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**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
JUNE 22, 2005**

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**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; Todd Litfin, Assistant City Attorney; Sharie Apodaca, Interim City Clerk/Director of Administrative Services; Cathy Catlett, Assistant City Clerk; Jennifer Gilbert, Management Analyst; Andrew Glass, Accounting Manager; 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; Mark Billings, Chief of Police; Shanna Wolf, Management Analyst.

**CLOSED SESSION**

Assistant City Attorney Litfin 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)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case)

Name of Case: Surfrider Foundation and Sierra Club v. California Coastal Commission, Headlands Reserve, LLC and City of Dana Point, Superior Court of San Francisco County, Case No. CPF05505023

- C. PUBLIC EMPLOYEE APPOINTMENT  
Government Code § 54957

Title: City Clerk

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Mayor Rayfield recessed the meeting into a Closed Session at 5:02 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.

**CLOSED SESSION ANNOUNCEMENT**

Assistant City Attorney Litfin announced the City Council had taken action during Closed Session to appoint Elizabeth Ehring as City Clerk by unanimous vote.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mitch Higginbotham, former Tuskegee Airman and currently the Ambassador of Goodwill for that organization.

**INVOCATION**

The Invocation was led by Father Steve Sallot of St. Edwards Church.

**PRESENTATIONS AND PROCLAMATIONS**

**Certificate of Recognition – Dana Point Postal Carrier Matthew Maybrier**

Mayor Rayfield introduced Dana Point Postal Carrier Matthew Maybrier and presented him with a Certificate of Recognition honoring him for providing aid to Dana Point resident Jean Wakeland, who had fallen in her home, fracturing her hip. Dana Point Postmaster Angie Allum presented Mr. Maybrier with a Certificate of Recognition and gift certificates from the U.S. Postal Service in recognition of his heroic actions.

**Certificate of Recognition – Deputy Matt Johnson**

Mayor Rayfield introduced Orange County Sheriff Deputy Matt Johnson and presented him with a Certificate of Recognition in honor of his exemplary service to the community of Dana Point. Deputy Johnson has been selected for assignment to the Orange County Sheriff's Department Training Facility as a Tactical Officer, a very prestigious assignment.

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5<sup>th</sup> Marine Regiment Presentation to the City of Dana Point

Mayor Rayfield introduced Colonel Stewart Navarre, Commanding Officer of the 5<sup>th</sup> Marine Regiment, who presented the City of Dana Point with a U.S. flag which had flown in Iraq on March 17, 2005 in appreciation of the City's support of the 5<sup>th</sup> Marine Regiment and of all our troops.

Mayor Rayfield presented Colonel Navarre with a book written by Pete McCloskey, as a young Second Lieutenant from the 5<sup>th</sup> Marines regarding his experience in Korea, entitled "The Taking of Hill 610."

Bag 2 Bag Recycling Program

David Fahrion, CR&R, reviewed the recycling program to be initiated in the City of Dana Point for the recycling of plastic bags and provided a Power Point presentation depicting the program.

Mayor Rayfield directed staff to report back to the City Council in six months with a status report on the new recycling program.

**CONSENT CALENDAR**

Council Member Lacy removed Item 11, and members of the public removed Items 12 and 17 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 ITEMS 11, 12 AND 17.

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. THERE WERE NO ORDINANCES.

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**2. REGULAR MEETING AND JOINT MEETING WITH THE PLANNING COMMISSION MINUTES, MAY 25, 2005**

RECEIVED AND FILED.

**3. SPECIAL MEETING MINUTES, JUNE 1, 2005**

RECEIVED AND FILED.

**4. PLANNING COMMISSION MEETING MINUTES, MEETING OF JUNE 1, 2005**

RECEIVED AND FILED.

**5. PLANNING COMMISSION ACTIONS, MEETING OF JUNE 15, 2005**

RECEIVED AND FILED.

**6. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR**

RECEIVED AND FILED.

