
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
NOVEMBER 30, 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; Todd Litfin, Assistant City Attorney; Sharie Apodaca, Director of Administrative Services; Cathy Catlett, Assistant City Clerk; Kyle Butterwick, Director of Community Development; John Tilton, City Architect/Planning Manager; Brenda Chase, Senior Planner; Erica Williams, Senior Planner; Brad Fowler, Director of Public Works/City Engineer; Matt Sinacori, City Engineer; Cindy Asher, Administrative Manager; Mike Rose, Emergency & Support Services Manager; Todd De Voe, Emergency Services Coordinator; 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)
- C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957

Title: City Attorney

Mayor Rayfield recessed the meeting into a Closed Session at 5:01 p.m. pursuant to Government Code Section 54956 et. seq.

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RECONVENE CITY COUNCIL MEETING

Mayor Rayfield 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 Chilton.

INVOCATION

The Invocation was led by Deacon Jesse Michel of St. Edwards Church.

PRESENTATIONS AND PROCLAMATIONS

Presentation by Marilyn Hemingway of the Orange County Grand Jury Regarding Recruitment of Women for the Grand Jury.

Marilyn Hemingway addressed the City Council and the public regarding the qualifications of a Grand Juror, and encouraged women in particular to apply by the deadline of January 13, 2006.

Business of the Month

Director of Administrative Services Apodaca gave a Power Point presentation of Fuller's for Men and Women. Mayor Rayfield introduced owners Tom and Kathy Fuller and presented them with a Certificate of Recognition.

CONSENT CALENDAR

Members of the public removed Item 8 from the Consent Calendar. City Manager Chotkevys withdrew Item 17 for deferral to a future meeting.

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 8 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

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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, NOVEMBER 9, 2005

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, NOVEMBER 2, 2005

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF NOVEMBER 16, 2005

RECEIVED AND FILED.

5. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

6. CITY TREASURER'S REPORT, OCTOBER 2005

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

7. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

8. AMEND ROMA DESIGN GROUP CONTRACT TO DEVELOP THE TOWN CENTER PLAN *[STRATEGIC PLAN: CREATE A VIBRANT, PEDESTRIAN-ORIENTATED TOWN CENTER WHICH MEETS THE NEEDS OF OUR RESIDENTS, VISITORS AND BUSINESSES]*

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

Council Members Chilton and Harkey recused themselves from discussion of this matter due to an economic conflict of interest. Council Members Chilton and Harkey left the dais.

City Manager Chotkevys provided the staff report.

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Jerry Grunor, Dana Point, expressed concern with the ROMA recommendations for the Town Center and spoke of the need for a public parking facility.

Dr. Jim Seitz, Dana Point, spoke regarding zoning within the Town Center and the need for an update of the City's Master Plan.

IT WAS MOVED BY MAYOR PRO TEM ANDERSON, SECONDED BY MAYOR RAYFIELD, TO (1) AUTHORIZE THE CITY MANAGER TO AMEND THE AGREEMENT WITH ROMA DESIGN GROUP; AND (2) APPROVE THE TRANSFER OF FUNDS FROM THE UNDESIGNATED GENERAL FUND BALANCE TO THE COMMUNITY DEVELOPMENT, PLANNING DIVISION, PROFESSIONAL SERVICES ACCOUNT # 01-41-20-0000-223 TO PAY FOR THE COSTS ASSOCIATED WITH THE PROFESSIONAL SERVICES CONTRACT AMENDMENT.

The motion carried by the following vote:

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

Council Members Chilton and Harkey returned to the Council Chamber at the conclusion of discussion of this item.

9. **RECEIVE AND FILE THE APPROVED PARKS, RECREATION AND OPEN SPACE MASTER PLAN** *[STRATEGIC PLAN: PROVIDE, ACQUIRE AND RETAIN OPEN SPACE, PARKS, RECREATIONAL FACILITIES, GREENBELTS AND TRAILS, AND COMMUNITY SERVING PROPERTY]*

RECEIVED AND FILED THE FINAL VERSION OF THE PARKS, RECREATION, AND OPEN SPACE MASTER PLAN.

10. **ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT, FISCAL YEAR 2004/2005** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

(1) **ADOPTED RESOLUTION NO. 05-11-30-01, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT, FISCAL YEAR 2004/2005; AND**

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(2) DIRECTED STAFF TO TRANSFER ALL PROJECT SAVINGS TO THE ANNUAL ROADWAY RESURFACING PROJECT FY 05/06.

