

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING AND
JOINT MEETING WITH THE PLANNING COMMISSION MINUTES
MAY 25, 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 6:10 p.m. at the Marriott Laguna Cliffs Resort, 25135 Street of the Park Lantern, 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; Todd Litfin, Assistant City Attorney; Sharie Apodaca, Interim City Clerk/Director of Administrative Services; 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; Mark Billings, Chief of Police; Shanna Wolf, Management Analyst; Kevin Evans, Recreation Manager.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Planning Commission Vice Chairman Scott Schoeffel.

INVOCATION

The invocation was led by Jens Christy of Calvary Chapel, Capistrano Beach.

PRESENTATIONS AND PROCLAMATIONS

There were no presentations or proclamations.

CONSENT CALENDAR

Members of the public removed Items 2 and 15, and staff removed Item 17 from the Consent Calendar. Council Members Chilton and Harkey stated they wished to register an abstention vote on Item 16 due to a potential conflict of interest.

IT WAS MOVED BY COUNCIL MEMBER HARKEY, SECONDED BY COUNCIL MEMBER CHILTON, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 2,

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15 AND 17, AND WITH COUNCIL MEMBERS CHILTON AND HARKEY REGISTERING AN ABSTENTION VOTE ON ITEM 16.

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.

2. REGULAR ADJOURNED MEETING MINUTES, APRIL 27, 2005

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

Pam Tappan, Capistrano Beach, submitted photos of and spoke regarding construction on Camino Capistrano.

IT WAS MOVED BY MAYOR PRO TEM ANDERSON, SECONDED BY COUNCIL MEMBER HARKEY, TO APPROVE THE MINUTES OF APRIL 27, 2005.

The motion carried by the following vote:

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

3. PLANNING COMMISSION MEETING MINUTES, APRIL 20, 2005

RECEIVED AND FILED.

4. PLANNING COMMISSION MEETING MINUTES, MAY 4, 2005

RECEIVED AND FILED.

5. PLANNING COMMISSION ACTIONS, MAY 4, 2005

RECEIVED AND FILED.

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6. PLANNING COMMISSION ACTIONS, MAY 18, 2005

RECEIVED AND FILED.

7. YOUTH BOARD MINUTES, APRIL 21, 2005

RECEIVED AND FILED.

8. YOUTH BOARD MINUTES, MAY 5, 2005

RECEIVED AND FILED.

9. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

10. TREASURER'S REPORT, MARCH 2005

RECEIVED AND FILED THE TREASURER'S REPORT FOR THE MONTH OF MARCH 2005.

11. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

12. FIFTH AMENDMENT TO THE SECOND AMENDMENT AND RESTATED AGREEMENT CREATING THE EL TORO REUSE PLANNING AUTHORITY
[STRATEGIC PLAN: SUPPORT TO THE FULLEST EXTENT POSSIBLE EFFORTS TO LIMIT THE USE OF THE EL TORO MARINE CORPS AIR STATION TO NON-AVIATION USES]

AUTHORIZED THE MAYOR TO SIGN THE FIFTH AMENDMENT TO THE SECOND AMENDED AND RESTATED AGREEMENT CREATING THE EL TORO REUSE PLANNING AUTHORITY (ETERPA) TO INCLUDE THE COUNTY OF ORANGE AS A FULL MEMBER.

13. APPROVE AMENDMENT NO. 10 TO CONTRACT AGREEMENT NO. C-8-0370 WITH ORANGE COUNTY TRANSIT AUTHORITY TO PROVIDE SENIOR TRANSPORTATION SERVICES TO THE DEL OBISPO COMMUNITY/SENIOR CENTER THROUGH JUNE 30, 2006
[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICE AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]

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APPROVED AMENDMENT NO. 10 TO THE EXISTING AGREEMENT NO. C-8-0370 WITH ORANGE COUNTY TRANSIT AUTHORITY (OCTA) FOR SENIOR TRANSPORTATION TO THE DEL OBISPO COMMUNITY/SENIOR CENTER THROUGH JUNE 30, 2006 AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT.

