

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**JULY 23, 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 – 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

- C. PERSONNEL MATTERS, Government Code § 54957

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

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 25, 2003](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

3. **[PLANNING COMMISSION MEETING MINUTES, JUNE 18, 2003](#)**

RECOMMENDED ACTION: That the City Council receive and file.

4. **[PLANNING COMMISSION MEETING MINUTES, JULY 2, 2003](#)**

RECOMMENDED ACTION: That the City Council receive and file.

5. **[PLANNING COMMISSION ACTIONS, MEETING OF JULY 2, 2003](#)**

RECOMMENDED ACTION: That the City Council receive and file.

6. **[PLANNING COMMISSION ACTIONS, MEETING OF JULY 16, 2003](#)**

RECOMMENDED ACTION: That the City Council receive and file.

7. **[YOUTH BOARD MINUTES, MEETING OF JUNE 19, 2003](#)**

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, MAY 2003**

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

10. **CLAIMS AND DEMANDS**

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

11. **APPROVAL OF FIRST AMENDMENT TO THE CONTRACT AGREEMENT WITH CBF SURFACES FOR PARK AND FACILITY INFRASTRUCTURE MAINTENANCE FOR THE PERIOD DECEMBER 1, 2002 TO JUNE 30, 2004** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

RECOMMENDED ACTION: That the City Council (1) approve the First Amendment to the Contract Agreement with CBF Surfaces for Park and Facility Infrastructure Maintenance for the period December 1, 2002 to June 30, 2004, and (2) authorize the City Manager to execute the agreement, as amended.

12. **AWARD OF CONTRACT FOR CUSTODIAL SERVICES FOR CITY FACILITIES** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

RECOMMENDED ACTION: That the City Council (1) award a contract to Genesis Building Care, Inc. DBA Pacific Maintenance for Custodial Services for all City facilities; (2) that the City Manager or his designee may approve additional payment not to exceed ten percent of the contract amount for change orders and contingencies; and (3) authorize the City Manager to execute the contract.

13. **ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, FOR THE ESTABLISHMENT OF THE NAME 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 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 ALIPAZ RIGHT-OF-WAY LANDSCAPING PROJECT – STONEHILL DRIVE TO QUAIL RUN

14. **AGREEMENT FOR DISTRICT ATTORNEY PROSECUTION SERVICES** [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 a five-year agreement with the District Attorney's Office of Orange County to provide prosecution services for Municipal Code violations for the City of Dana Point.

15. **AUTHORIZE A PURCHASE ORDER FOR DESIGN AND MANAGEMENT SERVICES FOR THE ANNUAL ROADWAY RESURFACING PROJECT, FISCAL YEAR 2003/2004** [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council (1) authorize a purchase order to PBS&J, pursuant to their Master Agreement, to provide professional engineering design and management services for the Annual Roadway Resurfacing Project, FY 03/04; (2) authorize a purchase order to Goffman McCormick and Urban (GMU) for geotechnical/pavement evaluation services for the Annual Roadway Resurfacing Project, FY 03/04; (3) authorize a purchase order to Bush and Associates for surveying services for the Annual Roadway Resurfacing Project, FY 03/04; and (4) authorize advertisement for construction bids once the design is complete.

16. **AWARD OF CONTRACT TO ALL AMERICAN ASPHALT FOR CONSTRUCTION OF THE ARTERIAL ROADWAY RESURFACING PROJECT PHASE I, FISCAL YEAR 2003-2004** [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council (1) award a contract to All American Asphalt for construction of the Arterial Roadway Resurfacing Project Phase I, Fiscal Year 2003-2004, 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 expenditure for construction management services for the construction of the Arterial Roadway Resurfacing Project Phase I, Fiscal Year 2003-2004; (3) authorize a purchase order to Goffman McCormick and Urban for materials testing and inspection services; and (4) authorize a purchase order to Psomas for construction support services.

17. **ADOPTION OF A RESOLUTION 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 NORTH CREEK STORM DRAIN DIVERSION PROJECT** [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 NORTH CREEK STORM DRAIN DIVERSION PROJECT

18. **APPOINTMENTS TO THE DANA POINT YOUTH BOARD AND ADOPTION OF A RESOLUTION REVISING PROCEDURES PERTAINING 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 (1) approve the appointment of 11 Board Members and two At-Large Members as recommended by the Mayor to serve a period of one year effective September 1, 2003; and (2) adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REVISING PROCEDURES PERTAINING TO THE DANA POINT YOUTH BOARD

19. **CITY ATTORNEY SERVICES – RUTAN & TUCKER LLP** [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 appoint A. Patrick Munoz of Rutan & Tucker LLP as City Attorney.

