
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
MARCH 4, 2008**

CALL TO ORDER

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

ROLL CALL OF CITY COUNCIL MEMBERS:

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

STAFF PRESENT: Douglas Chotkevys, City Manager; Patrick Muñoz, City Attorney; Kathy Ward, City Clerk; Michael Killebrew, Administrative Services Director; John Tilton, City Architect/Planning Manager; Brad Fowler, Director of Public Works/City Engineer; Matthew Sinacori, City Engineer; Lt. Mark Levy, Chief of Police; Christy Teague, Economic Development Manager; Lynn Kelly, Management Analyst; Mike Rose, Emergency & Support Services Manager; Bobbi Ogan, Deputy City Clerk; Windy Robles, City Clerk Specialist; DyAnne Weamire, Administrative Secretary, and Jackie Littler, Executive Secretary.

CLOSED SESSION

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

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

Title: City Manager

5:01 P.M. RECESS OF CITY COUNCIL MEETING UNTIL 6:00 P.M.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Bishop reconvened the meeting at 6:00 p.m.

CLOSED SESSION ANNOUNCEMENT

City Attorney Muñoz stated that there was no announcement.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Gene Burrus.

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INVOCATION

The Invocation was provided by Rabbi Eli Goorevitch of the Chabad Jewish Center of Laguna Beach.

PRESENTATIONS AND PROCLAMATIONS

Business of the Month – Purple Feet

Management Analyst Kelly provided a PowerPoint presentation. She reported that Purple Feet opened in the Town Center July, 2005 after researching 60 different locations in 7 municipalities. She stated that Purple Feet employs 13 part-time employees. She added that the owner, Bill Jonas hopes to add a champagne brunch to his menu in the future and to help create a daytime destination for wine lovers. She stated that Bill Jonas is very involved in the community and also makes regular donations to a children's orphanage in Namibia. Mayor Bishop presented a Certificate of Recognition to owner Bill Jonas for the Purple Feet being named the March Business of the Month. Emanuel Patrascu also presented a Certificate to Bill Jonas on behalf of Senator Tom Harman. He stated that the Senator understands how hard it is for small business owners to do business in California.

Presentation to Aileen Hawkins

Mayor Bishop presented Aileen Hawkins a Proclamation for being named the Citizen of the Day for her recent accomplishments on the Jeopardy game show.

CONSENT CALENDAR

Council Member Harkey removed Item Nos. 2 and 8 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER HARKEY, SECONDED BY MAYOR PRO TEM BARTLETT, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM NOS. 2 AND 8.

The motion carried by the following vote:

AYES:	Council Members Anderson, Harkey, Weinberg, Mayor Pro Tem Bartlett, and Mayor Bishop
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, FEBRUARY 19, 2008

Council Member Harkey pulled this item.

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IT WAS MOVED BY COUNCIL MEMBER ANDERSON, SECONDED BY COUNCIL MEMBER WEINBERG, TO CONTINUE THE MINUTES TO THE NEXT REGULAR MEETING OF MARCH 18, 2008 TO ALLOW FURTHER REVIEW OF THE PROPOSED AMENDMENTS.

The motion carried by the following vote:

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

3. PLANNING COMMISSION MEETING MINUTES, FEBRUARY 12, 2008

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF FEBRUARY 26, 2008

RECEIVED AND FILED.

5. YOUTH BOARD MEETING MINUTES, FEBRUARY 7, 2008

RECEIVED AND FILED.

6. TRAFFIC IMPROVEMENT COMMISSION MINUTES, JANUARY 16, 2008

RECEIVED AND FILED.

7. INVESTMENT REVIEW COMMITTEE MINUTES, NOVEMBER 30, 2007

RECEIVED AND FILED.

8. INVESTMENT REVIEW COMMITTEE DRAFT MINUTES, FEBRUARY 21, 2008

Council Member Harkey pulled this item.

IT WAS MOVED BY COUNCIL MEMBER HARKEY, SECONDED BY MAYOR PRO TEM BARTLETT, TO APPROVE THE MINUTES AS AMENDED.

The motion carried by the following vote:

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

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9. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

10. CITY TREASURER'S REPORT, JANUARY 2008

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

11. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

12. ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE SUNSET PARK PLAYGROUND PROJECT AS PART OF THE GENERAL PARK REHABILITATION PROGRAM

Adopted **Resolution 08-03-04-01** entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE SUNSET PARK PLAYGROUND PROJECT AS PART OF THE GENERAL PARK REHABILITATION PROGRAM.

