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**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
OCTOBER 7, 2008**

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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 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.

**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 Pro Tem Bartlett at 6:02 p.m. at the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point.

**ROLL CALL OF CITY COUNCIL MEMBERS:**

Present: Mayor Joel Bishop (*via videoconference*)  
Mayor Pro Tem Lisa A. Bartlett  
Council Member Lara Anderson  
Council Member Steven Weinberg  
Absent: Council Member Diane L. Harkey

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Kathy M. Ward, City Clerk; Mike Rose, Emergency Services Manager; Mike Killebrew, Director of Administrative Services; Lt. Mark Levy, Chief of Police Services; Kyle Butterwick, Director of Community Development; Brad Fowler, Director of Public Works and Engineering; Lynn Kelly, Management Analyst; Kevin Evans, Director of Community Services and Parks; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

Mayor Pro Tem Bartlett announced that Mayor Bishop was videoconferencing this evening.

City Attorney Munoz stated that Mayor Bishop was videoconferencing from his hotel in Raleigh, North Carolina. He added that staff has had to follow the rules of the Brown Act to allow the Mayor to videoconference which included noticing the meeting both here at City Hall, the lobby of the hotel, and the Mayor's hotel room. He stated that all of the votes will have to be conducted with a roll call vote for this meeting.

Mayor Bishop stated that the Agenda was in the lobby, posted on his hotel room door, and that there was no public in attendance.

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**CLOSED SESSION**

There were no Closed Session items.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Planning Commissioner Michelle Brough.

**INVOCATION**

The Invocation was provided by Reverend Paul Peck.

**PRESENTATIONS AND PROCLAMATIONS**

Business of the Month - Coastal Optometry

Management Analyst Kelly provided a PowerPoint presentation. She stated that Coastal Optometry was founded in 1981 by Dr. William Peterson. She added that Coastal Optometry specializes in adult and pediatric eye wear. She stated that in 1986, Dr. Peterson helped found the Surfer's Medical Association and has traveled to 3rd world countries to provide free eye examinations, medicine, clothing, and eyeglasses to the disadvantaged. Mayor Pro Tem Bartlett presented a Certificate of Recognition to Dr. William Petersen for Coastal Optometry being selected as the Business of the Month, October 2008.

OCFA Fire Prevention Week Proclamation "Preventing Home Fires"

Mayor Pro Tem Bartlett and Council Member Weinberg presented a Proclamation to Battalion Chief Marc Hawkins recognizing October 5th through October 11th as Fire Prevention Week. Battalion Chief Hawkins reminded everyone to take this opportunity to check their smoke detectors.

**CONSENT CALENDAR**

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.

The motion carried by the following vote:

AYES: Council Members Anderson, Weinberg, Mayor Pro Tem Lisa A. Bartlett, and Mayor Joel Bishop

NOES: None

ABSENT: Council Member Diane L. Harkey

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**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, SEPTEMBER 16, 2008**

APPROVED THE MINUTES.

**3. PLANNING COMMISSION MEETING MINUTES, AUGUST 26, 2008**

RECEIVED AND FILED.

**4. PLANNING COMMISSION ACTIONS, MEETING OF SEPTEMBER 23, 2008**

RECEIVED AND FILED.

**5. YOUTH BOARD MEETING MINUTES, SEPTEMBER 4, 2008**

RECEIVED AND FILED.

**6. OCEAN WATER QUALITY ACTIONS, MEETING OF JUNE 10, 2008**

RECEIVED AND FILED.

**7. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR**

RECEIVED AND FILED.

**8. CITY TREASURER'S REPORT, AUGUST 2008**

RECEIVED AND FILED THE TREASURER'S REPORT FOR THE MONTH OF AUGUST, 2008.

**9. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**PUBLIC COMMENTS**

William Vogeler, Dana Point, spoke in support of Proposition 8. He felt it was an important initiative for voters in Dana Point.

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Jim Starkey, Dana Point, spoke regarding concerns he has about the project on the Headlands. He reported that the pine tree that was located at the end of Dana Strand Road which had Red Tailed Hawks residing in it, has now been cut down. He stated that the new trails on the Headlands will not allow dogs. He felt that the turnaround is inadequate and that he is concerned that emergency vehicles will not be able to get to those in need in a timely manner.

