

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING/JOINT
MEETING WITH THE
PLANNING COMMISSION**



**WEDNESDAY
MAY 25, 2005
6:00 P.M.**

AGENDA

**Location: Marriott Laguna Cliffs Resort, 25135 Street of the Park Lantern, Dana Point, California 92629
Conference Room**

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

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

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 ADJOURNED MEETING MINUTES, APRIL 27, 2005](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, MEETING OF APRIL 20, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

5. [PLANNING COMMISSION ACTIONS, MEETING OF MAY 4, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. [PLANNING COMMISSION ACTIONS, MEETING OF MAY 18, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

7. [YOUTH BOARD MINUTES, MEETING OF APRIL 21, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

8. [YOUTH BOARD MINUTES, MEETING OF MAY 5, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

10. [CITY TREASURER'S REPORT, MARCH 2005](#)

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of March, 2005

11. **CLAIMS AND DEMANDS**

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

12. **FIFTH AMENDMENT TO THE SECOND AMENDMENT AND RESTATED AGREEMENT CREATING THE EL TORO REUSE PLANNING AUTHORITY** [STRATEGIC PLAN: SUPPORT TO THE FULLEST EXTENT POSSIBLE EFFORTS TO LIMIT THE USE OF THE EL TORO MARINE CORPS AIR STATION TO NON-AVIATION USES]

RECOMMENDED ACTION: That the City Council authorize the Mayor to sign the Fifth Amendment to the Second Amended and Restated Agreement creating the El Toro Reuse Planning Authority (ETERPA) to include the County of Orange as a full member.

13. **APPROVE AMENDMENT NO. 10 TO CONTRACT AGREEMENT NO. C-8-0370 WITH ORANGE COUNTY TRANSIT AUTHORITY TO PROVIDE SENIOR TRANSPORTATION SERVICES TO THE DEL OBISPO COMMUNITY/SENIOR CENTER THROUGH JUNE 30, 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 approve Amendment No. 10 to the existing Agreement No. C-8-0370 with Orange County Transit Authority (OCTA) for senior transportation to the Del Obispo Community/Senior Center through June 30, 2006 and authorize the City Manager to execute the agreement.

14. **AUTHORIZE TOPOGRAPHIC SURVEY AND GEOTECHNICAL ENGINEERING SERVICES IN PREPARATION FOR ANNUAL ROADWAY RESURFACING PROJECTS FY 05/06 AND FY 06/07** [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council (1) authorize an expenditure in a not-to-exceed amount of \$140,000 for topographic survey services for FY 05/06 and FY 06/07 Annual Residential Roadway Resurfacing Projects; (2) authorize a purchase order to Goffman McCormick and Urban (GMU) for a not-to-exceed amount of \$20,000 for geotechnical/pavement evaluation services for FY 05/06 and FY 06/07 Annual Roadway Resurfacing Projects; (3) approve the transfer of CIP funds in the amount of \$60,000 from CIP Account #1179 and \$20,000 from CIP Account #1137 to CIP Account #1184 to help cover this expenditure; and (4) acknowledge that staff will return at the start of Fiscal Year 05/06 to ask the Council to consider authorization of design services for future Annual Roadway Resurfacing Projects.

15. **MODIFICATION OF THE RESIDENTIAL BUILDING HEIGHT TASK FORCE MEMBERSHIP** [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 (1) adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, MODIFYING THE MEMBERSHIP OF THE RESIDENTIAL BUILDING HEIGHT TASK FORCE TO INCLUDE A MEMBER OF THE CITY'S PLANNING COMMISSION

and (2) take action appointing Planning Commissioner Steven Weinberg as the Commission's representative to the Residential Building Height Task Force.

16. **SELECTION OF COUNCIL REPRESENTATIVES FOR THE TOWN CENTER SUBCOMMITTEE** *[STRATEGIC PLAN: EVALUATE LAND USE ISSUES TO ENSURE THAT THE GOALS, POLICIES, AND PROGRAMS OF THE GENERAL PLAN REFLECT THE COMMUNITY'S VISION AND MISION]*

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, SELECTING COUNCIL REPRESENTATIVES FOR THE DANA POINT TOWN CENTER SUBCOMMITTEE

17. **FUNDING SUPPORT FOR THE DANA POINT SUMMER SHUTTLE** *[STRATEGIC PLAN: INITIATE AND PROMOTE BUSINESS DEVELOPMENT]*

RECOMMENDED ACTION: That the City Council authorize the allocation of funds from the City's AB2766 funds to support the operation of the Dana Point Summer Shuttle Service program.

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.

CALL TO ORDER – JOINT SESSION OF THE CITY COUNCIL AND THE PLANNING COMMISSION

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

ROLL CALL OF PLANNING COMMISSION MEMBERS:

April O'Connor, Chair
J. Scott Schoeffel, Vice-Chair
Norman Denton, Commissioner
Greg Powers, Commissioner
Steve Weinberg, Commissioner

NEW BUSINESS

18. REVIEW OF TOWN CENTER PLAN AND OTHER RELATED MATTERS

RECOMMENDED ACTION: That the City Council and the Planning Commission hold joint discussions relative to the City of Dana Point Town Center Plan and other planning related matters.

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), (5 cases)
 - 1. 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
 - 2. Name of Case: Pepi Weitzman v. The City of Dana Point and Headlands Reserve, LLC, Superior Court for the State of California, County of Orange Central District, Case No. 04CC00716
 - 3. 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
 - 4. Name of Case: People of the State of California v. Danubius Incorporated, Peter Shikli, Superior Court of the State of California, County of Orange, Harbor Justice Center, Case No. 05SM01233
 - 5. Name of Case: Diedrich Coffee, Inc. v. City of Dana Point, et al, Orange County Superior Court, Case No. 05CC03529

STAFF REPORTS

(Doug Chotkevys, City Manager)

(Patrick Muñoz, City Attorney)

COMMISSION REPORTS

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.

ADJOURNMENT

The City Council will adjourn to an Adjourned Regular Meeting on June 1, 2005 at 3:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

The next Regular Meeting of the City Council will be June 8, 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 May 20, 2005, at 5:00 p.m.

SHARIE APODACA, INTERIM CITY CLERK

DATE

Subscriptions to receive City Council Agendas on a regular basis are available through the City Clerk's Office. Agendas are also available on the City's website at www.danapoint.org.

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.