

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**AUGUST 27, 2003
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 03-13

CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS:

Russell Chilton, Council Member
James V. Lacy, Council Member
Wayne Rayfield, Council Member
Joe Snyder, Mayor Pro Tem
William L. Ossenmacher, Mayor

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b1), (4 cases)
- B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Government Code § 54956.8 (1 case)

Property: Easement #1: Portion of Lot 56 on Tract 13103 located southeast of the South Coast County Water District, APN 672-461-01
Easement #2: Portion of Lot 56 on Tract 13103 located at Ritz Cove Drive, APN 672-461-02
Easement #3: Portion of Lot 56 on Tract 13103 located on APN 672-461-01

City Negotiators: Doug Chotkevys, City Manager, Lawrence Pierce, Interim Director of Public Works, Matthew Sinacori, Deputy City Engineer

Negotiating Parties: Easement #1 Property Owner: CPH Monarch Golf LLC
Easement #2 Property Owner: Ritz Cove Development LLC
Easement #3 Property Owner CPH Monarch Golf LLC

Under Negotiation: The City needs easements for the placement of above and below grade facilities relative to the Salt Creek Storm Drain Treatment Facility. The facilities are proposed on the existing

Monarch Beach Golf Linx owned and operated by CPH Monarch Golf LLC, within a County of Orange easement, and across Ritz Cove Drive (a private street).

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

Property: Easement #4: APN 123-060-17, on Lot "Y"
Easement #5: APN 123-060-17, on Lot "Y"
Easement #6: Strip of land 15 feet wide between Lots 14 and 15 of Tract 777, between APN 691-411-53 and 691-411-54
Easement #7: Block "A" of Tract 797, APN 123-060-14

City Negotiators: Doug Chotkevys, City Manager, Lawrence Pierce, Interim Director of Public Works, Matthew Sinacori, Deputy City Engineer

Negotiating Parties: Easement #4 Property Owner: Capistrano Bay District
Easement #5 Property Owner: Capistrano Bay District
Easement #6 Property Owner: Sunshine Group LLC
Easement #7 Property Owner: Orange County Harbors

Under Negotiation: The City needs easements for the placement of above and below grade facilities relative to the Capistrano Beach Storm Drain project. The facilities are proposed in City streets, on privately held property, and across the Capistrano County Beach owned by the County of Orange.

D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9(a), (1 case)

Name of Case: Headlands Reserve LLC and M.H. Sherman Co. v. the City of Dana Point, et al, Orange County Superior Court Case No. 798758, Court of Appeal Case No. G024366

E. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Government Code § 54957.6

Title: City Clerk

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE: Veterans of Foreign Wars, Dana Point Post No. 9934

INVOCATION

Offered by Bob Moore, Chaplain, Veterans of Foreign Wars, Dana Point Post No. 9934

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, JULY 23, 2003](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, JULY 16, 2003](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION MEETING MINUTES, AUGUST 6, 2003](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [PLANNING COMMISSION ACTIONS, MEETING OF AUGUST 6, 2003](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. [PLANNING COMMISSION ACTIONS, MEETING OF AUGUST 20, 2003](#)

RECOMMENDED ACTION: That the City Council receive and file.

7. [YOUTH BOARD MEETING MINUTES, JULY 17, 2003](#)

RECOMMENDED ACTION: That the City Council receive and file.

8. [YOUTH BOARD MEETING MINUTES, AUGUST 7, 2003](#)

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

10. CITY TREASURER'S REPORT, JUNE 2003

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of June 2003.

11. **CLAIMS AND DEMANDS**

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

12. AMENDMENT TO THE JOINT AGREEMENT FOR THE IMPLEMENTATION AND OPERATION OF THE ORANGE COUNTY 800 MEGAHERTZ COUNTYWIDE COORDINATED COMMUNICATIONS SYSTEM DATED JANUARY 30, 1996 [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. Approve the terms of the Amendment to the Joint Agreement for the Implementation and Operation of the Orange County 800 MHZ Countywide Coordinated Communications System.
2. Authorize the City Manager to execute the Joint Agreement Amendment.
3. Direct the City Clerk certify the adoption of this Amendment and process two copies of this Amendment through the County Clerk of the Board.

13. SECOND READING AND ADOPTION OF ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING SECTIONS 14.01.120, 14.01.220 AND 14.01.500 OF THE MUNICIPAL CODE [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council hold second reading and adopt an ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING SECTIONS 14.01.120, 14.01.220 14.01.500 OF THE MUNICIPAL CODE

approving revised sections of the Dana Point Municipal Code as follows:

- Section 14.01.120 Plans May be Required
- Section 14.01.220 Safety and Warning Devices
- Section 14.01.500 Adoption of Plans and Specifications

to address necessary modifications relative to requirements for plans, City standards for placement of safety and warranty devices and adoption of standard plans and specifications for the construction, improvement and repair of highways, bridges, flood control and recreation facilities.

14. **SECOND READING AND ADOPTION OF AN ORDINANCE FOR A ZONE TEXT AMENDMENT AND ZONE CHANGE TO MODIFY THE DEVELOPMENT STANDARDS FOR THE EXISTING MIXED USE DISTRICT ALONG CAMINO DE ESTRELLA** [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 hold second reading and adopt an ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A ZONE TEXT AMENDMENT AND ZONE CHANGE TO DESIGNATE THE MIXED USE AREA ALONG CAMINO DE ESTRELLA AS PROFESSIONAL/RESIDENTIAL AND MODIFY THE DEVELOPMENT STANDARDS.

