

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**WEDNESDAY
AUGUST 23, 2006
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 06-05

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

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b1)

(1 case): 34142 Chula Vista, Dana Point

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

Name of Case: City of Dana Point v. Debbie Block; RW Selby & Co., Inc.; Nieves Landscape, Inc. et al.; Orange County Superior Court Case No. 06CC02906

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Business of the Month – Coffee Importers

Deputy of the Year- Deputy Ed Oliva

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, JULY 12, 2006](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

3. **[PLANNING COMMISSION MEETING MINUTES, AUGUST 2, 2006](#)**

RECOMMENDED ACTION: That the City Council receive and file.

4. **[PLANNING COMMISSION ACTIONS, MEETING OF AUGUST 16, 2006](#)**

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

6. **[CITY TREASURER'S REPORT, JUNE 2006](#)**

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

7. **CLAIMS AND DEMANDS**

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

8. [ADOPTION OF A RESOLUTION ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2007](#)

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 2007

9. [RESERVE AND CAPITAL INFRASTRUCTURE POLICIES](#)

RECOMMENDED ACTION: That the City Council:

- A. Approve the recommendation of the Investment Review Committee (IRC) to adopt the General Fund Reserve Policy and the Capital Infrastructure Funding Policy, and to implement said policies in FY 2006-07; and
- B. Modify the existing \$1,500,000 Cash Flow Reserve by establishing the level at 10% of General Fund revenues (\$2.8 million); modify the existing \$2,000,000 Emergency Reserve by establishing the level at 20% of General Fund Revenues (\$5,500,000); eliminate the existing \$1,000,000 Uninsured Claims Reserve; eliminate the existing \$66,685 Vehicle & Equipment Replacement Reserve; create a new designated General Fund reserve entitled Capital Projects Sinking Fund Reserve and establish the initial funding level at \$2,500,000.

10. [AUTHORIZATION TO ISSUE REQUEST FOR PROPOSAL FOR AUDITING SERVICES](#)

RECOMMENDED ACTION: That the City Council authorize staff to issue a Request for Proposal (RFP) for auditing services.

11. [SECOND READING AND ADOPTION OF AN ORDINANCE - UNATTENDED ANIMALS](#)

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, AMENDING SECTION 10.08.070 OF THE DANA POINT MUNICIPAL CODE RELATING TO UNATTENDED ANIMALS

12. [SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING SECTION 11.10.014 OF THE MUNICIPAL CODE TO ADDRESS RECENT CHANGES IN PERMITTED WORK HOURS ON PUBLIC STREETS](#)

RECOMMENDED ACTION: That the City Council hold second reading and adopt an Ordinance of the City of Dana Point entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING SECTION 11.10.014 OF THE MUNICIPAL CODE TO ADDRESS RECENT CHANGES IN PERMITTED WORK HOURS ON PUBLIC STREETS

13. REAPPROPRIATION OF CITIZENS OPTION FOR PUBLIC SAFETY (COPS) PROGRAM FUNDS FROM FY 2005/2006 – (AB 1913)

RECOMMENDED ACTION: That the City Council 1) adjust the FY 2006/2007 budget with the reappropriation of unencumbered Citizens Option for Public Safety (COPS) program unspent monies remaining from the FY 2005/2006 budget, to the Supplemental Law Enforcement Service Fund (SLESF) account, and 2) appropriate funds from the SLESF to implement the following programs:

- Approve funding for the School Resource Officer position for this school year
- Approve funding for the Project STOP (Stop Trashing Our Parks)

14. HEALTH BENEFIT ALLOWANCE MODIFICATIONS FOR REPRESENTED AND NON-REPRESENTED CLASSIFICATIONS

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, MODIFYING HEALTH BENEFIT PLAN ALLOWANCES FOR ALL ELIGIBLE REPRESENTED AND NON-REPRESENTED CLASSIFICATIONS

15. AWARD OF CONTRACT FOR CRITICAL INFRASTRUCTURE PROTECTION

RECOMMENDED ACTION: That the City Council (1) award a contract to A-Star Glass (Action Document A) for the installation of reinforced blast resistant store-front windows for the Police Services facility and the Emergency Operations Center, provided that the City Manager or his designee may approve additional payment not to exceed 15 percent of this amount for change orders and contingencies; (2) authorize the City Manager to execute the contract (Action Document A); and (3) authorize the acceptance of approved Urban Area Security Initiative (UASI) grant funds to fully offset the cost of this project.

16. AWARD OF CONTRACT TO REPLACE THE CITY PLAZA ROOF

RECOMMENDED ACTION: That the City Council (1) award a contract to Bovee Roofing, Inc. for the replacement of the roof on the City Plaza building, provided that the City Manager or his designee may approve additional payment not-to-exceed 10 percent of the contract amount for change orders and contingencies; (2) authorize the City Manager to execute the contract; and (3) authorize budget transfers from the Undesignated General Fund to finance this unbudgeted roof replacement as noted in the Fiscal Impact section of the report.

