
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JULY 3, 2007**

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Pro Tem Bartlett 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: Lisa A. Bartlett, Mayor Pro Tem
Lara Anderson, Council Member
Joel Bishop, Council Member
Steven H. Weinberg, Council Member
ABSENT: Diane L. Harkey, Mayor

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

CLOSED SESSION

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

A. CONFERENCE WITH LABOR NEGOTIATOR, Government Code § 54957.6

RECONVENE CITY COUNCIL MEETING

Mayor Pro Tem Bartlett reconvened the meeting at 6:03 p.m. All Council Members were present with the exception of Mayor Harkey.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Weinberg.

INVOCATION

The Invocation was led by Bob Moore.

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PRESENTATIONS AND PROCLAMATIONS

Business of the Month – Lantern Bay Realty

Management Analyst Kelly provided a PowerPoint presentation. Lantern Bay Realty has been in business in Orange County since 1971. Mayor Pro Tem Bartlett presented a Certificate of Recognition to the owners of Lantern Bay Realty, Joe and Mike Luvullo for being the featured Business of the Month for July.

CONSENT CALENDAR

A member of the public pulled Item No. 14.

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. 14.

The motion carried by the following vote:

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

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, JUNE 19, 2007

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, JUNE 12, 2007

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF JUNE 26, 2007

RECEIVED AND FILED.

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5. YOUTH BOARD MEETING MINUTES, JUNE 7, 2007

RECEIVED AND FILED.

6. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

7. CITY TREASURER'S REPORT, MAY 2007

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF MAY 2007.

8. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

9. APPROVAL OF A SIXTH AMENDMENT TO THE AGREEMENT WITH UNITED STORM WATER, INC. TO MAINTAIN ALL STORM DRAIN FILTERS, SOLIDS REMOVAL SYSTEMS, AND DIVERSIONS

APPROVED THE SIXTH AMENDMENT TO THE AGREEMENT WITH UNITED STORM WATER, INC. FOR A ONE-YEAR CONTRACT TIME EXTENSION TO COINCIDE WITH THE FISCAL YEAR ENDING JUNE 30, 2008 TO MAINTAIN ALL CATCH BASIN FILTERS, SOLIDS REMOVAL SYSTEMS, AND STORM WATER DIVERSIONS IN THE CITY OF DANA POINT; AND (2) AUTHORIZED THE CITY MANAGER TO EXECUTE THE SIXTH AMENDMENT.

10. ADOPTION OF THE UPDATED POSITION CLASS SPECIFICATIONS FOR SENIOR CIVIL ENGINEER AND RECREATION SUPERVISOR I/II

ADOPTED **RESOLUTION 07-07-03-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING THE POSITION TITLE AND CLASS SPECIFICATION FOR SENIOR CIVIL ENGINEER.

ADOPTED **RESOLUTION 07-07-03-02** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING THE POSITION TITLE, SALARY RANGE, AND CLASS SPECIFICATION FOR RECREATION SUPERVISOR I/II.

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11. ADOPTION OF RESOLUTION APPROVING FINAL TRACT MAP NO. 16789, THE ACCOMPANYING LANDSCAPE AND MAINTENANCE AGREEMENT AND THE ACCOMPANYING SUBDIVISION IMPROVEMENT AGREEMENT

ADOPTED RESOLUTION 07-07-03-03 ENTITLED:

A RESOLUTION OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING FINAL TRACT MAP NO. 16789, THE REQUIRED LANDSCAPE AND MAINTENANCE AGREEMENT AND THE ACCOMPANYING SUBDIVISION IMPROVEMENT AGREEMENT.

12. CLASSIFICATION AND COMPENSATION ANALYSIS

AUTHORIZED STAFF TO CONDUCT A REQUEST FOR PROPOSAL (RFP) TO SOLICIT BIDS FROM QUALIFIED INDIVIDUALS OR FIRMS TO PROVIDE A COMPREHENSIVE CLASSIFICATION AND COMPENSATION ANALYSIS FOR ALL CITY POSITIONS.

13. ADOPTION OF A RESOLUTION ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2008

ADOPTED RESOLUTION 07-07-03-04 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2008.

14. MODIFICATION TO CITY ATTORNEY AGREEMENT

City Manager Chotkevys provided a staff report.

Mayor Pro Tem Bartlett opened the item for public comments.

Robert Traphagen, Dana Point, spoke regarding the proposed City Attorney agreement. He felt that the City could find another firm for a lower rate.

Hearing no further requests to speak, Mayor Pro Tem Bartlett closed the public comments.

Council Member Anderson asked if the Council was only being asked to approve a rate increase and not deciding or debating on whether the Council should consider alternate law firms.

City Manager Chotkevys replied that Council Member Anderson was correct; that the Council was being asked tonight to consider the existing

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contract with a rate increase. He stated that it was important to point out that there was flexibility within the contract and that it includes language that would allow the City to terminate this agreement with 30 days notice or re-negotiate with Rutan & Tucker at any time.

Council Member Anderson asked if the last time the City had reviewed other law firms was in 2002.

City Manager Chotkevys replied that was correct; in December of 2002 was the last time the City had made a change in legal counsel.

Council Member Bishop stated that the City was receiving an extraordinarily good rate from Rutan & Tucker.

Mayor Pro Tem Bartlett stated that she has reviewed the various rates of other law firms and agreed that the City was receiving a good rate. She added that it would be hard to find a firm that could handle the variety of issues that the City has.

IT WAS MOVED BY COUNCIL MEMBER BISHOP, SECONDED BY COUNCIL MEMBER WEINBERG, TO AUTHORIZE THE MAYOR TO EXECUTE AN AMENDED PROFESSIONAL SERVICES AGREEMENT WITH RUTAN AND TUCKER.

