
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
OCTOBER 26, 2005**

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Rayfield at 5:00 p.m. in the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point.

ROLL CALL

PRESENT: Wayne Rayfield, Mayor
Lara Anderson, Mayor Pro Tem (*arrived at 5:03 P.M.*)
Russell Chilton, Council Member
Diane L. Harkey, Council Member
James V. Lacy, Council Member

STAFF PRESENT: Douglas Chotkevys, City Manager; Patrick Muñoz, City Attorney; Emergency & Support Services Manager Mike Rose; Sharie Apodaca, Director of Administrative Services; Elizabeth Ehring, City Clerk; Jennifer Gilbert, Management Analyst; Kyle Butterwick, Director of Community Development; Brad Fowler, Director of Public Works/City Engineer; Matt Sinacori, City Engineer; Mark Billings, Chief of Police.

CLOSED SESSION

City Attorney Muñoz indicated there was a need for a Closed Session as follows:

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

Mayor Rayfield recessed the meeting into a Closed Session at 5:03 p.m. pursuant to Government Code Section 54956 et. seq.

RECONVENE CITY COUNCIL MEETING

Mayor Rayfield reconvened the meeting at 6:00 p.m. All Council Members were present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Chilton.

INVOCATION

The Invocation was led by Pastor Ty Guy of South Shores Church.

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CONSENT CALENDAR

IT WAS MOVED BY ANDERSON, SECONDED BY HARKEY, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR.

The motion carried by the following vote:

AYES: Council Members Chilton, Harkey, Lacy,
Mayor Pro Tem Anderson and Mayor Rayfield
NOES: None
ABSENT: None
ABSTAIN: None.

1. WAIVE THE READING OF ORDINANCES AND APPROVE READING BY TITLE ONLY

NO ORDINANCES WERE PLACED ON THE CONSENT CALENDAR THAT REQUIRED READING.

2. REGULAR MEETING MINUTES, OCTOBER 12, 2005

APPROVED THE MINUTES.

3. PLANNING COMMISSION MINUTES, MEETING OF OCTOBER 5, 2005

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF OCTOBER 19, 2005

RECEIVED AND FILED.

5. YOUTH BOARD MINUTES, MEETING OF OCTOBER 6, 2005

RECEIVED AND FILED.

6. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

7. CITY TREASURER'S REPORT, SEPTEMBER 2005

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF SEPTEMBER, 2005.

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8. CLAIMS AND DEMANDS

RECEIVED AND FILED.

ORAL REPORTS

There were no oral reports.

PUBLIC COMMENTS

Mayor Rayfield opened the meeting for public comments.

Elisa Bergstrom, Dana Point, spoke in favor of the completion of what she termed to be Sea Canyon Dog Park.

Terry Burns, Dana Point, spoke in support of the dog play area in Sea Canyon Park. Ms. Burns stated she is enthused that her dogs now have a well-situated place where they can run without fear of her getting a fine.

David Boyd, a local firefighter, sought clarification of Measure D, to which Council Member Lacy responded regarding his concerns.

Colleen Traphagen, Dana Point, distributed copies to Council and staff of a publication issued by the Orange County Bar Association. Mrs. Traphagen referred to Tim Paone's article regarding affordable housing.

Robert Traphagen, Dana Point, stated the need for affordable housing and the City's Housing Element.

Robert Alvarado, Dana Point, stated that his questions were answered by Council Members Lacy and Chilton regarding Measure D.

Paula Becker, Dana Point, announced that the San Clemente Animal Shelter has added evening open hours, Wednesdays 10:00 A.M. to 7:00 P.M. in response to citizens' requests. She stated the shelter will now be closed on Tuesdays, and provided the phone number of 492-1617. She also announced the Pet Project Foundation's 5th Annual "Tail of Two Cities" to be held Saturday, November 5, 2005 in Laguna Niguel, the website: www.petprojectfoundation.org. and phone number, 595-8891.

Bob Becker, Dana Point announced that on the upcoming Saturday, October 29, 2005, the CR&R is putting on a Fall Clean-Up Day at Dana Hills High School and Palisade Elementary School. He clarified acceptable items including couches and washing machines, and those specifically excluded, such as anti-freeze and other chemicals and printer cartridges. Mr. Becker requested that the City look into including pick-up of these items as a pilot program.

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Mike Nunziata, Dana Point, expressed his appreciation to Council of the dog play area, and how it is receiving a good response in the community.

Patrick Evans, Huntington Beach, mentioned his city has a quarter of a mile of dog beach. He spoke regarding affordable housing and referred to Mr. Paone's article.

Judy Rice, Laguna Hills, spoke regarding affordable housing and inquired where the City will get its funding.

