
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JULY 15, 2008**

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 Bishop at 6:00 p.m. in the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point.

ROLL CALL OF CITY COUNCIL MEMBERS:

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

STAFF PRESENT: Douglas Chotkevys, City Manager; Kathy Ward, 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; Todd Litfin, Assistant City Attorney; Sea Shelton, Management Analyst; Brian McClure, Parks Manager; Lynn Kelly, Management Analyst; Christy Teague, Economic Development Manager; Jason Geldert, Senior Civil Engineer; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; John Tilton, City Architect; and Bobbi Ogan, Deputy City Clerk.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Planning Commissioner Scott Schoeffel.

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INVOCATION

The Invocation was provided by Pastor Mark Huntington of Palisades United Methodist Church.

PRESENTATIONS AND PROCLAMATIONS

OCTA's Presentation of the South Orange County Major Investment Study (SOCMIS)

Charlie Larwood from OCTA provided a PowerPoint presentation on the South Orange County Major Investment Study (SOCMIS) which included elements that could have an effect on Dana Point residents.

Mayor Pro Tem Bartlett asked if the interchange modifications at Stonehill would include a southbound on-ramp as well.

Mr. Larwood replied that at this point, the on-ramp was not something that was being proposed due to the cost impacts and the studies that are required.

Council Member Harkey stated that since this was a 30-year plan, that a south bound on-ramp would be important to study.

Mayor Bishop asked the City Manager to address the concerns of residents in Capistrano Beach with regard to the 5 Freeway expansion and their properties being taken for that project.

City Manager Chotkevys replied that Staff has been working closely with OCTA and that there will be no properties impacted in Capistrano Beach.

Mr. Larwood clarified that CALTRANS owns 50 feet of right-of-way and that OCTA does not anticipate any properties being affected.

Mayor Pro Tem Bartlett stated that the Camino de Estrella off-ramp should be a high priority as it has become a choke-point during rush hour.

Business of the Month - Jack Randall Photography and Video

Management Analyst Kelly provided a PowerPoint presentation. Mayor Bishop presented Jack and Linda Randall with a Certificate of Recognition for their business being selected the Business of the Month for July 2008.

CONSENT CALENDAR

City Manager Chotkevys stated that Item 6 would need to be approved with amendments.

A member of Staff removed Item 12 from the Consent Calendar.

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IT WAS MOVED BY COUNCIL MEMBER STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LARA ANDERSON, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 12.

The motion carried by the following vote:

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

NOES: 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, JUNE 17, 2008

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, JUNE 10, 2008

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF JULY 8, 2008

RECEIVED AND FILED.

5. YOUTH BOARD MEETING MINUTES, JUNE 5, 2008

RECEIVED AND FILED.

6. OCEAN WATER QUALITY MINUTES, MAY 13, 2008

RECEIVED AND FILED AS AMENDED.

7. CHARITABLE GRANT SUBCOMMITTEE DRAFT MINUTES, JUNE 10, 2008

RECEIVED AND FILED.

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8. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

9. CITY TREASURER'S REPORT, MAY 2008

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF MAY 2008.

10. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

11. AWARD OF CONTRACT TO MJ CONTRACTORS, INC. FOR THE CONSTRUCTION OF THE COMMUNITY DEVELOPMENT RENOVATION PROJECT

APPROVED THE CONTRACT DOCUMENTS ENTITLED "COMMUNITY DEVELOPMENT RENOVATION PROJECT", AWARDED A CONTRACT TO MJ CONTRACTORS, INC. FOR CONSTRUCTION OF THE COMMUNITY DEVELOPMENT RENOVATION PROJECT, AUTHORIZED EXPENDITURES FOR CONSTRUCTION MANAGEMENT SERVICES, FURNITURE AND INTERIOR FIXTURES FOR THE PROJECT AS NOTED IN THE FISCAL IMPACT SECTION, AND AUTHORIZED THE CITY MANAGER OR HIS DESIGNEE TO SIGN AND ADMINISTER SUBJECT CONTRACT AND ASSOCIATED EXPENDITURES AND APPROVED ADDITIONAL PAYMENT NOT-TO-EXCEED FIFTEEN PERCENT OF THE CONTRACT AWARD AMOUNT FOR CHANGE ORDERS AND CONTINGENCIES.

12. STATUS REPORT ON PCH WIDENING PROJECT INCLUDING PEDESTRIAN ACCESSWAY TILE DESIGN

City Manager Chotkevys provided staff report.

