
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
FEBRUARY 8, 2006**

CALL TO ORDER

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

ROLL CALL

PRESENT: Lara Anderson, Mayor
Russell Chilton, Mayor Pro Tem
Diane L. Harkey, Council Member
James V. Lacy, Council Member (*arrived at 5:05 p.m.*)
Wayne Rayfield, Council Member

STAFF PRESENT: Douglas Chotkevys, City Manager; Patrick Muñoz, City Attorney; Sharie Apodaca, Director of Administrative Services; Jennifer Anderson, Management Analyst; Elizabeth Ehring, City Clerk; Cathy Catlett, Assistant City Clerk; Kyle Butterwick, Director of Community Development; John Tilton, City Architect/Planning Manager; Matt Sinacori, City Engineer; Mark Billings, Chief of Police; Kathy Ward, Executive Secretary; Mark Long, Administrative Sergeant.

CLOSED SESSION

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

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b1), (1 case)
- B. Item Not Heard
- C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Government Code § 54956.8 (1 case)

Property: Doheny House, 35101 Camino Capistrano, Capistrano Beach
City Negotiators: Douglas Chotkevys, City Manager
Patrick Muñoz, City Attorney
Kyle Butterwick, Director of Community Development
Negotiating Parties: City of Dana Point and Paul Douglas & Carl Grewe, Doheny 3 LLC or other interested parties
Under Negotiation: Price and terms of agreement relating to property

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- D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957

Title: City Clerk

Mayor Anderson 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 Anderson reconvened the meeting at 6:05 p.m. All Council Members were present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Rayfield.

INVOCATION

The Invocation was led by Reverend Paul L. Peck.

PRESENTATIONS AND PROCLAMATIONS

Business of the Month

Management Analyst Jennifer Anderson gave a PowerPoint presentation of Aussie Pet Mobile. Mayor Lara Anderson introduced owners Ian Moses and Vivienne McIntosh and presented them with a Certificate of Recognition.

CONSENT CALENDAR

Council Member Harkey removed Items 7 and 10 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER RAYFIELD, SECONDED BY COUNCIL MEMBER LACY, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 7 AND 10.

The motion carried by the following vote:

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

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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, JANUARY 25, 2006

RECEIVED AND FILED.

3. PLANNING COMMISSION MEETING MINUTES, MEETING OF JANUARY 18, 2006

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF FEBRUARY 1, 2006

RECEIVED AND FILED.

5. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED

6. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

7. CHARITABLE GRANT FUNDING APPLICATION

Council Member Harkey removed this item from the Consent Calendar to discuss open window for filing of applications.

City Manager Chotkevys responded to questions and Council direction that item be revisited in July 2006 from the City Council.

IT WAS MOVED BY COUNCIL MEMBER HARKEY, SECONDED BY MAYOR PRO TEM CHILTON, TO APPROVE NET FUNDING IN THE AMOUNT OF \$3,850 IN RESPONSE TO A REQUEST BY THE LANTERN VILLAGE ASSOCIATION FOR CHARITABLE GRANT FUNDING ASSOCIATED WITH THE 2006 OCEAN/EARTH DAY EVENT TO BE HELD APRIL 22, 2006; AND THAT THE \$5,000 IN YOUTH SCHOLARSHIPS BE FUNDED FROM THE \$50,000 ANNUAL GRANT PROVIDED TO THE OCEAN INSTITUTE BY THE CITY FOR YOUTH PROGRAMS IN THE DANA POINT COMMUNITY.

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The motion carried by the following vote:

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

8. ADOPTION OF A RESOLUTION OF THE CITY COUNCIL AUTHORIZING APPLICATION FOR FUNDS FOR THE TRANSPORTATION ENHANCEMENT ACTIVITY (TEA) PROGRAM UNDER THE 1998 TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY FOR MEDIAN AND SIDEWALK ENHANCEMENTS ON PACIFIC COAST HIGHWAY

ADOPTED RESOLUTION NO. 06-02-08-01, ADOPTION OF A RESOLUTION OF THE CITY COUNCIL AUTHORIZING APPLICATION FOR FUNDS FOR THE TRANSPORTATION ENHANCEMENT ACTIVITY (TEA) PROGRAM UNDER THE 1998 TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY FOR MEDIAN AND SIDEWALK ENHANCEMENTS ON PACIFIC COAST HIGHWAY AND (2) AUTHORIZE THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO SECURE AND ADMINISTER FUNDING.

9. ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE TRAFFIC SIGNAL IMPROVEMENTS AT VARIOUS INTERSECTIONS PROJECT, AS PART OF THE ANNUAL TRAFFIC SAFETY IMPROVEMENT PROGRAM

(1) ADOPTED RESOLUTION NO. 06-02-08-02, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE TRAFFIC SIGNAL IMPROVEMENTS AT VARIOUS INTERSECTIONS PROJECT, AS PART OF THE ANNUAL TRAFFIC SAFETY IMPROVEMENT PROGRAM; AND (2) DIRECTED STAFF TO TRANSFER PROJECT SAVINGS TO THE CAPITAL IMPROVEMENT PROGRAM RESERVE FUND.

10. FEDERAL GOVERNMENT REPRESENTATION AND CONSULTING SERVICES

Council Member Harkey removed this item from the Consent Calendar.

City Manager Chotkevys responded to questions from the City Council.

IT WAS MOVED BY COUNCIL MEMBER RAYFIELD, SECONDED BY MAYOR PRO TEM CHILTON, TO AUTHORIZE THE CITY MANAGER TO ANNUALLY RENEW PROFESSIONAL SERVICES AGREEMENTS FOR FEDERAL GOVERNMENT REPRESENTATION AND PREVIOUSLY CONSULTING SERVICES WITH VAN SCOYOC ASSOCIATES AND PEARSON & PIPKIN, INC.,

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WHICH HAVE BEEN BUDGETED BY CITY COUNCIL. AGREEMENT WITH VAN SCOYOC TO BE AMENDED AT ITEM B OF "OBLIGATIONS OF THE CITY OF DANA POINT" TO REFLECT THE CORRECT COMPENSATION FOR SERVICES IN THE AMOUNT OF \$48,000.

The motion carried by the following vote:

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

PUBLIC COMMENTS

Mayor Anderson opened the meeting for public comments.

Jim DeCarli, Dana Point, spoke regarding transparency in government and the DeCarli/Hamilton matter.

Jack Hamilton, Dana Point, spoke regarding the DeCarli project decision of the January 25, 2006 Council meeting.

PUBLIC HEARINGS

There were no public hearings.

UNFINISHED BUSINESS

11. CITY COUNCIL POLICY NUMBER 219 – MEDIA RELATIONS

City Manager Chotkevys presented the staff report.

Craig Alexander, Dana Point, spoke as a citizen volunteer in support of the proposed policy changes he helped formulate.

IT WAS MOVED BY COUNCIL MEMBER LACY, SECONDED BY COUNCIL MEMBER HARKEY (as amended), TO ADOPT COUNCIL POLICY NO. 219, REVISED PER WRITTEN COMMENTS SUBMITTED BY COUNCIL MEMBER HARKEY. AT SUCH TIME THE CITY'S PUBLIC INFORMATION OFFICER IS HIRED, THIS POLICY WILL BE REVISITED TO INCORPORATE WHATEVER POLICY STATEMENTS ARE REQUIRED BY VIRTUE OF THAT JOB.

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The motion carried by the following vote:

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

NEW BUSINESS

There was no New Business.

STAFF REPORTS

City Manager Chothevys expressed gratitude for the many expressions of sympathy received after the recent loss of his father.

COUNCIL REPORTS

Council Member Harkey reported the Residential Building Height Task Force had concluded and will submit updated code revisions to the Planning Commission to be heard in March.

Council Member Harkey reported the Utility Undergrounding Subcommittee had concluded. A packet will be available within the next couple of months for those communities desiring undergrounding of their utilities.

Council Member Harkey reported the Bluff Top Task Force had stalled as a result of low community involvement by the bluff top residents. Education of new bluff top residents would continue, but further action would result only from a request by residents.

Council Member Harkey reported the Investment Review Committee was proceeding very well and recommendations to the City Council should be forthcoming within the next couple of months.

Council Member Harkey reported the San Joaquin Hills Toll Road Agency had entered into a financial agreement with the Foothill South Toll Road last month and therefore will be solvent for at least five years.

Council Member Harkey reported the South Coast Water District (SCWD) had crafted a revised second sewer system installation in Capistrano Beach which would not impact Pines Park as the originally planned system would have.

Council Member Rayfield reported he accompanied Chief of Police Billings and Administrative Sergeant Mark Long to a Harbor Patrol Office ceremony honoring retired San Clemente doctor, Dr. A. E. Westberg, who was instrumental in saving four lives last November. Dr. Westberg reported seeing a flare out on the ocean at 3:00 a.m. and, via

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the telephone, assisted the responding Harbor Patrol boat in locating the sunken fishing boat, enabling the officers to rescue four crewmembers.

