
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
APRIL 1, 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; Kyle Butterwick, Director of Community Development; Brad Fowler, Director of Public Works/City Engineer; Lt. Mark Levy, Chief of Police; Lynn Kelly, Management Analyst; Mike Rose, Emergency & Support Services Manager; Kevin Evans, Director of Community Services & Parks, Bobbi Ogan, Deputy City Clerk; Windy Robles, City Clerk Specialist; DyAnne Weamire, Administrative Secretary; Jackie Littler, Executive Secretary; Brian McClure, Parks Manager; and Al Jacobo, Parks Supervisor.

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)

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

CLOSED SESSION ANNOUNCEMENT

City Attorney Muñoz announced that there was nothing to report.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Carlos Olvera.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
APRIL 1, 2008**

INVOCATION

The Invocation was led by Bishop Kirk Lindahl, Capistrano First Ward, Church of Jesus Christ of Latter Day Saints.

PRESENTATIONS AND PROCLAMATIONS

Business of the Month – Beach Cities Scuba Center

Management Analyst Kelly provided a PowerPoint presentation. She reported that Beach Cities Scuba Center had opened in Dana Point in August, 1993 and that Hosam Elshenaivi now owned five (5) stores in Cypress, Huntington Beach, Newport Beach, Laguna Beach, and Dana Point. She stated that The Professional Association of Diving Instructors had recently named Beach Cities Scuba *Most Progressive Member*. Mayor Bishop presented a Certificate of Recognition to Hosam Elshenaivi, Owner and Reka Warnick, Manager of Beach Cities Scuba Center for being named the Business of the Month.

Donate Life Month

Mayor Bishop presented a Proclamation to Susan Duffy in honor of Donate Life Month. Ms. Duffy explained that the month of April was “Health Awareness Month” and that Donate Life is an organization that works with the Department of Motor Vehicles to bring awareness of designating yourself as an organ donor. She announced that they would be holding their annual Run/Walk at Cal State Fullerton on April 26th and she encouraged everyone to participate.

CONSENT CALENDAR

Council Member Weinberg removed Item No. 11 from the Consent Calendar for a separate vote.

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. 11.

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.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
APRIL 1, 2008**

2. REGULAR MEETING MINUTES, MARCH 18, 2008

APPROVED THE MINUTES AS AMENDED.

3. PLANNING COMMISSION MEETING MINUTES, MARCH 11, 2008

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF MARCH 25, 2008

RECEIVED AND FILED.

5. TRAFFIC IMPROVEMENT COMMISSION MINUTES, FEBRUARY 20, 2008

RECEIVED AND FILED.

6. CHARITABLE GRANT SUBCOMMITTEE DRAFT ACTION MINUTES, MARCH 11, 2008

RECEIVED AND FILED.

7. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

8. CITY TREASURER'S REPORT, FEBRUARY 2008

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

9. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

10. CITY'S ENVIRONMENTAL POLICY (GREEN POLICY)

RECEIVED AND FILED THE NEW CITY ENVIRONMENTAL ADMINISTRATIVE POLICY (GREEN POLICY) AS IMPLEMENTED BY THE CITY MANAGER ON MARCH 25, 2008.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
APRIL 1, 2008**

11. PARKWAY LANDSCAPE PROJECT

Council Member Weinberg removed this item for a separate vote.

IT WAS MOVED BY COUNCIL MEMBER ANDERSON, SECONDED BY MAYOR PRO TEM BARTLETT, APPROVING A PARKWAY LANDSCAPING PROJECT TO REPLANT APPROXIMATELY 34 MORE AREA-APPROPRIATE TREES ALONG THE ENTRYWAY TO SEA ISLAND DRIVE.

The motion carried by the following vote:

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

12. SOLID WASTE AGREEMENT PERFORMANCE AUDIT

AWARDED A PROFESSIONAL SERVICES CONTRACT TO HF&H CONSULTANTS, LLC FOR A SOLID WASTE FRANCHISE PERFORMANCE AUDIT; AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT.

13. BIENNIAL CAMPAIGN CONTRIBUTION AND EXPENDITURE LIMITS ADJUSTMENT

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADJUSTING THE CAMPAIGN CONTRIBUTION AND CAMPAIGN LOAN LIMITS TO REFLECT CHANGES IN THE CONSUMER PRICE INDEX, AS REQUIRED BY SECTION 2.05.058 OF THE DANA POINT MUNICIPAL CODE.

PUBLIC COMMENTS

Sandie Howard, Capistrano Beach, reported that the Earth Ocean Society would be holding their 3rd Annual Neighborhood Clean Up Day on April 19th in La Plaza Park from 9:00 a.m. to noon. She stated that the children who participate will be sent out into the neighborhoods with chaperones to collect trash. After they are finished they will be provided with pizza and a free tee shirt. For more information on the event e-mail dpeos@hotmail.com.