Dr. Jim Seitz, Dana Point, stated he is clarifying what he stated at the last meeting, regarding relocating residents of mobile home parks, was in reference to a letter by Makar, and not Council. Dr. Seitz spoke regarding the Dana Point Marina Mobile Home Estates.

Linda Culver, Dana Point, stated she is in favor of transparency in government. Ms. Culver spoke regarding Makar's non-disclosure of developer plans.

Mayor Rayfield declared a recess at 6:45 p.m. and reconvened the meeting at 6:55 p.m. All Council Members were present.

PUBLIC HEARINGS

There were no public hearings.

UNFINISHED BUSINESS

9. AWARD OF CONTRACT TO HORIZONS, CCI FOR ADMINISTRATION AND POLICE SERVICES RENOVATION PROJECT [STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]

City Manager Chotkevys presented the staff report. Police Chief Billings reported.

City Manager Chotkevys commended Emergency & Support Services Manager Rose regarding the Emergency Operations Center.

IT WAS MOVED BY COUNCIL MEMBER CHILTON, SECONDED BY COUNCIL MEMBER HARKEY TO:

- 1) AWARD A CONTRACT TO HORIZONS CCI SERVICES, INC. FOR THE CONSTRUCTION OF THE ADMINISTRATION AND POLICE SERVICES RENOVATION PROJECT AT CITY PLAZA, PROVIDED THAT THE CITY MANAGER OR HIS DESIGNEE MAY APPROVE ADDITIONAL PAYMENT NOT TO EXCEED TEN PERCENT OF THIS AMOUNT FOR CHANGE ORDERS AND CONTINGENCIES: AND

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- 2) AUTHORIZE THE EXPENDITURES FOR VARIOUS CONSTRUCTION SUPPORT AND ADDITIONAL WORK NECESSARY TO COMPLETE THESE PROJECTS BUT NOT ASSOCIATED WITH THIS CONTRACT AS OUTLINED IN THE FISCAL IMPACT SECTION OF THE REPORT.

The motion carried by the following vote:

AYES: Council Members Chilton, Harkey, Lacy,
Mayor Pro Tem Anderson and Mayor Rayfield
NOES: None
ABSENT: None
ABSTAIN: None

10. ADOPTION OF RESOLUTION APPROVING A RESIDENTIAL NEIGHBORHOOD TRAFFIC MANAGEMENT PLAN *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

City Manager Chotkevys presented the staff report. Director of Public Works/City Engineer Fowler presented the PowerPoint report.

IT WAS MOVED BY COUNCIL MEMBER CHILTON, SECONDED BY MAYOR PRO TEM ANDERSON TO ADOPT **RESOLUTION NO. 05-10-26-01**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A RESIDENTIAL NEIGHBORHOOD TRAFFIC MANAGEMENT PLAN.

The motion carried by the following vote:

AYES: Council Members Chilton, Harkey, Lacy,
Mayor Pro Tem Anderson and Mayor Rayfield
NOES: None
ABSENT: None
ABSTAIN: None

Mayor Rayfield declared a recess at 7:10 p.m. and reconvened the meeting at 7:15 p.m. All Council Members were present.

11. CONSTRUCTION SCHEDULE FOR UPDATE PRESENTATION FOR CAPISTRANO BEACH STORM DRAIN PHASE II PROJECT *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

City Manager Chotkevys presented the staff report.

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Director of Public Works/ City Engineer Fowler presented the PowerPoint report.

RECEIVED AND FILED THIS REPORT RELATIVE TO THE CONSTRUCTION SCHEDULE UPDATE REPORT FOR THE MASTER PLAN OF DRAINAGE PROJECT PHASE II (CAPISTRANO BEACH).

12. BALLOT MEASURE REGARDING EMINENT DOMAIN [STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]

Director of Administrative Services Apodaca presented the staff report.

IT WAS MOVED BY COUNCIL MEMBER CHILTON, SECONDED BY COUNCIL MEMBER HARKEY, TO:

- 1) DISCUSS AND CONSIDER SCHEDULING OF A BALLOT MEASURE, WHICH IF PASSED, WOULD READOPT ORDINANCE NO. 05-07 (RELATING TO THE USE OF EMINENT DOMAIN) BY A VOTE OF THE PEOPLE. THE IMPACT WOULD BE THAT ANY FUTURE PROPOSED MODIFICATION OR REPEAL OF THE EXISTING CITY ORDINANCE WOULD ALSO REQUIRE A VOTE OF THE PEOPLE; AND
- 2) DIRECT THE CITY ATTORNEY AND STAFF TO PREPARE THE NECESSARY DOCUMENTS TO CALL AN ELECTION FOR A BALLOT MEASURE ON NOVEMBER 7, 2006 IN ACCORDANCE WITH REQUIRED GUIDELINES.