Council Member Anderson asked if Staff had received any comments on the reconfiguration of crosswalk.

Director Fowler replied that one or two comments had been received.

Mayor Bishop opened the Item for Public Comments.

Karin Schnell, Dana Point, spoke regarding the designs and commended 30th Street Architects. She asked for Staff to explore options of where local artists could work with the City's consultant on the project.

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Lance Jost, Dana Point, stated that he was a local artist who was interested in participating in the artwork that would be going in for the pedestrian bridge.

Mayor Bishop closed the Public Comments.

THE STATUS REPORT WAS RECEIVED AND FILED.

13. CITY COUNCIL POLICY 116 - CHARITABLE GRANT REQUESTS

APPROVED A REVISION TO CITY COUNCIL POLICY 116 - CHARITABLE GRANT REQUESTS.

14. NOTICE OF INTENT TO VACATE AN EASEMENT FOR PUBLIC ROADWAY PURPOSES OF AN ALLEY GENERALLY LOCATED WEST OF DOHENY PARK ROAD BETWEEN VICTORIA BOULEVARD AND DOMINGO AVENUE

Adopted **Resolution 08-07-15-01** entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DECLARING ITS INTENT TO VACATE AN EASEMENT FOR PUBLIC ROADWAY PURPOSES OF AN ALLEY GENERALLY LOCATED WEST OF DOHENY PARK ROAD BETWEEN VICTORIA BOULEVARD AND DOMINGO AVENUE.

15. ADOPTION OF RESOLUTION APPROVING FINAL TRACT MAP NO. 16730, AND THE ACCOMPANYING SUBDIVISION IMPROVEMENT AGREEMENT

Adopted **Resolution 08-07-15-02** entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING FINAL TRACT MAP NO. 16730, AND THE ACCOMPANYING SUBDIVISION IMPROVEMENT AGREEMENT.

16. APPROPRIATION OF AB2766 FUNDS FOR POLICE BICYCLES

APPROVED AN APPROPRIATION FROM THE AB2877 FUND TO FUND THE PURCHASE OF TWO NEW BICYCLES FOR THE PATROL/COMMUNITY POLICING UNIT.

17. APPROVAL OF TREE TRIMMING CONTRACT WITH WEST COAST ARBORISTS

APPROVED STAFF'S REQUEST TO PIGGYBACK ON THE CITY OF SAN FERNANDO'S COMPETITIVE BID PROCESS FOR TREE MAINTENANCE SERVICES, AWARDED A FOUR YEAR CONTRACT TO WEST COAST

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ARBORISTS IN AN AMOUNT NOT-TO-EXCEED THE COUNCIL APPROVED BUDGET FOR TREE MAINTENANCE, AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT.

18. SECOND READING AND ADOPTION OF ZONING CODE UPDATE PROGRAM - ZONE TEXT AMENDMENT ZTA08-0004

Conducted a second reading and adopted **Ordinance 08-09** entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA08-0004, REVISING THE CITY OF DANA POINT ZONING ORDINANCE TO CORRECT INCONSISTENCIES, AND PROVIDE CLARIFICATION TO EXISTING REGULATIONS GOVERNING "ALCOHOLIC BEVERAGE OUTLETS", AND CLARIFY REQUIRED LANDSCAPING STANDARDS FOR RESIDENTIAL DISTRICTS.

PUBLIC COMMENTS

Richard Dietmeier, Dana Point, Director, South Coast Water District, spoke regarding water conservation.

Nancy Jenkins, Dana Point, spoke regarding the Home Tour which is scheduled for the first Sunday of October. She stated that the Historical Society's website is www.danapointhistorical.org for more information.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

19. 2008 WEED ABATEMENT PROGRAM

City Manager Chotkevys provided a staff report.

IT WAS MOVED BY COUNCIL MEMBER STEVEN WEINBERG, SECONDED BY MAYOR PRO TEM LISA A. BARTLETT, THAT THE CITY COUNCIL CONDUCT A HEARING ON THE WEED ABATEMENT COST REPORT AND THEREAFTER, ADOPTED **RESOLUTION 08-07-15-03** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE COST OF ABATEMENT AND PROVIDING FOR THE COLLECTION ON THE REGULAR TAX BILL.

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The motion carried by the following vote:

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

NOES: None

NEW BUSINESS

There were no New Business items.

PUBLIC COMMENTS

There were no additional Public Comments.

STAFF REPORTS

There were no Staff Reports.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Anderson commended the volunteers for holiday clean up after the 4th of July. She clarified that the item on the Consent Calendar to purchase two police bicycles for the Sheriff's Department will enable the City to have four police officers on bicycles.

