
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
MARCH 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 (arrived 5:01 p.m.)
James V. Lacy, Council Member
Wayne Rayfield, 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; Kyle Butterwick, Director of Community Development; John Tilton, City Architect/Planning Manager; Brad Fowler, Director of Public Works/City Engineer; Matt Sinacori, City Engineer; Mark Billings, Chief of Police; Jennifer Anderson, Management Analyst; 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), (1 case)

B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Government Code § 54956.8

Location: Doheny House, 35101 Camino Capistrano, Capistrano Beach

Agency Negotiator: Douglas Chotkevys, City Manager
Patrick Muñoz, City Attorney

Negotiating Parties: Kyle Butterwick, Director of Community Development
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

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

C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957

Title: City Manager

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 6:08 p.m. All Council Members were present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pro Tem Chilton.

MOMENT OF SILENCE

Mayor Anderson requested the observance of a Moment of Silence in memory of dedicated Dana Point citizen Jim Davy, upon his death on February 28, 2006.

PRESENTATIONS AND PROCLAMATIONS

Presentation to Jeroen Gerrese

Mayor Anderson presented a Certificate of Recognition to Jeroen Gerrese, who was accompanied by his wife and children. Mr. Gerrese has served in an exemplary manner, as the former General Manager of the Laguna Cliffs Marriott Resort and Spa until his departure in February 2006.

Business of the Month

Management Analyst Anderson gave a PowerPoint presentation of Kewl Zone Entertainment. Mayor Anderson introduced co-owners Sean Sykes, Gary Mayberry, Sean Gillespie and their wives, and presented them with a Certificate of Recognition.

CONSENT CALENDAR

IT WAS MOVED BY COUNCIL MEMBER RAYFIELD, SECONDED BY MAYOR PRO TEM CHILTON, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR

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

The motion carried by the following vote:

AYES: Council Members Harkey, Lacy, Rayfield,
Mayor Pro Tem Chilton and Mayor Anderson
NOES: None
ABSENT: None
ABSTAIN: 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, FEBRUARY 22, 2006

APPROVED THE MINUTES.

3. PLANNING COMMISSION MINUTES, MEETING OF FEBRUARY 15, 2006

RECEIVED AND FILED.

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

RECEIVED AND FILED.

5. YOUTH BOARD MINUTES, MEETING OF FEBRUARY 16, 2006

RECEIVED AND FILED.

6. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

7. CITY TREASURER'S REPORT, JANUARY 2006

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH
OF JANUARY, 2006.

8. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

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

9. 2006 WEED ABATEMENT PROGRAM

ADOPTED **RESOLUTION NO. 06-03-08-01**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DECLARING WEEDS A PUBLIC NUISANCE AND INITIATING ABATEMENT PROCEEDINGS ESTABLISHING WEED ABATEMENT PROCEDURES. FURTHER, BY MINUTE ORDER, AUTHORIZED STAFF TO RELEASE BID PACKETS TO CONTRACTORS TO ABATE WEEDS IN THE CITY.

10. AWARD OF CONTRACT TO ALL AMERICAN ASPHALT FOR COAST HIGHWAY ASPHALT STREET REPAIRS BETWEEN DOHENY PARK ROAD AND CAMINO CAPISTRANO

(1) AWARDED A CONTRACT TO ALL AMERICAN ASPHALT FOR THE CONSTRUCTION OF THE ARTERIAL ROADWAY RESURFACING PROJECT ON COAST HIGHWAY BETWEEN DOHENY PARK ROAD AND CAMINO CAPISTRANO, 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; (2) AUTHORIZED THE EXPENDITURES FOR VARIOUS CONSTRUCTION SUPPORT, ADMINISTRATION AND MANAGEMENT EXPENDITURES AS OUTLINED IN THE FISCAL IMPACT SECTION OF THE REPORT; AND (3) AUTHORIZED THE USE OF AVAILABLE FUNDING AS OUTLINED IN THE FISCAL SECTION TO COVER THE COSTS FOR THIS PROJECT, AND DIRECT STAFF TO MAKE NECESSARY FUNDING TRANSFERS.

PUBLIC COMMENTS

Mayor Anderson opened the meeting for public comments.

Ingrid McGuire, Dana Point, Vice-President, South Coast Water District Board of Directors, announced that for the week of March 13 through 17, 2006, the District is shutting down its regional water treatment plant for capital improvements. Although there is adequate water supply, the District is requesting citizens to voluntarily refrain from watering their lawns during this time period.

James Littlejohn, Mission Viejo, as Chair of the Boys and Girls Club of Capistrano Valley, introduced the Youth of the Year, Tod Evans, Dana Point, who spoke of his experience with the organization.

Terry Walsh, Dana Point, spoke on behalf of the Historical Society in support of preserving Doheny House.

Dr. Jim Seitz, Dana Point spoke regarding affordable housing and reports he expected to receive relative to Talley & Associates.

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

Barbara Johannes spoke regarding the preservation of Doheny House.

PUBLIC HEARINGS

There were no public hearings.

UNFINISHED BUSINESS

11. ADOPTION OF A RESOLUTION APPROVING THE UTILITY UNDERGROUNDING ASSESSMENT DISTRICT POLICY AND PROCEDURES MANUAL

City Manager Chotkevys reported and introduced Director of Public Works/Engineering Services Fowler who presented an Executive Summary. Mr. Fowler also expressed his appreciation to the Utility Undergrounding Subcommittee members, Council Liaisons Mayor Anderson and Council Member Harkey, and its public members, four of whom he acknowledged as present in the audience: George Miller, Chair; Tom De Simone; Linda Zaccaro and Wayne Vega.