- 11. ADOPTION OF POSITION TITLE, SALARY RANGE AND CLASS SPECIFICATION FOR ENGINEERING TECHNICIAN III** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

(1) ADOPTED A **RESOLUTION NO. 05-11-30-02**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING A CLASS SPECIFICATION AND SALARY RANGE FOR ENGINEERING TECHNICIAN III; AND

(2) AUTHORIZED A TRANSFER OF FUNDS FROM THE RESERVE FOR ENHANCEMENT ACCOUNT TO THE PUBLIC WORKS/ENGINEERING BUDGET #56 FOR NECESSARY PERSONNEL COSTS.

- 12. CONTRACT AWARD TO HEISLER LANDSCAPE GENERAL ENGINEERING, INCORPORATED FOR THE REPLACEMENT OF PINES PARK PLAYGROUND EQUIPMENT AS PART OF THE GENERAL PARK REHABILITATION PROGRAM** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

(1) FOUND THAT THE FAILURE OF HEISLER LANDSCAPE GENERAL ENGINEERING, INCORPORATED, TO PROVIDE A UNIT PRICE TO PROPERLY EXTEND BID ITEM NUMBER 6 NEITHER AFFECTED THE BID PRICE NOR GAVE HEISLER LANDSCAPE GENERAL ENGINEERING, INCORPORATED AN UNFAIR ADVANTAGE OVER OTHER BIDDERS AND, THEREFORE, THE CITY COUNCIL WAIVES SUCH IRREGULARITY; (2) AWARDED A CONTRACT TO HEISLER LANDSCAPE GENERAL ENGINEERING, INCORPORATED FOR THE REPLACEMENT OF THE PINES PARK PLAYGROUND EQUIPMENT PROJECT AS PART OF THE GENERAL PARK REHABILITATION PROGRAM, PROVIDED THAT THE CITY MANAGER OR HIS DESIGNEE MAY APPROVE ADDITIONAL PAYMENT NOT TO EXCEED TEN PERCENT OF THE CONTRACT AMOUNT FOR CHANGE ORDERS AND CONTINGENCIES; AND (3) AUTHORIZED EXPENDITURES FOR CONSTRUCTION MANAGEMENT SERVICES, SOILS AND MATERIAL TESTING, AND CONSTRUCTION DESIGN SUPPORT FOR THE REPLACEMENT OF THE PINES PARK PLAYGROUND EQUIPMENT AS PART OF THE GENERAL PARK REHABILITATION PROGRAM AS NOTED 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.

Jim Kelly, Dana Point, expressed concerns regarding the development project for the Town Center.

Tom Brabeck, Dana Point, President of the Boys and Girls Club, spoke in opposition to the recent movie filming occurring in Dana Point Harbor.

Jerry Grunor, Dana Point, expressed concerns regarding the development project for the Town Center.

Craig Alexander, Dana Point, expressed appreciation to the Council for their recent endorsement of the California Border Police initiative and spoke of the need for televising of Planning Commission meetings.

Pam Tappan, Capistrano Beach, requested City Council support of Jack Hamilton.

Norm Jackes, Dana Point, spoke in support of transparency in government decisions.

Steve Cary, Dana Point, expressed concerns regarding the development project for the Town Center.

Donna Faass, Capistrano Beach, spoke of the recent mobile home park closure and recent emails she had sent to members of the City Council regarding this.

Gary Newkirk, Dana Point, spoke regarding the DeCarli/Hamilton legal matter.

Jack Hamilton, Dana Point, spoke regarding the variances granted to Mr. DeCarli.

John Murphy, Dana Point, expressed concerns with Makar's rumored plans for the site of the former mobile home park.

Pat Fairbanks, Dana Point, spoke regarding the dog run in Sea Terrace Park.

Dr. Jim Seitz, Dana Point, spoke regarding the recent mobile home park closure and distributed a packet of newspaper articles to Council.

Greg Powers, Dana Point, spoke regarding possible uses for the Town Center and suggested a water fountain be included in the plan.

Mayor Rayfield declared a recess at 7:29 p.m. and reconvened the meeting at 7:47 p.m. All Council Members were present.