Brad Gross, Dana Point – Harbor Manager, read a statement regarding the re-organization of many County departments which includes the Harbor Department. He stated that the department's name change to OC Dana Point Harbor will not affect the service provided to the harbor community.

Wayne Rayfield, Dana Point – Orange County Vector Control District Representative, reported that there has been an outbreak of flea-born typhoid fever over the past year. He stated that typically it is

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
APRIL 1, 2008**

the house pets that come into contact with wild animals carrying the infected fleas and recommended that dogs and cats be de-fleaded regularly to prevent humans from contracting the fever.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

14. ADDITIONAL PROGRAMMING FOR DANA POINT GOVERNMENT ACCESS CHANNELS

City Manager Chotkevys provided a staff report.

Council Member Harkey asked the City Manager to clarify that the City would not be spending any more money on this item than what was originally budgeted.

City Manager Chotkevys replied that there is adequate monies budgeted but that this would be a cost neutral item because the City will record offsetting revenue to cover this.

Council Member Harkey felt that this item called for a two-part motion; one for the South Coast Water District and one for the consideration of expansion.

City Manager replied that this would expand the programming per the policy and to allow the Water District to hold their meetings in the Council Chambers.

Mayor Bishop opened the public comments.

Ingrid McGuire, Dana Point – Vice-President, South Coast Water District, reported that the Water District building was not easily accessible and did not have adequate parking for the board meetings. She felt that by allowing the Water District to hold their meetings at City Hall that it would allow the meetings to be more transparent at a neutral site. She also felt that having access to the television audience would allow better communication with the rate payers of the city.

Richard Dietmeier, Dana Point – President, South Coast Water District, stated that if the City Council would allow the Water District to hold their meetings at City Hall that it would help improve communications with the rate payers. He stated that he would appreciate the City Council's support.

Mayor Bishop closed the public comments.

Council Member Harkey stated that she supports allowing the Water District to use the Council Chambers for their board meetings. She added that there had not been enough information provided to the residents on the Water District and that with the many important water issues coming up it will be important to get that information to the public. She felt that a government entity should not have their own television channel and that since there is no Orange County channel she would like to see the City reach out to other communities with emergency

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
APRIL 1, 2008**

information or other issues that affect us all. She stated that she would like to see the City bring that into our programming rather than just issues that affect Dana Point.

Mayor Bishop stated that he had served on the Water Board for ten years and to find the district office was difficult. He added that the average attendance at a meeting was one person. He felt that this was a great idea and that it would provide opportunities for the public to know what is happening with the Water District.

Council Member Weinberg stated that he supports the Water District using the Chambers and also televising their meetings. He felt that the more the public is informed regarding the issues, the better.

City Manager Chotkevys clarified that this item was to expand programming to include the Water District meetings, not to add more staff. He stated that by allowing the Water District access to the Chambers and televising the meetings that it would help create an accurate record of the meetings.

Council Member Anderson asked what was the broadcast area of the City's channel, is it only Dana Point or does it include surrounding areas.

City Manager Chotkevys replied that Channel 855 is within the Cox broadcast region and Channel 30 shows C-Span unless the City is broadcasting on it.

Mayor Pro Tem Bartlett asked how the City would address Direct TV users and provide them the ability to view our proceedings.

City Manager Chotkevys replied that as the City is moving forward with the new website, staff is working with a company called Granicus which will allow staff to videostream the meetings live on the web. He stated that the South Coast Water District would also be working with Granicus to provide that same feature for their meetings.

Council Member Harkey asked if the City would be able to broadcast other municipality's meetings on the City's channel.

City Manager Chotkevys replied that due to the nature of the Council's Policy it would have to be taken on a case-by-case basis. He stated that the item would have to return to the City Council for consideration since it would be going beyond the scope of the policy and would not have been budgeted for. He added that if the Orange County Fire Authority came out with a generic fire message that is typically 3-4 minutes, those would be looped in with the Council meetings.

IT WAS MOVED BY COUNCIL MEMBER ANDERSON, SECONDED BY COUNCIL MEMBER WEINBERG, TO AUTHORIZE THE ADDITION OF SOUTH COAST WATER DISTRICT MEETINGS TO THE CITY'S CURRENT GOVERNMENT ACCESS CHANNEL PROGRAMMING ON COX CABLE CHANNELS 30 (ANALOG) AND 855 (DIGITAL), AND EXPANDED THE PROGRAMMING ON THESE CHANNELS.

The motion carried by the following vote:

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
APRIL 1, 2008**

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

NEW BUSINESS

There were no New Business items.

PUBLIC COMMENTS (Continued)

There were no additional Public Comments.

STAFF REPORTS

City Manager Chotkevys had no report.

Council Member Anderson asked City Attorney Muñoz for clarification on meetings that the City Council Members were required to report.