**7. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**8. APPROVE EMPLOYMENT CONTRACT FOR CITY CLERK [STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]**

APPROVED THE EMPLOYMENT CONTRACT WITH ELIZABETH EHRLING FOR THE POSITION OF CITY CLERK.

**9. DANA POINT YOUTH BOARD APPOINTMENTS [STRATEGIC PLAN: PROMOTE CULTURAL ARTS AND HUMAN SERVICES]**

APPOINTED ELEVEN (11) BOARD MEMBERS AND TEN (10) MEMBERS AT-LARGE TO THE DANA POINT YOUTH BOARD.

**10. AWARD OF CONTRACT TO ALL AMERICAN ASPHALT FOR STONEHILL DRIVE ASPHALT STREET REPAIRS BETWEEN GOLDEN LANTERN AND NIGUEL ROAD [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE]**

(1) AWARDED A CONTRACT TO ALL AMERICAN ASPHALT FOR THE CONSTRUCTION OF THE ARTERIAL ROADWAY RESURFACING PROJECT

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ON STONEHILL DRIVE BETWEEN GOLDEN LANTERN AND NIGUEL ROAD, 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; AND (2) AUTHORIZED THE EXPENDITURES FOR VARIOUS CONSTRUCTION SUPPORT, ADMINISTRATION AND MANAGEMENT EXPENDITURES AS OUTLINED IN THE FISCAL IMPACT SECTION OF THE REPORT.

- 11. PROFESSIONAL SERVICES AGREEMENT TO PREPARE REQUEST FOR PROPOSAL OR RENEGOTIATION DOCUMENTS FOR A NEW SOLID WASTE AND RECYCLING SERVICES FRANCHISE AGREEMENT [STRATEGIC PLAN: THROUGH THE SUPPORT OF RECYCLED WASTE PROGRAMS THAT SUPPORT A CLEAN ENVIRONMENT TO ACHIEVE A 50% DIVERSION RATE]**

Council Member Lacy removed this item from the Consent Calendar.

City Manager Chotkevys presented the staff report.

Director of Public Works and Engineering Services Fowler reviewed the Request for Proposal (RFP) process utilized for obtaining proposals for professional consulting services and presented a company overview of Hilton, Farnkopf and Hobson LLC (HF&H), the staff recommended consultant.

Terry Goller, Dana Point, spoke in support of the City's recycle program.

Motion was made by Council Member Lacy, seconded by Council Member Harkey, to table this matter for one or two Council meetings and direct staff to return to Council during a public hearing with more detail of the need for consultant services. Following discussion, the motion was withdrawn by the maker and the second of the motion.

SUBSTITUTE MOTION BY MAYOR PRO TEM ANDERSON, SECONDED BY MAYOR RAYFIELD (for discussion), TO: (1) SELECT THE FIRM OF HILTON, FARNKOPF & HOBSON (HF&H) TO PROVIDE PROFESSIONAL CONSULTING SERVICES ASSOCIATED WITH THE PREPARATION OF OPTION I OF THE SOLID WASTE AND RECYCLING SERVICES REQUEST FOR PROPOSAL OR RENEGOTIATION PROPOSAL, IN AN AMOUNT NOT TO EXCEED \$10,000; AND (2) AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT FOR THESE SERVICES DESCRIBED IN THEIR PROPOSAL DATED MAY 25, 2005. STAFF DIRECTED TO RETURN TO THE CITY COUNCIL TO CONDUCT ONE OR TWO PUBLIC HEARINGS ON THE MATTER WITH THE CITY COUNCIL TO DETERMINE FURTHER ACTIONS TO BE TAKEN AT THAT TIME.

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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. ADOPTION OF RESOLUTION APPROVING FINAL PARCEL MAP NO. 2004-235 AND THE ACCOMPANYING SUBDIVISION IMPROVEMENT AGREEMENT**  
*[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

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

City Manager Chotkevys introduced Deputy City Engineer Sinacori, who presented the staff report.

Mary Jeffries, Dana Point, spoke regarding the City's Housing Element and affordable housing.

