

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**WEDNESDAY
SEPTEMBER 27, 2006
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 06-08

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

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Fire Prevention Week Proclamation – “Prevent Cooking Fires: Watch What you Heat”

American Cancer Society Relay for Life Proclamation

Certificate of Recognition – Lt. Mark Billings

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, SEPTEMBER 13, 2006

RECOMMENDED ACTION: That the City Council approve the minutes.

3. YOUTH BOARD MEETING MINUTES, SEPTEMBER 7, 2006

RECOMMENDED ACTION: That the City Council receive and file.

4. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECOMMENDED ACTION: That the City Council receive and file.

5. CLAIMS AND DEMANDS

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

6. LIGHT POLE BANNER PROGRAM ENHANCEMENTS

RECOMMENDED ACTION: That the City Council adopt the recommended light pole banner enhancement program.

7. AMENDMENT TO THE CITY'S CONFLICT OF INTEREST CODE

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA,
AMENDING THE CONFLICT OF INTEREST CODE

8. APPROVAL OF ADDITIONAL CONSTRUCTION MANAGEMENT SERVICES WITHIN THE EXISTING PROJECT BUDGET FOR THE ARTERIAL ROADWAY RESURFACING PROJECT, FY04/05 - COAST HIGHWAY

RECOMMENDED ACTION: That the City Council approve an expenditure as outlined in the Fiscal Impact Section of the report for additional construction management services within the existing project budget for the Arterial Roadway Resurfacing Project, FY 04/05 – Coast Highway (#1185) as a result of the added work to construct the protected bicycle/pedestrian trail.

9. **SECOND READING OF ORDINANCE APPROVING LOCAL PROGRAM AMENDMENT (LCPA06-03) AND SPECIFIC PLAN AND ZONING CODE AMENDMENTS FOR THE DANA POINT HARBOR**

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING THE LOCAL COASTAL PROGRAM AMENDMENT LCPA06-03 FOR THE DANA POINT HARBOR REVITALIZATION PLAN AND DISTRICT REGULATIONS, THAT ALSO AMENDS THE DANA POINT SPECIFIC PLAN AND ZONING CODE, FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

10. **POLICE SERVICES REPORT FOR MONTH ENDING JULY 2006**

RECOMMENDED ACTION: That the City Council receive and file the attached report for the months of June and July 2006.

11. **ADOPTION OF A RESOLUTION APPROVING A COOPERATIVE AGREEMENT WITH THE COUNTY OF ORANGE REGARDING A TRANSFER OF COASTAL AREA ROAD IMPROVEMENTS AND TRAFFIC SIGNALS (CARITS) FUNDING**

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 COOPERATIVE AGREEMENT WITH THE COUNTY OF ORANGE REGARDING A TRANSFER OF COASTAL AREA ROAD IMPROVEMENTS AND TRAFFIC SIGNALS (CARITS) FUNDING;

and (2) establish a reserve account entitled Coastal Area Road Improvements and Traffic Signals (CARITS) Program within the Capital Improvement Projects Fund and deposit the monies outlined in the Agreement into that reserve account for use on road, intersection, and traffic signal improvement projects.

12. **CITY OF DANA POINT VISITORS CENTER PILOT PROGRAM RECAP**

RECOMMENDED ACTION: That the City Council:

1. Receive and file this report regarding the Visitors Center Pilot Program;
2. Authorize the implementation of an on-going year-round "Visitors Center" program for the continued enhancement of public outreach/marketing as a component of economic development;
3. Authorize the City Manager to enter into a new lease agreement with the property owner of Dana Marina Plaza for a two-year term with a one-year extension option for the year-round operation of the Visitors Center;
4. Authorize the following transfers of funds from the Reserve for Service Enhancement Fund to: a) Facilities Fund #95-203 for property improvements; and b) Community Development Budget #41-103 for part-time salaries in FY 06-07.

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.

PUBLIC HEARINGS

13. [GENERAL PLAN AMENDMENT \(GPA06-01\) AND MUNICIPAL CODE AMENDMENT TO UPDATE THE HOUSING ELEMENT AND ADOPT AN INCLUSIONARY HOUSING PROGRAM AND DENSITY BONUS PROGRAM](#)

RECOMMENDED ACTION: That the City Council:

1. Approve and adopt a Resolution approving in concept the updated Housing Element, amend the General Plan and authorize staff to forward to the State Housing and Community Development for certification:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, TO "APPROVE IN CONCEPT" A GENERAL PLAN AMENDMENT (GPA06-01) TO UPDATE THE HOUSING ELEMENT.

2. Introduce and approve first reading of an Ordinance approving an amendment to the Dana Point Municipal Code Section 4.40 to incorporate a Density Bonus Program entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING THE MUNICIPAL CODE TO ESTABLISH A DENSITY BONUS PROGRAM.

3. Introduce and approve first reading of an Ordinance approving an amendment to the Dana Point Municipal Code Section 4.50 to incorporate an Inclusionary Housing Program entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING THE MUNICIPAL CODE TO ESTABLISH AN INCLUSIONARY HOUSING PROGRAM;

4. Approve and adopt a Resolution adopting the Affordable Housing Program Fund in-lieu fee entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, TO ESTABLISH AN AFFORDABLE HOUSING IN-LIEU FEE.

UNFINISHED BUSINESS

14. [TRAFFIC IMPROVEMENT SUBCOMMITTEE REPORT RECOMMENDING OPTIONAL BICYCLE USE OF THE PROTECTED TRAVELWAY ON COAST HIGHWAY BETWEEN PALISADES DRIVE AND CAMINO CAPISTRANO](#)

RECOMMENDED ACTION: That the City Council receive the subject report regarding optional bicycle use of the protected bicycle and pedestrian travel way on Coast Highway between Camino Capistrano and Palisades, and establish that all provisions of the California Vehicle Code related to said use shall be enforced.

15. [ISSUANCE OF RFQ RELATIVE TO LIBRARY FOUNDATION](#)

RECOMMENDED ACTION: That the City Council approve the recommendation of the Sea Terrace Park/Library Subcommittee:

Authorize the Subcommittee to draft and issue a Request for Qualifications for consulting services to evaluate the viability of forming a 501(c)3 foundation to raise funds for a future library expansion; authorize the City Manager to execute a contract; and authorize the transfer of funds from the Reserve for Enhancement Fund #99-299 to Professional Services Fund #99-223 for this purpose.

NEW BUSINESS

16. [MUNICIPAL CODE AMENDMENT TO ADOPT A BUSINESS REGISTRATION PROGRAM](#)

RECOMMENDED ACTION: That the City Council:

1. Introduce first reading of an ordinance amending the Dana Point Municipal Code Section 5.34 to incorporate a Business Registration Program:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADDING CHAPTER 5.34 ENTITLED " BUSINESS REGISTRATION" TO THE MUNICIPAL CODE TO ESTABLISH A BUSINESS REGISTRATION PROGRAM

2. Approve and adopt a resolution to establish a Business Registration Program fee:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT,
CALIFORNIA, TO ESTABLISH A BUSINESS REGISTRATION FEE

3. Request staff provide the City Council with a status update of the Business Registration Program in six months.

PUBLIC COMMENTS (Continued)

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 October 11, 2006 at 5:00 p.m. at the City of Dana Point Community Center located at 34052 Del Obispo, Dana Point, California.

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 and Recreation Center, the Dana Point Post Office, the Capistrano Beach Post Office and the Dana Point Library by Friday, September 22, 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.