

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**MONDAY
NOVEMBER 8, 2010
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 10-11

CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS:

Steven H. Weinberg, Mayor
Scott Schoeffel, Mayor Pro Tem
Lara Anderson, Council Member
Lisa A. Bartlett, Council Member
Joel Bishop, Council Member

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b1), (1 case)

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

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

November Business of the Month – J.C. Beans Coffee House
Moulton Niguel Water District 50th Anniversary Presentation
Recognition of Ingrid McGuire, Board of Director for South Coast Water District

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 on the agenda.

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, OCTOBER 25, 2010](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

3. [PLANNING COMMISSION MEETING MINUTES, OCTOBER 18, 2010](#)

RECOMMENDED ACTION: That the City Council receive and file.

4. [PLANNING COMMISSION ACTIONS, MEETING OF NOVEMBER 1, 2010](#)

RECOMMENDED ACTION: That the City Council receive and file.

5. [YOUTH BOARD MEETING MINUTES, OCTOBER 7, 2010](#)

RECOMMENDED ACTION: That the City Council receive and file.

6. [TRAFFIC IMPROVEMENT SUBCOMMITTEE MINUTES, MAY 19, 2010](#)

RECOMMENDED ACTION: That the City Council receive and file.

7. [OCEAN WATER QUALITY SUBCOMMITTEE MINUTES, JUNE 22, 2010](#)

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

9. [CITY TREASURER'S REPORT, SEPTEMBER 2010](#)

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of September 2010.

10. **CLAIMS AND DEMANDS**

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

11. **HEALTH PLAN PROVISIONS FOR CALENDAR YEAR 2011**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, MODIFYING HEALTH BENEFIT PLAN ALLOWANCES FOR ALL ELIGIBLE REPRESENTED AND NON-REPRESENTED CLASSIFICATIONS.

12. **MISCELLANEOUS STORM DRAIN REPAIRS IN CAPISTRANO BEACH**

RECOMMENDED ACTION: That the City Council 1) accept that the Miscellaneous Storm Drain Repairs in Capistrano Beach Project (CIP #1188) were completed; 2) transfer project savings from the project as noted in the Fiscal Section.

13. **DISPOSITION OF NON-ESSENTIAL CITY RECORDS**

RECOMMENDED ACTION: That the City Council approve the 2010 disposition of non-essential City records in accordance with California State law and the City's approved Records Retention Schedule and adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE DISPOSITION OF CERTAIN INACTIVE CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

14. **PROPOSED WATER FOUNTAIN/PUBLIC ART AT LA PLAZA PARK**

RECOMMENDED ACTION: That the City Council approve the proposed water fountain/public art project for La Plaza Park in the City's Town Center.

15. **SECOND READING AND ADOPTION BY REFERENCE THE CALIFORNIA CODES OF REGULATIONS TITLE 24, PARTS 1-12, KNOWN AND DESIGNATED AS THE 2010 EDITION OF THE CALIFORNIA BUILDING CODE, 2010 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, 2010 EDITION OF THE CALIFORNIA ELECTRICAL CODE, 2010 EDITION OF THE CALIFORNIA PLUMBING CODE, 2010 EDITION OF THE CALIFORNIA MECHANICAL CODE, 2010 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2010 EDITION OF THE CALIFORNIA REFERENCE STANDARDS CODE, 2010 EDITION OF THE CALIFORNIA ENERGY CODE, 2010 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2010 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2010 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2010 EDITION OF THE CALIFORNIA FIRE CODE, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS**

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTERS 8.02, 8.12, 8.14, 8.16, 8.20, 8.24, 8.26, 8.28, 8.30, 8.32, 8.34, 8.36, 8.38 AND ADDING CHAPTERS 8.03 AND 8.11 OF TITLE 8 OF THE DANA POINT MUNICIPAL CODE ADOPTING BY REFERENCE THE CALIFORNIA CODES OF REGULATIONS TITLE 24, PARTS 1-12, KNOWN AND DESIGNATED AS THE 2010 EDITION OF THE CALIFORNIA BUILDING CODE, 2010 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, 2010 EDITION OF THE CALIFORNIA ELECTRICAL CODE, 2010 EDITION OF THE CALIFORNIA PLUMBING CODE, 2010 EDITION OF THE CALIFORNIA MECHANICAL CODE, 2010 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2010 EDITION OF THE CALIFORNIA REFERENCE STANDARDS CODE, 2010 EDITION OF THE CALIFORNIA ENERGY CODE, 2010 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2010 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2010 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2010 EDITION OF THE CALIFORNIA FIRE CODE, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS.

