

# CITY OF DANA POINT

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**CITY COUNCIL  
REGULAR  
MEETING**



**WEDNESDAY  
NOVEMBER 9, 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 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. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case)
  - 1. Name of Case: Brongo Construction v. City of Dana Point, Orange County Superior Court Case No. 04CC10068

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

**RECONVENE CITY COUNCIL MEETING**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

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## PRESENTATIONS AND PROCLAMATIONS

Certificate of Recognition – Doug Vivod, Volunteers in Police Support (V.I.P.S.)

Family Week Proclamation

Business of the Month – Killer Dana Surf Shop

## 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 26, 2005](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**3. [PLANNING COMMISSION MEETING MINUTES, MEETING OF OCTOBER 19, 2005](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**4. [PLANNING COMMISSION ACTIONS, MEETING OF NOVEMBER 2, 2005](#)**

RECOMMENDED ACTION: That the City Council receive and file.

**5. [YOUTH BOARD MEETING MINUTES, MEETING OF OCTOBER 6, 2005](#)**

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. **DISPOSITION OF NONESSENTIAL CITY RECORDS** [*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 approve the 2005 disposition of nonessential City records in accordance with California State law and the City's approved Records Retention Schedule and adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE DISPOSITION OF CERTAIN INACTIVE CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

9. **2005 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 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.

10. **APPROVAL OF REVISED INVESTMENT POLICY** [*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 approve the recommended revisions to the Statement of Safekeeping and Investment of Public Funds (Investment Policy).

11. **ADOPT A RESOLUTION OF THE CITY OF DANA POINT CITY COUNCIL CERTIFYING THAT THE CITY OF DANA POINT HAS THE RESOURCES TO FUND THE PROJECTS SUBMITTED FOR INCLUSION IN THE FY 2005/2006 TO 2010/2011 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM AND AFFIRMING ITS COMMITMENT TO IMPLEMENT ALL OF THE PROJECTS SUBMITTED IN THE PROGRAM** [*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, CERTIFYING THAT THE CITY OF DANA POINT HAS THE RESOURCES TO FUND THE PROJECTS SUBMITTED FOR INCLUSION IN THE FY 2005/2006 TO 2010/2011 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM AND AFFIRMING ITS COMMITMENT TO IMPLEMENT ALL OF THE PROJECTS SUBMITTED IN THE PROGRAM.

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## 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

There are no Public Hearings.

### UNFINISHED BUSINESS

12. [PROFESSIONAL SERVICES AGREEMENT TO PREPARE RENEGOTIATION OR REQUEST FOR PROPOSAL DOCUMENTS FOR A NEW SOLID WASTE AND RECYCLING SERVICES FRANCHISE AGREEMENT](#) [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) Direct staff to renegotiate with CR&R, subject to obtaining competitive pricing and enhancements for residential and commercial service, the exception being Construction and Demolition Roll-off service which will be opened up to competing haulers (failure will result in competitive RFP recommendation); and
- 2) Direct staff to revise and update the Construction and Demolition Ordinance to provide in addition to 75% diversion, competition, commensurate fees and tighter facility qualifications such as: environmental contamination insurance and NPDES compliant facilities; and
- 3) Direct staff, Hilton Farnkopf & Hopson (HFH) and the City Attorney to prepare a new updated franchise agreement with recommended enhancements; and
- 4) Approve additional services from HFH to perform Item 3 of their proposal to support the renegotiation effort with CR&R.

13. [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 review the recommendations of the City Council Policy Review Task Force to revise certain Council policies and to adopt four “new” Council Policies; provide input and additional revisions as deemed appropriate; take formal action to approve the policies.

## NEW BUSINESS

14. [CALLE PALOMA CALTRANS PROPERTY BEAUTIFICATION](#) [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY’S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council review and approve a beautification plan for the Calle Paloma Caltrans property in accordance with encroachment permit requirements.

15. [CALIFORNIA BORDER POLICE INITIATIVE](#)

RECOMMENDED ACTION: That the City Council consider a position on the California Border Police Initiative regarding the enforcement of Federal Immigration Law.

16. [STATE CONSTITUTIONAL AMENDMENT RELATING TO EMINENT DOMAIN, SCA-15 \(MC CLINTOCK, FLOREZ\)](#)

RECOMMENDED ACTION: That the City Council consider a position on State Constitutional Amendment No. SCA-15 known as “The Homeowner and Property Protection Act” regarding eminent domain.

## STAFF REPORTS

(Doug Chotkevys, City Manager)

(Patrick Muñoz, City Attorney)

## 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.

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## ADJOURNMENT

To accommodate holiday schedules, the next Regular Meeting of the City Council will be adjourned to November 30, 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 Friday, November 4, 2005, at 5:00 p.m.

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ELIZABETH EHRLING, 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.