

# CITY OF DANA POINT

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**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
AUGUST 21, 2007  
5:00 P.M.**

## **AGENDA**

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

Next City Council Ordinance No. 07-09

### **CALL TO ORDER**

### **ROLL CALL OF CITY COUNCIL MEMBERS:**

Diane L. Harkey, Mayor  
Lisa A. Bartlett, Mayor Pro Tem  
Lara Anderson, Council Member  
Joel Bishop, Council Member  
Steven H. Weinberg, Council Member

### **CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 94956.9 (b)(1) and (b)(3)(A), (2 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case)

Name of Case: Craig Daniel, Carol Daniel, Chris Neria and Stacy Neria v. the City of Dana Point, Superior Court of the State of California, County of Orange – Central District, Case No. #06CC10395

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

**RECONVENE CITY COUNCIL MEETING**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

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## PRESENTATIONS AND PROCLAMATIONS

Business of the Month – Chick’s Plumbing

Certificates of Recognition – National Boys and Girls Club Art Contest Winners  
Moises Ruiz and Belen Costello

Certificate of Recognition – Retiring VIPS Gil Goldstone

## 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 on the agenda.

**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, JULY 3, 2007](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

**3. [PLANNING COMMISSION MEETING MINUTES, JUNE 26, 2007](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**4. [PLANNING COMMISSION MEETING MINUTES, JULY 10, 2007](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**5. [PLANNING COMMISSION ACTIONS, MEETING OF AUGUST 14, 2007](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**6. [CHARITABLE GRANT SUBCOMMITTEE DRAFT MEETING MINUTES, JULY 16, 2007](#)**

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, JUNE 2007**

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of June 2007.

**9. CLAIMS AND DEMANDS**

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

**10. TRI-CITY TROLLEY UPDATE**

RECOMMENDED ACTION: That the City Council receive and file an update on the Tri-City Trolley.

**11. SURFING HERITAGE MUSEUM**

RECOMMENDED ACTION: That the City Council authorize the City Manager and staff to work with representatives of the Surfing Heritage Foundation to identify a feasible alternative for a permanent location for a Surfing Heritage Museum in Dana Point.

**12. RE-APPROPRIATION OF CITIZENS OPTION FOR PUBLIC SAFETY (COPS) PROGRAM FUNDS FROM FY 2006/2007 (AB 1913)**

RECOMMENDED ACTION: That the City Council:

1. Adjust the FY 2007/08 budget with the re-appropriation of unencumbered funds from the Citizens Option for Public Safety (COPS) program unspent monies remaining from the FY 2006/07 budget to the Supplemental Law Enforcement Service Fund (SLESF) account, and
2. Appropriate funds from the SLESF to implement the following programs:
  - \_ Approve funding for the School Resource Officer position for this school year.
  - \_ Approve funding for Project STOP (Stop Trashing Our Parks).

**13. DANA POINT YOUTH BOARD APPOINTMENTS**

RECOMMENDED ACTION: That the City Council appoint eleven (11) Board Members and one (1) Member At-Large to the Dana Point Youth Board.

**14. AWARD OF A CONTRACT TO VIDO SAMARZICH, INCORPORATED FOR THE CONSTRUCTION OF THE SUNSET PARK PLAYGROUND PROJECT AS PART OF THE GENERAL PARK REHABILITATION PROGRAM**

RECOMMENDED ACTION: That the City Council 1) approve award of contract to Vido Samarzich, Incorporated for construction of the Sunset Park Playground Project (Project) as part of the General Park Rehabilitation Program, provided that the City Manager or his designee signs and administers subject contract and may approve additional payment not-to-exceed ten percent of this amount for change orders and contingencies; 2) authorize expenditures for construction management services, soils and material testing, and construction design support

for the project as noted in the Fiscal Impact Section, and 3) authorize the budget transfers noted in the Fiscal Impact Section to provide necessary funding to construct the project.

**15. AUTHORIZATION TO OBTAIN AERIAL PHOTOGRAPHY CITYWIDE**

RECOMMENDED ACTION: That the City Council authorize the procurement of revised aerial photography citywide including the expenditure as noted in the Fiscal Impact Section, providing additional authority not to exceed ten percent of this amount for contingencies, if needed.

**16. ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE ARTERIAL STREET PAVEMENT REPAIRS ON SELVA ROAD AND DOHENY PARK ROAD**

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 ARTERIAL ROADWAY RESURFACING PROJECT ON THE FOLLOWING STREETS (CIP #1197):

1. Selva Road between Pacific Coast Highway and Golden Lantern.
2. Selva Road between Calle La Primavera and Stonehill Drive.
3. Doheny Park Road between 125 feet south of Las Vegas Avenue and 615 feet north of Victoria Boulevard.

and 2) direct staff to transfer the available project fund balance to CIP #1206, undesignated.