IT WAS MOVED BY COUNCIL MEMBER HARKEY, SECONDED BY COUNCIL MEMBER CHILTON, TO ADOPT **RESOLUTION NO. 05-06-22-02, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 2004-235 AND THE ACCOMPANYING SUBDIVISION IMPROVEMENT 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

**13. SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING SECTION 14.01.530 OF THE MUNICIPAL CODE RELATIVE TO DECORATIVE PAVING IN CITY OWNED RIGHTS-OF-WAY**  
*[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

**ADOPTED ORDINANCE NO. 05-03, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING SECTION 14.01.530 OF THE DANA POINT MUNICIPAL CODE.**

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**14. AUTHORIZATION FOR SLOPE REPAIRS IN THE CITY OWNED OPEN SPACE ADJACENT TO CORTES DRIVE AND DANA HILLS HIGH SCHOOL** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

(1) AWARDED A CONTRACT TO GOODWIN ENTERPRISES, INCORPORATED FOR THE CONSTRUCTION OF SLOPE REPAIRS IN THE CITY OWNED OPEN SPACE ADJACENT TO DANA HILLS HIGH SCHOOL AND CORTES DRIVE, PROVIDED THAT THE CITY MANAGER OR HIS DESIGNEE MAY APPROVE ADDITIONAL PAYMENT NOT TO EXCEED THIRTEEN PERCENT OF THE CONTRACT AMOUNT FOR CHANGE ORDERS AND CONTINGENCIES; (2) AUTHORIZED CONSTRUCTION SUPPORT SERVICES TO OVERSEE THE SLOPE REPAIR PER THE FISCAL IMPACT SECTION, PROVIDED THAT THE CITY MANAGER CAN AUTHORIZE ADDITIONAL FUNDS UP TO 15% OF THAT AMOUNT FOR ADDITIONAL SUPPORT SERVICES NOT ORIGINALLY ANTICIPATED; (3) AUTHORIZED BUDGET TRANSFERS TO FUND THE DHHS WORK AND ADDITIONAL STORM DAMAGE REPAIR WORK AS NOTED IN THE FISCAL IMPACT SECTION OF THE REPORT; (4) ACKNOWLEDGED THAT THE CITY HAS SUCCESSFULLY SECURED REIMBURSEMENT TO DATE IN THE AMOUNT OF \$118,639.85 FROM FEMA FOR VARIOUS STORM RELATED DAMAGE EXPENDITURES CITYWIDE THAT WILL BE USED TO OFFSET FUTURE COSTS, AND DIRECT STAFF TO SHOW THAT REVENUE IN THE STORM DAMAGE REPAIRS CITY-WIDE PROJECT BUDGET; AND (5) DIRECTED STAFF TO DEPOSIT ANY ADDITIONAL FUNDS RECEIVED VIA REIMBURSEMENT FROM FEMA BACK INTO THE CAPITAL IMPROVEMENT PROGRAM RESERVE FUND TO REPLENISH IT.

**15. APPROVAL OF AN AGREEMENT FOR THE PURCHASE OF PERMIT SYSTEM SOFTWARE** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

(1) AUTHORIZED AN EXPENDITURE FOR THE PURCHASE AND IMPLEMENTATION OF PERMITTING SYSTEM SOFTWARE; (2) APPROVED A TRANSFER OF FUNDS FROM THE UNDESIGNATED GENERAL FUND RESERVE FOR FISCAL YEAR 2005 INTO ACCOUNT NO.01-41-20-000-211; AND (3) AUTHORIZED THE CITY MANAGER TO EXECUTE THE PURCHASE AGREEMENT.

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- 16. RENEWAL OF TRANSIENT OCCUPANCY TAX INSURANCE** *[STRATEGIC PLAN ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

AUTHORIZED THE RENEWAL OF THE COMMERCIAL PROPERTY INSURANCE POLICY OBTAINED THROUGH COMPLETE INSURANCE, INC. FOR PROTECTION OF TRANSIENT OCCUPANCY TAX REVENUES.

