

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**WEDNESDAY
JUNE 22, 2005
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 05-03

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), (1 case)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case)

Name of Case: Surfrider Foundation and Sierra Club v. California Coastal Commission, Headlands Reserve, LLC and City of Dana Point, Superior Court of San Francisco County, Case No. CPF05505023

- C. PUBLIC EMPLOYEE APPOINTMENT
Government Code § 54957

Title: City Clerk

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Certificate of Recognition – Dana Point Postal Carrier Matthew Maybrier

Certificate of Recognition – Deputy Matt Johnson

5th Marine Regiment Presentation to the City of Dana Point

Bag 2 Bag Recycling Program

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.

CONSENT CALENDAR

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 AND JOINT MEETING WITH THE PLANNING COMMISSION MINUTES, MAY 25, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

3. [SPECIAL MEETING MINUTES, JUNE 1, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION MEETING MINUTES, MEETING OF JUNE 1, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [PLANNING COMMISSION ACTIONS, MEETING OF JUNE 15, 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. **APPROVE EMPLOYMENT CONTRACT FOR CITY CLERK** *[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 employment contract for the City Clerk.

9. **DANA POINT YOUTH BOARD APPOINTMENTS** *[STRATEGIC PLAN: PROMOTE CULTURAL ARTS AND HUMAN SERVICES]*

RECOMMENDED ACTION: That the City Council appoint eleven (11) Board Members and ten (10) Members At-Large to the Dana Point Youth Board.

10. **AWARD OF CONTRACT TO ALL AMERICAN ASPHALT FOR STONEHILL DRIVE ASPHALT STREET REPAIRS BETWEEN GOLDEN LANTERN AND NIGUEL ROAD** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE]*

RECOMMENDED ACTION: That the City Council (1) award a contract to All American Asphalt for the construction of the Arterial Roadway Resurfacing Project on Stonehill Drive between Golden Lantern and Niguel Road, provided that the City Manager or his designee may approve additional payment not to exceed fifteen percent of the contract amount for change orders and contingencies; and (2) authorize the expenditures for various construction support, administration and management expenditures as outlined in the Fiscal Impact Section of the report.

11. **PROFESSIONAL SERVICES AGREEMENT TO PREPARE REQUEST FOR PROPOSAL OR RENEGOTIATION DOCUMENTS FOR A NEW SOLID WASTE AND RECYCLING SERVICES FRANCHISE AGREEMENT** *[STRATEGIC PLAN: THROUGH THE SUPPORT OF RECYCLED WASTE PROGRAMS THAT SUPPORT A CLEAN ENVIRONMENT TO ACHIEVE A 50% DIVERSION RATE]*

RECOMMENDED ACTION: That the City Council (1) select the firm of Hilton, Farnkopf & Hobson (HF&H) to provide professional consulting for services associated with the preparation of the Solid Waste and Recycling Services Request for Proposal or Renegotiation Proposal option; and (2) authorize the City Manager to execute the agreement for the services described in their proposal dated May 25, 2005.

12. **ADOPTION OF RESOLUTION APPROVING FINAL PARCEL MAP NO. 2004-235 AND THE ACCOMPANYING SUBDIVISION IMPROVEMENT AGREEMENT** [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 PARCEL MAP NO. 2004-235 AND THE ACCOMPANYING SUBDIVISION IMPROVEMENT AGREEMENT.

13. **SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING SECTION 14.01.530 OF THE MUNICIPAL CODE RELATIVE TO DECORATIVE PAVING IN CITY OWNED RIGHTS-OF-WAY** [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council adopt an ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING SECTION 14.01.530 OF THE DANA POINT MUNICIPAL CODE.

