
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 28, 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 5:03 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
Russell Chilton, Council Member
Diane L. Harkey, Council Member
James V. Lacy, Council Member

STAFF PRESENT: Douglas Chotkevys, City Manager; Patrick Muñoz, City Attorney; Sharie Apodaca, Director of Administrative Services; Elizabeth Ehling, City Clerk; Cathy Catlett, Assistant City Clerk; Kyle Butterwick, Director of Community Development; John Tilton, City Architect/Planning Manager; Brenda Chase-Wisneski, Senior Planner; Brad Fowler, Director of Public Works/City Engineer; Matt Sinacori, City Engineer; Kevin Evans, Recreation Manager; Mark Billings, Chief of Police; Kathy Ward, Executive Secretary

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), (3 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Government Code § 54956.9 (c), (1 case)

Mayor Rayfield recessed the meeting into a Closed Session at 5:04 p.m. pursuant to Government Code Section 54956 et. seq.

RECONVENE CITY COUNCIL MEETING

Mayor Rayfield reconvened the meeting at 6:03 p.m. All Council Members were present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Bob Moore.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 28, 2005**

INVOCATION

The Invocation was led by Bob Moore.

HURRICANE RELIEF FUND ANNOUNCEMENT

Mayor Rayfield reminded everyone of the City of Dana Point's Hurricane Relief Fund established to help victims of the hurricane and encouraged everyone to donate to the fund.

PRESENTATIONS AND PROCLAMATIONS

Presentation Regarding Orange County Transportation Authority (OCTA) Measure "M" Presentation by Supervisor Tom Wilson

Supervisor Tom Wilson gave a Power Point presentation regarding the history of Measure "M," a one-half cent sales tax for transportation put in place in November 1990 for a twenty year period. The Measure could be extended if approved by two-thirds of Orange County voters. Supervisor Wilson requested the City Council's support towards placing this matter on the ballot in order to continue funding for vital transportation project.

Certificate of Recognition – Pet Project Foundation

Mayor Pro Tem Anderson introduced Valerie Treaster, Chairperson, and Sue Walshe, President, of the Pet Project Foundation and presented them with a Certificate of Recognition recognizing their work in finding homes for animals from the Camp Pendleton Animal Shelter, and for the support they provide to the Coastal Animal Services Authority.

INTRODUCTION BY CITY ATTORNEY OF ADDITIONAL URGENCY AGENDA ITEM

City Attorney Muñoz stated that since the posting of the Agenda, Town Center meetings have occurred during which concerns were expressed that eminent domain might be used in an abusive manner. Recommendation is to add an item and take action tonight due to the critical stage we are at in the Town Center process.

IT WAS MOVED BY COUNCIL MEMBER LACY, SECONDED BY MAYOR PRO TEM ANDERSON, TO ADD CONSIDERATION OF AN ORDINANCE TO THE AGENDA DUE TO THE REASONS EXPRESSED BY THE CITY ATTORNEY. DISCUSSION TO BE HELD UNDER "NEW BUSINESS."

The motion carried by the following vote:

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

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 28, 2005**

CONSENT CALENDAR

IT WAS MOVED BY MAYOR PRO TEM ANDERSON, SECONDED BY COUNCIL MEMBER CHILTON, 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

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

APPROVED 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, SEPTEMBER 14, 2005

RECEIVED AND FILED.

3. PLANNING COMMISSION MEETING MINUTES, MEETING OF SEPTEMBER 7, 2005

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF SEPTEMBER 21, 2005

RECEIVED AND FILED.

5. YOUTH BOARD MEETING MINUTES, MEETING OF SEPTEMBER 1, 2005

RECEIVED AND FILED.

6. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

7. CITY TREASURER'S REPORT, AUGUST 2005

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

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 28, 2005**

8. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

9. ADOPTION OF RESOLUTION REVISING THE RECORDS RETENTION SCHEDULE FOR CERTAIN CITY DEPARTMENTS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

ADOPTED **RESOLUTION NO. 05-09-28-01**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA APPROVING REVISED RECORDS RETENTION SCHEDULES FOR CERTAIN CITY DEPARTMENTS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

10. RE-APPROPRIATION OF CITIZENS OPTION FOR PUBLIC SAFETY (COPS) PROGRAM FUNDS FROM FY 2004/2005 – (AB 1913) *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

