
CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**NOVEMBER 30, 2005
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 05-08

CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS:

Wayne Rayfield, Mayor
Lara Anderson, Mayor Pro Tem
Russell Chilton, Council Member
Diane L. Harkey, Council Member
James V. Lacy, Council Member

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), (1 case)
- C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957

Title: City Attorney

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Presentation by Marilyn Hemingway of the Orange County Grand Jury Regarding Recruitment of Women for the Grand Jury

Business of the Month – Fuller’s Men’s Store

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, NOVEMBER 9, 2005](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

3. **[PLANNING COMMISSION MEETING MINUTES, NOVEMBER 2, 2005](#)**

RECOMMENDED ACTION: That the City Council receive and file.

4. **[PLANNING COMMISSION ACTIONS, MEETING OF NOVEMBER 16, 2005](#)**

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, OCTOBER 2005](#)**

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer’s Report for the month of October 2005.

7. **CLAIMS AND DEMANDS**

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

8. **AMEND ROMA DESIGN GROUP CONTRACT TO DEVELOP THE TOWN CENTER PLAN** *[STRATEGIC PLAN: CREATE A VIBRANT, PEDESTRIAN-ORIENTATED TOWN CENTER WHICH MEETS THE NEEDS OF OUR RESIDENTS, VISITORS AND BUSINESSES]*

RECOMMENDED ACTION: That the City Council (1) authorize the City Manager to amend the agreement with ROMA Design Group; and (2) approve the transfer of funds from the Undesignated General Fund Balance to the Community Development, Planning Division, Professional Services Account # 01-41-20-0000-223 to pay for the costs associated with the professional services contract amendment.

9. **RECEIVE AND FILE THE APPROVED PARKS, RECREATION AND OPEN SPACE MASTER PLAN** *[STRATEGIC PLAN: PROVIDE, ACQUIRE AND RETAIN OPEN SPACE, PARKS, RECREATIONAL FACILITIES, GREENBELTS AND TRAILS, AND COMMUNITY SERVING PROPERTY]*

RECOMMENDED ACTION: That the City Council receive and file the final version of the Parks, Recreation, and Open Space Master Plan.

10. **ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT, FISCAL YEAR 2004/2005** *[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, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT, FISCAL YEAR 2004/2005; and

(2) direct staff to transfer all project savings to the Annual Roadway Resurfacing Project FY 05/06.

11. **ADOPTION OF POSITION TITLE, SALARY RANGE AND CLASS SPECIFICATION FOR ENGINEERING TECHNICIAN III** *[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, ADOPTING A CLASS SPECIFICATION AND SALARY RANGE FOR ENGINEERING TECHNICIAN III; and

(2) authorize a transfer of funds from the Reserve for Enhancement Account to the Public Works/Engineering Budget #56 for necessary personnel costs.

12. **CONTRACT AWARD TO HEISLER LANDSCAPE GENERAL ENGINEERING, INCORPORATED FOR THE REPLACEMENT OF PINES PARK PLAYGROUND EQUIPMENT 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) find that the failure of Heisler Landscape General Engineering, Incorporated to provide a unit price to properly extend bid item number 6 neither affected the bid price nor gave Heisler Landscape General Engineering, Incorporated an unfair advantage over other bidders and, therefore, the City Council waives such irregularity; (2) award a contract to Heisler Landscape General Engineering, Incorporated for the replacement of the Pines Park Playground Equipment Project as part of the General Park Rehabilitation Program, provided that the City Manager or his designee may approve additional payment not to exceed ten percent of the contract amount for change orders and contingencies; and (3) authorize expenditures for construction management services, soils and material testing, and construction design support for the replacement of the Pines Park Playground Equipment as part of the General Park Rehabilitation Program as noted in the Fiscal Impact Section of the report.