20. **ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT IMPLEMENTING AN INTERIM TRAFFIC CALMING POLICY** [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 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, IMPLEMENTING AN INTERIM TRAFFIC CALMING POLICY FOR THE CITY OF DANA POINT; and

(2) authorize staff to return to City Council in six months with a proposed formal traffic calming policy once the different traffic calming techniques and their applicability in Dana Point have been considered in greater detail.

21. **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING SECTIONS 14.01.120, 14.01.220, AND 14.01.500 OF THE MUNICIPAL CODE** [STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICES AND COST-EFFECTIVENESS]

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA,
AMENDING SECTIONS 14.01.120, 14.01.220 AND 14.01.500 OF THE MUNICIPAL CODE

approving revised sections of the Dana Point Municipal Code as follows:

- Section 14.01.120 Plans May Be Required
- Section 14.01.220 Safety and Warning Devices
- Section 14.01.500 Adoption of Plans and Specifications

to address necessary modifications relative to requirements for plans, City standards for placement of safety and warranty devices, and adoption of standard plans and specifications for the construction, improvement and repair of highways, bridges, flood control and recreation facilities.

ORAL REPORTS

PRESENTATIONS AND PROCLAMATIONS

1. COMMUNITY EVENTS UPDATE
2. RECOGNITION OF HEROIC LIFESAVING EFFORTS
3. FEATURED DANA POINT BUSINESS OF THE MONTH:
RJ'S CAFÉ – THE PAVILION CENTER

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

22. [HEARING ON APPEAL OF PLANNING COMMISSION DECISION APPROVING COASTAL DEVELOPMENT PERMIT CDP03-03 TO ALLOW CONSTRUCTION OF A 4,719 SQUARE FOOT SINGLE-FAMILY RESIDENCE, WITH BLUFF EDGE SETBACK DEVIATION, ON A 9,359 SQUARE FOOT VACANT LOT LOCATED AT 35321 CAMINO CAPISTRANO IN THE CAPISTRANO BEACH AREA OF THE CITY](#)

RECOMMENDED ACTION: That the City Council conduct a Public Hearing and uphold the Planning Commission action to approve CDP03-03 by adopting a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION DECISION TO APPROVE COASTAL DEVELOPMENT PERMIT CDP03-03 AUTHORIZING CONSTRUCTION OF A 4,719 SQUARE FOOT SINGLE-FAMILY RESIDENCE, WITH BLUFF EDGE SETBACK DEVIATION, ON A 9,359 SQUARE FOOT VACANT LOT LOCATED AT 35321 CAMINO CAPISTRANO IN THE CAPISTRANO BEACH AREA OF THE CITY

23. [ZONE TEXT AMENDMENT AND ZONE CHANGE TO MODIFY THE DEVELOPMENT STANDARDS FOR THE EXISTING MIXED USE DISTRICT ALONG CAMINO DE ESTRELLA](#)
[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, APPROVING A NEGATIVE DECLARATION FOR A ZONE TEXT AMENDMENT AND ZONE CHANGE TO MODIFY THE DEVELOPMENT STANDARDS FOR THE EXISTING MIXED USE DISTRICT ALONG CAMINO DE ESTRELLA

and introduce an ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A ZONE TEXT AMENDMENT AND ZONE CHANGE TO DESIGNATE THE MIXED USE AREA ALONG CAMINO DE ESTRELLA AS PROFESSIONAL/RESIDENTIAL AND MODIFY THE DEVELOPMENT STANDARDS

UNFINISHED BUSINESS

24. [PRESENTATION OF CONCEPTUAL DESIGN AND APPROVAL OF THE FIRST AMENDMENT TO THE AGREEMENT WITH THE RJM DESIGN GROUP FOR ADDITIONAL DESIGN SERVICES FOR THE DEVELOPMENT OF SEA TERRACE PARK](#) [*STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS*]

RECOMMENDED ACTION: That the City Council (1) acknowledge the conceptual design for the Development of Sea Terrace Park, and note that the City initiated the environmental phase of the project; (2) approve the First Amendment to the Agreement with RJM Design Group to provide additional conceptual design and preliminary design services for the Development of Sea Terrace Park, provided that the City Manager or his designee may approve additional payment not to exceed ten percent for additional design services, if needed; (3) authorize the City Manager to execute the Amendment; (4) authorize the expenditure for project management services; and (5) authorize the expenditure for a geotechnical investigation of the Sea Terrace Park property.

25. [2003 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

confirming the Cost Report and providing for the collection on the regular tax bill.

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 William L. Ossenmacher)

ADJOURNMENT

The August 13, 2003 meeting of the City Council will not be held due to summer vacation schedules. The next Meeting of the City Council will be August 27, 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, July 18, 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.