

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
APRIL 17, 2007**

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by City Clerk Ward at 5:00 p.m. in the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point. City Clerk Ward announced that the meeting was adjourned to 6:00 p.m. due to a lack of quorum.

CLOSED SESSION

There were no Closed Session items.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Harkey at 6:00 p.m. at the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point.

ROLL CALL

PRESENT: Diane L. Harkey, Mayor
Lisa A. Bartlett, Mayor Pro Tem
Lara Anderson, Council Member
Joel Bishop, Council Member
Steven Weinberg, Council Member

STAFF PRESENT: Douglas Chotkevys, City Manager; Patrick Muñoz, City Attorney; Clara Wong, Interim Director of Administrative Services; Kathy Ward, City Clerk; Cathy Catlett, Assistant City Clerk; Kyle Butterwick, Director of Community Development; Brad Fowler, Director of Public Works/City Engineer; Matt Sinacori, City Engineer; Lt. Mark Levy, Chief of Police; Christy Teague, Economic Development Manager; Mike Rose, Emergency & Support Services Manager and Jackie Littler, Executive Secretary.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Anderson.

INVOCATION

The Invocation was led by Reverend Paul Peck.

PRESENTATIONS AND PROCLAMATIONS

Mayor's Award for Best Display of Parade Theme - Festival of Whales Parade -
Presentation to R.H. Dana Elementary School

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
APRIL 17, 2007**

Mayor Harkey presented a Certificate of Recognition to Chris Weber, Principal of R. H. Dana Elementary School, parents and students for the best display of the Festival of Whales theme. Mayor Harkey also announced other parade winners:

Best Youth Group: Lantern Village Kids

Best Local Entry: Mom's Club of Dana Point

Best Musical Unit: Dana Hills High School Marching Band

CONSENT CALENDAR

Council Member Anderson, Staff and a member of the public removed Item No. 9 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER ANDERSON, SECONDED BY MAYOR PRO TEM BARTLETT, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM NO. 9.

The motion carried by the following vote:

AYES: Council Members Anderson, Bishop, Weinberg,
Mayor Pro Tem Bartlett and Mayor Harkey
NOES: 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, APRIL 3, 2007

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, MARCH 27, 2007

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF APRIL 10, 2007

RECEIVED AND FILED.

5. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
APRIL 17, 2007**

6. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

7. APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH CCN USA FOR A CCNtv SYSTEM FOR PUBLIC AFFAIRS AND EMERGENCY COMMUNICATIONS

APPROVED THE MEMORANDUM OF UNDERSTANDING AND AUTHORIZE THE CITY MANAGER TO SIGN THE MOU.

8. DISSOLUTION OF THE DANA POINT SCHOLARSHIP FOUNDATION

AUTHORIZED THE DISSOLUTION OF THE DANA POINT SCHOLARSHIP FOUNDATION.

9. DISCUSSION REGARDING LEGISLATION: AB 1459

This item was removed from the Consent Calendar by Council Member Anderson, staff and a member of the public.

City Attorney Munoz provided a staff report. This legislation prohibits the creation of condo hotels or fractional units and conversion of existing hotel units. City has recently joined other cities to form a coalition; the Chair of this group recommended that the City oppose this legislation. The Coastal Commission also opposed this legislation. Staff also recommends opposing this legislation.

Mayor Harkey clarified that AB 1459 does not affect time shares in Dana Point, stating that we don't want our land use authority or jurisdiction removed from us and granted to a state agency.

Judy Rice, Laguna Hills & Hemet, had concerns with the report and the proposed legislation.

Council Member Anderson indicated that this item should have been presented as a discussion item and is concerned that the City is limiting ourselves, since we are not finished with the short term rental issue and we should consider our options, even though she is not in favor of more time shares in Dana Point.

Mayor Harkey stated this Bill doesn't have anything to do with a specific project, and the question is do we want the state to usurp land use jurisdiction and authority within a city? She feels local control is most important.