14. **AUTHORIZATION FOR SLOPE REPAIRS IN THE CITY OWNED OPEN SPACE ADJACENT TO CORTES DRIVE AND DANA HILLS HIGH SCHOOL** [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council (1) award a contract to Goodwin Enterprises, Incorporated for the construction of slope repairs in the City owned open space adjacent to Dana Hills High School and Cortes Drive, provided that the City Manager or his designee may approve additional payment not to exceed thirteen percent of the contract amount for change orders and contingencies; (2) authorize construction support services to oversee the slope repair per the Fiscal Impact Section, provided that the City Manager can authorize additional funds up to 15% of that amount for additional support services not originally anticipated; (3) authorize budget transfers to fund the DHHS work and additional storm damage repair work as noted in the Fiscal Impact section of the report; (4) acknowledge that the City has successfully secured reimbursement to date in the amount of \$118,639.85 from FEMA for various storm related damage expenditures citywide that will be used to offset future costs, and direct staff to show that revenue in the storm damage repairs City-wide project budget; and (5) direct staff to deposit any additional funds received via reimbursement from FEMA back into the Capital Improvement Program Reserve fund to replenish it.

15. **APPROVAL OF AN AGREEMENT FOR THE PURCHASE OF PERMIT SYSTEM SOFTWARE** [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) authorize an expenditure for the purchase and implementation of permitting system software; (2) approve a transfer of funds from

the Undesignated General Fund Reserve for fiscal year 2005 into Account No.01-41-20-000-211; (3) authorize the City Manager to execute the Purchase Agreement.

16. **RENEWAL OF TRANSIENT OCCUPANCY TAX INSURANCE** *[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 authorize the renewal of the commercial property insurance policy obtained through Complete Insurance, Inc. for protection of Transient Occupancy Tax revenues.

17. **DANA POINT MARKETING COUNCIL - CONCEPT** *[STRATEGIC PLAN: INITIATE AND PROMOTE BUSINESS DEVELOPMENT]*

RECOMMENDED ACTION: That the City Council direct the Town Center Subcommittee to explore the feasibility of a Dana Point Marketing Council and report back to the City Council with a recommendation for how to proceed.

18. **MODIFY MEMBERSHIP TO DANA POINT LIBRARY AND SEA TERRACE PARK SUBCOMMITTEE** *[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 THE MEMBERSHIP TO THE DANA POINT LIBRARY AND SEA TERRACE PARK SUBCOMMITTEE.

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

19. **PUBLIC HEARING FOR PRELIMINARY OPERATING AND CAPITAL IMPROVEMENT BUDGET FOR FISCAL YEARS 2005-2006 AND 2006-2007** [*STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS*] (Continued from the meeting of June 8, 2005)

RECOMMENDED ACTION: That the City Council (1) continue the Public Hearing to review the City of Dana Point Preliminary Operating and Capital Improvement Budget for Fiscal Years 2005-2006 and 2006-2007; (2) receive public input; (3) close the public hearing; (4) deliberate; and (5) adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING AN OPERATING AND CAPITAL IMPROVEMENT BUDGET FOR THE CITY OF DANA POINT FOR FISCAL YEARS 2005-2006 AND 2006-2007; AND ADOPTING THE SEVEN-YEAR CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FISCAL YEARS 2005-2006 THROUGH 2011-2012 AS REQUIRED BY OCTA/MEASURE M GROWTH MANAGEMENT PROGRAM; and

authorize the Director of Public Works and Engineering Services to forward the seven year CIP document to the Orange County Transportation Authority (OCTA).

UNFINISHED BUSINESS

There is no Unfinished Business.

NEW BUSINESS

20. **ADOPTION OF A RESOLUTION ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2006** [*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, ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2006

21. **2005-2006 LAW ENFORCEMENT SERVICES 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 approve the Law Enforcement Services Agreement with the County of Orange for law enforcement services for the 2005-2006 fiscal year.

22. **INTRODUCE AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADOPTING BY REFERENCE THE 2004 CALIFORNIA ELECTRICAL CODE**
[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 introduce and hold first reading by title only an ordinance entitled:

AN ORDINANCE BY THE CITY OF DANA POINT ADOPTING BY REFERENCE THE 2004 CALIFORNIA ELECTRICAL CODE.

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.

ADJOURNMENT

The next Regular Meeting of the City Council will be July 13, 2005 at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

CERTIFICATION

I, Sharie Apodaca, Interim 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 June 17, 2005, at 5:00 p.m.

SHARIE APODACA, INTERIM 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.