
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JULY 13, 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
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; Jennifer Gilbert, Management Analyst; Kyle Butterwick, Director of Community Development; John Tilton, City Architect/Planning Manager; Brad Fowler, Director of Public Works/City Engineer; Matt Sinacori, Deputy City Engineer; Cindy Asher, Administrative Manager; Mark Long, Administrative Sergeant; Shanna Wolf, Management Analyst.

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), (2 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Government Code § 54956.9 (c), (1 case)
- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (3 cases)
 - 1. Name of Case: James Seitz v. the City of Dana Point & Does 1-10, Superior Court of the State of California, County of Orange - Central District, Case No. 04CC00691
 - 2. Name of Case: Diedrich Coffee, Inc. v. City of Dana Point, et al, Orange County Superior Court Case No. 05CC03529

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

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 6:12 p.m. All Council Members were present, with the exception of Council Member Chilton who arrived at 6:14 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by members of the Dana Point Yacht Club's Junior Sailing Program.

INVOCATION

The Invocation was led by Pastor David Matson of Gloria Dei Lutheran Church.

PRESENTATIONS AND PROCLAMATIONS

Business of the Month

Management Analyst Shanna Wolf gave a power point presentation of Hobie Sports. Mayor Rayfield introduced General Manager/Partner Jake Schwaner and his family, and presented him with a Certificate of Recognition.

Certificate of Recognition – Pam Alexander, 2005 Blue Ribbon Award Recipient

Mayor Rayfield introduced Dana Point resident Pam Alexander and presented her with a Certificate of Recognition recognizing her for her dedication to the health and welfare of children and in honor of her receiving the Raise Foundation 2005 Blue Ribbon Award.

Certificate of Recognition – Cyndi Elders, Outgoing Monarch Beach Sunrise Rotary President

Mayor Rayfield introduced Cyndi Elders, outgoing President of the Monarch Beach Rotary, and presented her with a Certificate of Recognition recognizing her for dedicated service.

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CONSENT CALENDAR

A member of the public removed Item 11 from the Consent Calendar.

IT WAS MOVED BY MAYOR PRO TEM ANDERSON, SECONDED BY COUNCIL MEMBER HARKEY, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 11.

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, JUNE 8, 2005

RECEIVED AND FILED.

3. SPECIAL MEETING MINUTES, JUNE 15, 2005

RECEIVED AND FILED.

4. REGULAR MEETING MINUTES, JUNE 22, 2005

RECEIVED AND FILED.

5. PLANNING COMMISSION MEETING MINUTES, MEETING OF JUNE 15, 2005

RECEIVED AND FILED.

6. PLANNING COMMISSION ACTIONS, MEETING OF JULY 6, 2005

RECEIVED AND FILED.

7. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

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8. CITY TREASURER'S REPORT, MAY 2005

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

9. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

10. ADOPTION OF CLASS SPECIFICATIONS FOR EXISTING BUDGETED POSITIONS *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

ADOPTED **RESOLUTION NO. 05-07-13-01**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING THE NEW AND AMENDED CLASS SPECIFICATIONS FOR BUILDING OFFICIAL, ASSOCIATE ENGINEER, PARKS MAINTENANCE WORKER III, AND ENGINEERING TECHNICIAN, AND SENIOR CIVIL ENGINEER.

11. AWARD OF CONTRACT FOR STREET SWEEPING SERVICES *[STRATEGIC PLAN: RESTORE AND MAINTAIN THE INTEGRITY OF OUR OCEAN WATERS AND BEACHES]*

This item was removed from the Consent Calendar by a member of the public.

City Manager Chothevys introduced Director of Public Works and Engineering Services Fowler, who presented the staff report.

Steve Dickson, Laguna Niguel, representing R.F. Dickson Company Inc., spoke regarding his prior service as Dana Point's street sweeping contractor.

Jerry Costello, CEO of CleanStreet, the City's current provider of street sweeping services, provided an overview of his company and the services they provide.

