

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**WEDNESDAY
JUNE 14, 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), (2 cases)
 - 1. Headlands: CFD/Development Agreement
 - 2. Dicarli Property: Plan Approval
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case)

Name of Case: City of Dana Point vs. The Sunshine Group, LLC, Orange County Superior Court Case No. 05CC08592

- C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Government Code § 54956.8
(1 case)

Location: Lantern Bay Park, 25111 Dana Point Harbor Drive, Dana Point, California, APN # 682-311-04
Agency Negotiator: Douglas Chotkevys, City Manager
Negotiating Parties: City of Dana Point and Thomas G. Mauk, CEO, County of Orange, or other interested parties
Under Negotiation: Price and terms of agreement relating to property

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Certificate of Recognition – Gene Burrus

Business of the Month – Girl in the Curl Surf Shop

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, MAY 10, 2006](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [REGULAR MEETING MINUTES, MAY 24, 2006](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

4. [PLANNING COMMISSION MEETING MINUTES, MAY 17, 2006](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [PLANNING COMMISSION ACTIONS, MEETING OF JUNE 7, 2006](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. [YOUTH BOARD MINUTES, MEETING OF MAY 4, 2006](#)

RECOMMENDED ACTION: That the City Council receive and file.

7. [CITY TREASURER'S REPORT, APRIL 2006](#)

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

8. **CLAIMS AND DEMANDS**

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

9. [SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING SECTION 14.01.140 OF THE MUNICIPAL CODE TO ADDRESS ALLOWABLE WORK HOURS ON PUBLIC STREETS](#)

RECOMMENDED ACTION: That the City Council (1) adopt an Ordinance of the City of Dana Point (Action Document A) as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING SECTION 14.01.140 OF THE DANA POINT MUNICIPAL CODE

10. [CALLING FOR A GENERAL MUNICIPAL ELECTION ON NOVEMBER 7, 2006 TO FILL THREE CITY COUNCIL SEATS AND TO PLACE MEASURE CONCERNING EMINENT DOMAIN ON THE BALLOT](#)

RECOMMENDED ACTION: That the City Council adopt the following resolutions entitled:

That the City Council adopt the following resolutions entitled:

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CALLING AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2006 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES; and
- B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON

NOVEMBER 7, 2006 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE; and

- D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES' STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2006; and
- E. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF A CERTAIN MEASURE RELATING TO EMINENT DOMAIN AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2006 AS CALLED BY RESOLUTION NO. 06-06-14-___; and
- F. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS FOR A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2006; and
- G. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS.

11. EMERGENCY AND SUPPORT SERVICES PROGRESS REPORT AND PROGRAM UPDATE

RECOMMENDED ACTION: That the City Council receive and file the Progress Report and Program Update on the Emergency and Support Services Division work over the last 12 months.

12. APPROVAL OF A SEVEN YEAR CAPITAL IMPROVEMENT PROGRAM AND AUTHORIZATION TO FORWARD THE SEVEN YEAR CAPITAL IMPROVEMENT PROGRAM TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA)

RECOMMENDED ACTION: That the City Council adopt the Seven Year Capital Improvement Program (CIP) for Fiscal Years 2006-2007 through 2012-2013 and authorize the Director of Public Works and Engineering Services to forward the Seven Year CIP document to the Orange County Transportation Authority (OCTA).

13. AMENDMENT TO AGREEMENT BETWEEN ALL CITY MANAGEMENT SERVICES, INC. AND THE CITY OF DANA POINT FOR PROVIDING SCHOOL CROSSING GUARD SERVICES

RECOMMENDED ACTION: That the City Council authorize the City Manager to approve the Amendment to Agreement between All City Management Services, Inc. and the City of Dana Point providing School Crossing Guard Services for fiscal year 2006-2007.

14. [ADOPTION OF BUDGET AMENDMENT, POSITION TITLE, SALARY RANGE AND CLASS SPECIFICATION FOR SENIOR CIVIL ENGINEER \(TRAFFIC\)](#)

RECOMMENDED ACTION: That the City Council approve and adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING THE BUDGET AND ADOPTING THE POSITION TITLE, SALARY RANGE AND CLASS SPECIFICATION FOR THE POSITION OF SENIOR CIVIL ENGINEER (TRAFFIC)

15. [APPROVAL OF A CONTRACT AMENDMENT WITH THE RJM DESIGN GROUP FOR DESIGN SERVICES FOR THE BEAUTIFICATION OF EXISTING ASPHALT MEDIANS ON PACIFIC COAST HIGHWAY](#)

RECOMMENDED ACTION: That the City Council (1) approve a Contract Amendment with the RJM Design Group to provide design services for beautification of existing asphalt medians on Pacific Coast Highway, providing additional authority not to exceed ten percent for contingencies, if needed; (2) authorize the City Manager to execute the Amendment; (3) approve a new Capital Improvement Program Project entitled “PCH Median and Sidewalk Enhancement Project”; and (4) authorize the transfer of funds from the CIP Reserves to the newly established project account to fund the design services.

