

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**SEPTEMBER 22, 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), (3 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

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**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 – El Patio Cafe
2. National Fire Prevention Week 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. [REGULAR MEETING MINUTES, SEPTEMBER 8, 2004](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

**4. [PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 1, 2004](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**5. [PLANNING COMMISSION ACTIONS, MEETING OF SEPTEMBER 15, 2004](#)**

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

7. **CLAIMS AND DEMANDS**

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

8. **ADOPTION OF RESOLUTION ADOPTING THE CITY OF DANA POINT DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM FOR THE PERIOD OF OCTOBER 2004 TO SEPTEMBER 2005** *[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, ADOPTING THE DISADVANTAGED BUSINESS ENTERPRISE (DBE) ANNUAL PROGRAM FOR THE PERIOD OF OCTOBER 2004 TO SEPTEMBER 2005;

and (2) authorize the City Manager to execute the document.

9. **APPROVAL OF PROFESSIONAL SERVICES AGREEMENT FOR AS-NEEDED TRAFFIC ENGINEERING 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 (1) approve the professional services agreement with Linscott, Law and Greenspan, Engineers, for as-needed traffic engineering services in accordance with the proposal received; (2) authorize the City Manager to execute the agreement; (3) authorize the expenditure for Traffic Engineering Services as noted in Action Document A and the Fiscal Impact section of the report; (4) acknowledge that the agreement can be terminated without cause upon 30 days written notice; and (5) acknowledge that the term of the agreement is for a period of approximately two years and may be renewed for up to three consecutive one-year terms by mutual written agreement of the parties.

## 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

10. [EXTENSION OF TOWN CENTER LAND USE URGENCY ORDINANCE](#) [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council adopt an Urgency Ordinance entitled:

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA EXTENDING AN INTERIM ZONING ORDINANCE PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858(A) PERTAINING TO LAND USES IN THE TOWN CENTER, DECLARING THE URGENCY THEREOF, FOR AN ADDITIONAL ONE YEAR.

11. [GENERAL PLAN AMENDMENT GPA 01-02, ZONE TEXT AMENDMENT ZTA 01-02, ZONE CHANGE ZC 01-01, PLANNED DEVELOPMENT DISTRICT PDD 01-01, AND LOCAL COASTAL PROGRAM AMENDMENT 01-02 TO REVIEW CALIFORNIA COASTAL COMMISSION RECOMMENDED MODIFICATIONS TO THE CITY APPROVAL OF THE DANA POINT HEADLANDS](#) [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council approve the suggested modifications approved by the California Coastal Commission in its certification City of Dana Point Local Coastal Program Amendment 01-02, Dana Point Headlands, and the addendum to the Environmental Impact Report and adopt resolutions entitled:

1. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING AN ADDENDUM TO THE FINAL ENVIRONMENTAL IMPACT REPORT SC#2001071015 AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS AND A REVISED MITIGATION MONITORING AND REPORTING PROGRAM AS THE SUPPORTING ENVIRONMENTAL DOCUMENTATION FOR GENERAL PLAN AMENDMENT GPA 01-02, ZONE TEXT AMENDMENT ZTA 01-02, ZONE CHANGE ZC 01-01, PLANNED DEVELOPMENT DISTRICT PDD 01-01, AND LOCAL COASTAL PROGRAM AMENDMENT LCPA 01-02;
2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT GPA 01-02, WHICH AMENDS THE GENERAL PLAN LAND USE ELEMENT, URBAN DESIGN ELEMENT, CIRCULATION ELEMENT, PUBLIC SAFETY ELEMENT, CONSERVATION AND OPEN SPACE ELEMENT, PUBLIC FACILITIES/GROWTH MANAGEMENT ELEMENT, TEXT, TABLES AND DIAGRAMS, AND SUBMISSION OF GPA 01-02 AS LOCAL COASTAL PROGRAM AMENDMENT LCPA 01-02 FOR FINAL CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION;

introduce ordinances entitled:

3. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT PDD 01-01, AND SUBMISSION OF PDD 01-01 AS LOCAL COASTAL PROGRAM AMENDMENT LCPA 01-02 FOR FINAL CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION;
4. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA 01-02 TO ADD PLANNED DEVELOPMENT DISTRICTS AS A PERMITTED LAND USE, AND ZONE CHANGE ZC 01-01 WHICH AMENDS THE ZONING MAP DESIGNATION FOR THE HEADLANDS FROM SPECIFIC PLAN OVERLAY AND RESIDENTIAL MULTIPLE FAMILY-14, TO PLANNED DEVELOPMENT DISTRICT, AND SUBMISSION OF ZTA 01-02 AND ZC 01-01 AS LOCAL COASTAL PROGRAM AMENDMENT LCPA 01-02 FOR FINAL CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION;

and adopt a resolution entitled:

5. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING DEVELOPMENT GUIDELINES FOR PLANNED DEVELOPMENT DISTRICT PDD 01-01, AND SUBMISSION OF PDD 01-01 AS LOCAL COASTAL PROGRAM AMENDMENT LCPA 01-02 FOR FINAL CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

## **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)

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## ADJOURNMENT

The next Regular Meeting of the City Council will be October 13, 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 17, 2004, at 5:00 p.m.

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SHARON STREET, CITY CLERK

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DATE

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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.