

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**WEDNESDAY
DECEMBER 13, 2006
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 06-11

CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS:

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

CLOSED SESSION

There are no Closed Session items at this time.

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Veterans of Foreign Wars Police & Fire Awards

Salt Creek Presentation from Construction Management Association of America

Recognition of Water Quality Subcommittee Contributors

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 8, 2006](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [ADJOURNED REGULAR MEETING MINUTES, NOVEMBER 20, 2006](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

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

RECOMMENDED ACTION: That the City Council receive and file.

5. [CITY TREASURER'S REPORT, OCTOBER 2006](#)

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

6. CLAIMS AND DEMANDS

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

7. [HEALTH & WELFARE BENEFITS FOR ELECTED/APPOINTED CITY OFFICIALS](#)

RECOMMENDED ACTION: That the City Council approve second reading and adopt:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTERS 2.04 AND 2.06 OF THE DANA POINT MUNICIPAL CODE PERTAINING TO THE HEALTH AND WELFARE BENEFITS FOR CITY COUNCIL AND PLANNING COMMISSION MEMBERS

8. [SECOND READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT TO ESTABLISH THE TOWN CENTER DISTRICT AND INCORPORATE THE TOWN CENTER PLAN AS APPENDIX E OF THE ZONING CODE \(ZTA06-04 AND ZC06-01\)](#)

RECOMMENDED ACTION: That the City Council conduct a second reading and adopt the ordinance of the City of Dana Point entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA06-04 AND ZONE CHANGE ZC06-01 TO ESTABLISH THE TOWN CENTER DISTRICT AND INCORPORATE THE TOWN CENTER PLAN AS APPENDIX E OF THE ZONING CODE, AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA06-05 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION

9. [SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 5.20 OF THE DANA POINT MUNICIPAL CODE ENTITLED "MASSAGE REGULATIONS"](#)

RECOMMENDED ACTION: That the City Council conduct a second reading and adopt the ordinance of the City of Dana Point entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 5.20 OF THE DANA POINT MUNICIPAL CODE ENTITLED "MASSAGE REGULATIONS"

10. [SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING SECTIONS 14.01.220 AND 14.01.500 OF THE MUNICIPAL CODE TO ADDRESS RECENT UPDATES TO STATE AND FEDERAL STANDARDS APPLYING TO WORK IN PUBLIC STREETS](#)

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING SECTIONS 14.01.220 AND 14.01.500 OF THE MUNICIPAL CODE TO ADDRESS RECENT UPDATES TO STATE AND FEDERAL STANDARDS APPLYING TO WORK IN PUBLIC STREETS

11. [ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE MASTER PLAN OF DRAINAGE PRIORITY ONE PROJECT PHASE II \(CAPISTRANO BEACH\)](#)

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 MASTER PLAN OF DRAINAGE PRIORITY ONE PROJECT PHASE II;

(2) apportion additional funds of the original budget for geotechnical inspection services as required as a result of unforeseen circumstances encountered during the construction of street improvements; (3) apportion additional funds of the original budget for additional construction support services from Tetra Tech and PBS&J; and (4) direct staff to transfer all project savings to the Capital Improvement Program reserves.

12. **SECOND READING OF TWO SEPARATE ORDINANCES: ONE ORDINANCE AMENDS THE ZONING MAP FOR 35200 DEL REY AND THE OTHER ORDINANCE PERTAINS TO PARKING ENFORCEMENT ALONG DEL REY. THE SITE IS CURRENTLY ZONED BOTH COMMUNITY FACILITIES (CF) AND SINGLE FAMILY RESIDENTIAL (RSF 7) AND IS LOCATED AT THE TERMINUS OF DEL REY, A PRIVATE STREET, WITHIN CAPISTRANO BEACH AND ADDRESSED AS 35200 & 35322 DEL REY**

RECOMMENDED ACTION: That the City Council conduct a second reading and adopt two ordinances entitled:

1. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE CHANGE ZC04-01 TO CHANGE THE ZONING DESIGNATION FOR 35200 DEL REY FROM COMMUNITY FACILITIES (CF) TO SINGLE FAMILY RESIDENTIAL (RSF 7). THE SITE IS CURRENTLY ZONED BOTH COMMUNITY FACILITIES (CF) AND SINGLE FAMILY RESIDENTIAL (RSF 7) AND IS LOCATED AT THE TERMINUS OF DEL REY, A PRIVATE STREET, WITHIN CAPISTRANO BEACH AND ADDRESSED AS 35200 & 35322 DEL REY.
2. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADDING CHAPTER 12.18 ENTITLED "PARKING RESTRICTIONS ON DEL REY" TO TITLE 12 (VEHICLES AND TRAFFIC) OF THE DANA POINT MUNICIPAL CODE.

