

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**WEDNESDAY
MARCH 8, 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

Location: Doheny House, 35101 Camino Capistrano, Capistrano Beach
Agency Negotiator: Douglas Chotkevys, City Manager
Patrick Muñoz, 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

Presentation to Jeroen Gerrese

Business of the Month - Kewl Zone Entertainment

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, FEBRUARY 22, 2006](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

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

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION ACTIONS, MEETING OF MARCH 1, 2006](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [YOUTH BOARD MEETING MINUTES, FEBRUARY 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, JANUARY 2006](#)

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

8. **CLAIMS AND DEMANDS**

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

9. [2006 WEED ABATEMENT PROGRAM](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA,
DECLARING WEEDS A PUBLIC NUISANCE AND INITIATING ABATEMENT PROCEEDINGS

establishing weed abatement procedures. Further, by minute order, to authorize staff to release bid packets to contractors to abate weeds in the City.

10. [AWARD OF CONTRACT TO ALL AMERICAN ASPHALT FOR COAST HIGHWAY ASPHALT STREET REPAIRS BETWEEN DOHENY PARK ROAD AND CAMINO CAPISTRANO](#)

RECOMMENDED ACTION: That the City Council (1) award a contract to All American Asphalt for the construction of the Arterial Roadway Resurfacing Project on Coast Highway between Doheny Park Road and Camino Capistrano, provided that the City Manager or his designee may approve additional payment not to exceed ten percent of the contract amount for change orders and contingencies; (2) authorize the expenditures for various construction support, administration and management expenditures as outlined in the Fiscal Impact Section of the report; and (3) authorize the use of available funding as outlined in the Fiscal Section to cover the costs for this project, and direct staff to make necessary funding transfers.

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

11. [ADOPTION OF A RESOLUTION APPROVING THE UTILITY UNDERGROUNDING ASSESSMENT DISTRICT POLICY AND PROCEDURES MANUAL](#)

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 UTILITY UNDERGROUNDING ASSESSMENT DISTRICT POLICY AND PROCEDURES MANUAL;

(2) direct staff to post the information on the City's web site as soon as possible; and (3) authorize staff to advance resources as appropriate to facilitate the formation of districts in accordance with the approved policy.

NEW BUSINESS

12. [PROPOSED COMMUNITY FACILITIES DISTRICT – PROFESSIONAL CONSULTANT CONTRACTS](#)

RECOMMENDED ACTION: That the City Council consider the recommendation of the Investment Review Committee for the award of professional services contracts.

13. [REQUEST TO INITIATE A GENERAL PLAN AMENDMENT GPA05-01 TO CHANGE THE LAND USE DESIGNATION AT THE PROPERTY LOCATED AT 34202 DEL OBISPO](#)

RECOMMENDED ACTION: That the City Council consider the initiation of the General Plan Amendment GPA05-01 based upon the information and discussion included in the report. The applicant's letter of request is provided as Supporting Document A in the report.

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 March 22, 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 3, 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.