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**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL ADJOURNED REGULAR MEETING MINUTES  
JANUARY 16, 2007**

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**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 5:01 p.m. in the Dana Point Community Center, 34052 Del Obispo, Dana Point.

**ROLL CALL**

PRESENT: Diane L. Harkey, Mayor  
Lisa A. Bartlett, Mayor Pro Tem (*arrived at 5:10 p.m.*)  
Lara Anderson, Council Member  
Joel Bishop, Council Member  
Steven Weinberg, Council Member

STAFF PRESENT: Douglas Chotkevys, City Manager; Patrick Muñoz, City Attorney; Sharie Apodaca, Director of Administrative Services; Kathy Ward, Acting City Clerk; Cathy Catlett, Assistant City Clerk; Kyle Butterwick, Director of Community Development; Brad Fowler, Director of Public Works/City Engineer; Matt Sinacori, Lt. Mark Levy, Chief of Police; Jennifer Anderson, Management Analyst.

**CLOSED SESSION**

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

A. PUBLIC EMPLOYEE APPOINTMENT

Government Code § 54957  
Title: City Clerk

Mayor Harkey 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 Harkey reconvened the meeting at 6:00 p.m. All Council Members were present.

**CLOSED SESSION ANNOUNCEMENT**

CITY ATTORNEY MUNOZ REPORTED THAT THERE WAS MOTION BY COUNCIL MEMBER ANDERSON, SECONDED BY COUNCIL MEMBER BISHOP, THAT THE COUNCIL UNANIMOUSLY APPOINTED KATHY WARD AS CITY CLERK, SUBJECT TO THE TERMS OF THE EMPLOYMENT AGREEMENT.

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**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Anderson.

**INVOCATION**

The Invocation was led by Pastor Ty Guy of South Shores Church.

**PRESENTATIONS AND PROCLAMATIONS**

Business of the Year – Dana Niguel Veterinary Hospital

Management Analyst Anderson provided a PowerPoint presentation of Dana Niguel Veterinary Hospital. Dr. Gary Johnson has owned and operated Dana Niguel Veterinary Hospital since 1982. Mayor Harkey presented a Certificate of Recognition to owner Dr. Gary Johnson, his family members and office staff.

**CONSENT CALENDAR**

Council Member Anderson removed Item No. 2 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER BISHOP, SECONDED BY COUNCIL MEMBER ANDERSON, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM NO. 2.

The motion carried by the following vote:

AYES: Council Members Anderson, Bishop, Weinberg,  
Mayor Pro Tem Bartlett and Mayor Harkey

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.

**2. REGULAR MEETING MINUTES, JANUARY 8, 2007**

Council Member Anderson removed Item No. 2 from the Consent Calendar to consider amendments.

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IT WAS MOVED BY COUNCIL MEMBER ANDERSON, SECONDED BY COUNCIL MEMBER BISHOP, THAT THE MINUTES BE APPROVED AS AMENDED.

The motion carried by the following vote:

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

**3. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**4. CITY COUNCIL APPOINTMENT TO THE INVESTMENT REVIEW COMMITTEE**

APPOINTED NANCY BAUMANN, CPA, TO THE INVESTMENT REVIEW COMMITTEE AS THE CITY COUNCIL'S REPRESENTATIVE.

**PUBLIC COMMENTS**

Mayor Harkey opened the meeting for public comments.

John Chaffetz, Dana Point, requested healthier snacks at the Council meetings and is concerned about South Coast Water District uses for the 30 acres, specifically the possible office structure.

Anthony Cooke, Capistrano Beach, does not agree with the new editorial policy of the Dana Point News not permitting letters with personal attacks or squabbles. Mr. Cooke asked if Mayor Harkey had any influence on the new policy of the Dana Point News.

Mayor Harkey responded in the negative and requested that Mr. Cooke address his comments to the Dana Point News.

Courtney Huber, Dana Point, lives on Zarzito and has noticed an increased amount of highway noise within the last year and asked that the City mitigate the noise.

Ingrid McGuire, Dana Point, Vice President of South Coast Water District, spoke about the 27 acres and that there has been discussion of a new operational facility to combine all other facilities. Ms. McGuire indicated that the new ground water facility will be opening in the next few months.

**PUBLIC HEARINGS**

There were no Public Hearings.

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**UNFINISHED BUSINESS**

**5. MUNICIPAL CODE AMENDMENT FOR DAY OF REGULAR CITY COUNCIL AND PLANNING COMMISSION MEETINGS**

City Manager Chotkevys provided a staff report.