- 17. DANA POINT MARKETING COUNCIL - CONCEPT** *[STRATEGIC PLAN: INITIATE AND PROMOTE BUSINESS DEVELOPMENT]*

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

City Manager Chotkevys presented the staff report.

Jim Miller, Dana Point, spoke in support of the proposed Marketing Council.

IT WAS MOVED BY MAYOR PRO TEM ANDERSON, SECONDED BY COUNCIL MEMBER CHILTON, TO DIRECT THE TOWN CENTER SUBCOMMITTEE TO EXPLORE THE FEASIBILITY OF A DANA POINT MARKETING COUNCIL AND REPORT BACK TO THE CITY COUNCIL WITH A RECOMMENDATION ON HOW TO PROCEED.

The motion carried by the following vote:

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

- 18. MODIFYING MEMBERSHIP TO DANA POINT LIBRARY AND SEA TERRACE PARK SUBCOMMITTEE** *[STRATEGIC PLAN ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

ADOPTED **RESOLUTION NO 05-06-22-01**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, MODIFYING THE MEMBERSHIP TO THE DANA POINT LIBRARY AND SEA TERRACE PARK SUBCOMMITTEE.

Mayor Rayfield declared a recess at 7:46 p.m. and reconvened the meeting at 8:04 p.m. All Council Members were present.



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**ORAL REPORTS**

There were no Oral Reports.

**PUBLIC COMMENTS**

Mayor Rayfield opened the meeting for public comments.

Ron Lackey, Dana Point, spoke regarding the recycling program and the emergency alert system.

Robert Traphagen, Dana Point, spoke regarding the Dana Point Marina Mobile Home Estates.

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

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

Fran Mulligan, Dana Point, spoke regarding the Dana Point Marina Mobile Home Estates.

Mary Jeffries, Dana Point, spoke regarding the Dana Point Marina Mobile Home Estates and the City's timeshare ordinance.

Dr. Jim Seitz, Dana Point, spoke regarding affordable housing.

Patrick Evans, Huntington Beach, spoke regarding the City's Housing Element and affordable housing.

Duane Cave, Aliso Viejo, Chairman of the Board of the South Orange County Regional Chambers of Commerce, spoke regarding their 15<sup>th</sup> Annual Regional Cities Ball honoring South Orange County cities and Mayors held recently in Dana Point and presented the City with a Regional Cities Crystal Ball. Mr. Cave, on behalf of Assemblywoman Mimi Walters of the 73<sup>rd</sup> District, presented a Certificate of Recognition to Mayor Rayfield for his contributions to South Orange County's growing success.

Kimberly Siomkin, San Juan Capistrano, representing Dana Point Youth Baseball, spoke regarding the need for updating the restrooms and snack bar facilities at the Dana Point baseball fields.

John Zampino, Dana Point, spoke regarding the Dana Point Marina Mobile Home Estates.

Bonny Pitkin, Dana Point, spoke regarding the Dana Point Marina Mobile Home Estates.

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**PUBLIC HEARINGS**

- 19. PUBLIC HEARING FOR PRELIMINARY OPERATING AND CAPITAL IMPROVEMENT BUDGET FOR FISCAL YEARS 2005-2006 AND 2006-2007** [STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS] (Continued from the City Council meeting of June 8, 2005)

City Manager Chotkevys presented the staff report.

Mayor Rayfield reopened the Public Hearing.

Patrick Evans, Huntington Beach, spoke regarding affordable housing and legal fees.

Richard Gardner, Capistrano Beach, spoke regarding land acquisition and park facilities.

Dr. Jim Seitz, Dana Point, spoke regarding the Closure Impact Report for the Dana Point Marina Mobile Home Estates, affordable housing and in-lieu fees.

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

Council Member Lacy stated for the record "if there are any developers out there listening to me, and if I run for reelection, I don't want any independent expenditure, illegal developer contributions headed my way."

