

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**SEPTEMBER 8, 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. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (3 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
 - 3. Name of Case: Headlands Reserve LLC and M.H. 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

1. Veterans of Foreign Wars Day Proclamation

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, AUGUST 25, 2004](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, AUGUST 18, 2004](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION ACTIONS, MEETING OF SEPTEMBER 1, 2004](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. [CITY TREASURER'S REPORT, JULY 2004](#)

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

7. **CLAIMS AND DEMANDS**

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

8. [APPROVE THE ALLOCATION OF FUNDS TO SOUTH COUNTY SENIOR SERVICES TO SUPPORT THE DANA POINT CASE MANAGEMENT PROGRAM FOR FY 04-05](#)
[STRATEGIC PLAN: PROMOTE CULTURAL ARTS AND HUMAN SERVICES]

RECOMMENDED ACTION: That the City Council approve a one-time allocation of funds to support the South County Senior Services (SCSS) Case Management Program in Dana Point for FY 04-05.

9. [ADOPTION OF TWO RESOLUTIONS RELATED TO EXISTING ALL-WAY STOP CONTROL INTERSECTIONS ON OCEAN HILL DRIVE](#) *[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, RESCINDING THE PREVIOUS CITY COUNCIL ACTION DESIGNATING THE INTERSECTION OF OCEAN HILL DRIVE AND SEA KNOLL DRIVE AS AN ALL-WAY STOP CONTROL INTERSECTION;

(2) adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, RESCINDING THE PREVIOUS CITY COUNCIL ACTION DESIGNATING THE INTERSECTION OF OCEAN HILL DRIVE AND MARINA VISTA DRIVE AS AN ALL-WAY STOP CONTROL INTERSECTION, AND DESIGNATE THE INTERSECTION OF OCEAN HILL DRIVE AND MARINA VISTA DRIVE AS A TWO-WAY STOP CONTROL INTERSECTION;

(3) direct staff to remove the stop signs on Ocean Hill Drive and striping at Ocean Hill Drive and Sea Knoll Drive, and remove the uphill stop sign at Marina Vista Drive and Ocean Hill Drive; and
(4) direct staff to install additional signage at Marina Vista Drive and Ocean Hill Drive.

10. [ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF 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) 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 ANNUAL ROADWAY RESURFACING PROJECT, FISCAL YEAR 2003/2004;

and (2) direct staff to transfer all project savings to the Annual Roadway Resurfacing Project, FY 2004/2005.

11. **ADOPTION OF A RESOLUTION DESIGNATING SEVERAL INTERSECTIONS ON AVENIDA LAS PALMAS AND CALLE DEL SOL AS ALL-WAY STOP CONTROL INTERSECTIONS 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 (1) adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DESIGNATING SEVERAL INTERSECTIONS ON AVENIDA LAS PALMAS AND CALLE DEL SOL AS ALL-WAY STOP CONTROL INTERSECTIONS AND AUTHORIZING THE INSTALLATION OF STOP SIGNS;

and (2) transfer funds from the Reserve for Service Enhancements to the City's Street Maintenance Budget (Operating Fund #52-235) to fund the installation of the stop signs and associated striping.

12. **CITY RECORDS CENTER** *[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 receive and file the report on the long term file and archive facility for the official City records and authorize the City Manager to provide a one time merit award to the City Clerk for her work on this phase of the project.

13. **AMENDMENT TO THE CITY'S CONFLICT OF INTEREST 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 a resolution entitled:

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

14. **ADJUSTMENT TO HOGLE-IRELAND AND CHARLES ABBOTT CONTRACTS AND CITY STAFFING ADJUSTMENT** [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. Authorize the City Manager to modify the current Community Development Department staff by replacing two existing, budgeted, contracted positions with two City staff positions;
2. Adopt a resolution entitled:
 - A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING THE POSITION TITLE AND CLASS SPECIFICATION FOR PERMIT TECHNICIAN; and
3. Adopt a resolution entitled:
 - B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING SALARY RANGES FOR THE POSITIONS OF PERMIT TECHNICIAN AND ASSISTANT PLANNER

15. **RE-APPROPRIATION OF CITIZENS OPTION FOR PUBLIC SAFETY (COPS) PROGRAM FUNDS FROM FY 2003/2004 – (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 re-appropriation of funds from the un-encumbered Citizens Option for Public Safety (COPS) program unspent monies remaining from the FY 2003/2004 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).

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

16. [REQUEST TO DETERMINE SUFFICIENCY OF CLOSURE IMPACT REPORT FOR THE DANA POINT MARINA MOBILE HOME ESTATES LOCATED AT 34202 DEL OBISPO](#)
[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council conduct a Public Hearing and adopt findings for determining the Closure Impact Report sufficiently complies with the requirements of Government Code Section 35863.7 (d).

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 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 Joe Snyder)

ADJOURNMENT

The next Regular Meeting of the City Council will be September 22, 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, September 3, 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.