UNFINISHED BUSINESS

24. **2005 WEED ABATEMENT PROGRAM** [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council conduct a hearing on the Weed Abatement Cost Report and thereafter, depending on any objections raised, adopt a resolution entitled:

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE COST OF ABATEMENT AND PROVIDING FOR THE COLLECTION ON THE REGULAR TAX BILL

-or-

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE COST OF ABATEMENT, OVERRULING OBJECTIONS AND PROTESTS THERETO, AND PROVIDING FOR THE COLLECTION ON THE REGULAR TAX BILL

NEW BUSINESS

25. [ADOPTION OF RESOLUTION ADJUSTING ADMINISTRATIVE REVIEW FEES FOR WATER QUALITY, TRAFFIC IMPACT EVALUATION AND GRADING](#) [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, APPROVING ADJUSTMENT TO ADMINISTRATIVE DEVELOPMENT REVIEW FEES FOR WATER QUALITY, TRAFFIC AND GRADING.

26. [REVIEW OF TRAFFIC CONDITIONS FOR STREET OF THE BLUE LANTERN FROM SELVA ROAD TO STONEHILL DRIVE](#) [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council receive and file subject report.

27. [FORMATION OF SPECIAL EVENT TASK FORCE](#) [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 A DANA POINT SPECIAL EVENT TASK FORCE;

and direct Task Force to develop recommendation regarding request by the Festival of Whales Executive Board regarding the Festival of Whales.

STAFF REPORTS

(Doug Chotkevys, City Manager)

(Patrick Muñoz, City Attorney)

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.

ADJOURNMENT

The Regular Meeting of July 27, 2005 will not be held due to a lack of quorum.

The next Regular Meeting of the City Council will be August 10, 2005 at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

CERTIFICATION

I, Liz Ehring, 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 July 8, 2005, at 5:00 p.m.

LIZ EHRING, 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.