17. AWARD OF CONTRACT FOR THE PAINTING OF CITY HALL

RECOMMENDED ACTION: That the City Council award a contract to Tip Top Painting for the complete painting of the exterior of City Plaza building and railings, provided that the City Manager or his designee may approve additional payment not to exceed 10 percent of this amount for change orders and contingencies; and (2) authorize the City Manager to execute the contract (Action Document A).

18. CHARITABLE GRANT FUNDING APPLICATION

RECOMMENDED ACTION: That the City Council approve charitable grant funding totaling \$1,200 to the following organization:

Toby's House	\$1,200
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19. ORDINANCE OF THE CITY COUNCIL OF THE DANA POINT REGULATING BICYCLES AND PEDESTRIANS ON COAST HIGHWAY BETWEEN PALISADES DRIVE AND CAMINO CAPISTRANO AND AUTHORIZING POSTING OF SIGNAGE REGARDING SAME

RECOMMENDED ACTION: That the City Council restrict pedestrian and bicycle travel exclusively to the new protected bicycle/pedestrian travel way on Coast Highway between Camino Capistrano and Palisades Drive and introduce an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADDING CHAPTER 12.18 TO THE MUNICIPAL CODE ENTITLED "COAST HIGHWAY RESTRICTIONS" PROHIBITING BICYCLES, PEDESTRIANS AND OTHER NON-VEHICLE MODES OF TRANSPORTATION ON COAST HIGHWAY BETWEEN CAMINO CAPISTRANO AND PALISADES DRIVE AND REQUIRING THAT ALL SUCH MODES OF TRAVEL USE THE PROTECTED BICYCLE AND PEDESTRIAN TRAVEL WAY

20. REQUEST FOR CALIFORNIA COASTAL COMMISSION CERTIFICATION OF LOCAL COASTAL PLAN AMENDMENT LCPA 06-02 PERTAINING TO RESIDENTIAL BUILDING HEIGHTS

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REGARDING LOCAL COASTAL PROGRAM AMENDMENT LCPA-06-02 AND REQUESTING CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION

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.

UNFINISHED BUSINESS

There is no Unfinished Business.

NEW BUSINESS

21. PARKS AND RECREATION FACILITIES REGULATIONS

RECOMMENDED ACTION: That the City Council consider staff recommendation of approval of amendments to the Municipal Code and Parks Use Policy in anticipation of taking ownership of Lantern Bay Park from the County of Orange effective September 1, 2006; to continue and effectively regulate permits for private weddings/events at that park that involve alcohol consumption; to enhance City-sponsored events; and to mitigate public nuisances related to park uses.

A. Approve introduction and first reading of an ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING SECTIONS 13.04.030, 13.04.090, 13.04.130, 13.04.170, AND 13.04.220 OF THE MUNICIPAL CODE AND ADDING SECTION 13.04.235 TO THE MUNICIPAL CODE REGARDING PARKS AND RECREATIONAL FACILITIES REGULATIONS;

B. Approve and adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA , DESIGNATING DEL OBISPO PARK AS A NO SKATEBOARDING AREA;

C. Approve and adopt revised Parks and Overlooks Use Policy and Fee Schedule; authorize City Manager to administratively amend the policy as warranted.

22. PACIFIC COAST HIGHWAY PEDESTRIAN ACCESS WAY AT DEL OBISPO

RECOMMENDED ACTION: That the City Council review and provide direction on the Pacific Coast Highway Pedestrian Access Way Concept Design.

PUBLIC HEARINGS

23. APPEAL OF PLANNING COMMISSION DECISION APPROVING VARIANCE V05-08 TO ALLOW A NEW SINGLE-FAMILY RESIDENCE TO EXCEED THE MAXIMUM ALLOWABLE BUILDING HEIGHT BY 5-FEET; A COASTAL DEVELOPMENT PERMIT CDP05-25 FOR DEVELOPMENT IN THE COASTAL ZONE, AND A MINOR SITE DEVELOPMENT PERMIT SDP05-65(M) FOR RETAINING WALLS UP TO 6 FEET IN HEIGHT IN THE RESIDENTIAL SINGLE FAMILY (RSF7) ZONING DISTRICT AT 34142 CHULA VISTA.

RECOMMENDED ACTION: That the City Council take action to:

Deny the appeal and uphold the Planning Commission's approval of variance V05-08 to allow a new single-family residence to exceed the maximum allowable building height by 5-feet; a coastal development permit CDP05-25 for development in the coastal zone, and a minor site development permit SDP05-65(M) for retaining walls up to 6 feet in height in the residential single family (RSF7) zoning district at 34142 Chula Vista.

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 September 13, 2006 at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, 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, the Dana Point Post Office, the Capistrano Beach Post Office and the Dana Point Library by Friday, August 18, 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.