Council Member Rayfield noted the American Society of Civil Engineers will honor the City of Dana Point and Director of Public Works/City Engineer Fowler for the City's Salt Creek Ozone Water Treatment Facility project on February 16, 2006.

Council Member Rayfield reminded everyone of Winter Cleanup Day in Dana Point to be held that coming Saturday, February 11th at Dana Hills High School and Palisades School.

Council Member Rayfield reported the Investment Review Committee will meet on Friday, February 10th at 9 a.m. The committee has begun formulating financial policies for the City.

Council Member Rayfield reported the Town Center Subcommittee will conduct public meetings for Town Center business owners on February 16th and 17th at 8:00 a.m. at the Community House to provide updates on the Town Center process and a brief report on economic development in Dana Point.

Council Member Rayfield noted that on February 15th the sun-setting El Toro Reuse Planning Authority (ETRPA) will host a congratulatory party for those who had fought to stop the proposed El Toro airport.

Council Member Rayfield stated the annual Valentines Dance will be held at the Senior Center on February 12th and invited Gene Burrus to speak on this matter.

Gene Burrus stated the dance would be held this Sunday evening from 6 to 9 p.m. at the Community Center and invited seniors and adults to attend.

Mayor Anderson noted she had attended the Valentines Dance in the past, which was a lot of fun with great music and dancing.

Council Member Lacy reported the Ocean Water Quality Subcommittee had been working hard and that Council Member Rayfield would report on their progress following his comments.

Council Member Lacy reported the Library and Sea Terrace Park Subcommittee had met five times since formation to discuss library expansion, improvements at Sea Terrace Park, and ways to obtain state and federal funding for these projects.

Council Member Lacy reported that tonight's approval of Council Policy No. 219 completes the work of the Council Policy Subcommittee.

Mayor Pro Tem Chilton reported the Traffic Improvement Subcommittee had not met due to lack of items to agendaize.

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Mayor Pro Tem Chilton reported on his attendance at Orange County Public Library Board meetings. Our public library is now Wi-Fi, providing free internet access via one's personal laptop computer. Also available are downloads of books on tape via the internet at www.ocpl.org.

Mayor Pro Tem Chilton noted that Olamendi's Restaurant has a "Mark Billings Special" on their menu in honor of Chief of Police Billings.

Council Member Rayfield commented he looked forward to when the entire Dana Point downtown area is Wi-Fi'd.

Council Member Rayfield reported on the Ocean Water Quality Subcommittee and the work being done to improve water quality. He noted Doheny State Beach is posted for high bacterial levels often and that the State has contributed little to improving the beach. Plans are to obtain funding for a DNA source tracking study to determine where the bacteria originates.

Mayor Anderson reported on the Council Chamber Renovation Task Force. The City has a grant from our cable franchise to largely fund the project. A designer and technology consultant has been selected and the City Council should have this before them by the first meeting in March, with a target date of June for construction to begin. During the Chamber remodel, Council meetings will be held at the Community Center and televised live from there.

Mayor Anderson reported she was pleased with the progress of the Utility Undergrounding Subcommittee. The Subcommittee has completed producing a packet for residents desiring formation of assessment districts to underground utilities, which will soon be reviewed by the City Council. Mayor Anderson commended the work of subcommittee member George Miller.

Mayor Anderson reported on her attendance as Chairperson at the Coastal Animal Services Authority meetings. The San Clemente/Dana Point Animal Shelter now has evening hours to accommodate those unable to get there during daytime hours. An owner relinquishment program for dogs and cats and a "Third Chance" program for select pets scheduled for euthanasia at other area shelters.

Mayor Anderson reported on the Foothill/Eastern Transportation Corridor Agency (TCA) and the recent 241 Foothill South extension public hearing. The TCA is celebrating their 20th anniversary this year.

Mayor Anderson participates in the League of California Cities' Measure M Super Committee and the Investment Plan Development Subcommittee, where a draft plan has been formulated and comments are now being accepted. The draft plan is accessible for review online at www.octa.net. Measure M will be on the ballot this year and five community workshops will be held, with the closest one being at Laguna Niguel City Hall Council Chambers on Monday, February 27th from 5 to 7 p.m.

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Mayor Anderson reminded everyone of the upcoming Festival of Whales. The deadline for entrants for the March 4th parade is February 17th.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Anderson declared the meeting adjourned at 7:35 p.m.

The next Regular Meeting of the City Council will be February 22, 2006 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 FEBRUARY 22, 2006