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PUBLIC HEARINGS

- 13. APPEAL OF PLANNING COMMISSION DECISION TO DENY VARIANCE V05-05 TO ALLOW AN ADDITION AND A PITCHED ROOF ELEMENT TO AN EXISTING DUPLEX THAT WOULD EXCEED THE REGULATIONS FOR BUILDING HEIGHT AT 33935 MALAGA 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]*

Council Member Harkey recused herself from discussion of this matter due to an economic conflict of interest. Council Member Harkey left the dais.

City Manager Chotkevys introduced the item.

Director of Community Development Butterwick introduced City Architect/Planning Manager Tilton, who provided the staff report along with a Power Point presentation.

Mayor Rayfield opened the Public Hearing.

Doug Baker, Dana Point, applicant/appellant and owner of the Malaga property, spoke regarding his plans to improve the property.

Council Member Lacy disclosed that he had met with Mr. Baker earlier today.

Shaun Hurley, Dana Point, real estate broker who had sold the property to Mr. Baker, spoke in support of the appeal.

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

Council Member Chilton disclosed that he had a telephone conversation with Mr. Baker.

IT WAS MOVED BY COUNCIL MEMBER LACY, SECONDED BY COUNCIL MEMBER CHILTON, TO DIRECT STAFF TO BRING BACK A RESOLUTION GRANTING THE APPEAL AND REVERSING THE PLANNING COMMISSION'S DENIAL OF VARIANCE V05-05 TO ALLOW AN ADDITION AND PITCHED ROOF ELEMENT TO AN EXISTING DUPLEX THAT WOULD EXCEED THE REGULATIONS FOR BUILDING HEIGHT AT 33935 MALAGA DRIVE, LIMITING THE ROOF HEIGHT TO THAT OF THE EXISTING ROOF.

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The motion carried by the following vote:

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

Council Member Harkey returned to the Council Chamber at the conclusion of discussion of this item.

14. AMENDMENT TO SITE DEVELOPMENT PERMIT SDP99-61(II) TO ALLOW AN ENTRY GATE AT THE BAL HARBOUR COMMUNITY [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]

Director of Community Development Butterwick provided initial staff report comments.

Senior Planner Chase provided the staff report along with a Power Point presentation.

Mayor Rayfield opened the Public Hearing.

Claire Giles, Dana Point, Bal Harbour Homeowners Association President, spoke on behalf of the appellant Mark Bradshaw describing the reasons for filing of the appeal and providing a Power Point presentation of the community.

Mark Bradshaw, Dana Point, provided additional information regarding the Bal Harbour community and the reasons the appeal should be granted.

Liz Kohnke, Dana Point, spoke in support of the appeal.

Steve Oettinger, Dana Point, spoke in support of the appeal.

Dan Kulick, Dana Point, spoke in support of the appeal.

Diane Rafferty, Dana Point, spoke in support of the appeal.

Al Clerc, Dana Point, spoke in support of the appeal.

Karen Kulick, Dana Point, spoke in support of the appeal.

Ed Sullivan, Dana Point, spoke in support of the appeal.

Robert McGeeney, Dana Point, spoke in support of the appeal.

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

IT WAS MOVED BY MAYOR PRO TEM ANDERSON, SECONDED BY COUNCIL MEMBER HARKEY, TO DIRECT STAFF TO BRING BACK A RESOLUTION GRANTING THE APPLICATION TO AMEND SITE DEVELOPMENT PERMIT SDP99-61(II) TO ALLOW AN ENTRY GATE AT THE BAL HARBOUR COMMUNITY.

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 9:20 p.m. and reconvened the meeting at 9:32 p.m. All Council Members were present.

UNFINISHED BUSINESS

- 15. RE-ORGANIZATION OF THE COMMUNITY DEVELOPMENT DEPARTMENT TO INCLUDE AN ECONOMIC DEVELOPMENT DIVISION** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/ PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

City Manager Chotkevys provided the staff report.

Director of Community Development Butterwick provided additional information to complete the overview of the proposed re-organization.