16. [APPROVAL OF PLAN TO REPLACE TREES IN THE LANDSCAPED PARKWAY ON GOLDEN LANTERN BETWEEN DEL PRADO AND DANA POINT HARBOR DRIVE](#)

RECOMMENDED ACTION: That the City Council approve the plan to remove the Sycamore trees from the landscaped City parkway on Golden Lantern between Del Prado and Dana Point Harbor Drive and replant the parkway with 14 Mexican Fan Palms to match those in the center median.

17. [SAN DIEGO GAS & ELECTRIC SUNRISE POWERLINE PROJECT RESOLUTION OF SUPPORT](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, IN SUPPORT OF THE SAN DIEGO GAS & ELECTRIC SUNRISE POWERLINE PROJECT

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

18. PUBLIC HEARING TO CONSIDER FORMATION OF HEADLANDS RESERVE LLC COMMUNITY FACILITIES DISTRICT NO. 2006-1

RECOMMENDED ACTION: That the City Council concur with the recommendation of the Investment Review Committee to conduct a duly noticed public hearing, receive testimony and approve the necessary actions in accordance with Government Code Section 53311 et seq. to form the Headlands Reserve LLC Community Facilities District (CFD) No. 2006-1

Approve and adopt:

- A. Acquisition Agreement by and between City of Dana Point and Headlands Reserve LLC relating to CFD 2006-1; and authorize City Manager to execute agreement
- B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT APPROVING A JOINT COMMUNITY FACILITIES AGREEMENT WITH THE COUNTY OF ORANGE AND HEADLANDS RESERVE LLC; and authorize City Manager to execute agreement
- C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT APPROVING A JOINT COMMUNITY FACILITIES AGREEMENT WITH THE SOUTH COAST WATER DISTRICT AND HEADLANDS RESERVE LLC; and authorize City Manager to execute agreement
- D. City of Dana Point Community Facilities District Report for CFD No. 2006-1
- E. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT AUTHORIZING FORMATION OF COMMUNITY FACILITIES DISTRICT NO. 2006-1 OF THE CITY OF DANA POINT, AUTHORIZING THE LEVY OF SPECIAL TAXES THEREIN, PRELIMINARILY ESTABLISHING AN APPROPRIATIONS LIMIT THEREFOR AND SUBMITTING LEVY OF THE SPECIAL TAXES AND THE ESTABLISHMENT OF THE APPROPRIATIONS LIMIT TO THE QUALIFIED ELECTORS THEREOF
- F. A RESOLUTION OF COMMUNITY FACILITIES DISTRICT NO. 2006-1 OF THE CITY OF DANA POINT DETERMINING THE NECESSITY TO INCUR BONDED INDEBTEDNESS AND SUBMITTING A PROPOSITION TO THE QUALIFIED ELECTORS THEREOF

G. A RESOLUTION OF COMMUNITY FACILITIES DISTRICT NO. 2006-1 OF THE CITY OF DANA POINT CALLING A SPECIAL ELECTION FOR THE PURPOSE OF APPROVING SPECIAL TAXES THEREIN, THE ISSUANCE OF BONDS BY SAID DISTRICT AND ESTABLISHMENT OF AN APPROPRIATION LIMIT;

1. Accept executed Concurrence of the Clerk Ex-Officio of CFD No. 2006-1 and Waiver of Landowner of time period for analysis and arguments;

2. City Clerk to Conduct Election

H. Notice of Special Taxes Lien:

A RESOLUTION OF COMMUNITY FACILITIES DISTRICT NO. 2006-1 OF THE CITY OF DANA POINT DECLARING THE RESULTS OF A SPECIAL ELECTION THEREIN AND DIRECTING RECORDING OF A NOTICE OF SPECIAL TAXES LIEN

I. Introduce and hold first reading:

AN ORDINANCE OF COMMUNITY FACILITIES DISTRICT NO. 2006-1 OF THE CITY OF DANA POINT LEVYING SPECIAL TAXES WITHIN COMMUNITY FACILITIES DISTRICT NO. 2006-1 OF THE CITY OF DANA POINT

UNFINISHED BUSINESS

19. [STREET SWEEPING MAINTENANCE SERVICES AGREEMENT RENEWAL](#)

RECOMMENDED ACTION: That the City Council authorize an option year renewal for street sweeping services from the current service provider R.F. Dickson Co., Inc. or direct the City Manager to contract with CleanStreet, the previous service provider.

NEW BUSINESS

There are no New Business items.

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 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 Adjourned Joint Meeting of the City Council and the Planning Commission will be June 28, 2006 at 6:00 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 July 12, 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, June 9, 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.