IT WAS MOVED BY COUNCIL MEMBER BISHOP, SECONDED BY MAYOR PRO TEM BARTLETT, TO OPPOSE THE PROPOSED LEGISLATION ON AB 1459.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
APRIL 17, 2007**

The motion carried by the following vote:

AYES: Council Members Anderson, Bishop, Weinberg,
Mayor Pro Tem Bartlett and Mayor Harkey
NOES: None
ABSTAIN: None

PUBLIC COMMENTS

Mayor Harkey opened the meeting for public comments.

Carol Wilson, Capistrano Beach, spoke in opposition to the 3,000 parolees that may be released in a May 2007 ruling. She spoke in favor and asked Council to consider a lodging and boarding house ordinance.

Karin Schnell, Dana Point, invited the City Council, staff and the community to the Arts Day at La Plaza on Sunday, April 29 from 11:00 – 4:00 p.m. for an interactive, multi-cultural day. This is part of the County-wide Imagination Celebration event which will occur for one month.

Pam Tappan, Capistrano Beach, 27 year resident, spoke about the meeting on the Enviromental Impact Report for the Doheny House on April 25th at Palisades Elementary School from 6:00 – 8:00 p.m. and asked that we save this historical house.

Bob Becker, Dana Point, spoke in support of the 14th annual Wag-A-Thon on April 28th from 8:30 a.m. to 1:00 p.m. in the Harbor (on the Island). The celebrity dog is Cole from the Shaggy Dog. There are many activities including a Sponsor-a-pet booth, pet contest, etc. The cost is \$30.00 plus tee shirt and goody bag. You can pick up your registration and pay the admission fee on April 21st at Starbucks. For more information, please see www.petprojectfoundation.org.

Steve Cary, Dana Point, spoke concerning the Cystic Fibrosis event on Saturday, May 12th at Doheny Park at 9:00 a.m. \$.90 of every dollar goes to care and funding is all private. \$30 million was raised last year. For more information, see www.cf.org.

Wayne Rayfield, Dana Point, congratulated Council Member Anderson and former Council Member Jim Lacy for their efforts on the new Chambers. As the City's representative to the Orange County Vector Control Board, he spoke on the dangers of West Nile Virus, which is transmitted by mosquitoes and encouraged everyone to eliminate standing water around the outside of their house. He also mentioned Earth Day and Earth Ocean Society Cleanup in Lantern Village and the Harbor on Saturday, April 21st.

Council Member Anderson asked about the standing water in San Juan Creek. Mr. Rayfield indicated that there is mosquito eating fish there for that purpose. Mayor Harkey indicated that in the future, Mr. Rayfield may request to be listed on the agenda to provide a Vector Control Board report.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
APRIL 17, 2007**

Ingrid McGuire, Dana Point, former Council Member and Mayor, complimented the Council on the new Chambers.

Council Member Anderson noted that we will get a new City Seal for the Chamber in the future.

Dick Dietmeier, Dana Point, President of the South Coast Water District Board, spoke concerning the Deimer shutdown and indicated that we had great support from our residents. Ninety-five percent of the water that comes to South County comes through Deimer pumping station. He thanked Council Member Anderson and City Manager Chotkevys on their television communications. We may need conservation efforts in the future.

Mayor Harkey spoke about CCNtv which will assist in communication efforts throughout the City.

PUBLIC HEARINGS

There were no Public Hearings.

6:40 P.M. ADJOURN REGULAR CITY COUNCIL MEETING TO A JOINT MEETING WITH THE PLANNING COMMISSION.

6:40 P.M. CALL TO ORDER – JOINT MEETING OF THE CITY COUNCIL AND THE PLANNING COMMISSION.

ROLL CALL OF CITY COUNCIL MEMBERS:

PRESENT: Diane L. Harkey, Mayor
Lisa A. Bartlett, Mayor Pro Tem
Lara Anderson, Council Member
Joel Bishop, Council Member
Steven H. Weinberg, Council Member

ROLL CALL OF PLANNING COMMISSION MEMBERS:

PRESENT: J. Scott Schoeffel, Chairman
Michelle Brough, Commissioner
Ed Conway, Commissioner
Norman Denton, Commissioner
Michael Dec, Alternate

ABSENT: Liz Anderson-Fitzgerald, Commissioner

10. PLANNING COMMISSION INTRODUCTION

Mayor Harkey thanked the Planning Commissioners for their attendance.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
APRIL 17, 2007**

Community Development Director Butterwick provided a staff report on the various projects that will impact the community. Projects for review at the Coastal Commission are the Residential Building Heights Ordinance, Town Center Plan, and Dana Point Harbor Plan. On-going projects include update of the General Plan, review of the Zoning Ordinance, certification of the Housing Elements, and various coastal and site development permits during the next 12 months.