**17. AUTHORIZATION TO PRE-PURCHASE TRAFFIC SIGNAL POLES FOR THE PACIFIC COAST HIGHWAY CONGESTION RELIEF PROJECT (CIP #1111)**

RECOMMENDED ACTION: That the City Council approve the pre-purchase of signal poles needed to complete the Pacific Coast Highway Congestion Relief Project from Republic ITS providing additional authority not to exceed five percent of this amount for contingencies, if needed.

**18. APPROVAL FOR PURCHASE OF CALLE PALOMA OPEN SPACE PROPERTY FROM CALTRANS**

RECOMMENDED ACTION: That the City Council approve the purchase of the CALTRANS Calle Paloma property for passive park use and authorize the City Manager to execute the Purchase and Sales Agreement.

**19. INTEREST IN CITY SHARING SPONSORSHIP OF 2007 TURKEY TROT EVENT**

RECOMMENDED ACTION: That the City Council approve a sponsorship of the Dana Point Chamber of Commerce Turkey Trot Run/Walk and Kids race on November 22, 2007.

**20. AUTHORIZATION TO EXCHANGE GENERAL FUND ALLOCATION WITH AB 2766 FUNDS**

RECOMMENDED ACTION: That the City Council authorize staff to exchange budgeted General Fund allocations with AB 2766 funds for the purchase of Hybrid vehicles.

**21. ADOPTION OF A RESOLUTION DESIGNATING CITY'S AGENT FOR FEDERAL FINANCIAL ASSISTANCE**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DESIGNATING CITY'S AGENT FOR FEDERAL FINANCIAL ASSISTANCE

**22. AMENDMENT TO THE CITY'S CONFLICT OF INTEREST CODE**

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

A RESOLUTION OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING THE CONFLICT OF INTEREST CODE.

**23. TELECOMMUNICATIONS SERVICES**

RECOMMENDED ACTION: That the City Council authorize continued participation in the State of California Calnet contract for various telecommunications services, and authorize the City Manager to execute the appropriate agreements on behalf of the City.

**24. HEALTH BENEFIT ALLOWANCE MODIFICATIONS FOR REPRESENTED AND NON-REPRESENTED CLASSIFICATIONS**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, MODIFYING HEALTH BENEFIT PLAN ALLOWANCES FOR ALL ELIGIBLE REPRESENTED AND NON-REPRESENTED CLASSIFICATIONS.

**25. DESIGNATION OF CONFIDENTIAL EMPLOYEES**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DESIGNATING SPECIFIC POSITION CLASSIFICATIONS AS CONFIDENTIAL.

**26. ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CITY COUNCIL CHAMBER RENOVATION PROJECT**

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

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE CITY COUNCIL CHAMBER RENOVATION PROJECT.

27. [APPROVAL OF A CONSULTANT SERVICES AGREEMENT WITH PSOMAS ENGINEERING FOR DESIGN SERVICES FOR THE PACIFIC COAST HIGHWAY MEDIAN ENHANCEMENT PROJECT \(CIP #1207\)](#)

RECOMMENDED ACTION: That the City Council approve a Consultant Services Agreement with Psomas Engineering for project design in the amount noted in the Fiscal Impact Section, providing additional authority not to exceed ten percent of this amount for contingencies, if needed; and 2) authorize the City Manager to execute the Agreement for CIP Project #1207.

## **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 this Public Comments portion of the agenda. At the Mayor's discretion, the balance of public comments will be heard after the New Business portion of the agenda. All comments are to be directed to the City Council and shall not consist of any personal attacks. Members of the public are expected to maintain a professional, courteous decorum during their comments. 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**

28. [NOTICE OF INTENT TO VACATE A STREET SECTION OF SCENIC DRIVE FROM PUBLIC TO PRIVATE PROPERTY AS PART OF THE HEADLANDS DEVELOPMENT](#)

RECOMMENDED ACTION: That the City Council conduct a Public Hearing and 1) approve the Notice of Intent to vacate a section of Scenic Drive from public to private property in accordance with the Headlands Development and Conservation Plan, and 2) direct staff to proceed with preparing the documents for the vacation of the street in preparation for a public hearing.

## **UNFINISHED BUSINESS**

## **NEW BUSINESS**

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29. [PROPOSED SAN JUAN CAPISTRANO REGIONAL POSTAL FACILITY](#)

RECOMMENDED ACTION: That the City Council review informational materials and provide staff with direction of desired action.

**PUBLIC COMMENTS (Continued)**

**STAFF REPORTS**

(City Manager Doug Chotkevys)

(City Attorney Patrick Muñoz)

**COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED**

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.

**ADJOURNMENT**

The next Regular Meeting of the City Council will be September 4, 2007, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

**CERTIFICATION**

I, Kathy M. Ward, 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, August 17, 2007, at 5:00 p.m.

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KATHY M. WARD, CITY CLERK

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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](http://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.