16. **SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 15.10 OF THE MUNICIPAL CODE (STORM WATER/SURFACE RUNOFF WATER QUALITY ORDINANCE) TO ADDRESS WATER QUALITY REGULATION CHANGES REQUIRED IN THE NEW SAN DIEGO REGIONAL WATER QUALITY BOARD NPDES PERMIT**

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 15.10 OF THE MUNICIPAL CODE (STORM WATER/SURFACE RUNOFF WATER QUALITY ORDINANCE) TO ADDRESS SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD (SDRWQCB) WATER QUALITY REGULATION CHANGES.

17. **INTERVENTION SPECIALIST PROGRAM**

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute a Memorandum of Understanding with the Capistrano Unified School District and approve a contract for consultant services to continue the Intervention Specialist Program at Dana Hills High School.

18. **FISCAL YEAR 2010-11 PROPOSED BUDGET ADJUSTMENTS**

RECOMMENDED ACTION: That the City Council amend the FY2010-11 ("FY11") General Fund operating budget and Headlands CFD Maintenance Fund operating budget by authorizing the appropriation of unencumbered funds and making adjustments to certain other FY11 revenues and expenditures as enumerated in this report.

19. [AMENDMENT TO EXISTING APPROVED COOPERATIVE AGREEMENT WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY IN CONJUNCTION WITH THE RAIL HIGHWAY CROSSING ENHANCEMENT PROGRAM FOR BEACH ROAD](#)

RECOMMENDED ACTION: That the City Council 1) approve the Second Amendment to the Cooperative Agreement with the Orange County Transportation Authority (OCTA) and 2) authorize the City Manager to execute the Amendment and approve any subsequent Amendments.

20. [AWARD OF CONTRACT TO RJ NOBLE COMPANY FOR THE CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT FY 10/11 PHASE II](#)

RECOMMENDED ACTION: That the City Council 1) approve the construction contract documents required for the "Annual Roadway Resurfacing Project FY 10/11 Phase 2", 2) approve award of a contract to RJ Noble Company for construction of the Annual Roadway Resurfacing Project FY 10/11 Phase 2, providing that the City Manager or his designee signs and administers subject contract and may approve additional payment for change orders, contingencies, construction management services, soils and material testing, and construction design support for the Project as noted in the Fiscal Impact section, 3) transfer funding as noted in the Fiscal Impact section.

21. [AGREEMENT FOR RECORDS MANAGEMENT/DOCUMENT IMAGING SYSTEM AND SERVICES](#)

RECOMMENDED ACTION: That the City Council authorize the City Manager to enter into a Professional Services Agreement with Sire Technologies for the purchase, implementation and maintenance service for a new Records Management and Document Imaging System and to authorize the acquisition of accompanying equipment, and contract for necessary information technology consulting services with Sigmanet.

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

22. [GENERAL PLAN AMENDMENT GPA10-0001 TO THE LAND USE AND CONSERVATION/OPEN SPACE ELEMENTS ADDRESSING WATER QUALITY REGULATION CHANGES AS PART OF THE NEW MUNICIPAL SEPARATE STORM SEWER SYSTEMS \(MS4\) PERMIT](#)

RECOMMENDED ACTION: That the City Council conduct a Public Hearing and adopt a Resolution approving General Plan Amendment GPA10-0001 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A GENERAL PLAN AMENDMENT (GPA10-0001) AMENDING THE LAND USE AND CONSERVATION/OPEN SPACE GENERAL PLAN ELEMENTS TO ADDRESS WATER QUALITY REGULATION CHANGES AS PART OF THE NEW MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4) PERMIT.

UNFINISHED BUSINESS

23. [DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT ANNUAL REPORT AND RENEWAL FOR 2011](#)

RECOMMENDED ACTION: That the City Council 1) adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE 2011 ANNUAL REPORT AND DECLARING THE INTENTION OF THE CITY COUNCIL TO CONTINUE THE PROGRAM AND ASSESSMENTS FOR THE 2011 CALENDAR YEAR FOR THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID); and

2) Set the date for Public Hearing for renewal of the Dana Point Tourism Business Improvement District on November 22, 2010.

NEW BUSINESS

There are no New Business items.

PUBLIC COMMENTS (Continued)

STAFF REPORTS

(City Manager Doug Chotkevys)

(City Attorney Patrick Muñoz)

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

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 November 22, 2010, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

CERTIFICATION

I, Kathy M. Ward, 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 Thursday, November 4, 2010, at 5:00 p.m.

KATHY M. WARD, 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. In addition, Agenda related materials (including materials, if any, provided to the City Council after the Agenda was posted) may be reviewed in the office of the City Clerk during regular business hours or on the 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.