1) ADJUSTED THE FY 2005/2006 BUDGET WITH THE RE-APPROPRIATION OF FUNDS FROM THE UNENCUMBERED CITIZENS OPTION FOR PUBLIC SAFETY (COPS) PROGRAM UNSPENT MONIES REMAINING FROM THE FY 2004/2005 BUDGET, TO THE SUPPLEMENTAL LAW ENFORCEMENT SERVICE FUND (SLESF) ACCOUNT; AND 2) APPROPRIATED FUNDS FROM THE FY 2005/06 SLESF TO IMPLEMENT THE FOLLOWING PROGRAMS: THE SCHOOL RESOURCE OFFICER POSITION FOR THIS SCHOOL YEAR; AND PROJECT STOP (STOP THRASHING OUR PARKS).

11. HISTORIC PRESERVATION AGREEMENT (MILLS ACT) FOR THE PROPERTY LOCATED AT 33901 EL ENCANTO *[STRATEGIC PLAN: EVALUATE LAND USE ISSUES TO ENSURE THAT THE GOALS OF THE GENERAL PLAN REFLECT THE COMMUNITY'S VISION AND MISSION]*

AUTHORIZED THE MAYOR TO SIGN A HISTORIC PROPERTY PRESERVATION AGREEMENT WHICH WOULD ALLOW THE PROPERTY OWNER, CATHERINE WILKINSON, OF THE HISTORIC STRUCTURE LOCATED AT 33901 EL ENCANTO, TO PARTICIPATE IN THE STATE'S MILLS ACT PROGRAM.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 28, 2005**

- 12. AWARD OF CONTRACT TO PRINT THE CITY OF DANA POINT QUARTERLY RECREATION BROCHURE/CITY GUIDE** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

APPROVED 1) TWO (2) YEAR CONTRACT WITH B & Z PRINTING, INC. TO PRINT THE CITY OF DANA POINT QUARTERLY RECREATION BROCHURE/CITY GUIDE; AND 2) OPTION ONE-YEAR EXTENSION BASED ON MUTUAL AGREEMENT BY BOTH PARTIES.

- 13. FIRST READING AND INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING SECTION 14.01.540 OF THE DANA POINT MUNICIPAL CODE, PAVING SPECIFICATIONS FOR ROADWAY RESURFACING** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

INTRODUCED AN ORDINANCE ENTITLED: *AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING SECTION 14.01.540 OF THE DANA POINT MUNICIPAL CODE, PAVING SPECIFICATIONS FOR ROADWAY RESURFACING.*

- 14. HEALTH BENEFIT ALLOWANCE MODIFICATIONS FOR REPRESENTED AND NON-REPRESENTED CLASSIFICATIONS** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

ADOPTED **RESOLUTION NO. 05-09-28-02**, *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.*

ORAL REPORTS

There were no Oral Reports.

PUBLIC COMMENTS

Mayor Rayfield opened the meeting for public comments.

Gene Burrus, Dana Point, spoke regarding the upcoming flu shot clinic and pancake breakfast at the Dana Point Senior Center on October 22, 2005. Mr. Burrus distributed copies of the Dana Point Senior Center Calendar of Events for October 2005.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 28, 2005**

Bill Walter, Dana Point, submitted a folder containing photocopies of his previous requests for public records.

Layton Rawlins, Dana Point, suggested possible Town Center plan concepts and spoke of plans for Dana Point to become a port of call for cruise ships.

Pepi Weitzman, Mission Viejo, spoke regarding the Dana Point Marina Mobile Home Estates.

Dr. Jim Seitz, Dana Point, spoke regarding the Dana Point Marina Mobile Home Estates.

PUBLIC HEARINGS

- 15. REVIEW AND APPROVE THE PROPOSED PARKS, RECREATION, AND OPEN SPACE MASTER PLAN, APPENDIX, AND AMENDMENTS** [*STRATEGIC PLAN: PROVIDE, ACQUIRE AND RETAIN OPEN SPACE, PARKS, RECREATIONAL FACILITIES, GREENBELTS AND TRAILS, AND COMMUNITY SERVING PROPERTY*]

City Manager Chotkevys presented a brief summary of the proposed Park, Recreation and Open Space Master Plan. Kevin Evans, Recreation Manager, provided a staff report and introduced Bob Mueting of RJM Design Group, Inc., who gave a Power Point presentation of the proposed plan.