The motion carried by the following vote:

AYES: Council Members Chilton, Harkey, Lacy,
Mayor Pro Tem Anderson and Mayor Rayfield.
NOES: None
ABSENT: None
ABSTAIN: None

13. COUNCIL POLICY NO. 116 – GRANT FUNDING [STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]

Director of Administrative Services Apodaca presented the staff report.

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IT WAS MOVED BY MAYOR PRO TEM ANDERSON, SECONDED BY COUNCIL MEMBER HARKEY TO APPROVE COUNCIL POLICY NO. 116 AS REVISED TO PROVIDE A UNIFORM APPLICATION PROCESS FOR COMMUNITY BASED NON-PROFIT ORGANIZATION GRANT FUNDING.

The motion carried by the following vote:

AYES: Council Members Chilton, Harkey, Lacy,
Mayor Pro Tem Anderson and Mayor Rayfield.
NOES: None
ABSENT: None
ABSTAIN: None

Mayor Rayfield declared a recess at 7:55 p.m. and reconvened the meeting at 8:03 p.m. All Council Members were present.

14. PROPOSED CAMPAIGN FINANCE AND POLITICAL REFORM ORDINANCES
[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]

City Manager Chotkevys presented the staff report.

Ingrid McGuire, Dana Point, recommended outlawing large plastic political banners.

Council discussed and provided staff with further direction as to how it would like staff to proceed in analyzing and returning with recommendations relating to the proposed Campaign Finance And Political Reform Ordinances that were presented at the October 12, 2005 City Council Meeting, and specifically the Council took the following actions:

- 1) BY UNANIMOUS CONSENT OF ALL COUNCIL MEMBERS PRESENT, NONE ABSENT, DIRECT CITY ATTORNEY TO REVIEW EXISTING SIGN ORDINANCE FOR PROPOSED MODIFICATIONS CONSISTENT WITH THE COUNCIL'S DISCUSSION (WITH SPECIFIC DIRECTION TO CONSIDER "MEGA SIGNS," BANNERS, MOBILE SIGNS, SIZE RESTRICTIONS, TIME LIMITS, AND MEANS BY WHICH TO MAKE THE SIGN ORDINANCE MORE BUSINESS FRIENDLY); AND

- 2) BY UNANIMOUS CONSENT OF ALL COUNCIL MEMBERS PRESENT, NONE ABSENT, DIRECTED CITY ATTORNEY TO REVIEW FEDERAL AND STATE LEVEL PROVISIONS AS MODELS FOR PROPOSED ORDINANCE PLACING A BAN ON COMPENSATED APPEARANCES BEFORE THE CITY ON PROJECTS BY FORMER COUNCIL MEMBERS AND PLANNING COMMISSIONERS; AND

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- 3) IT WAS MOVED BY COUNCIL MEMBER LACY, SECONDED BY MAYOR PRO TEM ANDERSON, TO DIRECT STAFF TO BRING BACK FOR APPROVAL AN ORDINANCE AMENDMENT TO ACCOMPLISH THREE THINGS:

ONE, INCREASE THE FINE TO \$300 PER DAY FOR LATE FILING OF LATE CONTRIBUTION AND EXPENDITURE REPORTS.

The motion carried by the following vote:

AYES: Council Members Chilton, Harkey, Lacy,
Mayor Pro Tem Anderson and Mayor Rayfield
NOES: None
ABSENT: None
ABSTAIN: None

TWO, INCREASE THE FINE TO \$100 PER DAY FOR ANY OTHER LATE FILINGS.

The motion carried by the following vote:

AYES: Council Members Chilton, Lacy,
Mayor Pro Tem Anderson and Mayor Rayfield.
NOES: Council Member Harkey
ABSENT: None
ABSTAIN: None

AND THREE, REQUIRE THE CITY CLERK TO POST ALL LATE FILINGS ON THE CITY'S WEBSITE BY THE DAY AFTER RECEIPT.

The motion carried by the following vote:

AYES: Council Members Chilton, Harkey, Lacy,
Mayor Pro Tem Anderson and Mayor Rayfield
NOES: None
ABSENT: None
ABSTAIN: None

Mayor Pro Tem Anderson announced her abstention from voting on the following proposed amendment, for reasons that she will revisit the existing ordinance.

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- 4) IT WAS MOVED BY COUNCIL MEMBER HARKEY, SECONDED BY COUNCIL MEMBER LACY, TO RETAIN EXISTING ORDINANCE RELATIVE TO CURRENT CAMPAIGN LIMITS.

The motion carried by the following vote:

AYES: Council Members Chilton, Harkey, Lacy,
and Mayor Rayfield
NOES: None
ABSENT: None
ABSTAIN: Mayor Pro Tem Anderson

- 5) IT WAS MOVED BY COUNCIL MEMBER HARKEY, SECONDED BY MAYOR RAYFIELD, TO DIRECT STAFF TO BRING BACK FOR APPROVAL AN ORDINANCE AMENDMENT TO LIMIT REPAYMENTS OF SELF LOANS TO \$50,000.

