

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**AUGUST 25, 2004
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 04-06

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), (5 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Government Code § 54956.9 (c), (2 cases)
- C. PERSONNEL MATTERS – Government Code §54957

TITLE: Director of Public Works

- D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9(a), (2 cases)
 - 1. Name of Case: Hamilton v. City Council of the City of Dana Point, California, Superior Court for the State of California, County of Orange – Central Justice Center, Case No. 04CC05259
 - 2. Name of Case: City of Dana Point v. Warren & Does 1-50, Orange County Superior Court Case No. 04CC07344

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 – Laguna Cliffs Marriott Resort and Spa
2. Memorial Tribute to Major Richard J. Gannon II, USMC

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, JULY 28, 2004](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, JULY 7, 2004](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION MEETING MINUTES, JULY 21, 2004](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [PLANNING COMMISSION MEETING MINUTES, AUGUST 4, 2004](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. **PLANNING COMMISSION ACTIONS, MEETING OF JULY 21, 2004**

RECOMMENDED ACTION: That the City Council receive and file.

7. **PLANNING COMMISSION ACTIONS, MEETING OF AUGUST 4, 2004**

RECOMMENDED ACTION: That the City Council receive and file.

8. **PLANNING COMMISSION ACTIONS, MEETING OF AUGUST 18, 2004**

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

10. **CITY TREASURER'S REPORT, JUNE 2004**

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

11. **CLAIMS AND DEMANDS**

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

12. **ADOPTION OF RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF IMPROVEMENTS AT DEL OBISPO PARK 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 GENERAL PARK REHABILITATION PROJECT AT DEL OBISPO PARK

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

13. **APPROPRIATION OF CITIZENS OPTION FOR PUBLIC SAFETY (COPS) PROGRAM FUNDS (AB 1913)** *[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. Adjust the FY 2004/05 budget with the addition of funds 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).

14. **AUTHORIZE ADVERTISEMENT FOR CONSTRUCTION BIDS FROM PREQUALIFIED CONTRACTORS FOR THE CONSTRUCTION OF THE CAPISTRANO BEACH STORM DRAIN PHASE II PROJECT** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

RECOMMENDED ACTION: That the City Council (1) authorize the advertisement for construction bids from prequalified contractors for the construction of the Capistrano Beach Storm Drain Phase II Project; (2) direct staff to bring construction bids back to the City Council at a later date for award of a construction contract; and (3) direct staff to show the receipt of revenue, as a result of grant funding procurement under the State Water Resources Control Board Clean Beaches Initiative Grant Program.

15. **CITY COUNCIL GRANT RECOMMENDATIONS (SNYDER, LACY, CHILTON, OSSENMACHER, RAYFIELD)** *[STRATEGIC PLAN: PROMOTE CULTURAL ARTS AND HUMAN SERVICES]*

RECOMMENDED ACTION: That the City Council approve the recommended grant funding by Mayor Snyder, Mayor Pro Tem Lacy, and Council Members Chilton, Ossenmacher and Rayfield as listed within the staff report per City Council Policy 116.

16. **ADOPTION OF CLASS SPECIFICATION FOR EXISTING RECREATION COORDINATOR 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 RECREATION COORDINATOR.

17. **ADOPTION OF A RESOLUTION APPROVING AN EASEMENT DEED AND AGREEMENT WITH THE COUNTY OF ORANGE REGARDING ACCESS ACROSS ASSESSOR PARCEL NUMBER 668-251-02, KNOWN AS THE DEL OBISPO YARD** *[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 AN EASEMENT DEED AND AGREEMENT WITH THE COUNTY OF ORANGE REGARDING ACCESS ACROSS ASSESSOR PARCEL NUMBER 668-251-02, KNOWN AS THE DEL OBISPO YARD;

(2) approve the easement deed and agreement and authorize the City Manager to sign; (3) authorize staff to finish the design of improvements for the access at Village Road and Del Obispo Street; and (4) advertise the project for construction bids once the design is finished.

18. **AUTHORIZATION OF AN EXPENDITURE FOR CONSULTANT SERVICES TO IMPLEMENT THE REQUIREMENTS OF THE NEWLY ADOPTED LOCAL IMPLEMENTATION PLAN TO CONTINUE TO MEET THE CITY'S STRATEGIC PLAN** *[STRATEGIC PLAN: RESTORE AND MAINTAIN THE INTEGRITY OF OUR OCEAN WATERS AND BEACHES]*

RECOMMENDED ACTION: That the City Council (1) authorize the expenditure of funds for consultant services to implement the requirements of the newly adopted Local Implementation Plan (LIP) to meet the San Diego Regional Water Quality Control Board (SDRWQCB) adopted Order Number R9-2002-0001; (2) acknowledge that the cost of these consultant services are fully funded from the City's Operating Budget; and (3) acknowledge that the City's Number One Strategic Plan Initiative is to "restore and maintain the integrity of our ocean waters and beaches."

19. **AWARD OF CONTRACTS FOR LANDSCAPE MAINTENANCE SERVICES FOR CITY PARKS AND RIGHTS-OF-WAY** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

RECOMMENDED ACTION: That the City Council (1) award a contract to TruGreen Landcare for landscape maintenance services for City parks; (2) award a contract to The Soto Company for landscape maintenance services for City rights-of-way; (3) authorize the City Manager to execute the contracts; and (4) authorize the transfer of funds from the Reserve for Service Enhancement to Account Number 55-255.

20. **APPROVAL OF BUDGET AMENDMENTS FY 2004-05** *[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 AMENDING THE FISCAL YEAR 2004-05 BUDGET.

21. **ADOPTION OF RESOLUTION FOR AMENDED FINDINGS IN SUPPORT OF APPROVAL OF VARIANCE FOR PROPERTY LOCATED AT 34111 BLUE 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, AMENDING CERTAIN FINDINGS CONTAINED IN RESOLUTION NO. 04-01-28-05 WITH REGARD TO VARIANCE 03-23 FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE FOR PROPERTY LOCATED AT 34111 THE STREET OF THE BLUE LANTERN.

22. **SIGNALIZED PEDESTRIAN CROSSING AT THE DOUBLETREE SUITES HOTEL ACROSS PACIFIC COAST HIGHWAY TO ESTABLISH ACCESS TO DOHENY STATE BEACH**
[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council acknowledge that the Doubletree Pedestrian Signal has been completed.

ORAL REPORTS

1. Del Obispo Park
2. Doubletree Suites

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

There are no Public Hearings.

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 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 Joe Snyder)

ADJOURNMENT

The next Regular Meeting of the City Council will be September 8, 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, August 20, 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.