City Manager Chotkevys replied that this turnaround was constructed as approved in the Final Tract Map in 2005. He stated that because of the ESHA and the Pocket Mouse Preserve, the City has very limited right of way in the area. He added that OCFA had the opportunity to review the map prior to approval. He stated that Director Fowler is investigating whether there is any additional right of way that can be used to make adjustments.

Jason Billings, Oceanside, Cox Representative, reminded the City Council of the digital transitions that will be happening in February, 2009. He stated that if anyone had any questions to go to [www.dttransition.org](http://www.dttransition.org).

Carlos Olvera, Dana Point, spoke regarding the 9th Annual Home Tour which had concentrated on El Camino Capistrano. He thanked staff for their assistance in closing off the street and stated that they have received positive feedback.

Gene Burrus, Dana Point, spoke regarding the seniors in Dana Point and how they are well cared for at the Senior Center in Dana Point.

Richard Dietmeier, Dana Point, spoke regarding the "20 Gallon Challenge" which challenges people to reduce their water consumption by 20 gallons a day.

## **PUBLIC HEARINGS**

There were no Public Hearings.

## **UNFINISHED BUSINESS**

There was no Unfinished Business.

## **NEW BUSINESS**

### **10. CITY COUNCIL AND PLANNING COMMISSION MEETING DATES**

City Manager Chotkevys provided a staff report.

City Council Member Anderson asked how the holidays would affect the meeting day change for the Planning Commission.

City Manager Chotkevys replied that the Planning Commission has more flexibility with their meetings.

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Director of Community Development Butterwick stated that the City Manager was correct that the Planning Commission does have more flexibility and that they would hold a special meeting if necessary.

Mayor Bishop stated that this was a matter of how it impacts the other Council Members and that if they are not impacted then it will make it easier for him.

Council Member Weinberg stated that he would like to see both meetings moved to Mondays so that it would be more convenient for the public to remember when the meetings were to be held.

Council Member Anderson asked if the Council meetings were moved to Monday, when would the Agenda need to be posted.

City Attorney Munoz replied that staff would still post on Friday, but there was no reason why they couldn't post sooner. He stated that the Law requires 72 hours for posting prior to a meeting.

City Council Member Anderson stated that she would prefer that staff post the Agenda on Thursdays to allow the public time to see what is going to be discussed.

Mayor Pro Tem Bartlett asked if there was any problem with moving the Planning Commission meetings to Mondays.

Director of Community Development Butterwick replied that the Planning Commissioners are used to meeting on Tuesdays and that their scheduled are based on this day. He added that they were more comfortable with meeting on Tuesdays.

Council Member Weinberg stated that he would prefer to wait until the new Council Members were seated before changing the meeting day.

Council Member Anderson stated that she could tentatively support moving the meeting day because there will be new City Council Members being elected and that they may decide that it is not a feasible schedule for them.

IT WAS MOVED BY MAYOR JOEL BISHOP, SECONDED BY MAYOR PRO TEM LISA A. BARTLETT, THAT THE CITY COUNCIL INTRODUCE AND HOLD FIRST READING OF AN ORDINANCE 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.*

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The motion carried by the following vote:

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

**11. CITY COUNCIL MEMBERS' AND PLANNING COMMISSION MEMBERS' STIPEND AND BENEFITS**

City Manager Chotkevys provided a staff report.

Mayor Pro Tem Bartlett stated that she would like to bifurcate this item because she has some issues with the different sections. She added that she would like a roll call vote for the compensation and one roll call vote for the health and welfare benefits.

City Attorney Munoz stated that this item had been drafted in a single Ordinance and that it would be helpful for staff if the Council had discussion and then take a straw vote on each part that has been bifurcated and then come back for a final vote on how the Ordinance would read.

Mayor Bishop stated that he would like to understand why the Mayor Pro Tem wanted to bifurcate the motion and what her thoughts were.

Mayor Pro Tem Bartlett replied that she has different issues with both sections.

