

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**WEDNESDAY  
JANUARY 11, 2006  
5:00 P.M.**

## **AGENDA**

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

Next City Council Ordinance No. 06-01

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

Property: Lantern Bay Park

Agency Negotiator: Douglas Chotkevys, City Manager  
Patrick Muñoz, City Attorney

Negotiating Parties: City of Dana Point and County of Orange (Thomas G. Mauk, C.E.O.)  
Under Negotiation: Price and terms of agreement relating to property

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

### **RECONVENE CITY COUNCIL MEETING**

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## PLEDGE OF ALLEGIANCE

## INVOCATION

## PRESENTATIONS AND PROCLAMATIONS

### [Dana Point Special Enforcement Team Commendation](#)

Business of the Month – Carlos Mexican Restaurant

## 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, NOVEMBER 30, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

### 3. [REGULAR MEETING MINUTES, DECEMBER 14, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

### 4. [PLANNING COMMISSION MEETING MINUTES, MEETING OF DECEMBER 7, 2005](#)

RECOMMENDED ACTION: That the City Council receive and file.

### 5. [PLANNING COMMISSION MEETING ACTIONS, MEETING OF DECEMBER 21, 2005](#)

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. CITY TREASURER'S REPORT, NOVEMBER 2005**

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of November 2005.

**9. AMENDMENT TO SITE DEVELOPMENT PERMIT SDP99-61(II) TO ALLOW AN ENTRY GATE AT THE BAL HARBOUR COMMUNITY [STRATEGIC PLAN: EVALUATE LAND USE ISSUES TO ENSURE THAT THE GOALS, POLICIES AND PROGRAMS OF THE GENERAL PLAN REFLECT THE COMMUNITY'S VISION AND MISSION]**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING AN APPLICATION TO AMEND SITE DEVELOPMENT PERMIT SDP99-61(II) TO ALLOW AN ENTRY GATE AT THE BAL HARBOUR COMMUNITY

**10. APPROVE VARIANCE V05-05 TO ALLOW AN ADDITION AND A PITCHED ROOF ELEMENT TO AN EXISTING DUPLEX THAT WOULD EXCEED THE REGULATIONS FOR BUILDING HEIGHT AT 33935 MALAGA DRIVE [STRATEGIC PLAN: EVALUATE LAND USE ISSUES TO ENSURE THAT THE GOALS, POLICIES AND PROGRAMS OF THE GENERAL PLAN REFLECT THE COMMUNITY'S VISION AND MISSION]**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, TO OVERTURN THE PLANNING COMMISSION'S DECISION TO DENY VARIANCE V05-05 TO ALLOW THE ADDITIONAL SQUARE FOOTAGE AND A PITCHED ROOF ELEMENT TO AN EXISTING DUPLEX RESIDENCE THAT WOULD EXCEED THE REGULATIONS FOR BUILDING HEIGHT AT 33935 MALAGA DRIVE

**11. CITY COUNCIL APPOINTED REPRESENTATIVES [STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]**

RECOMMENDED ACTION: That the City Council review the list of City Representatives for the year 2006, and retain the current assignments with the exception of appointment to the following four committees that require membership of the current Mayor and Mayor Pro Tempore: 1) League of California Cities Annual Conference; 2) City Selection Committee; 3) Ritz-Carlton Community Events Meeting; and 4) South Orange County Association of Mayors (SOCAM).

12. [SELF EVALUATION PER SECTION 35.105 AND 35.106 OF TITLE 28 OF THE CODE OF FEDERAL REGULATIONS FOR PUBLIC INFRASTRUCTURE IMPROVEMENT AND ACCESS, REGARDLESS OF DISABILITIES](#) [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council direct staff to conduct a 30 day public review period of the City of Dana Point's Self Evaluation pursuant to Section 35.105(b) and Section 35.106 of Title 28 of the Code of Federal Regulations.

13. [CHARITABLE GRANT FUNDING APPLICATION](#) [STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/ PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]

RECOMMENDED ACTION: That the City Council approve a request by Dana Point/Capistrano Beach Historical Society for charitable grant funding.

## ORAL REPORTS

## 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

14. [REVOCAION OR MODIFICATION OF THE APPROVAL OF VARIANCE V03-23 AND SITE DEVELOPMENT PERMIT SDP03-52\(M\) AT 34111 STREET OF THE BLUE LANTERN](#) [STRATEGIC PLAN: EVALUATE LAND USE ISSUES TO ENSURE THAT THE GOALS, POLICIES AND PROGRAMS OF THE GENERAL PLAN REFLECT THE COMMUNITY'S VISION AND MISSION]

RECOMMENDED ACTION: That the City Council review the Petitioner's justifications for revocation and hold a public hearing to consider revocation or modification of the previously approved application for a Variance and Site Development Permit for a new, single family dwelling.

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## UNFINISHED BUSINESS

15. [CITY COUNCIL POLICIES](#) [*STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS*]

RECOMMENDED ACTION: That the City Council (1) review the recommendations of the City Council Policy Review Task Force to revise Council Policy Nos. 204 and 303; and to adopt “new” Council Policy Nos. 219 and 220; provide input and additional revisions as deemed appropriate; take formal action to approve the policies; and (2) approve first reading and introduction of an ordinance to reflect revisions to Council Policy No. 302 – Appointment of Commissioners, which were approved at the Council Meeting of November 9, 2005, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING SECTIONS 2.06.060 AND 2.06.070 OF THE MUNICIPAL CODE REGARDING THE TERMS OF BOARD AND COMMISSION MEMBERS.

## NEW BUSINESS

16. [EARLY RETIREMENT OF CAPITAL LEASE DEBT OBLIGATION](#) [*STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS*]

RECOMMENDED ACTION: That the City Council authorize the early retirement of the City’s outstanding capital lease obligation debt of \$2,925,000 on August 1, 2006, using funds from the City’s undesignated General Fund reserve, and modify the fiscal year 2007 General Fund operating budget accordingly.

## PUBLIC COMMENTS (Continued)

## STAFF REPORTS

(Doug Chotkevys, City Manager)

(Patrick Muñoz, City Attorney)

## 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.

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## ADJOURNMENT

The next Regular Meeting of the City Council will be January 25, 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, January 6, 2006, at 5:00 p.m.

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ELIZABETH EHRING, CITY CLERK

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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.