15. **ADOPTION OF A RESOLUTION DESIGNATING THE CITY MANAGER AS THE CITY'S ADMINISTRATOR FOR THE STATE OF CALIFORNIA DEPARTMENT OF WATER RESOURCES CLEAN BEACHES INITIATIVE GRANT PROGRAM** [STRATEGIC PLAN: RESTORE AND MAINTAIN THE INTEGRITY OF OUR OCEAN WATERS AND BEACHES]

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DESIGNATING THE CITY MANAGER AS THE CITY'S ADMINISTRATOR FOR THE STATE OF CALIFORNIA DEPARTMENT OF WATER RESOURCES CLEAN BEACHES INITIATIVE GRANT PROGRAM

16. **ADOPTION OF A RESOLUTION IMPLEMENTING INTERIM TRAFFIC CALMING MEASURES ON A TRIAL BASIS FOR PALO ALTO STREET AND FOR PRISCILLA DRIVE** [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council, (1) during the interim period, exercise their discretion relative to the installation of traffic calming measures on a trial basis for Palo Alto and Priscilla; and (2) adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, IMPLEMENTING INTERIM TRAFFIC CALMING MEASURES ON A TRIAL BASIS FOR PALO ALTO STREET AND FOR PRISCILLA DRIVE

17. **AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE CONSTRUCTION OF IMPROVEMENTS AT DEL OBISPO PARK AS PART OF THE GENERAL PARK REHABILITATION PROGRAM** [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

RECOMMENDED ACTION: That the City Council authorize the advertisement for bids for the construction of improvements at Del Obispo Park as part of the General Park Rehabilitation Program.

18. **PROFESSIONAL SERVICES FOR NUCLEAR POWER PREPAREDNESS** [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 the contract for professional services for nuclear power plant preparedness between the City and Andy Anderson.

19. **CENTRAL/COASTAL ORANGE COUNTY NATIVE COMMUNITY CONSERVATION PLAN (NCCP) AGREEMENT** [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 AGREEMENT BETWEEN THE CITY OF DANA POINT AND THE COUNTY OF ORANGE FOR INCLUSION IN THE CENTRAL/COASTAL SUBREGIONAL NATURAL COMMUNITY CONSERVATION PLAN/ HABITAT CONSERVATION PLAN (NCCP/HCP)

20. **ADOPTION OF A RESOLUTION GRANTING AN EASEMENT FOR ACCESS ACROSS VICTORIA BOULEVARD TO THE PROPERTY OWNER AT 25802 VICTORIA BOULEVARD, AND ACCEPTANCE OF A GRANT OF PROPERTY IN FEE OF A PORTION OF THE PARCEL AT 25802 VICTORIA BOULEVARD FROM THE PROPERTY OWNER TO THE CITY OF DANA POINT** [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

PRESENTATIONS AND PROCLAMATIONS

DANA POINT FEATURED BUSINESS OF THE MONTH – HARBOR DELI

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 the Public Comments portion of the agenda. 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 decorum and hand them to the City Clerk. The City Clerk will see that they are distributed.

PUBLIC HEARINGS

21. HEARING ON APPEAL OF PLANNING COMMISSION DECISION APPROVING SITE DEVELOPMENT PERMIT SPD03-13(M) TO ALLOW A TWO-STORY 3,207 SQUARE FOOT SINGLE-FAMILY RESIDENCE WITH TWO GARAGES AND AN 886 SQUARE FOOT DECK ON A 9,590 SQUARE FOOT VACANT LOT, WITH VARIANCES (V03-02) TO PERMIT A 35-FOOT STRUCTURAL HEIGHT, A DIMENSION 7 FEET IN EXCESS OF THE CITY STANDARD, AND TO PERMIT A REAR YARD STRUCTURAL SETBACK OF 18 FEET, A DISTANCE 2 FEET LESS THAN THE CITY STANDARD, FOR PROPERTY LOCATED AT 33951 VALENCIA PLACE *[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 conduct a Public Hearing and uphold the Planning Commission action to approve SDP03-13M by adopting a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION DECISION TO APPROVE SITE DEVELOPMENT PERMIT SDP03-13M AND VARIANCE V03-02, AUTHORIZING A CONSTRUCTION OF A TWO-STORY 3,207 SQUARE-FOOT SINGLE-FAMILY RESIDENCE WITH TWO GARAGES AND AN 886 SQUARE FOOT DECK ON A 9,590 SQUARE FOOT VACANT LOT, WITH A 35-FOOT STRUCTURAL HEIGHT, A DIMENSION 7 FEET IN EXCESS OF THE CITY STANDARD, AND A REAR YARD STRUCTURAL SETBACK OF 18 FEET, A DISTANCE 7 FEET LESS THAN THE CITY STANDARD, FOR PROPERTY LOCATED AT 33951 VALENCIA PLACE

UNFINISHED BUSINESS

22. ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE LOT F PEDESTRIAN STAIRWAY RECONSTRUCTION PROJECT *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

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 LOT F PEDESTRIAN STAIRWAY RECONSTRUCTION PROJECT; and

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

NEW BUSINESS

There is no New Business.

STAFF REPORTS

(City Manager Doug Chotkevys)

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.

(Mayor William L. Ossenmacher)

ADJOURNMENT

The next Regular Meeting of the City Council will be September 24, 2003 at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

The September 10, 2003 Regular Meeting of the City Council will not be held due to a conflict with the Annual League of California Cities Conference.

CERTIFICATION

I, SUSAN A. RAMOS, 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, August 22, 2003, at 5:00 p.m.

SUSAN A. RAMOS, 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, MANY 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.