It was moved by Council Member Harkey, seconded by Mayor Rayfield, to (1) award a contract for weekly street sweeping services to CleanStreet, for FY 2005/06 and FY 2006/07 with bi-annual renewal options and (2) authorize the City Manager to execute the agreement and the future extensions as appropriate.

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

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IT WAS MOVED BY COUNCIL MEMBER LACY, SECONDED BY COUNCIL MEMBER CHILTON (as amended), TO AWARD A CONTRACT FOR WEEKLY STREET SWEEPING SERVICES TO R.F. DICKSON, FOR FY2005/06 AND FY 2006/07, SUBJECT TO FINAL APPROVAL BY THE CITY MANAGER AND THE CITY ATTORNEY, ALLOWING FOR RECOMMENDATIONS AND MODIFICATIONS AS NECESSARY, WITH INCLUSION OF A CANCELLATION PROVISION FOR ANY SERVICE PROBLEMS AND A ONE YEAR REVIEW OF PERFORMANCE; AND (2) AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT.

The motion carried by the following vote:

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

12. AUTHORIZE DESIGN SERVICES FOR THE ANNUAL ROADWAY RESURFACING PROJECTS FY 05/06 AND FY 06/07 [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

(1) AUTHORIZED AN EXPENDITURE OF FUNDS FOR DESIGN SERVICES FOR THE FY 05/06 AND FY 06/07 ANNUAL RESIDENTIAL ROADWAY RESURFACING PROJECTS, PROVIDED THAT THE CITY MANAGER OR HIS DESIGNEE MAY APPROVE ADDITIONAL PAYMENT NOT TO EXCEED TEN PERCENT OF THE EXPENDITURE AMOUNT FOR CHANGES IN SCOPE OF WORK AND CONTINGENCIES; AND (2) AUTHORIZED ADVERTISEMENT FOR CONSTRUCTION BIDS ONCE THE DESIGN IS COMPLETE.

13. SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING BY REFERENCE THE 2004 CALIFORNIA ELECTRICAL CODE [STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]

ADOPTED **ORDINANCE NO. 05-04**, AN ORDINANCE BY THE CITY OF DANA POINT ADOPTING BY REFERENCE THE 2004 CALIFORNIA ELECTRICAL CODE.

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- 14. COASTAL ANIMAL SERVICES AUTHORITY COMMITTEE APPOINTMENTS**
[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]

APPROVED APPOINTMENTS TO THE COASTAL ANIMAL SERVICES AUTHORITY (CASA) ANIMAL SHELTER PROJECT COMMITTEE AS RECOMMENDED.

- 15. APPROVAL OF CONSULTANT SERVICES AGREEMENT WITH PSOMAS FOR DESIGN SERVICES FOR THE ARTERIAL HIGHWAY REHABILITATION PROJECT, FY 2004/2005**
[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

(1) APPROVED A CONSULTANT SERVICES AGREEMENT WITH PSOMAS TO PROVIDE PROFESSIONAL DESIGN SERVICES FOR THE ARTERIAL ROADWAY RESURFACING PROJECT FOR FY 2005/2006, PROVIDED THAT THE CITY MANAGER OR HIS DESIGNEE MAY APPROVE ADDITIONAL PAYMENT NOT TO EXCEED TEN PERCENT OF THE AGREEMENT AMOUNT FOR ADDITIONAL DESIGN SERVICES IF NEEDED; AND (2) AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT.