IT WAS MOVED BY MAYOR PRO TEM ANDERSON, SECONDED BY COUNCIL MEMBER LACY, TO 1) APPROVE THE RE-ORGANIZATION OF THE COMMUNITY DEVELOPMENT DEPARTMENT TO INCLUDE A NEW ECONOMIC DEVELOPMENT DIVISION; 2) AUTHORIZE THE HIRING OF TWO NEW POSITIONS FOR THE ECONOMIC DEVELOPMENT DIVISION: AN ECONOMIC DEVELOPMENT MANAGER AND A MANAGEMENT ANALYST; 3) ADOPT **RESOLUTION NO. 05-11-30-03**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING THE POSITION TITLE, SALARY RANGE, AND CLASS SPECIFICATION FOR ECONOMIC DEVELOPMENT MANAGER; AND 4) AUTHORIZE THE TRANSFER OF FUNDS FROM FY05-06 AND FY06-07 BUDGETS FROM THE UNDESIGNATED GENERAL FUND TO THE COMMUNITY DEVELOPMENT PLANNING BUDGET #41 TO COVER PERSONNEL COSTS AND OPERATING COSTS PER THE LINE ITEM BUDGET COSTS OUTLINED IN THE FISCAL IMPACT SECTION OF THE REPORT.

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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

19. TSUNAMI PREPAREDNESS PROGRAM *[STRATEGIC PLAN: PROTECT THE HEALTH, SAFETY AND WELFARE OF OUR RESIDENTS, VISITORS AND BUSINESSES]*

This item was taken out of order by Mayor Rayfield to be heard at this time.

City Manager Chotkevys provided the staff report.

Emergency & Support Services Manager Rose provided a Power Point presentation.

Dr. Jim Seitz, Dana Point, spoke regarding availability of search teams and of the City's affordable housing.

IT WAS MOVED BY MAYOR PRO TEM ANDERSON, SECONDED BY MAYOR RAYFIELD, TO APPROVE THE EMERGENCY AND SUPPORT SERVICES TSUNAMI PREPAREDNESS PROGRAM, INCLUDING THE PLACEMENT OF TSUNAMI HAZARD ZONE SIGNS, THE IMPLEMENTATION OF A PUBLIC EDUCATION CAMPAIGN, AND THE REQUEST FOR AND EXPENDITURE OF GRANT FUNDS TO SUPPORT THE ONGOING OPERATION OF THIS PROGRAM.

The motion carried by the following vote:

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

16. ADOPTION OF RESOLUTION APPROVING FINAL TRACT MAP NO. 16331 – HEADLANDS DEVELOPMENT *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

City Manager Chotkevys provided the staff report.

Director of Public Works and Engineering Services Fowler provided an overview of the Final Tract Map with a Power Point presentation.

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City Attorney Muñoz provided a legal review of the item before the City Council at this time.

Dr. Jim Seitz, Dana Point, spoke regarding what appeared to him to be issues with the grading, excavation, construction, and placement of caissons and pilings at the Headlands site.

Kevin Darnall, Del Mar, Headlands Reserve LLC, spoke of the extensive staff review of the Final Tract Map and in support of the recommended action.

Stan Wolcott, Rutan and Tucker, responded to questions from the City Council.

City Attorney Muñoz indicated there was a need for a Closed Session, based upon his professional opinion that the City Council had reached a stage in discussions where a possibility of litigation existed. The City Council would require a Closed Session as follows:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION,
SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9
(b1), (1 case)

Due to the fact that three placeholder cases of Anticipated Litigation had been listed on the agenda for the prior Closed Session tonight which had not been discussed, there was no need for the formality of adding the item to the agenda at this time.

IT WAS MOVED BY COUNCIL MEMBER LACY, SECONDED BY MAYOR PRO TEM ANDERSON, TO ADD A CLOSED SESSION FOR THE PURPOSE OF CONFERRING WITH LEGAL COUNSEL TO DISCUSS ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b1), (1 case)

The motion carried by the following vote:

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

CLOSED SESSION

Mayor Rayfield recessed the meeting into a Closed Session at 11:32 p.m. pursuant to Government Code Section 54956 et. seq.

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RECONVENE CITY COUNCIL MEETING

Mayor Rayfield reconvened the meeting at 12:18 a.m. All Council Members were present.

CONTINUATION OF ITEM NO. 16:

Stan Wolcott, Rutan and Tucker, restated that the CFD will be designed in such a fashion that, between Special Tax A and Special Tax B, the City will have no residual liability for either the capital cost or the ongoing maintenance and operation of the public facilities.