Mayor Harkey mentioned two other projects that will be discussed: 1) the Environmental Impact Report for the Doheny House, and 2) the General Plan Amendment for the former Mobile Home site.

Mayor Harkey spoke to the Planning Commissioners about the reason for this joint meeting. She indicated that there be not be any specific project direction provided, just general direction of a global nature.

She noted that influence peddling in a small town should be minimal, as any business person or resident should be able to contact anyone of the Council by e-mail or phone and get a prompt reply.

Mayor Harkey's goal is to create "transparency" and consistency in the application of our laws and codes. Specifically, Mayor Harkey provided the following suggestions to the Planning Commissioners:

1. Follow the law.
2. Make exceptions only where necessary and legally supportable.
3. If the law is not working make suggestions to correct or improve.
4. Circulate in the community so that you know what our constituents want.
5. Get to know the Council.
6. Be prepared for meetings and discuss issues with a Council Member, staff, City Attorney, or another commissioner as needed.
7. If warranted request a joint meeting. In the past, these meetings have been used for political posturing more than guidance, as evidenced by some of the votes the commission made that the council summarily overturned.

Mayor Harkey explained the term limits for the Planning Commission and encouraged the Planning Commissioners, as community leaders, to search for others to serve after their terms are up.

Mayor Harkey asked that the Commissioners remain consistent in their analysis to maintain their integrity.

Mayor Pro Tem Bartlett suggested that the Commissioners mark their calendars for their meetings for the rest of the year to avoid conflicts. Come to the meetings prepared, make site visits as necessary, and contact staff/Council with questions. If you know in advance of a future absence, please notify Community Development Director Butterwick so he can contact Alternate Michael Dec prior to the meeting.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
APRIL 17, 2007**

Council Member Weinberg suggested that the Commissioners listen to both Scott Schoeffel and Norm Denton, they will be very helpful to get up to speed. He suggested to stay within the laws and thanked them for their service.

Council Member Anderson suggested that they read our codes and read the book, *The Job of the Planning Commissioner*. She suggested that they talk about whether or not to televise future Planning Commission meetings. She noted that the Planning Commission is independent of the Council as asked them to do what is right.

Mayor Harkey asked if the Planning Commission meetings will be televised. City Manager Chotkevys indicated that staff will be bringing forward a policy for a Government Access Channel on Channel 30 in May. Then, if Council chooses, we will televise Planning Commission meetings.

Mayor Pro Tem Bartlett suggested exercising good judgment and discretion, especially when applicants come and plead their case.

Mayor Harkey introduced Commissioner Norm Denton, who thanked the Council, welcomed the new Planning Commissioners, and talked about his background and that he has lived in Dana Point since 1994.

Mayor Harkey introduced Scott Schoeffel, current Chairman, attorney and violinist; he thanked the Council and congratulated the new Commissioners.

Mayor Harkey introduced Ed Conway, who worked 10 years on the Dana Point Specific Plan Board of Review, and looks forward to working with the Planning Commissioners.

Mayor Harkey introduced Michelle Brough, financial attorney, who thanked the Council for this opportunity. She has an almost three year old son, Conner.

Mayor Harkey introduced Michael Dec, Alternate, works in real estate development outside of Dana Point, and who thanked the Council for the opportunity to serve on the Planning Commission.

Mayor Harkey recessed the meeting at 7:10 p.m. and reconvened the meeting at 7:25 p.m.

7:10 P.M. ADJOURN JOINT MEETING WITH THE PLANNING COMMISSION.

7:25 P.M. RECONVENE CITY COUNCIL MEETING.