Mayor Rayfield read into the record a letter from Paul Lachlan Peck regarding his support of the San Juan Capistrano Boys and Girls Club and his desire for the City to assist with funding of the Club.

Following comments, Council Member Harkey moved, and Council Member Lacy seconded (for purposes of discussion), to:

Part I - Approve CIP Budget with caveat that prior to authorization and commencement (appropriation) of any portion of any combination of line items in:

- a. CIP schedules C&D which when combined total  $\geq$  \$5M, or
- b. CIP schedules C&D when combined with line items in CIP schedule A total  $\geq$  \$10M,

which can be determined to be "Related" expenditures (i.e., phases or expenditures where one line item is anticipated to be disbursed prior to or in conjunction with the expenditure/disbursement of another line item), which are not necessary for general maintenance, emergency repair, mandated, or otherwise not expended in the normal course of the City's business, and as such, are

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determined to be an "Investment" or "Development Project" under the criteria that said expenditure(s) are:

- c. proposed to enhance future revenues to the City, and/or
- d. beautify the City for the purpose of attracting business that is expected to generate revenue to the City in the future, and/or
- e. expenditures that could otherwise be financed by long term debt such as a bond or other debt instrument,

be assigned to the Investment Committee for the procurement of a Feasibility Study. Said Committee will be required to report back to the Council within 45-60 days of the regularly scheduled meeting of the Council with the following information:

- f. recommend appropriate criteria for analysis;
- g. recommend if independent or in-house resources are to be utilized;
- h. procure candidates and criteria for RFP for Feasibility Study if so determined;
- i. any other recommendation as requested by Council.

And, that prior to authorization and commencement (appropriation) of any Investment or Development Project monies, as defined above, that the Investment Committee prepare or review the preparation of a full project financial analysis and provide same to the City Council for review and approval thereof.

Part II – In addition, the City shall at all times maintain not less than a 20% excess in unrestricted reserves of equal to the CIP Fund balance at the beginning of the fiscal year (reserve requirement to exclude those expenditures determined to be Investment or Development Project expenditures, as defined above). Said compliance to be reviewed and monitored by the City Manager and reported to the Council annually and as a part of the semi-annual budget briefing. Additionally, the Investment Committee to review and come back with recommendations to the policy which has been adopted.

Following discussion by the Council, this motion was withdrawn by the maker and the second of the motion.

IT WAS MOVED BY COUNCIL MEMBER HARKEY, SECONDED BY COUNCIL MEMBER LACY, TO (1) ADOPT **RESOLUTION NO. 05-06-22-03**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING AN OPERATING AND CAPITAL IMPROVEMENT BUDGET (AS CONDITIONED AND AMENDED BELOW) FOR THE CITY OF DANA POINT FOR FISCAL YEARS 2005-2006 AND 2006-2007; AND ADOPTING THE SEVEN-YEAR CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FISCAL YEARS 2005-2006 THROUGH 2011-2012 AS REQUIRED BY OCTA/MEASURE M GROWTH MANAGEMENT PROGRAM; AND (2) AUTHORIZE THE DIRECTOR OF PUBLIC WORKS AND ENGINEERING SERVICES TO FORWARD THE SEVEN-YEAR CIP DOCUMENT TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA).

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(3) SAID APPROVAL CONDITIONED AS FOLLOWS: OPERATING BUDGET APPROVED AS PRESENTED WITH THE CAVEAT THAT A COMPREHENSIVE ANALYSIS SHALL BE PRESENTED TO THE COUNCIL FOR APPROVAL PRIOR TO ANY EXPENDITURES FOR NEW PROGRAMS IN THE PUBLIC INFORMATION SERVICES CATEGORY (DEPARTMENT NO. 22).

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 10:12 p.m. and reconvened the meeting at 10:20 p.m. All Council Members were present.

IT WAS MOVED BY COUNCIL MEMBER HARKEY, SECONDED BY COUNCIL MEMBER LACY, TO APPROVE THE ADOPTION OF THE CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET, AMEND THE SCHEDULES A AND B, AND LINE ITEMS C AND G ON SCHEDULE C ONLY, AND DIRECT STAFF TO CONVENE THE INVESTMENT COMMITTEE TO RETURN WITH A CIP EXPENDITURE POLICY FOR CITY COUNCIL CONSIDERATION.