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

- Several TCA Board Meetings
- June 21 - South Coast Water District Ground Recover Plant Tour.
- June 24 - Orange County Board of Supervisors meeting where new Sheriff Sandra Hutchens was officially sworn in.
- June 25 - Monarch Beach Sunrise Rotary where the outgoing president was presented with a Certificate of Recognition. She stated that the Monarch Beach Sunrise Rotary is a wonderful service-based organization that meets every Wednesday morning. She added that they provide services on local, national, and international levels as well as raise money for a number of local organizations such as the Boys and Girls Club and the Ocean Institute. She added that if anyone was interested in joining to contact her.
- June 26 - Ribbon cutting ceremony at the Doubletree to celebrate the new 5,000 square foot business and meeting center.

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- July 10 - Orange County League of Cities meeting and received updates from OCTA on all of the Orange County freeway construction projects, transportation and mobility opportunities and railroad crossing upgrade and quiet train zone funding.
- July 11 - OCTA Santa Ana Bus Base Tour. Firsthand look at how our bus system works in Orange County. Very efficient organization and almost 100% of the maintenance and operation work is done on-site.

She announced the following upcoming events:

July 24 - Dana Point Chamber of Commerce luncheon meeting. Orange County Sheriff, Sandra Hutchens is the guest speaker.

Tickets were on sale now for the Sand Dollar Guild Chopper Drop which will be held on September 28th at Lantern Bay Park as well as tickets for the 4th Annual Ocean Institute Home Raffle for a chance to win a \$1.2 Million dollar home or \$1 Million in cash. For tickets or more information, contact Ellen Meese at the Ocean Institute.

Council Member Weinberg stated that he had attended an Orange County Fire Authority budget meeting at the Fullerton Airport where the Fire Authority helicopters are housed and also toured the Anaheim Hangar to see a modern facility. He reported that the Fire Authority was planning to purchase two new helicopters.

Council Member Harkey congratulated Staff on the new City medians as they have turned out very well. She stated that the 4th of July turned out fabulous. She reported about the 1st concert in the park where the City Manager had barbequed tri tip sandwiches and the proceeds went to benefit the 5th Marine Regiment. She stated that she had attended a TCA Board Meeting on June 10th. She announced that next Sunday the Capistrano Valley Symphony would be playing at the Mission San Juan Capistrano. She stated that the Orange County Business Council has scheduled a golf tournament on August 5th at the Links in Monarch Beach. She added to register on-line go to their website www.ocbc.org. She reported that the Ocean Institute was raffling off an actual home this year, not a condominium.

Mayor Bishop reported that the Federal hearing scheduled for the TCA on July 25th has been cancelled. He announced that he had provided a list of his meetings attended to the City Clerk ([Exhibit 1](#)). He felt that the fireworks were amazing and the concerts have been outstanding and well-attended. He stated that the City's website has been receiving a lot of action. He reported that Channel 855 is the City's now. He asked the City Manager to report about the complaints from Monarch Bay regarding flies.

City Manager Chotkevys replied that the stretch of beach in front of Monarch Bay from Salt Creek north of the mean high tide line is private beach where the homeowners association and the St. Regis were performing beach grooming without a Coastal Development Permit. The California Coastal Commission issued a cease and desist order against them because they were grooming beyond the mean high tide line. He stated that City Staff was working with the

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homeowners association and the St. Regis to see if the City couldn't issue a Coastal Development Permit to allow them to perform some limited beach grooming.

Mayor Bishop stated that the second area of concern is the flooding of the San Juan Creek trail for the past month.

City Manager Chotkevys replied that Vector Control is out there weekly to monitor and treat the water with mosquito remedies. He stated that the neither City nor State Beach can breach that berm as it is a protected U.S. Waterway and that Mother Nature has to breach the berm. He stated that water quality at Doheny State Beach has never been better.

Council Member Weinberg asked for the status of the County commitment to build a temporary wall to keep the water off the trail.

Director Fowler stated that he will provide City Council with the schedule for the repair of that situation.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Bishop declared the meeting adjourned at 7:10 p.m. and announced that the next Regular Meeting of the City Council will be August 19, 2008, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

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Exhibit 1

6/18/08	Attended Dana Hills High School graduation
6/20/08	Office Hours
7/4/08	Fireworks Spectacular
7/10/08	League of Cities: What's going on with rail in OC?
7/11/08	Office Hours