IT WAS MOVED BY COUNCIL MEMBER CHILTON, SECONDED BY COUNCIL MEMBER LACY, TO ADOPT **RESOLUTION NO. 05-11-30-04**, A *RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING FINAL TRACT MAP NO. 16331, THE REQUIRED LANDSCAPE, IRRIGATION, AND MAINTENANCE AGREEMENT, THE REQUIRED DEED RESTRICTION, THE REQUIRED CONSERVATION EASEMENTS, A REVETMENT AND FUNICULAR MAINTENANCE AGREEMENT, AND THE ACCOMPANYING SUBDIVISION IMPROVEMENT AGREEMENT.*

The motion carried by the following vote:

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

CONTINUATION OF CITY COUNCIL MEETING BEYOND 11:00 P.M. TIME CERTAIN FOR ADJOURNMENT

IT WAS MOVED BY COUNCIL MEMBER CHILTON, SECONDED BY MAYOR PRO TEM ANDERSON, TO CONTINUE THE MEETING PAST THE 11:00 P.M. TIME CERTAIN FOR ADJOURNMENT.

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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17. CITY COUNCIL POLICIES *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/ PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

This item was withdrawn from the agenda at the beginning of the Consent Calendar for deferral to a future meeting.

NEW BUSINESS

18. REVIEW OF PLANNING COMMISSION APPOINTMENTS

Mayor Rayfield provided the staff report.

IT WAS MOVED BY MAYOR RAYFIELD, SECONDED BY COUNCIL MEMBER CHILTON, TO REMOVE PLANNING COMMISSIONER GREG POWERS FROM THE PLANNING COMMISSION AND APPOINT ALTERNATE LIZ ANDERSON FITZGERALD TO THE PLANNING COMMISSION TO FILL THE VACANCY.

Glenn Brumage, Capistrano Beach, Capistrano Beach Community Association, spoke of the desire to have Capistrano Beach representation on the Planning Commission and in favor of the appointment of Planning Commission Alternate Lisa Bartlett.

Liz Anderson Fitzgerald, Dana Point, expressed her desire to be appointed to the Planning Commission.

Council Member Lacy requested bifurcation of the motion.

Council Member Lacy made the following statement for the record: "I was not very enthusiastic about this aspect of the meeting when I saw on the agenda that we were having a review of the Planning Commission. The reality is that this type of a review is highly unusual. Yes, it's within the power, I'm speaking my view, and also...." ("For the record" statements limited to 50 words or less, with words in excess of 50 not reflected in the minutes, per Resolution No. 97-09-23-02.)

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The motion was bifurcated as follows:

1. MOTION TO REMOVE PLANNING COMMISSIONER GREG POWERS FROM THE PLANNING COMMISSION.

The motion carried by the following vote:

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

2. MOTION TO APPOINT ALTERNATE LIZ ANDERSON FITZGERALD TO THE PLANNING COMMISSION TO FILL THE VACANCY.

The motion carried by the following vote:

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

IT WAS MOVED BY COUNCIL MEMBER HARKEY, SECONDED BY MAYOR RAYFIELD (for discussion), TO REMOVE PLANNING COMMISSIONER APRIL O'CONNOR FROM THE PLANNING COMMISSION.

The motion failed by the following vote:

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

STAFF REPORTS

There were no Staff Reports.

COUNCIL REPORTS

Council Member Chilton made no reports.

Council Member Harkey made no reports.

Council Member Lacy requested the Mayor schedule a public hearing to consider whether there is cause to revoke the permits in connection with the variances previously approved for the DeCarli project.

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Council Member Lacy requested that the following items be agendized for a future meeting:

1. Discussion of an amendment to the Strategic Plan to make affordable housing a Council priority and have State certification of the City's Housing Element;
2. Schedule a hearing to adopt a policy that would allow for the amended Housing Element to emphasize creation of new affordable housing units. More specifically, that affordable housing, as opposed to in-lieu fees, be made the top policy of our effort to provide more affordable housing.
3. Have an additional discussion at the same meeting to adopt a policy to raise the in-lieu fee to a level equal to that of Laguna Beach.

Mayor Pro Tem Anderson made no reports.

Mayor Rayfield made no reports.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Rayfield declared the meeting adjourned at 12:55 a.m.

The next Regular Meeting of the City Council will be December 14, 2005 at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

CATHY CATLETT
ASSISTANT CITY CLERK

APPROVED AT THE MEETING OF JANUARY 11, 2006