Mayor Rayfield opened the Public Hearing.

Richard Dietmeier, Dana Point, spoke in support of the proposed plan.

Liz Fitzgerald, Dana Point, spoke regarding the need for hiking and biking trails.

Hearing no further requests to speak, Mayor Rayfield closed the Public Hearing.

Mayor Rayfield declared a recess at 7:32 p.m. and reconvened the meeting at 7:44 p.m. All Council Members were present.

Council Member Harkey stated that before staff take any action on Parkland in Capistrano Beach, a task force of citizens similar to the Library and Sea Park Terrace Subcommittee be consulted.

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

- 1) REVIEW AND APPROVE THE PROPOSED PARK, RECREATION, AND OPEN SPACE MASTER PLAN; APPENDIX, AMENDMENTS, AND MODIFICATIONS AS APPROVED AT A DULY NOTICED PUBLIC HEARING OF THE PLANNING COMMISSION;

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 28, 2005**

- 2) ADOPT **RESOLUTION NO. 05-09-28-03**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING THE PROPOSED PARKS, RECREATION, AND OPEN SPACE MASTER PLAN, APPENDIX, AND AMENDMENTS; AND
- 3) APPROVE THE RECOMMENDATION OF THE SEA TERRACE PARK & LIBRARY SUBCOMMITTEE AS NOTED IN 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

UNFINISHED BUSINESS

16. ESTABLISH ECONOMIC DEVELOPMENT PROGRAM [STRATEGIC PLAN: FOSTER A VIBRANT BUSINESS CLIMATE]

City Manager Chotkevys presented the staff report.

Kirk Lapple, Dana Point, representing the Dana Point Chamber of Commerce, spoke in opposition to hiring an “interim” manager, in support of including the Chamber of Commerce when partnering with the Harbor, and in support of the formation of a marketing council.

Jim Miller, Dana Point, spoke in support of the recommended action but wasn’t in favor of an “interim” manager.

Tom Volkmann, San Juan Capistrano, spoke regarding the need for an ombudsman for existing Town Center businesses requiring assistance at this time and in support of reestablishing the Economic Development Commission.

IT WAS MOVED BY COUNCIL MEMBER LACY, SECONDED BY COUNCIL MEMBER HARKEY, TO, RATHER THAN ORGANIZING A DANA POINT MARKETING COUNCIL AT THIS TIME, DIRECT STAFF TO:

- 1) HIRE AN INTERIM ECONOMIC DEVELOPMENT MANAGER AND THEN DEVELOP A FORMAL ECONOMIC DEVELOPMENT PROGRAM (EDP) AND RETURN WITH THE APPROPRIATE STAFFING PROFILE AND HIRING RECOMMENDATION TO SUPPORT THE LONG-TERM DEVELOPMENT OF THE PROGRAM. THE EDP WOULD INVOLVE THE FORMULATION OF A FORMAL ECONOMIC DEVELOPMENT

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 28, 2005**

STRATEGY TO MARKET THE CITY AS WELL AS TO ASSIST WITH BUSINESS DEVELOPMENT IN DANA POINT; AND

- 2) WHILE THE INTERIM ECONOMIC DEVELOPMENT MANAGER AND STAFF ARE DEVELOPING AN EDP FOR THE CITY, STAFF SHOULD BE EXPLORING OPPORTUNITIES TO PARTNER WITH THE HARBOR ASSOCIATION, DANA POINT CHAMBER OF COMMERCE, AND OTHER SIMILAR ORGANIZATIONS TO MARKET DANA POINT AS AN UPSCALE VISITOR DESTINATION THAT CAN BE IMPLEMENTED IMMEDIATELY;
- 3) IN ADDITION, DIRECTED STAFF TO PURSUE, AS A PART OF THE EDP, A MORE REGIONAL APPROACH WITH THE TRI-CITY AREA CITIES TOWARDS MARKETING SOUTH COUNTY AS A VISITOR DESTINATION; AND
- 4) AUTHORIZED AN EXPENDITURE OF \$50,000 FROM THE RESERVE FOR SERVICE ENHANCEMENTS.

The motion carried by the following vote:

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

Mayor Rayfield declared a recess at 8:53 p.m. and reconvened the meeting at 9:06 p.m. All Council Members were present.