Mayor Pro Tem stated that she would like to first start with the compensation portion of the Ordinance for Council discussion.

Mayor Bishop stated that the reason for the increase in stipend is due to the fact that everything has gone up in cost. He added that the Council Members are not paid mileage to attend their meetings that are held out of the City.

Council Member Anderson clarified that some of the Council Members are compensated for attending various meetings such as the TCA and the OCFA. She added that she struggles with this increase since she is from the volunteer sector. She stated that she views her role on the City Council as a volunteer position but felt that it was fair to receive some compensation for gas.

Mayor Pro Tem Bartlett stated that she also performs a lot of volunteer work and that she knew when she ran for a Council position that there was little compensation. She felt that the timing was inappropriate for a raise due to the downturn in the economy.

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Mayor Pro Tem Bartlett stated that she would like to move on to discussing the health and welfare benefits.

Mayor Bishop stated that Council Members do not typically use the benefits. He added that currently that there was a two-tier system in place and he felt that everyone did the same job and should receive the same benefit.

Mayor Pro Tem Bartlett agreed that there was inconsistency and asked if the existing Ordinance could be revised to allow for Council Member Weinberg to be grandfathered in to receive the benefit since he had received it as a Planning Commissioner.

City Attorney Munoz replied that the way the Law is written; if you provide an increase in benefit you must provide it to everyone. He stated that the intent of the Ordinance in 2006 was for this benefit to go away.

Mayor Pro Tem Bartlett asked Council Member Anderson to provide the background on what had transpired in 2006 since the others were not on the City Council at the time.

Council Member Anderson replied that the intention of the City Council at the time was to discourage the perception that being a Council Member was a viable career and to ensure that people were running for Council for the right reasons.

Council Member Weinberg stated that the economy should not be a factor. He added that the City is doing great and that it would send the wrong message to the residents and the employees of the City.

IT WAS MOVED BY COUNCIL MEMBER STEVEN WEINBERG, SECONDED BY MAYOR JOEL BISHOP, THAT THE CITY COUNCIL INTRODUCE AND HOLD FIRST READING OF AN ORDINANCE ENTITLED:

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTERS 2.04 AND 2.06 OF THE DANA POINT MUNICIPAL CODE PERTAINING TO THE COMPENSATION AND BENEFITS FOR CITY COUNCIL AND PLANNING COMMISSION MEMBERS.*

The motion carried by the following vote:

AYES: Council Member Steven Weinberg and Mayor Joel Bishop

NOES: Mayor Pro Tem Lisa A. Bartlett

ABSENT: Council Member Diane L. Harkey

ABSTAIN: Council Member Lara Anderson

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**PUBLIC COMMENTS**

There were no additional Public Comments.

**STAFF REPORTS**

City Manager Chotkevys commended Mike Rose on his efforts for setting up the videoconferencing so that the Mayor could participate in the meeting.

City Attorney Munoz reported that the League of California Cities has taken great interest in the joint severability laws because of our case which involved the joggers on Pacific Coast Highway and is putting together a working group that we are going to be an active part of to address the issue to come up with some proposed legislation that would try and address this issue in a fair manner. He added that he would welcome any input from any of the City Council Members.

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

Council Member Anderson announced that the Harvest BBQ Fundraiser is going to held at the Dana Point Woman's Club on October 25th from 4-7 p.m. She stated for more information to contact the Dana Point Woman's Club at 949-481-8991. She reported that she had attended the following:

- September 20 - Tale of Two Cities Pet Project Foundation Gala and the Emergency Services Expo
- September 26 - Concours d'Elegance Cocktail Reception at Family Classic Cars
- September 28 - Concours d'Elegance at the St. Regis. She stated that this was the first time the event had been held in Dana Point and the turn out was impressive.
- October 2 - Orange County Library Advisory Board Meeting in Santa Ana where the discussion centered around the allocation formula in place
- October 3 - JPA meeting at the Animal Shelter. She stated that they have a lot of animals that need homes.
- October 5 - Dana Point Historical Home Tour

Council Member Weinberg stated that he had provided the City Clerk with a list of his meetings that he had attended for the record ([Exhibit 1](#)). He encouraged everyone to visit their local fire station for the open house being held on October 11 or the training facility in Irvine.