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. 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

13. **APPEAL OF PLANNING COMMISSION DECISION TO DENY VARIANCE V05-05 TO ALLOW AN ADDITION AND A PITCHED ROOF ELEMENT TO AN EXISTING DUPLEX THAT WOULD EXCEED THE REGULATIONS FOR BUILDING HEIGHT AT 33935 MALAGA DRIVE** [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 conduct a Public Hearing and uphold the Planning Commission's decision by adopting a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, TO UPHOLD THE PLANNING COMMISSION DECISION TO DENY VARIANCE V05-05 TO ALLOW THE ADDITIONAL SQUARE FOOTAGE AND A PITCHED ROOF ELEMENT TO AN EXISTING DUPLEX RESIDENCE THAT WOULD EXCEED THE REGULATIONS FOR BUILDING HEIGHT AT 33935 MALAGA.

14. [AMENDMENT TO SITE DEVELOPMENT PERMIT SDP99-61\(II\) TO ALLOW AN ENTRY GATE AT THE BAL HARBOUR COMMUNITY](#) [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 conduct a Public Hearing and take action to deny the request to amend Site Development Permit SDP99-61(II) by adopting a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DENYING AN APPLICATION TO AMEND SITE DEVELOPMENT PERMIT SDP99-61(II) TO ALLOW AN ENTRY GATE AT THE BAL HARBOUR COMMUNITY.

UNFINISHED BUSINESS

15. [RE-ORGANIZATION OF THE COMMUNITY DEVELOPMENT DEPARTMENT TO INCLUDE AN ECONOMIC DEVELOPMENT DIVISION](#) [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 re-organization of the Community Development Department to include a new Economic Development Division;
2. Authorize the hiring of two (2) new positions for the Economic Development Division: (1) Economic Development Manager and (2) Management Analyst;
3. Approve and adopt a resolution approving the job classification for an Economic Development Manager entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING THE POSITION TITLE, SALARY RANGE, AND CLASS SPECIFICATION FOR ECONOMIC DEVELOPMENT MANAGER; and

4. Authorize the transfer of funds from FY05-06 and FY06-07 budgets from the Undesignated General Fund to the Community Development Planning Budget #41 to cover personnel costs and operating costs per the line item budget costs outlined in the Fiscal Impact section of the report.

16. ADOPTION OF RESOLUTION APPROVING FINAL TRACT MAP NO. 16331 – HEADLANDS DEVELOPMENT *[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, APPROVING FINAL TRACT MAP NO. 16331, THE REQUIRED LANDSCAPE, IRRIGATION, AND MAINTENANCE AGREEMENT, THE REQUIRED DEED RESTRICTION, THE REQUIRED CONSERVATION EASEMENTS, A REVETMENT AND FUNICULAR MAINTENANCE AGREEMENT, AND THE ACCOMPANYING SUBDIVISION IMPROVEMENT AGREEMENT.

17. CITY COUNCIL POLICIES *[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) review the recommendations of the City Council Policy Review Task Force to revise Council Policy Nos. 204, 209 and 303; and to adopt “new” Council Policy Nos. 219 and 220; provide input and additional revisions as deemed appropriate; take formal action to approve the policies; and (2) approve first reading and introduction of an ordinance to reflect revisions to Council Policy No. 302 – Appointment of Commissioners, which were approved at the Council Meeting of November 9, 2005, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING SECTIONS 2.06.060 AND 2.06.070 OF THE MUNICIPAL CODE REGARDING THE TERMS OF BOARD AND COMMISSION MEMBERS.

NEW BUSINESS

18. REVIEW OF PLANNING COMMISSION APPOINTMENTS

RECOMMENDED ACTION: That the City Council review Planning Commission Appointments as appropriate.

19. TSUNAMI PREPAREDNESS PROGRAM *[STRATEGIC PLAN: PROTECT THE HEALTH, SAFETY AND WELFARE OF OUR RESIDENTS, VISITORS AND BUSINESSES]*

RECOMMENDED ACTION: That the City Council consider approving the Emergency and Support Services Tsunami Preparedness Program, including the placement of tsunami hazard zone signs, the implementation of a public education campaign, and the request for and expenditure of grant funds to support the ongoing operation of this program.

STAFF REPORTS

(City Manager Doug Chotkevys)

(City Attorney Patrick Muñoz)

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.

ADJOURNMENT

The next Regular Meeting of the City Council will be December 14, 2005 at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

CERTIFICATION

I, Elizabeth Ehring, 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 Wednesday, November 23, 2005, at 5:00 p.m.

ELIZABETH EHRING, 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.