UNFINISHED BUSINESS (Continued)

11. TRAFFIC IMPROVEMENT COMMISSION APPOINTMENTS

City Manager Chotkevys provided a staff report.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
APRIL 17, 2007**

Mayor Harkey suggested that the Council interview the Traffic Improvement Commission applicants at the next Council meeting on May 1st as long as it doesn't interrupt upcoming budget processes.

City Manager Chotkevys indicated that the Council will receive the proposed two year Budget on April 26th for three weeks review, then a public hearing on the budget will be scheduled (end of May) and adoption at the second meeting in June.

Council Member Anderson asked if there was no Closed Session at the next meeting, could we begin the interviews at 5:00 p.m.? Mayor Harkey replied in the affirmative.

Mayor Harkey indicated that there is a great pool of talent from the applications the City has received.

Council Member Anderson asked if the appointments could be made at the same meeting. Mayor Harkey replied in the affirmative.

City Attorney Munoz suggested that a questionnaire, developed by Council and staff, be sent to the applicants and their replies would be included in the agenda packet for the May 1st meeting. Mayor Harkey indicated this was a good suggestion and asked that Council Member Anderson and staff assist in developing the questions.

IT WAS MOVED BY MAYOR HARKEY, SECONDED BY COUNCIL MEMBER ANDERSON, TO PREPARE A QUESTIONNAIRE TO SEND TO THE TRAFFIC IMPROVEMENT COMMISSION APPLICANTS, SCHEDULE INTERVIEWS AT 5:00 P.M. AT THE NEXT CITY COUNCIL MEETING ON MAY 1, 2007, AND DISCUSS APPOINTMENTS.

The motion carried by the following vote:

AYES:	Council Members Anderson, Bishop, Weinberg, Mayor Pro Tem Bartlett and Mayor Harkey
NOES:	None
ABSTAIN:	None

NEW BUSINESS

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
APRIL 17, 2007**

12. PACIFIC COAST HIGHWAY MEDIAN DESIGN ALTERNATIVES

City Manager Chotkevys provided a brief staff report. Director of Public Works Fowler provided a PowerPoint presentation on the existing Pacific Coast Highway medians and alternative designs for these medians.

Costs for the two alternatives presented by staff:

Scheme A (with artificial turf) costs \$1,045,000

Scheme B (with drought tolerant plants & irrigation) costs \$1,367,000

Staff has received grant/developer funds of approx. \$700,000.

Council Member Anderson asked about the differences between Scheme A & B (using a water truck for Scheme A verses irrigation included in Scheme B).

Council Member Bishop asked if the City would be using reclaimed water (to save costs). Director of Public Works Fowler indicated that we would use reclaimed water if available.

Council Member Weinberg asked how much it would cost to add the irrigation system. Director of Public Works Fowler replied approximately \$200,000. The cost for using reclaimed water is inexpensive. The cost for a water truck is approximately \$20,000 per year.

Mayor Pro Tem Bartlett asked if there is any difference in the time of completion between Scheme A and B? Director of Public Works Fowler replied that the completion schedules are about the same.

Council Member Weinberg asked what Scheme A would cost with irrigation? Director of Public Works Fowler responded approximately \$200,000.

Mayor Harkey suggested that we beautify the community using natural plants and stated that this entrance for our community should have natural plants and first class amenities.

Mayor Harkey invited former Council Member Ingrid McGuire to speak on this item. Ms. McGuire thanked the Council and spoke in favor of Scheme B with the natural drought tolerant plants.

IT WAS MOVED BY MAYOR HARKEY, SECONDED BY MAYOR PRO TEM BARTLETT, TO SELECT SCHEME B FOR THE FINAL DESIGN.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
APRIL 17, 2007**

The motion carried by the following vote:

AYES: Council Members Anderson, Bishop, Weinberg,
Mayor Pro Tem Bartlett and Mayor Harkey
NOES: None
ABSTAIN: None

PUBLIC COMMENTS (Continued)

There were no additional public comments.

STAFF REPORTS

City Manager Chotkevys thanked Emergency & Support Services Manager Mike Rose for his efforts with the Chamber remodel and City Hall. Tomorrow, the City will have the graded FEMA exercise for San Onofre which Mike Rose also oversees.

