

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**WEDNESDAY
MARCH 22, 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 REAL PROPERTY NEGOTIATOR, Government Code § 54956.8 (3 cases)
 - 1. Location: APN No. 666-361-1 at Victoria and Sepulveda
Agency Negotiator: Douglas Chotkevys, City Manager
Negotiating Parties: City of Dana Point and Capistrano Unified School District or other interested parties
Under Negotiation: Price and terms of agreement relating to property
 - 2. Location: 26351 and 26315 Via Cañon, Dana Point, California
Agency Negotiators: Douglas Chotkevys, City Manager
Patrick Muñoz, City Attorney
Kyle Butterwick, Director of Community Development
Negotiating Parties: City of Dana Point and other interested parties
Under Negotiation: Price and terms of agreement relating to property

3. Location: Doheny House, 35101 Camino Capistrano, Capistrano Beach
Agency Negotiators: Douglas Chotkevys, City Manager
Patrick Munoz, City Attorney
Kyle Butterwick, Director of Community Development
Negotiating Parties: City of Dana Point and Paul Douglas & Carl Grewe, Doheny 3
LLC or other interested parties
Under Negotiation: Price and terms of agreement relating to property

D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957

Title: City Manager

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

Ninnette Hunt to speak regarding the Second Harvest Food Bank

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 8, 2006](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, MARCH 1, 2006](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION ACTIONS, MEETING OF MARCH 15, 2006](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [YOUTH BOARD MEETING MINUTES, MARCH 2, 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. **CLAIMS AND DEMANDS**

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

8. [OCTA GRANT REQUEST TO CONDUCT TROLLEY SYSTEM NEEDS ASSESSMENT](#)

RECOMMENDED ACTION: That the City Council (1) authorize staff to submit a grant application to OCTA requesting funds to conduct trolley/bus system needs assessment for Dana Point in cooperation with the cities of San Clemente and San Juan Capistrano; and (2) enter into a Memorandum of Understanding (MOU) with OCTA for receipt of funds.

9. [AWARD OF CONTRACT FOR THE 4TH OF JULY AERIAL FIREWORKS DISPLAY AND BARGE CONTRACT](#)

RECOMMENDED ACTION: That the City Council approve the following for the 2006 Fourth of July aerial fireworks display: 1) contract with Pyro-Spectacular for the aerial display; 2) contract with Pacific Tugboat Service to provide a tug and barge to be used as the staging area for the fireworks display; and 3) authorize the City Manager to execute the agreements.

10. [ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE REPLACEMENT OF PINES PARK PLAYGROUND EQUIPMENT AS PART OF THE GENERAL PARK REHABILITATION PROGRAM](#)

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 REPLACEMENT OF PINES PARK PLAYGROUND EQUIPMENT AS PART OF THE GENERAL PARK REHABILITATION PROGRAM;

(2) establish a new Capital Improvement Program account entitled "General Park Rehabilitation Program, Phase II; and

(3) direct staff to transfer all project saving to the newly established General Park Rehabilitation Program FY 06/07, Phase II.

11. CHARITABLE GRANT FUNDING APPLICATION

RECOMMENDED ACTION: that the City Council approve the staff recommendation to provide partial charitable grant funding in the amount of \$5,000 to the Capistrano Valley Symphony (CVS) for student concerts.

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

12. ZONE TEXT AND LOCAL COASTAL PROGRAM AMENDMENTS (ZTA06-02/LCPA06-02) TO ZONING CODE REGULATIONS RELATED TO RESIDENTIAL BUILDING HEIGHT

RECOMMENDED ACTION: That the City Council conduct a Public Hearing and review and adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION FOR ZONE TEXT AMENDMENT (ZTA06-02) AND LOCAL COASTAL PROGRAM AMENDMENT (LCPA06-02) RELATED TO REGULATIONS GOVERNING RESIDENTIAL BUILDING HEIGHT

modifying building height regulations for hillside lots in residential zones; and

introduce 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.

UNFINISHED BUSINESS

13. HEADLANDS PROPOSED CFD – SELECTION OF BOND COUNSEL AND UNDERWRITER

RECOMMENDED ACTION: That the City Council approve the recommendations of the Investment Review Committee to accept respective Statements of Qualifications and to retain Rutan & Tucker LLP for bond counsel, and UBS Investment Bank for underwriting services relative to the proposed Headlands LLC Community Facilities District (CFD); and authorize the City Manager to execute professional services contracts.

14. CONSIDERATION OF: (1) AN EXCLUSIVE RESIDENTIAL AND COMMERCIAL SOLID WASTE HANDLING SERVICES FRANCHISE AGREEMENT WITH CR&R AND (2) A NON-EXCLUSIVE FRANCHISE AGREEMENT FOR THE COLLECTION OF CONSTRUCTION AND DEMOLITION AND SIMILAR TEMPORARY WASTES

RECOMMENDED ACTION: That the City Council (1) approve and authorize the Mayor to execute the proposed exclusive Franchise Agreement with CR&R for the collection of residential and commercial solid waste and (2) approve the proposed non-exclusive franchise agreement for the collection of temporary wastes and authorize the City Manager to execute that agreement with such solid waste enterprises as he determines to be appropriate.

NEW BUSINESS

15. FISCAL YEAR 2005-06 MID-YEAR BUDGET REPORT

RECOMMENDED ACTION: That the City Council receive and file the Fiscal Year 2005-06 Mid-Year Budget Report and authorize the budget amendments as detailed within the report.

16. AFFORDABLE HOUSING AGREEMENT RELATIVE TO MONARCH COAST

RECOMMENDED ACTION: That the City Council approve and authorize the City Manager to execute an Affordable Housing Agreement with William Lyon Company which provides for the creation of 45 low and moderate income affordable housing units at the development known as Monarch Coast.

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-agendized items may be presented as informational only.

ADJOURNMENT

The next Regular Meeting of the City Council will be April 12, 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, March 17, 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.