The motion carried by the following vote:

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

PUBLIC COMMENTS

Jerry Grunor, Dana Point, spoke regarding a potential recall.

Gene Burrus, Dana Point, congratulated Council Member Anderson on her pregnancy. He thanked the City Council for supporting the Dana Point Youth Baseball program.

Judy Rice, Laguna Hills/Hemet, spoke regarding the pedestrian bridge and the inclusion of an elevator in the plans. She also spoke regarding the Housing Element.

Robert Traphagen, Dana Point, spoke regarding the three (3) minutes that are allowed by each person for public comments and felt that the speakers should not be interrupted by staff. He also spoke regarding the Mello Act in reference to the mobile home park property.

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Dr. Jim Seitz, Dana Point, spoke regarding the interruption of speakers during their three (3) minutes of time for public comments and the alleged lack of transparency in the way the City has been conducting business.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

15. APPROVAL OF MAINTENANCE AND SERVICE AGREEMENT FOR URBAN RUNOFF OZONE TREATMENT PILOT PROCESS AT NORTH CREEK

City Manager Chotkevys stated that Dana Point has established itself as a leader in water quality throughout the State in delivering water quality projects that are state-of-the-art and actually work.

Director of Public Works and Engineering Fowler provided a PowerPoint presentation.

Council Member Bishop asked if the runoff at North Creek was from the Lantern Village.

Director Fowler replied that some of the runoff was from the Lantern Village but predominantly it was urban runoff from the Town Center area.

Council Member Bishop stated that the creek was much cleaner since this process had begun and a major improvement.

Mayor Pro Tem Bartlett stated that she was supportive of improving water quality with state-of-the-art technology that is cost effective especially with long term proven results.

IT WAS MOVED BY COUNCIL MEMBER ANDERSON, SECONDED BY COUNCIL MEMBER BISHOP, TO AUTHORIZE THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO A MAINTENANCE AND SERVICE AGREEMENT WITH QUANTUM OZONE, INC., FOR THE URBAN RUNOFF OZONE TREATMENT PILOT PROCESS AT NORTH CREEK.

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The motion carried by the following vote:

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

PUBLIC COMMENTS (Continued)

There were no additional Public Comments.

STAFF REPORTS

City Manager Chotkevys stated that after verifying with City staff, that the staff report on the City Attorney contract was accurate in that the City's former law firm did not staff Planning Commission meetings. He added that the Orange County Assessor had recently released a report that indicated that property values in Dana Point had increased by 11.04% for the year. He stated that Dana Point was the third highest City enjoying that increase and felt that it was a reflection of the great job the City Council was doing.

City Attorney Muñoz thanked the City Council for the confidence that they have shown in his firm.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Bishop stated that there are no secret meetings, there was nothing happening behind closed doors and that this was an open Council that he was proud to be a part of. He added that he had attended the Concerts in the Park that were held at Pines Park. He felt that they were well attended and that the concert attendees seemed to have fun. He stated that he had been recently appointed to the South Coast Medical Center Foundation Board and that he would be providing reports soon. He announced that South Coast Medical Center was scheduling a blood drive to be held soon. He spoke about an accident that had happened recently on Pacific Coast Highway and that he was able to witness how quickly the fire department had responded. He added that he was very proud of the Orange County Fire Authority.

Council Member Weinberg wished everyone a happy 4th of July. He reminded everyone that it has been a very dry year and to be careful when using matches.

Council Member Anderson stated that on June 27th, she had attended the Joint Powers Authority meeting for the animal shelter and that they had finalized a revision to the 3rd Chance Program. She added that this Program was created last year which allows for the shelter to take in animals from other shelters that are scheduled to be euthanized if the shelter has room available. She stated that she had also attended the Chamber of

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Commerce luncheon where Lt. Levy was a guest speaker on June 28th. She reported that the Pet Project Foundation would be holding a "Designer Dog House Auction" on August 5th beginning at 4:00 p.m. The proceeds from the auction of six (6) custom-designed dog houses will benefit the Foundation which supports the animal shelter. She stated that more information could be obtained at www.talega.com/dogslife or at www.petprojectfoundation.org. She wished everyone a happy 4th of July and reported that there would not be another Council meeting until August 21st so she encouraged everyone to enjoy their summer vacations.

Mayor Pro Tem Bartlett welcomed her sister Caroline and her niece Nicole who were visiting from New York and attending the City Council meeting. She stated that she had attended the following events:

June 21st – attended the Transportation Corridor Agency Cinco Cities meeting.

June 22nd – attended the ribbon cutting ceremony of our new boat launch ramp in the harbor.

June 27th – attended a meeting at the Orange County Transportation Authority.

June 28th – attended the Dana Point Chamber of Commerce luncheon at the Doubletree Hotel.

July 1st – attended the concert at Pines Park after she had been invited by Council Member Bishop. She stated that it was just as loud at her home as it was in the park. She stated that it was a great concert and she recommended everyone to attend.

She reminded everyone about the July 29th Capistrano Valley Symphony Summer Symphony Serenade at the Mission in San Juan Capistrano. The concert is to begin at 6:15 p.m.

She wished everyone a happy and safe 4th of July. She announced that to allow for summer vacation schedules that the next City Council meeting would be held on August 21, 2007 beginning at 5:00 p.m.

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ADJOURNMENT

There being no further business before the City Council at this session, Mayor Pro Tem Bartlett declared the meeting adjourned at 6:56 p.m.

The next Regular Meeting of the City Council will be August 21, 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 AUGUST 21, 2007