City Attorney Munoz replied that the City Council was required to report any meeting or activity which City reimbursement is provided.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Anderson stated that she had attended the Medal of Valor luncheon on March 21st. She announced that the 15th Annual Wag-A-Thon was scheduled for April 26th. She stated that the animal shelter was in need of foster homes for kittens. She added that there was a foster-home training class and kitten shower scheduled for April 20th. If you are interested in becoming a kitten foster parent or attending the kitten shower you can visit the shelter's website or call the shelter at 949-492-1617.

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

- Several TCA Board Meetings.
- March 19th – Congressman John Campbell's event for elected officials. The discussion was about the economy, healthcare, budget earmarks, and terrorism. She noted that conforming loan limits have increased from \$417,000 to \$729,500 for Orange County and that this may be extended beyond December or made permanent.
- March 21st – Medal of Valor luncheon where five (5) Dana Point Sheriff Deputies were honored for their outstanding service.
- March 22nd – South Orange County School of the Arts (SOCSA) event at the Bowers Museum. SOCSA students performed throughout the evening and it was evident that there are many talented girls and boys in the fine arts program at Dana Hills.
- March 24th – Toured the new Fine Arts Building under construction at San Juan Hills High School off of Ortega. She stated that this was a state-of-the-art facility that will be a great addition to South Orange County.

CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
APRIL 1, 2008

- March 27th – Dana Point Chamber of Commerce lunch and learn at the Wind and Sea Restaurant. The guest speaker was James Littlejohn, Director of the Boys and Girls Club of Capistrano Valley where he presented an overview of the Boys & Girls Club, their accomplishments, and information about the new teen center that will break ground shortly.

She announced the following upcoming events:

- April and May – the Transportation Corridor Agency is offering guided tours of conservation areas that include wildlife hikes, bird watching and wildflower exploration. For those interested contact Jennifer Seaton at TCA 949-754-3405 or visit the website www.thetollroads.com.
- April 4th – South Orange County Regional Chamber of Commerce Ball.
- April 5th and 7th – Ocean Institute has its annual golf classic tournament and gala event to raise money for upcoming projects such as the Seaside Learning Center. Contact the Ocean Institute for more information.

Council Member Weinberg reported the following:

- Orange County Fire Authority Board Meeting where they approved the Santiago fire report.
- He attended the Medal of Valor luncheon.
- There is a new Gelato place in town and encouraged everyone to go and try it out.
- April 5th – Fashion Show for the Dana Point Women's Club where he and others would be modeling.

Council Member Harkey reported that she had attended the following:

- Congressman Campbell's luncheon for elected officials. She stated that it was always informative to have him come down and tell us what is going on in Washington D.C.
- Medal of Valor luncheon.
- SOCSA Opera Celebration at the Bowers Museum.
- Toured the performing arts center at San Juan Hills High School. Also held an Ad Hoc meeting with Superintendent Woodrow Carter and a couple of the School Board Members after the tour.
- San Juan Capistrano Chamber of Commerce Government Affairs meeting with an early morning breakfast with Congressman Ken Calvert in attendance.
- Evening with the Mayor in Oceanside put on by Oceanside's Chamber of Commerce. She stated that Oceanside is making some really nice changes and upgrades to their city.
- March 28th – Surfing Heritage Museum fundraiser where they showed surf pictures which were done in clips that almost appeared like a slow motion movie.
- Participated in the Swallows Day Parade where she rode in the wagon with the City of San Juan Capistrano's City Council.
- March 31st – Met with the Ad Hoc of the 5th Marine Foundation where they discussed enriching fundraising opportunities. She stated that the first Concert in the Park has been identified as a fundraising opportunity. She reminded everyone of the car wash this Saturday at South Shores Church.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
APRIL 1, 2008**

She announced the following upcoming events:

- South Orange County Regional Chamber of Commerce Regional Ball.
- Women's Club Fashion Show.
- Black tie gala on Saturday for the Ocean Institute and golf tournament on Monday.

She stated that now that the weather was warming up there seems to be more loitering and she would like to ensure that the City's loitering ordinance is enforced to keep the neighborhoods safe and clean. She added that almost every summer people will sleep in their trailers and vans in the neighborhoods and she would like to make sure those activities are policed as well.

She stated that Monarch Bay Plaza has some new restaurants and shops going in and encouraged everyone to check them out.

Mayor Bishop reported that he had attended many of the same functions as the other Council Members and that he was not going to repeat them. He stated that he had attended a South Orange County Mayor's Association Meeting which is held every other month. He added that at this meeting the speaker was a representative from Sacramento who spoke about the Governor's budget versus the Legislative Analyst's budget. He hoped that the Legislature would approve the Analyst's budget as it would spare public safety and education.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Bishop declared the meeting adjourned at 7:00 p.m. and announced that the next Regular Meeting of the City Council will be April 15, 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 APRIL 15, 2008