- 14. AUTHORIZE TOPOGRAPHIC SURVEY AND GEOTECHNICAL ENGINEERING SERVICES IN PREPARATION FOR 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 IN A NOT-TO-EXCEED AMOUNT OF \$140,000 FOR TOPOGRAPHIC SURVEY SERVICES FOR FY 05/06 AND FY 06/07 ANNUAL RESIDENTIAL ROADWAY RESURFACING PROJECT; (2) AUTHORIZED A PURCHASE ORDER TO GOFFMAN MCCORMICK AND URBAN (GMU) FOR A NOT-TO-EXCEED AMOUNT OF \$20,000 FOR GEOTECHNICAL/PAVEMENT EVALUATION SERVICES FOR FY 05/06 AND FY 06/07 ANNUAL ROADWAY RESURFACING PROJECTS; (3) APPROVED THE TRANSFER OF CIP FUNDS IN THE AMOUNT OF \$60,000 FROM CIP ACCOUNT #1179 AND \$20,00 FROM CIP ACCOUNT #1137 TO CIP ACCOUNT #1184 TO HELP COVER THIS EXPENDITURE; AND(4) ACKNOWLEDGED THAT STAFF WILL RETURN AT THE START OF FISCAL YEAR 05/06 TO ASK THE COUNCIL TO CONSIDER AUTHORIZATION OF DESIGN SERVICES FOR FUTURE ANNUAL ROADWAY RESURFACING PROJECTS.

- 15. MODIFICATION OF THE RESIDENTIAL BUILDING HEIGHT TASK FORCE MEMBERSHIP** *[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]*

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

MAYOR RAYFIELD WITHDREW THIS ITEM FROM THE AGENDA FOR CONSIDERATION AT A LATER DATE. NO PUBLIC TESTIMONY WAS RECEIVED AT THIS TIME.

- 16. SELECTION OF COUNCIL REPRESENTATIVES FOR THE TOWN CENTER SUBCOMMITTEE** *[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]*

Council Members Chilton and Harkey registered an abstention on this item.

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ADOPTED **RESOLUTION NO. 05-05-25-01**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, SELECTING COUNCIL REPRESENTATIVES FOR THE DANA POINT TOWN CENTER SUBCOMMITTEE.

17. FUNDING SUPPORT FOR THE DANA POINT SUMMER SHUTTLE
[STRATEGIC PLAN: INITIATE AND PROMOTE BUSINESS DEVELOPMENT]

This item was removed from the Consent Calendar by staff.

City Manager Chotkevys presented the staff report.

Jim Miller, Dana Point, spoke regarding the history of the summer shuttle service and in support of the program.

Kim Tilly, Laguna Niguel, representing the Dana Point Harbor Association, spoke in support of the shuttle service and addressed issues raised by Council.

IT WAS MOVED BY COUNCIL MEMBER HARKEY, SECONDED BY COUNCIL MEMBER LACY, TO AUTHORIZE THE ALLOCATION OF \$25,000 FROM THE CITY'S AB2766 FUNDS TO SUPPORT THE OPERATION OF THE DANA POINT SUMMER SHUTTLE SERVICE PROGRAM (\$5,000 TO BE ALLOCATED FOR EXPENSES INCURRED THIS FISCAL YEAR THROUGH JUNE 30TH, AND THE REMAINING \$20,000 TO BE ALLOCATED IN FY 2005-06 FOR PROGRAM EXPENSES INCURRED FROM JULY THROUGH SEPTEMBER). DANA POINT HARBOR ASSOCIATION TO TRACK RIDERSHIP DATA FOR SUBMITTAL TO THE CITY FOR FUTURE PROGRAM ADJUSTMENTS.

The motion carried by the following vote:

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

ORAL REPORTS

There were no Oral Reports.