The motion failed by the following vote:

AYES: Council Member Harkey and Mayor Rayfield.
NOES: Council Members Chilton, Lacy, and Mayor Pro Tem Anderson
ABSENT: None
ABSTAIN: None

- 6) IT WAS MOVED BY COUNCIL MEMBER LACY, SECONDED BY COUNCIL MEMBER CHILTON, TO DIRECT STAFF TO BRING BACK FOR APPROVAL AN ORDINANCE AMENDMENT TO LIMIT REPAYMENTS OF SELF LOANS TO \$37,500.

The motion carried by the following vote:

AYES: Council Members Chilton, Lacy,
Mayor Pro Tem Anderson and Mayor Rayfield
NOES: Council Member Harkey
ABSENT: None
ABSTAIN: None

NEW BUSINESS

There was no New Business.

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STAFF REPORTS

City Manager Chotkevys commended Director of Public Works/City Engineer Fowler for not only his hard work, but for his ability to bring an element of levity to the job. Mr. Chotkevys referred to Mr. Fowler's wearing of a leprechaun costume, in connection with a football game between Notre Dame and the University of Southern California.

COUNCIL REPORTS

Council Member Lacy reminded everyone of the November 8, 2005 Special Election occurring the day prior to the next Regular Meeting of the City Council. Council Member Lacy spoke regarding County-wide measures, including Measure D dealing with funding for fire safety, and provided websites in support: www.firefightersforpublicsafety.com and Council member Lacy's blog at www.workingfordanapoint.com.

Mayor Pro Tem Anderson reported on the Foothill South Toll Road Extension, stating that the distribution of the final EIR (Environmental Impact Report) is anticipated before Thanksgiving. The public hearing and board decision are scheduled for January 2006. The Toll Road Agency can be accessed at www.thetollroads.com. The proposed financial agreement between the Foothill Eastern Toll Road and the San Joaquin Hills Agency Toll Road is also available for public review on this website.

Mayor Pro Tem Anderson announced that October is Domestic Violence Awareness Month. The City's website, www.danapoint.org has a list of local women's shelters.

Mayor Pro Tem Anderson mentioned the recent passing of a great man, Don Porter.

Council Member Harkey stated support of Governor Schwarzenegger's Propositions 74, 75, 76 and 77 and opposition to Measure D.

Council Member Harkey mentioned the Salt Creek Treatment Plant has recently opened and is one of the highlights of Mayor Rayfield's career.

Council Member Harkey announced the Home Tour Thank-You Pizza Party, held last Saturday night at the Community Center, had over 100 people in attendance. Council Member Harkey thanked the Historical Society and the volunteers for all their efforts.

Council Member Harkey informed everyone that she is doing an exploratory campaign for John Campbell's 35th Senate District seat and will keep everyone posted. She stated that it was an honor to have people high up in the Republican Party suggest that she run.

Council Member Harkey suggested review of two items for Council support: 1) the California Border Police Initiative, which is in the signature-collecting stage. Assemblyman Ray Haynes drafted it, and State Senator John Campbell is in support. It is similar to a highway patrol function to deal with the illegal immigration problem; and 2) the State Constitutional Amendment introduced by Senator McClintock regarding eminent

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domain, similar to what is being done in the City. Council Member Harkey requested that these items be placed on the agenda for the next City Council Regular Meeting.

Council Member Chilton emphasized the importance of studying the local ballot measures and propositions in the upcoming elections. Measure D should be looked at closely for its impact on Police, by giving funding to Fire.

Mayor Rayfield reiterated Public Comments that Saturday is Dana Point Clean-Up Day.

Mayor Rayfield announced that the K-8 grade school at St. Edwards Church has been nationally recognized as a Blue Ribbon school. It is one of 50 private schools in the United States. It joins Dana Hills High School which was recognized a few years ago.

Mayor Rayfield announced that there is a call out to apply to be on the Orange County Grand Jury. The recruitment period is October 1, 2005 through January 13, 2006.

Mayor Rayfield thanked the Dana Point residents and business owners for their recycling efforts. Dramatically different this year and key for the state, it has reached over 50%.

Mayor Rayfield also thanked the Dana Point-Capistrano Beach Historical Society for another great home tour. The volunteers put in many hours to make it a such a successful event.

Mayor Rayfield wished everyone a Happy Halloween, and remarked on the possible return of the leprechaun on Saint Patrick's Day.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Rayfield declared the meeting adjourned at 10:21 p.m.

The next Regular Meeting of the City Council will be November 9, 2005 at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

ELIZABETH EHRING
CITY CLERK

APPROVED AT THE MEETING OF NOVEMBER 9, 2005