Mayor Pro Tem Bartlett reported that she had attended:

- Several TCA Board Meetings
- September 17 - Reception at the Strands

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- September 18 - Chamber Legislative luncheon in Aliso Viejo
- September 20 - Provided the welcoming remarks for the "Is Your Teen At Risk" presentation conducted by Lt. Mark Levy and his staff in Police Services at Dana Hills High School. She also attended the Emergency Expo. She thanked all of the City staff that coordinated the event, especially Mike Rose, Emergency Services Manager.
- September 22 - Secretary of Commerce hearing on the roll road in Del Mar. In the evening she had presented a 40th Anniversary Proclamation Ceremony for Saddleback College. She mentioned that the first President of Saddleback College in 1968 was Jack Roper who is a current Dana Point resident.
- September 24-27 - League of Cities meeting in Long Beach
- September 26 - Concours d'Elegance kick off event car rally where she had the opportunity to spend 6 hours in a car bonding with Mayor Bishop and Council Member Weinberg. She stated that the actual event on Sunday was fabulous and that it was great to see so many old cars in pristine condition.
- October 6 - Docent for the Dana Point Historical home tour. She stated that this year that there were classic cars displayed in the same area as the wonderful homes in and around the El Camino Capistrano street area.

She announced that the Goodwill Fitness Center in Santa Ana just opened where they offer physical therapy sessions, equipment and group classes to anyone who has a medically diagnosed physical disability or illness. She stated that there is trained staff and state of the art equipment and a nominal charge of \$25 per month but that no one would be turned away that could not pay. For more information, please obtain a brochure from the lobby in City Hall.

She announced the following upcoming events:

- October 16 - Dana Point Chamber Mixer at 5:30 p.m. at Mahe in the Dana Point Harbor.
- Less than 18 days until the Ocean Institute Million Dollar Home raffle. Only 1,800 tickets remain out of 20,000. Contact Ellen Meese at the Ocean Institute to purchase tickets.

Mayor Bishop stated that he had provided the City Clerk with a list of all his meetings that he had attended ([Exhibit 1](#)). He stated that he had reviewed the South Coast Water District video of their last meeting and that he would encourage residents to start watching these meetings. He felt that the City was missing an opportunity since the Council forums were only being shown on Cox In Demand. He asked if the Council would consider reviewing the City's current Ordinance to allow the City to broadcast these types of forums on the City's cable channel.

City Attorney Munoz stated that the item would have to be brought forward on a future agenda because of the Brown Act.

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There was a consensus from the Council to review the Ordinance at a future meeting.

**ADJOURNMENT**

There being no further business before the City Council at this session, Mayor Pro Tem Bartlett declared the meeting adjourned at 7:34 p.m. and announced that the next Regular Meeting of the City Council will be October 21, 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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KATHY M. WARD  
CITY CLERK

APPROVED AT THE MEETING OF OCTOBER 21, 2008

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**Exhibit 1**

Joel Bishop  
Meetings Attended  
9/17/2008 through 10/7/2008

|         |  |
|---------|--|
| 9/17/08 | Grand opening of the Strand              |
| 9/18/08 | SOCAM Breakfast                          |
| 9/19/08 | Coastal Chamber Legislative Luncheon     |
| 9/26/08 | Tour d'Elegance                          |
| 9/27/08 | Concours d'Elegance Gala                 |
| 9/28/08 | Concours d'Elegance                      |
| 10/2/08 | SCAG Meeting                             |
| 10/4/07 | Hobie 40 <sup>th</sup> Anniversary Party |

Steven Weinberg  
Meetings Attended  
9/17/2008 through 10/7/2008

|                |  |
|----------------|--|
| 09/17/08       | Headland Reserve Grand Opening         |
| 09/18/08       | OCFA Board Meeting                     |
| 09/20/08       | Dana Point Emergency Expo              |
| 09/22/08       | OCFA Headquarters/Training Center Tour |
| 09/26-09/28/08 | Newport Concours at Dana Point         |
| 09/28/08       | Ocean Institute Chopper Drop           |