PUBLIC COMMENTS

Taylor Martin, San Clemente, spoke regarding the Dana Point Marina Mobile Home Park and the displacement of his teacher living there.

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Cyndi Martin, San Clemente, spoke regarding the Dana Point Marina Mobile Home Park and the displacement of her special-needs son's teacher living there.

Pam Tappan, Capistrano Beach, spoke regarding litigation listed on City Council agendas.

Ingrid McGuire, Dana Point, spoke in favor of displaying photographs of current and former City Council Members in the City Council Chambers.

Patrick Evans, Huntington Beach, attorney representing the Dana Point Marina Mobile Home Estates, spoke regarding lawsuits filed against the City by him.

Bob Moore, Dana Point, Commander of the Veterans of Foreign Wars Dana Point Post 9934, thanked the Headlands LLC for their past support of the VFW Memorial Day event held on their property and the City of Dana Point for allowing the event to be held at Sea Terrace Park on this Memorial Day.

Judy Rice, Dana Point, spoke regarding the Dana Point Marina Mobile Home Estates.

Dr. Ron Lackey, Monarch Beach, spoke regarding the proposed recall of seven school board members.

Alex Lake, Oceanside, owner of commercial property in Town Center, spoke regarding a City outreach program and redevelopment.

Derek Slattery, Dana Point, new General Manager of the Dana Marina Inn, spoke regarding renovation at the inn and requested assistance in locating resources to help those in need.

Dr. James F. Seitz, Dana Point, spoke regarding eviction of Dana Point Marina Mobile Home Estates residents and of the City's lack of a Community Emergency Response Team.

CALL TO ORDER OF THE JOINT SESSION OF THE CITY COUNCIL AND THE PLANNING COMMISSION

The Joint Session of the City Council and the Planning Commission of the City of Dana Point, California, was called to order by Mayor Rayfield at 7:25 p.m. at the Marriott Laguna Cliffs Resort, 25135 Street of the Park Lantern, Dana Point.

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ROLL CALL OF CITY COUNCIL MEMBERS:

PRESENT: Wayne Rayfield, Mayor
Lara Anderson, Mayor Pro Tem
Russell Chilton, Council Member
Diane Harkey, Council Member
James V. Lacy, Council Member

ROLL CALL OF PLANNING COMMISSION MEMBERS:

PRESENT: April O'Connor, Chair
J. Scott Schoeffel, Vice-Chair
Norman Denton, Commissioner
Greg Powers, Commissioner
Steve Weinberg, Commissioner

Mayor Rayfield declared a recess at 7:27 p.m. and reconvened the meeting at 7:45 p.m. All Council Members and Planning Commission Members were present.

City Manager Chotkevys addressed issues for the record regarding Dana Point Police Services raised by a public speaker during Public Comments, noting that the City of Dana Point continues to be one of the safest communities in Orange County due to excellent police services and also continues to set the leadership role for Neighborhood Watch and disaster preparedness in Orange County at a city level.

NEW BUSINESS

18. REVIEW OF TOWN CENTER PLAN AND OTHER RELATED MATTERS

Council Member Chilton recused himself from the hearing due to a conflict of interest as the owner/operator of JC Beans Coffeehouse, and left the dais.

Council Member Harkey stated that she has a potential conflict of interest due to sole and separate property her husband owns that is located within 500 feet of the Town Center. She stated her attorney and the City Attorney are looking into whether or not a true conflict of interest exists, but on the side of caution she has been advised to recuse herself from discussions at this time. Council Member Harkey left the dais.

Boris Dramov, Roma Design Group, provided an overview of the proposed Town Center Plan including overall principles of the conceptual plan, taking into consideration input from prior Town Hall meetings. Issues addressed included the following existing concerns: lack of pedestrian environment, lack of a critical mass

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of retail uses, lack of housing, lack of a cultural role and the lack of amenities. Mr. Dramov stated for the record that the Town Center planning effort does not involve redevelopment.

