

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**WEDNESDAY
APRIL 12, 2006
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 06-02

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), (3 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Government Code § 54956.9 (c), (2 cases)
- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case)

Name of Case:

- D. ACCEPT NOTICE OF RETIREMENT AND APPOINTMENT OF PUBLIC EMPLOYEE, Government Code § 54957

Title: City Clerk

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Certificate of Recognition - Elenna Erkeneff, People to People Student Ambassador

Business of the Month - The Jig Stop Tackle & Tours

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, MARCH 22, 2006](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, MARCH 15, 2006](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION ACTIONS, MEETING OF APRIL 5, 2006](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [YOUTH BOARD MEETING MINUTES, MARCH 16, 2006](#)

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

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

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

8. **CLAIMS AND DEMANDS**

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

9. [ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR DEL OBISPO STREET REPAIRS BETWEEN STONEHILL DRIVE AND THE NORTHERLY CITY LIMIT](#)

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 ARTERIAL ROADWAY RESURFACING PROJECT – DEL OBISPO STREET;

and (2) direct staff to transfer all project savings to the Capital Improvement Program reserves.

10. [CONSTRUCTION STATUS FOR THE CAPISTRANO BEACH STORM DRAIN PHASE II PROJECT AND ESTABLISHMENT OF THE SOURCE OF CONTINGENCY FUNDS AS AUTHORIZED PREVIOUSLY BY THE CITY COUNCIL](#)

RECOMMENDED ACTION: That the City Council (1) receive and file the report relative to the construction status for the Master Plan of Drainage Project Phase II (Capistrano Beach); and (2) direct staff to transfer the funds noted in the Fiscal Impact Section to fund the previously approved contingency for the project.

11. [ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR STONEHILL DRIVE ASPHALT STREET REPAIRS BETWEEN GOLDEN LANTERN AND NIGUEL ROAD](#)

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 ARTERIAL ROADWAY RESURFACING PROJECT – STONEHILL DRIVE;

and (2) direct staff to transfer all project savings to the Capital Improvement Program reserves.

12. [SIXTH AMENDMENT TO EMPLOYMENT CONTRACT FOR CITY MANAGER DOUGLAS C. CHOTKEVYS, AND AMENDMENT TO CITY MANAGER HOUSING AGREEMENT](#)

RECOMMENDED ACTION: The Council Subcommittee recommends that the City Council approve the Sixth Amendment to the Employment Contract for City Manager Douglas C. Chotkevys, as well as an amendment to the City Manager's Housing Agreement.

13. BIANNUAL CAMPAIGN CONTRIBUTION AND EXPENDITURE LIMITS ADJUSTMENT

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADJUSTING THE CAMPAIGN CONTRIBUTION AND CAMPAIGN LOAN LIMITS TO REFLECT CHANGES IN THE CONSUMER PRICE INDEX, AS REQUIRED BY SECTION 2.05.058 OF THE DANA POINT MUNICIPAL CODE.

14. TOWN CENTER PUBLIC OUTREACH CONTRACT

RECOMMENDED ACTION: That the City Council approve extension of Town Center Public Outreach Contract with Kathy Barnum Agency, Inc. through September 30, 2006 for professional public relations and outreach services and authorize an expenditure from the Reserve for Service Enhancement Fund.

15. SECOND READING AND ADOPTION OF REGULATIONS RELATED TO RESIDENTIAL BUILDING HEIGHT (ZTA06-02/LCPA06-02)

RECOMMENDED ACTION: That the City Council adopt an ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, FOR A ZONE TEXT AMENDMENT AND LOCAL COASTAL PROGRAM AMENDMENT TO THE CITY OF DANA POINT ZONING CODE REGULATIONS FOR RESIDENTIAL ZONES

to amend the Zoning Code and Local Coastal Program regulations pertaining to residential building height.

16. RATIFY FY 05-06 MID-YEAR BUDGET AMENDMENTS

RECOMMENDED ACTION: That the City Council ratify the budget amendments identified in the Fiscal Year 2005-06 Mid-Year Budget Report and as presented by staff at the March 22, 2006 Council meeting.

17. AWARD OF MAINTENANCE SERVICE AGREEMENT FOR DEL OBISPO BASEBALL FIELDS

RECOMMENDED ACTION: That the City Council award a Maintenance Service Agreement to Professional Sports Field Maintenance and authorize the City Manager to execute the agreement.

18. APPROVAL OF PARK EXPENDITURES

RECOMMENDED ACTION: That the City Council approve expenditures for park fencing.

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

19. [COMMUNITY EMERGENCY RESPONSE TEAM STATUS REPORT](#)

RECOMMENDED ACTION: That the City Council receive and file the status report on the City of Dana Point CERT Program and recognize recent program graduates.

20. [CONCEPTUAL DESIGN REVIEW AND APPROVAL OF A CONSULTANT SERVICES AGREEMENT WITH THE RJM DESIGN GROUP FOR DESIGN SERVICES FOR THE DEVELOPMENT OF SEA TERRACE PARK](#)

RECOMMENDED ACTION: That the City Council (1) review and accept the conceptual design for the development of Sea Terrace Park; (2) approve a Consultant Services Agreement with the RJM Design Group to provide design services for the development of Sea Terrace Park, Phase I, providing additional authority not to exceed ten percent of the agreement amount for contingencies, if needed; (3) authorize the City Manager to execute the Agreement; and (4) authorize a purchase order to Goffman McCormick and Urban for geotechnical services in conjunction with the design effort; and (5) direct staff to work with the Monarch St. Regis to develop an easement and maintenance agreement to consider allowing the maintenance facility to be sited at the northwest end of Sea Terrace Park and to help fund the park construction.

21. [CONCEPTUAL DESIGN REVIEW AND APPROVAL OF A CONSULTANT SERVICES AGREEMENT WITH PSOMAS FOR DESIGN SERVICES FOR THE PACIFIC COAST HIGHWAY WIDENING PROJECT – SAN JUAN CREEK TO CRYSTAL LANTERN](#)

RECOMMENDED ACTION: That the City Council (1) review the conceptual design for the Pacific Coast Highway Widening Project at Del Obispo; (2) direct staff to change the project

name from the Town Center Beautification Project Phase IV to the “Pacific Coast Highway Widening Project – San Juan Creek to Crystal Lantern;” (3) direct staff to initiate the environmental review phase of the project for the pedestrian overcrossing and other components requiring review, and authorize a purchase order with Keeton Kreitzer Consulting for environmental services, providing additional authority not to exceed ten percent of the agreement amount for contingencies, if needed; (4) approve a Consultant Services Agreement with Psomas for project design, providing additional authority not to exceed ten percent of the agreement amount for contingencies, if needed; and (5) authorize the City Manager to execute the agreements.

NEW BUSINESS

22. APPROVAL OF COUNCIL CHAMBER RENOVATION DESIGN

RECOMMENDED ACTION: That the City Council (1) approve the recommended design concept presented by HMC Architects for the renovation of the City Council Chambers, including the creation of a foyer expanding the usable public space at City Plaza and the purchase and installation of associated digital broadcast equipment; (2) authorize staff to publish the appropriate construction documents for the purpose of soliciting bids for the construction associated with the renovation project and the purchase and installation of the associated technology equipment; and (3) authorize the transfer of funds from the General Fund Undesignated Fund to the Facilities Improvement Fund for use on this project.

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 Meeting of the City Council will be April 26, 2006 at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

CERTIFICATION

I, Elizabeth Ehring, 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, April 7, 2006, at 5:00 p.m.

ELIZABETH EHRING, 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.