AND DIRECTED STAFF TO TRANSFER ALL PROJECT SAVINGS TO THE LANTERN BAY PARK DEFERRED MAINTENANCE PROGRAM (CIP #1208).

13. SURVEY FOR UTILITIES UNDERGROUND ASSESSMENT DISTRICT USAGE

APPROVED CONDUCTING A SURVEY OF PROPERTY OWNERS TO ASSESS THE DEMAND FOR ESTABLISHMENT OF UTILITIES UNDERGROUND ASSESSMENT DISTRICTS.

14. TRI-CITY TROLLEY APPLICATION FOR FUNDING TO ORANGE COUNTY TRANSPORTATION AUTHORITY

Adopted **Resolution No. 08-03-04-02** entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA IN SUPPORT OF THE APPLICATION TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR IMPLEMENTATION FUNDING OF THE TRI-CITY TROLLEY PROGRAM FOR THE CITIES OF DANA POINT, SAN CLEMENTE, AND SAN JUAN CAPISTRANO.

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15. UPDATE - STORAGE OF VEHICLES ON PUBLIC STREETS

RECEIVED AND FILED THE STATUS REPORT ON THE RECENT ISSUE CONCERNING THE STORAGE OF VEHICLES ON PUBLIC STREETS.

PUBLIC COMMENTS

Brad Gross, Dana Point Harbor Department, commended City staff for their efforts in helping them get the information they needed for the staff report that was presented to the Board of Supervisors regarding Proud Mary's Restaurant. He stated that Proud Mary's should be receiving their building permits to start construction in the next six weeks. He reported that they would be presenting an update on the Harbor Plan at the O.C. Sailing and Events Center at 7:00 p.m. on March 12th. He added that this was an effort to receive more public input on the EIR.

John Chaffetz, Dana Point, thanked staff for addressing the loose boulders on Strands Beach. He also spoke about how it was illegal to take your dog onto Strands Beach and that he has witnessed many people doing this.

Richard Dietmeier, Dana Point, spoke regarding the desalinization plant and reported that South Coast Water District has indicated that they would front \$150,000 to begin the process for Phase III of the engineering validation on the desalinization plant in Dana Point. He stated that this funding was contingent upon receiving other funding for this project. He added that they have also received support from the Municipal Water District, Moulton Niguel Water District, and the City of Laguna Beach and that they have pledged to match the funding levels. He stated that they hoped to have the plant on-line by 2015.

PUBLIC HEARINGS

16. ZONING CODE UPDATE PROGRAM - ZONE TEXT AMENDMENT ZTA08-0001

There being no requests to speak, Mayor Bishop opened and closed the Public Hearing.

City Manager Chotkevys provided opening comments and City Architect Tilton summarized the proposed changes to the City's Zoning Code.

Council Member Harkey stated that she was glad to see these types of items and she thanked staff for cleaning up the discrepancies in the City's Code.

IT WAS MOVED BY COUNCIL MEMBER ANDERSON, SECONDED BY COUNCIL MEMBER WEINBERG, TO INTRODUCE A FIRST READING OF AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA08-0001, REVISING THE CITY OF DANA POINT ZONING ORDINANCE TO CORRECT INCONSISTENCIES, SIMPLIFY THE REVIEW PROCESS, AND LIMIT EXTENSIONS OF DISCRETIONARY PERMITS.

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The motion carried by the following vote:

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

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

17. PROPOSED ANNEXATION OF LOWER ROSAN RANCH PROPERTY TO THE CITY OF SAN JUAN CAPISTRANO

City Manager Chotkevys provided a staff report.

Mayor Pro Tem Bartlett asked if the City of San Juan Capistrano would be extending the sidewalk in addition to installing the lighting and landscaping.

City Manager Chotkevys replied yes.

Council Member Anderson asked if the park would be kept up to Dana Point standards and would there be any recourse if it weren't.

City Manager Chotkevys replied that the language could be included in the Resolution that the maintenance of the park would be the same as Creekside Park.

Council Member Anderson suggested that the City of San Juan Capistrano utilize the same park maintenance company that Dana Point does to ensure that the park extension is kept to the same level as Creekside Park.