Jim Daisa, Kimberly-Horn, provided information regarding traffic analysis in the Town Center area, including turning one-way streets into 2-way streets, and bike lane and bus stop improvements.

Darrell Paul, Dana Point, spoke regarding the need for parking structures and height limits on buildings.

George Follman, San Clemente, UP Sports, spoke in support of the existing one-way traffic in the area.

Tristan Krogus, Dana Point, complimented Roma Design Group on the proposed plan but voiced concerns regarding economic development.

Bill Jonas, Laguna Niguel, Purple Feet Wine Boutique and Tasting Room, spoke in support of the Town Center plan.

Jim Slark, Dana Point, spoke regarding traffic on Pacific Coast Highway and on Blue Lantern.

Alex Lake, Oceanside, owner of property on Del Prado, questioned lot sizes and possible subdivision of lots, densities, parking and traffic counts.

Paul Douglas, Dana Point, spoke regarding spillover traffic into nearby neighborhoods, parking and affordable housing.

Gary Newkirk, Dana Point, spoke in support of the Town Center plan and voiced concern about its effect on the residential through-ways.

Ed De Avila, Laguna Niguel, spoke in support of a pedestrian friendly neighborhood.

Jeffrey Littell, Costa Mesa, property owner of Lantern Bay Plaza, spoke of other well planned pedestrian friendly town centers that are successful.

The City Council and the Planning Commission conducted a discussion of the Town Center Plan and other planning related matters. Following discussions, Mayor Rayfield requested that a revision to the Town Center Top Ten Guiding Principles be placed on the next agenda to note that no "redevelopment" would be involved in the project, with a similar comment in the Specific Plan to exclude any redevelopment in this area.

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IT WAS THE CONSENSUS OF THE CITY COUNCIL TO DIRECT THE DANA POINT TOWN CENTER SUBCOMMITTEE TO BEGIN FORMING AN IMPLEMENTATION PLAN, TAKING ECONOMIC ISSUES INTO ACCOUNT, AND RELYING UPON THE ADVICE OF BORIS DRAMOV OF ROMA DESIGN GROUP TO DETERMINE PRIORITIES.

ADJOURNMENT OF JOINT SESSION WITH THE PLANNING COMMISSION

There being no further business before the Joint Session of the City Council and the Planning Commission, Mayor Rayfield declared the joint meeting adjourned at 10:35 p.m.

CLOSED SESSION

City Manager Chotkevys indicated there was a need for a Closed Session of the City of Dana Point City Council 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)
- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (5 cases)
 - 1. Name of Case: Robert Traphagen and Bonny Pitkin v. the City of Dana Point, Superior Court of the State of California, County of Orange – Central District, Case No. 04CC00676
 - 2. Name of Case: Pepi Weitzman v. The City of Dana Point and Headlands Reserve, LLC, Superior Court for the State of California, County of Orange Central District, Case No. 04CC00716
 - 3. 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
 - 4. Name of Case: People of the State of California v. Danubius Incorporated, Peter Shikli, Superior Court of the State of California, County of Orange, Harbor Justice Center, Case No. 05SM01233

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5. Name of Case: Diedrich Coffee, Inc. v. City of Dana Point, et al,
Orange County Superior Court, Case No. 05CC03529

Mayor Rayfield recessed the meeting into a Closed Session at 10:35 p.m. pursuant to Government Code Section 54956 et. seq.

RECONVENE CITY COUNCIL MEETING

Mayor Rayfield reconvened the meeting at 12:14 a.m. All Council Members were present.

STAFF REPORTS

This item was not heard.

COMMISSION REPORTS

This item was not heard.

COUNCIL REPORTS

This item was not heard.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Rayfield declared the meeting adjourned at 12:15 a.m. to a Special Meeting on June 1, 2005 at 3:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

SHARIE APODACA
INTERIM CITY CLERK

APPROVED AT THE MEETING OF JUNE 22, 2005.