- 16. ADOPTION OF A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF DANA POINT AND THE SOUTH COAST WATER DISTRICT FOR THE OPERATION AND MAINTENANCE OF THE SALT CREEK OZONE TREATMENT FACILITY SERVICES**
[STRATEGIC PLAN: RESTORE AND MAINTAIN THE INTEGRITY OF OUR OCEAN WATERS AND BEACHES]

(1) ADOPTED **RESOLUTION NO. 05-07-13-02**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING AN AGREEMENT BETWEEN THE CITY OF DANA POINT AND THE SOUTH COAST WATER DISTRICT FOR THE OPERATION AND MAINTENANCE OF THE SALT CREEK OZONE TREATMENT FACILITY;

(2) AUTHORIZED THE CITY MANAGER TO SIGN THE AGREEMENT ON THE CITY COUNCIL'S BEHALF ONCE THE AGREEMENT IS APPROVED AND THE RESOLUTION IS SIGNED; (3) AUTHORIZED THE CITY MANAGER TO PAY SOUTH COAST WATER DISTRICT (SCWD) FOR THE OPERATION AND MAINTENANCE OF THE FACILITY PURSUANT TO THE RECOMMENDED AGREEMENT, PROVIDED THAT THE COST OF SAID SERVICES CAN BE INCREASED UP TO 25% FOR ACTUAL COSTS AND CONTINGENCIES; AND (4) AUTHORIZED AN ADDITIONAL EXPENDITURE FOR CONSTRUCTION SUPPORT SERVICES FOR CONSTRUCTION PROJECT COMPLETION FROM BUDGETED FUNDS.

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17. **ADOPTION OF RESOLUTION APPROVING FINAL TRACT MAP NO. 16620, THE REQUIRED LANDSCAPING, IRRIGATION AND MAINTENANCE AGREEMENT AND THE ACCOMPANYING SUBDIVISION IMPROVEMENT AGREEMENT** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

ADOPTED **RESOLUTION NO. 05-07-13-03**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING FINAL TRACT MAP NO. 16620, THE REQUIRED LANDSCAPE, IRRIGATION, AND MAINTENANCE AGREEMENT, AND THE ACCOMPANYING SUBDIVISION IMPROVEMENT AGREEMENT.

18. **ADOPTION OF RESOLUTION DESIGNATING THE INTERSECTION LOCATED ON AVENIDA LAS PALMAS AT CALLE REAL AS AN ALL-WAY STOP CONTROL INTERSECTION AND AUTHORIZING THE INSTALLATION OF STOP SIGNS** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

ADOPTED **RESOLUTION NO. 05-07-13-04**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DESIGNATING THE INTERSECTION ON AVENIDA LAS PALMAS AT CALLE REAL AS AN ALL-WAY STOP CONTROL INTERSECTION AND AUTHORIZING THE INSTALLATION OF STOP SIGNS.

19. **ADOPTION OF RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE COMMUNITY CENTER ACCESS PROJECT AS PART OF THE GENERAL PARK REHABILITATION PROGRAM** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

(1) ADOPTED **RESOLUTION NO. 05-07-13-05**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE COMMUNITY CENTER ACCESS PROJECT AS PART OF THE GENERAL PARK REHABILITATION PROGRAM;

AND (2) DIRECTED STAFF TO TRANSFER ALL PROJECT SAVINGS TO THE CAPITAL IMPROVEMENT PROGRAM RESERVE FUND.

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- 20. AWARD OF CONTRACT FOR THE CONSTRUCTION OF THE TRAFFIC SIGNAL IMPROVEMENTS AT VARIOUS INTERSECTIONS PROJECT, AS PART OF THE ANNUAL TRAFFIC SAFETY IMPROVEMENT PROGRAM**
[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

(1) AWARDED A CONTRACT FOR THE CONSTRUCTION OF THE TRAFFIC SIGNAL IMPROVEMENTS AT VARIOUS INTERSECTIONS PROJECT AS PART OF THE ANNUAL TRAFFIC SAFETY PROGRAM (CIP # 1183), PROVIDED THAT THE CITY MANAGER OR HIS DESIGNEE MAY APPROVE ADDITIONAL PAYMENT NOT TO EXCEED FIFTEEN PERCENT OF THE CONTRACT AMOUNT FOR CHANGE ORDERS AND CONTINGENCIES; (2) AUTHORIZED THE EXPENDITURES FOR VARIOUS CONSTRUCTION SUPPORT, ADMINISTRATION AND MANAGEMENT EXPENDITURES AS OUTLINED IN THE FISCAL IMPACT SECTION OF THE REPORT; AND (3) DIRECTED STAFF TO SECURE PAYMENT FROM THE ORANGE COUNTY TRANSPORTATION AUTHORITY UNDER THE GROWTH MANAGEMENT AREA FUNDING PROGRAM, AS THIS PROJECT IS BEING PARTIALLY FUNDED USING OCTA GRANT FUNDS.