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**

There was no Unfinished Business.

**NEW BUSINESS**

- 20. ADOPTION OF A RESOLUTION ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2006 [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 HARKEY, TO ADOPT **RESOLUTION NO. 05-06-22-04, A**

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*RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2006.*

The motion carried by the following vote:

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

**21. 2005-2006 LAW ENFORCEMENT SERVICES AGREEMENT [STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]**

Council Member Chilton recused himself from discussion of this item due to his employment with the Orange County Sheriff's Department and left the Council Chamber.

City Manager Chothevys presented the staff report.

IT WAS MOVED BY MAYOR PRO TEM ANDERSON, SECONDED BY COUNCIL MEMBER LACY (for discussion), TO APPROVE THE LAW ENFORCEMENT SERVICES AGREEMENT WITH THE COUNTY OF ORANGE FOR LAW ENFORCEMENT SERVICES FOR THE 2005-2006 FISCAL YEAR.

The motion carried by the following vote:

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

Council Member Chilton returned to the Council Chambers.

**22. INTRODUCE AN ORDINANCE BY 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]**

City Manager Chothevys presented the staff report.

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IT WAS MOVED BY COUNCIL MEMBER LACY, SECONDED BY COUNCIL MEMBER HARKEY, TO INTRODUCE AND HOLD FIRST READING BY TITLE ONLY AN ORDINANCE ENTITLED: *AN ORDINANCE BY THE CITY OF DANA POINT ADOPTING BY REFERENCE THE 2004 CALIFORNIA ELECTRICAL CODE.*

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 commended Accounting Manager Glass, Director of Administrative Services Apodaca, Management Analyst Wolf, the City's Department Heads and Administrative Manager Asher for their excellent preparation of the City's budget.

**COUNCIL REPORTS**

Council Member Chilton noted the recent opening of Indigo and recommended that everyone visit the new restaurant.

Council Member Chilton reported on the successful First Friday event sponsored by Cliff Wassmann to highlight local artists, held on June 3<sup>rd</sup>. The next First Friday event will be held on July 1<sup>st</sup> and everyone is encouraged to attend.

Council Member Harkey noted the Festival of the Arts was scheduled to begin July 5<sup>th</sup> in Laguna Beach and would feature some of our local artists.

Council Member Harkey reported she had taken the first ride on the Summer Trolley to the Harbor, which was much improved from last year.

Council Member Harkey stated there was a campaign to recall Capistrano Unified School District members. The City is scheduled to meet with District representatives to discuss issues regarding Palisades School.

Council Member Harkey reported the Chopper Drop for Education, the Sand Dollar Guild fundraiser to raise funds for the Ocean Institute, will be held on August 2, 2005 at the Marriott Laguna Cliffs Resort and encouraged everyone to attend this great event.

Council Member Harkey noted the Capistrano Valley Symphony, sponsored by CR&R, would perform a free concert at the City's 4<sup>th</sup> of July celebration at Lantern Bay Park.

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Council Member Harkey reported on meetings of the Residential Building Height Task Force, where things are progressing nicely and should result in great ideas.

Council Member Harkey reported on the Bluff Top meetings, where residential bluff top concerns have been productively discussed.

Council Member Harkey reported on the recent Utility Underground Subcommittee meeting, which was productive.

Council Member Harkey noted her and Mayor Rayfield's attendance at a recent meeting regarding the Harbor and requested Mayor Rayfield discuss this during his comments.

Council Member Lacy reported he and Mayor Rayfield had met to discuss establishment of the Dana Point Library and Sea Terrace Park Subcommittee, and noted that they were ready to begin addressing issues with regard to the library and Sea Terrace Park.