IT WAS MOVED BY COUNCIL MEMBER ANDERSON, SECONDED BY MAYOR PRO TEM BARTLETT, TO INTRODUCE AND HOLD FIRST READING, BY TITLE ONLY, OF AN ORDINANCE OF THE CITY OF DANA POINT ENTITLED:

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING SECTIONS 2.04.010 AND 2.07.011 OF THE DANA POINT MUNICIPAL CODE REGARDING TIME OF REGULAR MEETINGS FOR THE CITY COUNCIL AND THE PLANNING COMMISSION*

The motion carried by the following vote:

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

**NEW BUSINESS**

**6. PUBLIC APPOINTMENT AGREEMENT – CITY CLERK**

City Manager Chotkevys provided a staff report. Per the Mayor's direction, City Manager Chotkevys prepared an employment agreement should the Council choose to make the appointment to Acting City Clerk Ward.

Council Member Bishop commended Acting City Clerk Ward for her efforts during the election. Mayor Harkey thanked her for her efforts and was pleased to promote Ms. Ward from within the organization.

IT WAS MOVED BY COUNCIL MEMBER ANDERSON, SECONDED BY COUNCIL MEMBER WEINBERG, TO APPROVE A PUBLIC EMPLOYMENT AGREEMENT FOR THE POSITION OF CITY CLERK, APPOINTING KATHY WARD AS CITY CLERK.

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The motion carried by the following vote:

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

**PUBLIC COMMENTS (Continued)**

There were no additional Public Comments.

**STAFF REPORTS**

City Manager asked Lt. Levy to provide a staff report on door-to-door solicitors and identity theft. Lt. Levy indicated that everyone should use caution when approached by solicitors and to please contact Police Services if you have any issue with these solicitors or identity theft. Lt. Levy offered to provide a presentation on identity theft.

City Attorney Munoz stated that he will be attending a meeting of Orange County City Attorney's this week on sober living homes.

**COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED**

Council Member Anderson reported on Council Chamber renovations and that there will be a lobby area to showcase local artwork. She attended her first Orange County Library Board meeting and noted that the Orange County Librarian will be retiring in March. On January 25<sup>th</sup>, Senior Services will host a twilight dinner for \$6.00 at the Community Center featuring Tony Rogers.

Council Member Weinberg spoke about his attendance at the League Leadership Conference for Council Members in Sacramento last week and the benefit of talking to our fellow Council Members about various issues.

Council Member Bishop stated he will be meeting with staff soon concerning the Ocean Water Quality Subcommittee.

Mayor Harkey, stated per the requirements of AB1234, that she, Mayor Pro Tem Bartlett, Council Members Bishop and Weinberg, the City Manager, City Clerk, City Attorney attended the League of California Cities Leadership Conference last week noting that she picked up good ideas for potential opportunities for grants from the City of Tustin. Mayor Harkey attended the Mission Viejo Elks Lodge Firefighters and Law Enforcement Annual Appreciation Awards dinner on January 13<sup>th</sup>. Lt. Levy introduced Dana Point's honoree Deputy Craig Nelson, 14 year Dana Point Veteran, who assisted in a domestic violence case and saved the rest of the family from the perpetrator. The Lincoln Club of Orange County is sponsoring a free workshop on February 3<sup>rd</sup> for new Council Members addressing property rights, land use and eminent domain. The Capistrano Valley Boys

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and Girls Club is having their annual Power Breakfast on February 26<sup>th</sup> at 7:30 a.m. at the St. Regis. The City received a grant to target DUI drivers; therefore, we will see increase of DUI patrols. Mayor Harkey asked Council Member Anderson about the new Dog Barking Ordinance adopted by the County Animal Care Services. Council Member Anderson indicated that the General Manager of the Coastal Animal Services Authority will provide a report to the Council concerning this topic in the next few months. Mayor Harkey asked the Council to provide her with their top three priorities for this year. The Council will have a study session, possibly on January 30<sup>th</sup>, with a couple of items for Council discussion. Mayor Harkey's office hours will be every Friday, beginning January 26<sup>th</sup> from 1-5:00 p.m. at City Hall and extended a personal invitation to Mr. Cooke.

**ADJOURNMENT**

There being no further business before the City Council at this session, Mayor Harkey declared the meeting adjourned at 6:45 p.m.

The next Adjourned Regular Meeting of the City Council will be February 6, 2006 at 5:00 p.m. in the Dana Point Community Center located at 34052 Del Obispo, Dana Point, California.

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KATHY M. WARD  
CITY CLERK

APPROVED AT THE MEETING OF FEBRUARY 6, 2007