NEW BUSINESS

17. INTRODUCTION OF ORDINANCE LIMITING THE USE OF THE CITY'S POWER OF EMINENT DOMAIN

This item was added to the agenda by a vote of the City Council earlier in the meeting.

Council Member Lacy presented the staff report.

Richard Dietmeier, Dana Point, spoke in support of the introduction of this ordinance.

IT WAS MOVED BY COUNCIL MEMBER LACY, SECONDED BY COUNCIL MEMBER CHILTON, TO INTRODUCE AN ORDINANCE ENTITLED: *AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, LIMITING THE USE OF THE CITY'S POWER OF EMINENT DOMAIN WITH ORDINANCE TEXT CORRECTED TO READ "CHAPTER 4.30."*

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 28, 2005**

STAFF DIRECTED TO AGENDIZE ON THE NEXT CITY COUNCIL MEETING CONSIDERATION OF THIS ISSUE AS A BALLOT MEASURE.

The motion carried by the following vote:

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

STAFF REPORTS

There were no Staff Reports.

COUNCIL REPORTS

Council Member Chilton noted Capistrano Beach resident and artist Bill Agee's work will be displayed at the Space on Spurgeon Gallery in Santa Ana and encouraged everyone to visit the gallery to see Mr. Agee's work. Mr. Chilton also encouraged viewing the downtown area transformation in Santa Ana as we consider our Town Center project.

Council Member Chilton spoke of First Friday to be held on October 7th at the Dana Point Art Plaza Studio. This is a fun, well attended event and everyone is encouraged to attend.

Council Member Harkey reminded everyone of the Home Tour on October 2nd, featuring Ritz Cove and the Dolph House.

Council Member Harkey reported on the informative Bluff Top meeting held on Monday, September 26th where increased code enforcement was discussed. Ms. Harkey also noted availability of the Bluff Top Education brochure produced by the City.

Council Member Harkey reported the Residential Building Height Task Force which was concluding their business and recommendations should be forthcoming soon.

Council Member Harkey reported on the meeting of the Investment Review Committee and noted she was pleased with the work of the committee.

Council Member Harkey noted the Environment Impact Report (EIR) of the Harbor was available for review on the Harbor's website and at City Hall.

Council Member Harkey spoke in support of agendizing discussion of placement of the finalized Town Center plan on the ballot.

Council Member Harkey reported she, other Council Members and staff would be in San Francisco next week attending the League of California Cities Conference.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 28, 2005**

Council Member Lacy reported the Library and Sea Terrace Park Subcommittee had met on September 26th where Sea Terrace Park and the renovation and building of a new library were discussed. A Task Force had been established to focus on the idea of establishing a mechanism for the private sector to make contributions to a foundation that would help with renovation of our library.

Council Member Lacy reported he was the designated voting delegate for the City of Dana Point at the League of California Cities Conference next week. Mr. Lacy has been contacted by the Governor's campaign office regarding endorsement of Proposition 76 by the League of California Cities. Mr. Lacy was in favor of consideration of a debate on this issue.

Council Member Lacy made comments regarding the recent USC/Trojan football game.

Mayor Pro Tem Anderson thanked the Mayor for allowing her to make the presentation to the Pet Project Foundation at tonight's meeting.

Mayor Pro Tem Anderson noted the Home Tour this coming Sunday, where she would be working in registration.

Mayor Pro Tem Anderson reported on the City Council's attendance next week at the League of California Cities Conference.

Mayor Rayfield reported on Town Center activities, including two meetings specifically for business owners where concerns regarding the changing of traffic patterns was discussed. The Dana Point Town Center Subcommittee had also met and discussed building heights and development standards.

Mayor Rayfield stated he had attended the Friday night Dana Hills High School football game to celebrate their new sports field.

Mayor Rayfield noted the new basketball court floor at the Recreation Center.

Mayor Rayfield stated the Harbor EIR was available for public review. On October 18th, a public hearing and outreach meeting on the Harbor will be held at the Youth and Group Facility.

Mayor Rayfield noted that the County Planning Commission will meet here at City Hall in January 2006 for their hearing on the Harbor EIR.

Mayor Rayfield reminded everyone that flu shots will be available at the Community Center on October 22nd.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 28, 2005**

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Rayfield declared the meeting adjourned at 9:57 p.m.

The next Regular Meeting of the City Council will be October 12, 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 OCTOBER 12, 2005