Ted Wessell, Capistrano Beach, requested that utility undergrounding on Camino Capistrano continue to Pines Park.

Jim De Carli, Dana Point, spoke in support of the proposed adoption of the utility undergrounding procedures.

IT WAS MOVED BY COUNCIL MEMBER RAYFIELD, SECONDED BY COUNCIL MEMBER HARKEY, TO (1) ADOPT **RESOLUTION NO. 06-03-08-02, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA APPROVING THE UTILITY UNDERGROUNDING ASSESSMENT DISTRICT POLICY AND PROCEDURES MANUAL**;

(2) DIRECT STAFF TO POST THE INFORMATION ON THE CITY'S WEB SITE AS SOON AS POSSIBLE; AND

(3) AUTHORIZE STAFF TO ADVANCE RESOURCES AS APPROPRIATE TO FACILITATE THE FORMATION OF DISTRICTS IN ACCORDANCE WITH THE APPROVED POLICY.

The motion carried by the following vote:

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

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

NEW BUSINESS**12. PROPOSED COMMUNITY FACILITIES DISTRICT – PROFESSIONAL CONSULTANT CONTRACTS**

City Manager Chotkevys announced that no action will be taken this evening; that the Investment Review Committee met Monday, March 6 and will bring forward its recommended action at the Council Meeting of March 22, 2006.

13. REQUEST TO INITIATE A GENERAL PLAN AMENDMENT GPA05-01 TO CHANGE THE LAND USE DESIGNATION AT THE PROPERTY LOCATED AT 34202 DEL OBISPO

City Manager Chotkevys requested continuance, and by unanimous consent, all Council Members present, none absent, concurred continuance to a future meeting date uncertain.

STAFF REPORTS

City Manager Chotkevys spoke regarding the milestone the City has reached with regards to the progress made by a number of subcommittees and task forces. The City has dealt with key policy issues, including utility undergrounding on tonight's agenda. Both the Residential Building Heights Task Force and the Investment Review Committee will bring forward their recommendations to the March 22nd Council Meeting. Mr. Chotkevys reiterated Dr. Seitz's comments that affordable housing is a priority, and the Housing Element will be agendized in April at a Housing Summit joint meeting between the City Council and the Planning Commission.

City Attorney Muñoz referred to Dr. Seitz's public comments to report on his follow through on the letter to Talley and Associates and that a status report is included in the agenda packet.

COUNCIL REPORTS

Mayor Pro Tem Chilton commended the outstanding job done by staff and the Sheriff's Department the past weekend on the Festival of Whales.

Mayor Pro Tem Chilton announced another event to be held Saturday, March 11th is the Wag-A-Thon, which is for a good cause that benefits the Dana Point/San Clemente Animal Shelter. Mr. Chilton provided entry details along with the website at www.petprojectfoundation.org.

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

Mayor Pro Tem Chilton cited a case in Vermont before the Supreme Court for a ruling relative to limits on campaign contributions and expenditures by candidates. Mr. Chilton stated he will return with the decision rendered as it is to have significant impact.

Council Member Harkey commented on the success of the Festival of Whales.

Council Member Harkey spoke regarding the memorial service for Jim Davy she attended.

Council Member Harkey commended the work of the South Coast Water District Board of Directors, including Ingrid Mc Guire, in dealing with such issues as FOG (Fats, Oils and Grease) and the sewers.

Council Member Harkey encouraged those wishing to volunteer for the Dana Point/Capistrano Beach Historical Society to contact her by phone at 949-240-6959 or by e-mail at www.dharkey@danapoint.org.

Council Member Rayfield announced the continuation of the Festival of Whales with the Wag-A-Thon on Saturday, March 11th and Ocean Awareness Day on Sunday, March 12, 2006. Mr. Rayfield invited everyone to visit the booth the City set up on Ocean Water Quality.

Council Member Rayfield requested that the meeting be dedicated to the memory of a good friend, Jim Davy.

Council Member Lacy expressed his regret that he will not be present at the next Council Meeting of April 12, 2006. Mr. Lacy is being honored by the American Association of Political Consultants for his legal work relative to campaign mailings.

Mayor Anderson remarked on the great Festival of Whales parade and that the festival is run entirely through the work and efforts of volunteers. Ms. Anderson mentioned several events, including its featured marine artist, Robert Lyn Nelson; the "Rendezvous for Life" community walk; the El Camino Real Women's Club pancake breakfast, and the rubber duck race. The calendars are available throughout the community, or by visiting the website at www.festivalofwhales.org.

Mayor Anderson spoke regarding a television documentary produced by Peter Murphy entitled *The Friendly Whales*, which aired on City-sponsored KOCE. Mayor Anderson was filmed in a premiere of the Festival of Whales on KOCE-TV's Real Orange program.

Mayor Anderson was pleased to announce that the Wag-A-Thon, which benefits the Dana Point/San Clemente Animal Shelter, was named "The Best Place to Volunteer" by Beach City Style Magazine.

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

Mayor Anderson stated that yesterday she was named "Principal for the Day" by the Exceptional Needs Facility.

Mayor Anderson announced that Rod Howorth stepped down as president of the Lantern Village Association but will continue to remain active in the organization. Ms. Anderson congratulated new president Teri Miller.

RECESS TO CLOSED SESSION

There being no further business before the City Council at this session, Mayor Anderson recessed to Closed Session at 7:13 p.m. pursuant to Government Code Section 54956 et. seq.

ADJOURNMENT

There being no further business before the City Council in Closed Session, Mayor Anderson adjourned the meeting in memory of Jim Davy, at 8:20 p.m.

The next Regular Meeting of the City Council will be March 22, 2006 at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

ELIZABETH EHRLING
CITY CLERK

APPROVED AT THE MEETING OF _____
