

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**WEDNESDAY
MAY 24, 2006
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 06-03

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): Makar: Zoning/General Plan Amendment

- 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

Certificate of Recognition – Scotty Smith

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, APRIL 26, 2006](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, APRIL 19, 2006](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION MEETING MINUTES, MAY 3, 2006](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [PLANNING COMMISSION ACTIONS, MEETING OF MAY 3, 2006](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. [PLANNING COMMISSION ACTIONS, MEETING OF MAY 17, 2006](#)

RECOMMENDED ACTION: That the City Council receive and file.

7. [YOUTH BOARD MEETING MINUTES, APRIL 20, 2006](#)

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

9. [CITY TREASURER’S REPORT, MARCH 2006](#)

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

10. **CLAIMS AND DEMANDS**

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

11. [AWARD OF A CONTRACT TO LEHMAN CONSTRUCTION, INCORPORATED FOR THE CONSTRUCTION OF DEL OBISPO PARK RESTROOM AND CONCESSION BUILDING PROJECT AS PART OF THE GENERAL PARK REHABILITATION PROGRAM](#)

RECOMMENDED ACTION: That the City Council (1) award a contract to Lehman Construction, Incorporated for construction of the Del Obispo Park Restroom and Concession Building Project, provided that the City Manager or his designee may approve additional payment not to exceed twelve percent of the contract amount for change orders and contingencies; and (2) authorize expenditures for construction management services, soils and material testing, and construction design support for the Del Obispo Park Restroom and Concession Building Project as part of the General Park Rehabilitation Program as noted in the Fiscal Impact Section.

12. [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 introduce and hold first reading of an ordinance entitled:

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

13. [CHARITABLE GRANT FUNDING APPLICATIONS](#)

RECOMMENDED ACTION: That the City Council approve charitable grant funding totaling \$13,200 to the following organizations:

YMCA of Orange County, Beach Cities Branch	\$4,000
South Coast Medical Center	\$ 700
R.H. Dana Elementary School	\$3,000
Soroptimist International of Capistrano Bay	\$3,000
Pet Project Foundation	\$2,500

14. [RESOLUTION CONCERNING THE STATUS OF THE CIRCULATION ELEMENT FOR THE CITY OF DANA POINT, CALIFORNIA](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONCERNING THE STATUS OF THE TRAFFIC CIRCULATION ELEMENT FOR THE CITY OF DANA POINT, CALIFORNIA

15. [ADDITIONAL MATERIALS TESTING AND INSPECTION SERVICES FOR THE CAPISTRANO BEACH STORM DRAIN PHASE II PROJECT](#)

RECOMMENDED ACTION: That the City Council (1) approve additional materials testing and inspections services per the Fiscal Impact section to assure that the Storm Drain Phase II Contractor provides quality work, provided that the Director of Public Works can approve an additional expenditure up to 15 percent, if needed, and (2) authorize an appropriate transfer of funds per the Fiscal Impact section to fund the necessary materials testing and inspection services.

16. [2006-2007 LAW ENFORCEMENT SERVICES AGREEMENT](#)

RECOMMENDED ACTION: That the City Council approved the attached Law Enforcement Agreement with the County of Orange for law enforcement services for the 2006-07 fiscal year; and, authorize the City Manager to execute the agreement.

17. [CONTRACT BUDGET ADJUSTMENT TO THE ARTERIAL ROADWAY RESURFACING PROJECT, FY 04-05 – COAST HIGHWAY](#)

RECOMMENDED ACTION: That the City Council (1) approve a budget adjustment for a construction contract modification to CIP Project #1185; (2) approve a transfer of \$450,000 from the CIP Reserves; and (3) authorize the City Manager to execute the contract modification in an amount not to exceed the foregoing.

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

There are no Public Hearings.

UNFINISHED BUSINESS

There is no Unfinished Business.

NEW BUSINESS

18. APPROVAL OF THE RENEWED MEASURE “M” TRANSPORTATION INVESTMENT PLAN

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 THE RENEWED MEASURE “M” TRANSPORTATION INVESTMENT PLAN SO IT MAY BE PLACED BEFORE THE VOTERS OF ORANGE COUNTY ON THE NOVEMBER 7, 2006 BALLOT OR AS SOON AS IS PRACTICAL THEREAFTER; and

2) authorize the Mayor to send a letter of support for Measure “M” to the Orange County Transportation Authority

19. INTRODUCTION 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 introduce and hold first reading of an ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING SECTION 5.20 OF THE DANA POINT MUNICIPAL CODE ENTITLED “MASSAGE REGULATIONS”

20. CITY OF DANA POINT VISITORS CENTER

RECOMMENDED ACTION: That the City Council approve the following action in order to establish a pilot “Visitors Center” in the kiosk located in the Dana Marina Plaza at the corner of Golden Lantern and Harbor Drive and:

1. Authorize the City Manager to enter into a lease agreement with the property owner of Dana Marina Plaza for the use of the kiosk from May 27 through September 4, 2006 (Memorial Day weekend through Labor Day weekend).

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 June 14, 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, May 19, 2006, at 5:00 p.m.

KATHY M. WARD, ACTING CITY CLERK

DATE

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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.