Council Member Harkey stated that this annexation was a great idea.

IT WAS MOVED BY COUNCIL MEMBER HARKEY, SECONDED BY MAYOR PRO TEM BARTLETT, TO ADOPT **RESOLUTION 08-03-04-03** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT TO ENDORSE IN CONCEPT THE CITY OF SAN JUAN CAPISTRANO'S PROPOSAL TO ANNEX A .99 ACRE PROPERTY FROM THE CITY OF DANA POINT TO THE CITY OF SAN JUAN CAPISTRANO WITH A RESULTING CHANGE IN THE BOUNDARY OF THE CITY.

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

PRESENTATIONS AND PROCLAMATIONS - Continued

Presentation from Mothers Against Drunk Drivers (MADD)

Mayor Bishop invited Lt. Levy up along with Sharry Graham a representative from Mothers Against Drunk Driving (MADD) where Ms. Graham presented Certificate of Appreciation on behalf of MADD to Deputy Steven Hoffman for his 28 DUI arrests in 2007. She stated that this was Deputy Hoffman's third consecutive DUI award. She also presented a Certificate of Appreciation to Deputy Brett Gardner for his 53 DUI arrests in 2007. She added that this was Deputy Gardner's second DUI award and that Deputy Gardner was also Dana Point's top DUI arresting officer.

Lt. Levy thanked Ms. Graham from MADD for coming out and honoring our deputies. He stated that the Sheriff's Department was very appreciative of MADD for their support, fundraising, and opportunities for the funding of checkpoints. He added that MADD representatives are at the checkpoints in support of the deputies and they always bring enough food and cookies for everyone.

PUBLIC COMMENTS (Continued)

There were no additional Public Comments.

STAFF REPORTS

City Manager Chotkevys asked the public to contact Orange County Sheriff Dispatch at 949-770-6011 if anyone is disturbing the peace. He spoke of a recent event that was held at the St. Regis and a complaint that had been received anonymously. He stated that had that resident called Sheriff Dispatch, the operator would have contacted the Administrative Sergeant who was on site at the event and a Deputy and a Code Enforcement Officer would have been dispatched to the home to measure the sound decibels. If the sound measurement was found to be over the limit, the Deputy would have contacted the Administrative Sergeant and the volume would have been lowered at the event.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Harkey reported that the OCTA had recently sent a notice regarding their highway projects for 2008 and the two of particular importance to Dana Point residents would be the addition of a southbound auxiliary lane and off ramp widening at Oso Parkway on the I-5 and the addition of a southbound auxiliary lane and off ramp widening at Pico on the I-5.

She stated that the Marine support group has a blog site for those of you who want to comment or help at <http://fightingfifthmarines.vox.com>.

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She had announced that she had attended the following:

- February 20 – Boys & Girls Club Power Breakfast.
- February 21 – TCA Board Meeting.
- February 22 – Headlands Tour to see the progress that is being made there. There was also an Investment Review Committee meeting that same day.
- February 28 - Dana Point Chamber Luncheon at the Salt Creek Grille.
- February 29 - Festival of Whales Sponsor Party at the Double Tree Hotel.
- March 1 – Festival of Whales Parade.
- March 3 – 5th Marine Support Group Foundation Fundraiser Dinner at Jack's Restaurant where Mr. Harkey had attended. We had sponsored a couple of tables for Marines and their wives for a special treat. It was a wine tasting dinner.

She announced the following future events:

- March 5 – Orange County Forum – State of the County Report at the Irvine Marriott at 11:30 a.m.
- March 7 – Orange County League of Cities Advocacy Committee – issues that we should be pursuing with the legislature on behalf of the County are discussed.
- March 11 – South Orange County Major Investment Study – Open House sponsored by OCTA at RH Dana Elementary School in their multi-purpose room begins at 5:30 p.m.
- March 12 – Harbor Town meeting at the Orange County Sailing & Events Facility at 7:00 p.m.
- April 5 - 5th Marines car wash at South Shores Church from 8:00 a.m. to 1:00 p.m. She encouraged everyone to go and have their car washed. There will be complimentary hot dogs, hamburgers, beverages, pastries and all donations go to the 5th Marine Foundation group. You can make a donation in-lieu of a car wash if you prefer.

