

CITY OF DANA POINT

**CITY COUNCIL
ADJOURNED
REGULAR
MEETING**



**TUESDAY
FEBRUARY 6, 2007
5:00 P.M.**

AGENDA

Location: Dana Point Community Center, 34052 Del Obispo, Dana Point, California 92629

Next City Council Ordinance No. 07-01

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 – EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case)

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

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Business of the Month – Mel's Boutique
Certificate of Recognition – Trenton Romain

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. [ADJOURNED REGULAR MEETING MINUTES, JANUARY 16, 2007](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

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

RECOMMENDED ACTION: That the City Council receive and file.

4. [CITY TREASURER'S REPORT, DECEMBER 2006](#)

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of December 2006.

5. CLAIMS AND DEMANDS

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

6. [TRANSFER OF WORKERS COMPENSATION INSURANCE COVERAGE TO THE CALIFORNIA JOINT POWERS INSURANCE AUTHORITY \(CJPIA\)](#)

RECOMMENDED ACTION: That the City Council:

1. Authorize the transfer of the City's current worker's compensation coverage with the State Compensation Insurance Fund (State Fund) to a self-insured workers compensation pool with the California Joint Powers Insurance Authority (CJPIA) effective April 1, 2007;
2. Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, TO AUTHORIZE AND APPROVE SELF-INSURANCE OF WORKERS' COMPENSATION FOR ITS EMPLOYEES THROUGH THE SELF-INSURANCE AND LOSS POOLING PROGRAM OF CALIFORNIA JOINT POWERS INSURANCE AUTHORITY;

3. Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, PROVIDING WORKERS' COMPENSATION COVERAGE FOR CERTAIN CITY VOLUNTEERS PURSUANT TO THE PROVISIONS OF SECTION 3363.5 OF THE LABOR CODE; and

4. Authorize the City Manager to submit an application for a Public Entity Certificate of Consent to Self-Insure to the Department of Industrial Relations (DIR), Self-Insurance Plans.

7. **HOA INLET FILTER INSTALLATION PILOT PROGRAM MOU IMPLEMENTATION AND AUTHORIZATION OF FUNDS**

RECOMMENDED ACTION: That the City Council (1) approve the proposed HOA Inlet Filter Installation Pilot Program Memorandum of Understanding (MOU) and authorize the City Manager to execute the MOU with the Chelsea Pointe HOA, and (2) authorize funds to fund the purchase and installation of inlet filters at Chelsea Point HOA.

8. **MUNICIPAL CODE AMENDMENT FOR DAY OF REGULAR CITY COUNCIL AND PLANNING COMMISSION MEETINGS**

RECOMMENDED ACTION: That the City Council approve second reading and adoption of an ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING SECTIONS 2.04.010 AND 2.07.011 OF THE DANA POINT MUNICIPAL CODE REGARDING TIME OF REGULAR MEETINGS FOR THE CITY COUNCIL AND PLANNING COMMISSION

9. **INTEREST IN CITY SHARING SPONSORSHIP OF A "DANA POINT GRAND PRIX" BICYCLE RACE**

RECOMMENDED ACTION: That the City Council:

1. Consider approval of Staff to work with the Monarch Beach Sunrise Rotary to benefit the Boys and Girls Club of Capistrano Valley and the Dana Point Earth/Ocean Society sponsoring a bicycle race on May 26, 2007.
2. Request Staff work with race proponents to determine race course, meet with affected residents and/or businesses, and provide the City Council with a status update of the Dana Point Grand Prix Race event at a future meeting.
3. If desired, direct transfer from the Reserve for Service Enhancement Fund (99-299) for sponsorship and community outreach costs associated with the Dana Point Grand Prix Bicycle Race event.

10. ESTABLISHMENT OF THE DANA POINT OCEAN WATER QUALITY SUBCOMMITTEE

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 A DANA POINT OCEAN WATER QUALITY SUBCOMMITTEE;

and (2) approve the member application.

11. RETENTION OF ECONOMIC & MARKET ABSORPTION STUDY CONSULTANT

RECOMMENDED ACTION: That the City Council approve the recommendation of the Investment Review Committee to accept the proposal for services and to retain Market Profiles Inc. for professional Economic and Market Absorption Study Services for Community Facilities District 2006-1; and authorize the City Manager to execute a professional services contract on behalf of the City.

12. DISSOLUTION OF EL TORO REUSE PLANNING AUTHORITY

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, TERMINATING THE EL TORO REUSE PLANNING AUTHORITY (ETRPA)

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

There are no Public Hearings.

UNFINISHED BUSINESS

13. ESTABLISHMENT OF THE TRAFFIC IMPROVEMENT COMMISSION

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 A DANA POINT TRAFFIC IMPROVEMENT COMMISSION;

(2) appoint two Council Members to the Traffic Improvement Commission Appeals Board; (3) approve the application, and (4) direct staff to advertise for interested residents to serve on the Commission.

14. MUNICIPAL CODE AMENDMENT REGARDING DUTIES AND RESPONSIBILITIES OF THE TRAFFIC IMPROVEMENT COMMISSION

RECOMMENDED ACTION: That the City Council introduce and hold first reading, by title only, of an ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING SECTIONS 12.04, 12.08 AND 12.14 OF THE DANA POINT MUNICIPAL CODE REGARDING MODIFICATIONS TO CLARIFY DUTIES AND RESPONSIBILITIES OF THE TRAFFIC IMPROVEMENT COMMISSION AND RELATED AUTHORITY

NEW BUSINESS

15. TRAFFIC CALMING MEASURES ON DEL PRADO AND PACIFIC COAST HIGHWAY BETWEEN COPPER LANTERN TO BLUE LANTERN

RECOMMENDED ACTION: That the City Council (1) authorize staff to implement several traffic calming measures on Del Prado and Pacific Coast Highway from Copper Lantern to Blue Lantern to reduce vehicle speeds; and (2) approve the associated expenditures discussed in the Fiscal Impact Section of the report.

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 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.

ADJOURNMENT

The next Adjourned Regular Meeting of the City Council will be February 20, 2007 at 5:00 p.m. in the Dana Point Community Center located at 34052 Del Obispo, 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, the Dana Point Library and the Dana Point Community Center by Friday, February 2, 2007, at 5:00 p.m.

KATHY M. WARD, CITY CLERK

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.