City Manager Chotkevys also mentioned the loss of the Public Works Administrative Secretary, Evelyn Conner last Wednesday and a memorial service was held at the Dana Point Community Center last evening.

City Attorney Munoz spoke concerning the Drug and Rehab Centers and the four separate bills relating to these centers and he will continue to monitor these bills. Mayor Harkey thanked Carol Wilson for her efforts on this issue.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Bishop reported that the Orange County Fire Authority is working on their budget. As Chair of the Ocean Water Quality Subcommittee, a meeting was held this week and irrigation and private laterals were topics of discussion. He also attended a meeting with the Mayor on NPDES pollution with the Regional Water Quality Board.

Mayor Pro Tem Bartlett reported that the American Cancer Society Relay for Life Kick Off Event is at 6:00 p.m. at the DoubleTree Hotel – the Relay for Life event will be August 11th and August 12th. There is another Lord of the Strings concert this Friday at the Dana Point Community House featuring Richard Smith. For tickets, please call 842-2227. Sunday is Earth Day and the Ocean Institute will have two Beach Cleanups, and Wyland will be attending and painting a mural with the young students. There is a Measure M oversight committee vacancy for a member who is a resident in the County's 5th Supervisory District, the term is three years. For more information, please call 714/970-9329 for information and an application. She also commented about the wonderful ocean stenciling on the concrete walls and the medians on the Beach Cities off ramp.

Council Member Anderson reported that Measure M oversight committee applications are due on May 1st and copies of the application are available in the lobby or see City Clerk Kathy Ward. The Wag-A-Thon is on April 28th from 8:30 – 1:00 p.m.; pick up your

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
APRIL 17, 2007**

registration and tee-shirts at Starbucks on April 21st from 10:00 – 4:00 p.m. Dana Point Theater company is presenting the play “Love Letters” at Belle Napoli on three days. On May 6th, 12:00 noon, Wayne Rayfield and Joanna Adrian will star. On May 8, Jim Miller and myself will be starring in the play at 6:00 p.m. On May 16th, Tom Blake and Lynn Nelson will star at 6:00 p.m. Seating is limited; the cost is \$25 per person. For more information, see www.dpthheaterco.org.

Mayor Harkey reported that she will be speaking and providing a PowerPoint presentation at the Chamber of Commerce “State of the City” luncheon is on Thursday, April 26th at 11:45 a.m. at the St. Regis. If you would like to attend, contact the Dana Point Chamber at 496-1555. On April 11th Director of Public Works Fowler and herself attended the San Diego Regional Water Quality Board Public Hearing where revisions to the MS4 permit were discussed. The Board did not have a quorum, as two seats are vacant and Elizabeth Schneider and Susan Ritschel could not participate due to potential conflicts when speaking on behalf of the commission due to their involvement in Orange County and their city. The onerous proposals could cost a lot of money and stymie our local clean water efforts. They are scheduled to meet again in August with revisions, but will not take additional public testimony only written responses.

The Tollroads are providing their annual Native Habitat series of nature walks. Beginning April 21th with a Laguna Coast wilderness park hike, followed with bird watching tours in April and June. To reserve a space or get more info call 949/754-3405. Mark your calendars for the first of the California Pops Series presented by the Capo Valley Symphony beginning Sunday, May 20 at the Mission in San Juan Capistrano. For more information, see www.capovalleysymphony.com. Rancho Santa Margarita is hosting a community Forum: *Is your Teen at Risk?* It is on Monday April 30 from 6:00 – 8:00 p.m.; Sheriff Mike Carona and OC Fire Chief Chip Prather will be special guests. For more information, e-mail outreach07@cox.net or call 216-9700.

Mayor Harkey closed the meeting in remembrance of Evelyn Conner who passed away last week. She thanked her for her dedication and service to the City, and held a moment of silence in her honor.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Harkey declared the meeting adjourned at 8:05 p.m.

The next Regular Meeting of the City Council will be May 1, 2007 at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

KATHY M. WARD
CITY CLERK

APPROVED AT THE MEETING OF MAY 1, 2007