Mayor Pro Tem Anderson announced videos of the Town Center presentation held on May 25, 2005 were available at City Hall or the Dana Point Library for check-out. The presentation would also be broadcast prior to Council meetings along with the recent Mayor's State of the City address. Mayor Pro Tem Anderson encouraged everyone to come meet the new City Clerk Liz Ehring when checking out the video.

Mayor Pro Tem Anderson commented on the productive Traffic Improvement Subcommittee meeting, where several concerns were addressed. Mayor Pro Tem Anderson recognized citizen members of the Subcommittee Linda Brame, Rod Howorth and Adam Powell.

Mayor Pro Tem Anderson reported on the first Utility Undergrounding Subcommittee meeting and recognized the participating residents: George Miller, Wayne Vega, Ted Simmons, Linda Zaccaro, Tom Harrold, and alternates Dave Gast, Brad Higginbotham and Tom DeSimone.

Mayor Pro Tem Anderson reported Foothill/Eastern Transportation Corridor Agency representatives have been meeting with U.S. Fish and Wildlife Service as well as the National Marine Fisheries regarding the Foothill South extension. A budget study session was held on May 18<sup>th</sup> to review the proposed 2006 annual budget, which was approved on June 9<sup>th</sup>. Toll road traffic and revenues have increased over the past year. A conceptual mitigation and loan plan was approved by the Foothill/Eastern Board to ensure long term financial stability of the San Joaquin Hills Agency. The goal of the toll roads is to eventually turn them over to the State highway system once bonds are paid in full.

Mayor Pro Tem Anderson reported on her attendance at the first meeting of the League of California Cities Measure M Super-Committee.

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**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
JUNE 22, 2005**

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Mayor Pro Tem Anderson reported on the Metropolitan Water District of Orange County's dinner and briefing held on June 2<sup>nd</sup>, attended by local leaders and the South Coast Water District representatives.

Mayor Pro Tem Anderson noted that Director of Public Works Fowler had posted a seismic hazard zone map on the City's website, where the public could determine if their home rests on a liquefaction or landslide zone.

Mayor Rayfield reminded everyone of the 21<sup>st</sup> annual Dana Point Concert in the Park series beginning on Sunday, July 3<sup>rd</sup> at Heritage Park with a performance by BackBeat. Also in July would be performances by the Pacific Symphony Orchestra and Shakespeare in the Park featuring the Dana Point Theater Company.

Mayor Rayfield reported the Ocean Water Quality Subcommittee would meet on June 28<sup>th</sup> and invited the public to attend.

Mayor Rayfield reported the initial meeting of the Town Center Subcommittee would be on June 29<sup>th</sup>.

Mayor Rayfield reminded everyone that the 4<sup>th</sup> of July Capistrano Valley Symphony concert at Lantern Bay Park is free and begins at approximately 7:30 p.m. The Marriott Laguna Cliffs Resort will make available for purchase a picnic dinner.

Mayor Rayfield reported on his and Council Member Harkey's meeting with the County of Orange to discuss the Harbor, and noted that their Environmental Impact Report will be available to the public by Labor Day. Major changes in the Harbor are expected by next week, including the initiation of the Baby Beach Recirculation pilot project and the storm drain diversion from the Headlands to Baby Beach.

Mayor Rayfield commented on the rebuilding of the boat launch ramp in the Harbor by the County of Orange, scheduled to begin this winter.

**ADJOURNMENT**

Mayor Rayfield spoke of the flag flown in Iraq presented to the City at tonight's meeting.

There being no further business before the City Council at this session, Mayor Rayfield declared the meeting adjourned at 10:53 p.m. in honor of the 5<sup>th</sup> Marine Regiment based at Camp Pendleton and all men and women who have served our country and in memory of those who have given their lives for our freedom.



**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
JUNE 22, 2005**

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The next Regular Meeting of the City Council will be July 13, 2005 at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

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SHARIE APODACA  
INTERIM CITY CLERK/DIRECTOR OF ADMINISTRATIVE SERVICES

APPROVED AT THE MEETING OF JULY 13, 2005