- 21. AWARD OF CONTRACT TO W.A. RASIC CONSTRUCTION COMPANY, INCORPORATED FOR THE CONSTRUCTION OF THE MASTER PLAN OF DRAINAGE PRIORITY ONE PROJECT PHASE II (CAPISTRANO BEACH)**
[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

(1) AWARDED A CONTRACT TO W.A. RASIC CONSTRUCTION COMPANY, INCORPORATED FOR THE CONSTRUCTION OF THE MASTER PLAN OF DRAINAGE PRIORITY ONE PROJECT PHASE II, CAPITAL IMPROVEMENT PROJECT #1139, PROVIDED THAT THE CITY MANAGER OR HIS DESIGNEE MAY APPROVE ADDITIONAL PAYMENT NOT TO EXCEED SIX PERCENT OF THE CONTRACT AMOUNT FOR CHANGE ORDERS AND CONTINGENCIES; AND (2) AUTHORIZED THE EXPENDITURES FOR VARIOUS CONSTRUCTION SUPPORT, ADMINISTRATION AND MANAGEMENT EXPENDITURES AS OUTLINED IN THE FISCAL IMPACT SECTION OF THE REPORT.

ORAL REPORTS

There were no Oral Reports.

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PUBLIC COMMENTS

Mayor Rayfield opened the meeting for public comments.

Robert Traphagen, Dana Point, spoke regarding the Dana Point Marina Mobile Home Estates, the Housing Element and the General Plan.

John Chaffetz, Dana Point, spoke regarding problems on Golden Lantern.

Jim Slark, Dana Point, spoke regarding televising of Planning Commission meetings.

Linda Culver, Dana Point, spoke regarding the Dana Point Marina Mobile Home Estates.

Bob Moore, Dana Point, commended recent Planning Commission actions.

Dr. Jim Seitz, Dana Point, spoke regarding the Dana Point Marina Mobile Home Estates and the possibility of future litigation.

Mary Jeffries, Dana Point, spoke regarding the City's timeshare ordinance.

PUBLIC HEARINGS

- 22. ANNEXATION TO THE ACAPULCO PREFERENTIAL PARKING DISTRICT OF INTERA WAY, DE LEON DRIVE, CORTES DRIVE AND GALLEON 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]

City Manager Chotkevys presented the staff report.

Mayor Rayfield opened the Public Hearing.

Mostyn Faulkner, Dana Point, spoke in support of the annexation.

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

IT WAS MOVED BY MAYOR PRO TEM ANDERSON, SECONDED BY COUNCIL MEMBER CHILTON, TO ADOPT **RESOLUTION NO. 05-07-13-06**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING RESOLUTION NO. 04-07-28-03 TO ANNEX THE FOLLOWING STREETS AS PART OF THE ACAPULCO PREFERENTIAL PARKING DISTRICT:

- (A) INTERA WAY FROM STONEHILL DRIVE TO CORTES DRIVE
- (B) DE LEON DRIVE FROM INTERA TO CUL-DE-SAC

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- (C) *CORTES DRIVE FROM CUL-DE-SAC TO GALLEON DRIVE*
- (D) *GALLEON DRIVE FROM CORTES DRIVE TO CUL-DE-SAC.*

The motion carried by the following vote:

AYES: Council Members Chilton, Harkey, Lacy,
Mayor Pro Tem Anderson and Mayor Rayfield.
NOES: None
ABSENT: No

Mayor Rayfield declared a recess at 7:38 p.m. and reconvened the meeting at 7:51 p.m. All Council Members were present.

23. PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION DECLARING THE PUBLIC INTEREST AND NECESSITY OF A PORTION OF THE PROPERTY LOCATED AT 34862 PACIFIC COAST HIGHWAY, DANA POINT [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]

City Manager Chotkevys introduced City Attorney Muñoz, who presented the staff report.

Mayor Rayfield opened the Public Hearing.

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

IT WAS MOVED BY COUNCIL MEMBER CHILTON, SECONDED BY MAYOR RAYFIELD, TO ADOPT **RESOLUTION NO. 05-07-13-07**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT DIRECTING AND AUTHORIZING THE CONDEMNATION OF A STORM DRAIN EASEMENT OVER A PORTION OF THE PROPERTY LOCATED AT 34862 PACIFIC COAST HIGHWAY IN THE CITY OF DANA POINT, STATE OF CALIFORNIA AND DECLARING THE PUBLIC NECESSITY THEREFORE (PARCEL NOS. 691-411-44 THROUGH 691-411-54).

The motion carried by the following vote:

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

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UNFINISHED BUSINESS

- 24. 2005 WEED ABATEMENT PROGRAM** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

City Manager Chotkevys presented the staff report.

IT WAS MOVED BY MAYOR PRO TEM ANDERSON, SECONDED BY COUNCIL MEMBER HARKEY, TO ADOPT **RESOLUTION NO. 05-07-13-08**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE COST OF ABATEMENT AND PROVIDING FOR THE COLLECTION ON THE REGULAR TAX BILL.

The motion carried by the following vote:

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

NEW BUSINESS

- 25. ADOPTION OF RESOLUTION ADJUSTING ADMINISTRATIVE REVIEW FEES FOR WATER QUALITY, TRAFFIC IMPACT EVALUATION AND GRADING** *[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.

IT WAS MOVED BY COUNCIL MEMBER HARKEY, SECONDED BY COUNCIL MEMBER CHILTON, TO ADOPT **RESOLUTION NO. 05-07-13-09**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ADJUSTMENT TO ADMINISTRATIVE DEVELOPMENT REVIEW FEES FOR WATER QUALITY, TRAFFIC AND GRADING.

The motion carried by the following vote:

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

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- 26. REVIEW OF TRAFFIC CONDITIONS FOR STREET OF THE BLUE LANTERN FROM SELVA ROAD TO STONEHILL DRIVE** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

City Manager Chotkevys presented the staff report.

Jim Slark, Dana Point, spoke regarding accidents on Blue Lantern.

RECEIVED AND FILED SUBJECT REPORT.

- 27. FORMATION OF SPECIAL EVENT TASK FORCE** *[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.

IT WAS MOVED BY MAYOR PRO TEM ANDERSON, SECONDED BY COUNCIL MEMBER CHILTON, TO ADOPT **RESOLUTION NO. 05-07-13-10, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING A DANA POINT SPECIAL EVENT TASK FORCE;**

AND DIRECT TASK FORCE TO DEVELOP RECOMMENDATION REGARDING REQUEST BY THE FESTIVAL OF WHALES EXECUTIVE BOARD REGARDING THE FESTIVAL OF WHALES.

Amendment to the motion by Council Member Lacy to appoint Council Member Harkey as a member of the Task Force and Mayor Pro Tem Anderson as Chair was withdrawn after Council discussion.

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

City Manager Chotkevys reported on the recent community meeting held at the Marriott Resort, a joint meeting of the City Council and the Planning Commission to discuss the Town Center Specific Plan. The meeting was held at the Marriott to accommodate the 300 – 400 people in attendance, a number which greatly exceeds the occupancy limit of the Council Chamber. Copies of the taped meeting are available at City Hall.