13. **APPROVAL OF A COOPERATIVE AGREEMENT TO ACCEPT \$100,000 FROM ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) GO LOCAL PROGRAM TO EXPLORE THE FEASIBILITY OF A TROLLEY SYSTEM FROM THE TRAIN STATIONS TO THE CITY OF DANA POINT, IN COOPERATION WITH THE CITIES OF SAN CLEMENTE AND SAN JUAN CAPISTRANO**

RECOMMENDED ACTION: That the City Council (1) authorize the City Manager to sign the Orange County Transportation Authority (OCTA) Cooperative Agreement; and (2) accept a grant in the amount of \$100,000 to Community Development Professional Services Fund #41-223 in FY06-07.

14. **ADOPTION OF A RESOLUTION APPROVING FINAL PARCEL MAP NO. 2004-138 TO ALLOW THE CONVERSION OF AN EXISTING DUPLEX TO CONDOMINIUMS AND THE CORRESPONDING REQUEST TO SUBDIVIDE THE AIRSPACE FOR CONDOMINIUM PURPOSES**

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. 2004-138 TO ALLOW THE CONVERSION OF AN EXISTING DUPLEX TO CONDOMINIUMS AND THE CORRESPONDING REQUEST TO SUBDIVIDE THE AIRSPACE FOR CONDOMINIUM PURPOSES.

15. **COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE YEAR ENDED JUNE 30, 2006**

RECOMMENDED ACTION: That the City Council receive and file the Comprehensive Annual Financial Report ("CAFR") for the year ended June 30, 2006.

PUBLIC HEARINGS

There are no Public Hearings.

UNFINISHED BUSINESS

16. **DANA HILLS HIGH SCHOOL TURF TO SURF WATERSHED MONITORING PROGRAM**

RECOMMENDED ACTION: That the City Council 1) consider a funding request submitted by the Dana Hills High School Science Department for the "Turf to Surf Watershed Monitoring Program;" and 2) authorize the City Manager to enter into a contract agreement with Dana Hills High School and fund their request.

17. **RESOLUTION RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 7, 2006, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 7, 2006, DECLARING THE RESULT AND OTHER SUCH MATTERS AS PROVIDED BY LAW

And, direct the City Clerk to codify Ordinance No. 06-11 (Measure S) as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, RELATING TO THE LIMITATION OF THE USE OF EMINENT DOMAIN

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.

RECOGNITION OF OUTGOING CITY COUNCIL MEMBERS

- Presentation to Russell Chilton
- Presentation to James V. Lacy
- Presentation to Wayne Rayfield

SWEARING IN OF NEWLY ELECTED CITY COUNCIL MEMBERS

OATH OF OFFICE TO BE ADMINISTERED TO:

- Lisa A. Bartlett
- Joel Bishop
- Steven H. Weinberg

CITY COUNCIL REORGANIZATION

- A. COUNCIL REORGANIZATION**
- B. RECOGNITION OF OUTGOING MAYOR**

RECEPTION

REFRESHMENTS WILL BE SERVED – THE PUBLIC IS INVITED.

NEW BUSINESS

18. CITY COUNCIL AND PLANNING COMMISSION MEETING DATES

RECOMMENDED ACTION: That the City Council consider alternative dates for future City Council and Planning Commission meetings.

19. **APPOINTMENTS TO THE PLANNING COMMISSION**

RECOMMENDED ACTION: That the City Council direct the City Clerk to advertise the vacancies of the Planning Commission, receive applications and schedule a special City Council meeting for the purpose of conducting interviews.

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 Regular Meeting of the City Council will be January 10, 2007 at 5:00 p.m. in the Dana Point Community Center located at 34052 Del Obispo, Dana Point, California. This is in accordance with City of Dana Point Council Policy No. 210 which states the second meeting in December will not be held.

CERTIFICATION

I, Kathy M. Ward, Acting 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, December 8, 2006, at 5:00 p.m.

KATHY M. WARD, ACTING 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.