

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**NOVEMBER 10, 2004  
5:00 P.M.**

## **AGENDA**

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

Next City Council Ordinance No. 04-08

### **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), (6 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: Robert Traphagen and Bonny Pitkin v. the City of Dana Point, Superior Court of the State of California, County of Orange – Central District, Case No. 04CC00676

4. Name of Case: James Seitz v. the City of Dana Point & Does 1-10, Superior Court of the State of California, County of Orange - Central District, Case No. 04CC00691
5. Name of Case: Brongo Construction, Inc. v. the City of Dana Point & Does 1-100, Orange County Superior Court of the State of California, County of Orange – Central Justice Center, Case No. 04CC10068
6. Name of Case: City of Dana Point v. Cheryl Saltus, SeAir Properties, Jose M. Barraza, and Does 1 – 50, Superior Court of the State of California, County of Orange – Central Justice Center, Case No. (unassigned at this time)

D. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Government Code § 54956.8 (1 case)

Property: Gloria Dei Lutheran Church, 33501 Stonehill Dr., Dana Point  
Agency Negotiator: Douglas Chotkevys, City Manager  
Patrick Munoz, City Attorney  
Brad Fowler, Director of Public Works/Engineering Services  
Negotiating Parties: City of Dana Point and Gloria Dei Lutheran Church  
Under Negotiation: Price and terms of agreement relating to property

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

**RECONVENE CITY COUNCIL MEETING**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**PRESENTATIONS AND PROCLAMATIONS**

1. County of Orange: Dana Point Harbor Water Quality Initiatives
2. Featured Business of the Month – Thai This

**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, OCTOBER 13, 2004**

RECOMMENDED ACTION: That the City Council approve the minutes.

**3. PLANNING COMMISSION MEETING MINUTES, MEETING OF OCTOBER 6, 2004**

RECOMMENDED ACTION: That the City Council receive and file.

**4. PLANNING COMMISSION MEETING MINUTES, MEETING OF OCTOBER 20, 2004**

RECOMMENDED ACTION: That the City Council receive and file.

**5. PLANNING COMMISSION ACTIONS, MEETING OF NOVEMBER 3, 2004**

RECOMMENDED ACTION: That the City Council receive and file.

**6. PLANNING COMMISSION ACTIONS, MEETING OF OCTOBER 20, 2004**

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, SEPTEMBER 2004**

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

**9. CLAIMS AND DEMANDS**

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

**10. HISTORIC PRESERVATION AGREEMENT (MILLS ACT) FOR THE PROPERTY LOCATED AT 34010 AMBER LANTERN *[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 authorize the Mayor to sign a Historic Property Preservation Agreement which would allow the property owners, Mary Beth and Brian Buckles, of the historic structure located at 34010 Amber Lantern, to participate in the State's Mills Act Program

11. **2004 SALARY RANGES FOR REPRESENTED AND NON-REPRESENTED EMPLOYEE CLASSIFICATIONS** [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, ESTABLISHING SALARY RANGES FOR REPRESENTED AND NON-REPRESENTED CLASSIFICATIONS

and 2) authorize merit increase and funding limits consistent with prior years: Represented employees with 0-5% merit increases and a 3.5% funding limit; Non-represented employees with 0-5% merit increases and a 3-5% funding limit.

12. **HEALTH BENEFIT ALLOWANCE MODIFICATIONS FOR REPRESENTED AND NON-REPRESENTED CLASSIFICATIONS** [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, MODIFYING HEALTH BENEFIT PLAN ALLOWANCES FOR ALL ELIGIBLE REPRESENTED AND NON-REPRESENTED CLASSIFICATIONS.

13. **APPROVAL OF REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF SAN JUAN CAPISTRANO AND THE CITY OF DANA POINT FOR THE COORDINATED RESURFACING OF DOHENY PARK ROAD AS PART OF THE ARTERIAL ROADWAY RESURFACING PROJECT** [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council 1) approve the reimbursement agreement between the City of San Juan Capistrano and the City of Dana Point for the coordinated resurfacing of Doheny Park Road as part of the Annual Roadway Resurfacing Project FY 04/05; and 2) authorize the City Manager to execute the agreement.

14. **AWARD OF A CONTRACT TO NOBEST, INCORPORATED FOR THE CONSTRUCTION OF THE HISTORICAL CONCRETE REPAIR AND REPLACEMENT PROJECT, FY 03/04** [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council 1) award a contract to Nobest, Incorporated for the construction of the Historical Concrete Repair and Replacement Project FY 03/04; 2) authorize the expenditures for various construction support, administration and management expenditures as outlined in the Fiscal Impact Section of the report; 3) authorize the transfer of funds from the Lantern Village Landscaping Improvement Project, Account Number 1078, to the Historical Concrete Repair and Replacement Project, FY 03/04; and 4) authorize the transfer of

funds from the Annual Traffic Safety Improvement Program Project, Account Number 1175, to the Historical Concrete Repair and Replacement Project, FY 03/04.

15. **APPROVE RENEWAL OF CABLE TELEVISION FRANCHISE AND COOPERATIVE AGREEMENT WITH COX COMMUNICATIONS** *[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 Cooperative Agreement; 2) renew the Franchise Agreement entitled:

Franchise to Provide Cable Television Services Between the City of Dana Point and Cox Communications, Inc.

and 3) authorize the City Manager to execute both agreements.

## 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

There are no Public Hearings.

## UNFINISHED BUSINESS

16. **AUTHORIZE THE ADVERTISEMENT OF THE STONEHILL AND CAMINO CAPISTRANO INTERSECTION IMPROVEMENT PROJECT FOR CONSTRUCTION BIDS, AS PART OF THE ANNUAL TRAFFIC SAFETY IMPROVEMENT PROGRAM** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

RECOMMENDED ACTION: That the City Council authorize the advertisement of the Stonehill and Camino Capistrano Intersection Improvement Project for construction bids, as part of the Annual Traffic Safety Improvement Project.

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## 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 November 24, 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, November 5, 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.