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City Manager Chotkevys noted that improvements to the City's Council Chamber and video/audio equipment, utilizing monies granted to the City through the renewal of the cable television franchise, are currently being formulated by staff and the Council appointed subcommittee.

City Manager Chotkevys spoke of the desire of the Council to conduct a transparent City government and ensure that everyone is able to provide input in a constructive as well as comfortable way.

City Attorney Muñoz reported on an action taken by the City Council during the earlier Closed Session authorizing the dismissal of the case known as Headlands Reserve LLC and MH Sherman Co. v. the City of Dana Point, et al, Orange County Superior Court Case No. 798758, Court of Appeals Case No. G024366. This was the long-standing lawsuit between the Headlands developer and the City of Dana Point which was resolved through the extensive planning process with the Coastal Commission for the now approved project.

COUNCIL REPORTS

Council Member Lacy made no report.

Council Member Chilton reported on a successful 4th of July celebration in the City and thanked staff for a job well done.

Council Member Chilton noted a new business in town, Purple Feet, a wine tasting bar. Council Member Chilton welcomed them to our community and encouraged everyone to patronize them and other local businesses.

Council Member Harkey reported on the MTV filming of a music video by Tommy Lee in Dana Point.

Council Member Harkey reported on her attendance at the 4th of July parade in the Palo Alto neighborhood.

Council Member Harkey reported the Chopper Drop, a fundraiser for the Ocean Institute, will be held on Sunday, August 7th at the Marriott Resort.

Council Member Harkey commended staff for working with residents of Niguel Shores regarding the removal of eucalyptus trees along Niguel Road's medians.

Council Member Harkey distributed economic data from the June 18th Economist to Council Members regarding soaring housing prices' affect on the world economy.

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Mayor Pro Tem Anderson reported she, Mayor Rayfield and City Manager Chotkevys had met with representatives from the City of San Juan Capistrano to discuss how our cities can better work together.

Mayor Pro Tem Anderson reported on her attendance at Measure M meetings and noted that the Measure would most likely be on the November 2006 ballot.

Mayor Pro Tem Anderson displayed a T-shirt that had been made in cooperation with the Recreation Department. The shirt displays an American flag and "Dana Point" on the front, with "Clean Beaches, Clean Ocean" logo on the back along with four water quality tips. The shirts will be sold during the Concert in the Park series.

Mayor Rayfield thanked CR&R for the financial support of the 4th of July concert by the Capistrano Symphony Orchestra.

Mayor Rayfield noted that the video of the May 25th joint meeting of the Planning Commission and the City Council where the Town Center was discussed will be broadcast on July 18th and July 20th at 10:00 a.m., on July 26th and July 28th at 2:00 p.m., and on August 2nd and August 4th at 7:00 p.m. on Channel 30.

Mayor Rayfield commended Recreation Department staff on the Concert in the Park series and spoke of the wonderful Pacific Symphony Orchestra performance last weekend in Heritage Park.

Mayor Rayfield reminded everyone of the Dana Point Theater Company's Shakespeare in the Park production of "As You Like It" beginning July 21st.

Mayor Rayfield noted that a new restaurant, Indigo, would be having a ribbon cutting ceremony on July 14th at 6:00 p.m.

Mayor Rayfield reported that Cox Communications was filming a video featuring Wyland, the internationally known marine artist, next week in Dana Point.

CLOSED SESSION

Mayor Rayfield indicated there was a need for continuance of the earlier City Council Closed Session and recessed the meeting into a Closed Session at 9:20 p.m. pursuant to Government Code Section 54956 et. seq.

RECONVENE CITY COUNCIL MEETING

Mayor Rayfield reconvened the meeting at 10:49 p.m. All Council Members were present.

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ADJOURNMENT

There being no further business before the City Council at this session, Mayor Rayfield declared the meeting adjourned at 10:50 p.m.

The Regular Meeting of the City Council of July 27, 2005 will not be held due to a lack of quorum.

The next Regular Meeting of the City Council will be August 10, 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 AUGUST 24, 2005