Council Member Weinberg stated that he had attended the Boys & Girls Club Power Breakfast and that the speaker was a young man who had come from Iran when he was 4 or 5 years old. He spoke about the Festival of Whales Parade. He stated that he was the only participant who was able to ride and walk the parade because his car had overheated near Taco Bell. He announced that he had attended the ribbon cutting ceremony for the Urgent Care Center last Friday and had also attended the Chamber of Commerce luncheon at the Salt Creek Grille.

Council Member Anderson reported that she had attended a meeting on February 29th of the Orange County Library Advisory Board Executive and Finance Committee where they received a briefing from the CEO of the County of Orange on the departmental re-organization that is being proposed and how that would affect the library system. She stated that there would be no adverse affect on the library system. She added that basically the CEO of the County is proposing re-organizations and name changes for several County departments and that she was concerned because one of the name changes was for the Harbor Department which is now being proposed as the OC Dana Point Harbor Department which was fine as long as they didn't want to change the Harbor's name as well. She stated that the Festival of Whales parade was great and the street fair was really nice this year. She added that there were more events planned for March 8th such as the Jr. Charity Regatta and on March 9th is Ocean Awareness Day, a pancake breakfast hosted by the El Camino Real Junior Women's Club;

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adults are \$5 and children under 12 are \$3 and that is from 8:30 a.m. to 11:30 a.m., and there is also the opportunity to purchase rubber ducks for \$5 per duck for the Dana Point Women's Club Rubber Duck Race. She stated that duck race takes place at Baby Beach and the owner of the winning duck wins a prize. For more information go to www.festivalofwhales.com for the other events.

Mayor Pro Tem Bartlett announced that she had attended the following:

- Several TCA Board Meetings
- February 20 - Annual Boys & Girls Club Power Breakfast
- February 21 – Tour of the Headlands project, Investment Review Committee meeting, and the Dana Point Chamber of Commerce mixer at the St. Regis in the evening.
- February 28 – Dana Point Chamber of Commerce monthly luncheon meeting at the Salt Creek Grille. She also toured the Santa Ana Jail. She stated that it was a state-of-the-art building and every efficiently run. She added that when they were finished with the project that they had a \$350,000 energy rebate because it is set up so efficiently. She stated that this facility was now being used as a model for facilities across the United States.
- February 29 – Festival of Whales reception at the Double Tree Hotel.
- March 1 – Annual Festival of the Whales Parade and the turnout was greater than last year; saw lots of familiar faces along the parade route and everyone had a great time.
- March 3 – Dana Point Earth Ocean Society meeting. The new Board of Directors were sworn into office and laid out their goals and objectives for the year. They are also selling cute tee shirts for \$10 if you are interested in supporting the group. For more information go to www.danapointearthocean.org.

She announced the following upcoming events:

- March 5 – 12 noon at Saddleback College – Veterans Memorial groundbreaking and Veterans forum covering from WWII through the Iraqi war. The event starts at the Student Service Center.
- March 6 – Taste of Dana at Dana Hills High School from 5:30 – 9:00 p.m.
- March 7 – Ribbon cutting ceremony at 12 noon at Gelato Paradiso in the Monarch Bay Plaza.
- March 8 and 9 – Festival of Whales celebration continues in the Dana Point Harbor. Bring the family and enjoy the festivities.
- March 15 – Calling all Seniors – The Monarch Beach Sunrise Rotary will be serving a complimentary and fabulous St. Patrick's Day lunch at the Senior Center. Contact Vanna Murphy at the Senior Center for reservations.
- April 19 – Save the date for Earth Day 9 a.m. to 12 noon in the Dana Point Harbor. More details to follow at the beginning of next month.

Mayor Bishop stated that he had toured Sea Terrace Park to see what progress had been made on the renovations. He had attended the Festival of Whales Parade and street fair on both days. He stated that he had gone out whale watching on the new Dana Wharf boat. He reported that his Friday Office hours were successful and to contact Jackie in the City Manager's Office to make an appointment. He spoke about attending the *Historic Trip of Dana Point* put on by the Dana Point Lighthouse Society. He reported that South Coast Medical Center was going to be holding a golf tournament at El Niguel

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Country Club on June 2nd. He stated that the Festival of Whales events continue this weekend and he reminded everyone of the time change on Sunday.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Bishop declared the meeting adjourned at 7:11 p.m. and announced that the next Regular Meeting of the City Council will be March 18, 2008, 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 MARCH 18, 2008