
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 4, 2007**

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Harkey 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: Diane L. Harkey, Mayor
Lisa A. Bartlett, Mayor Pro Tem (*Arrived at 5:01 p.m.*)
Lara Anderson, Council Member
Joel Bishop, Council Member
Steven H. Weinberg, Council Member

STAFF PRESENT: Douglas Chotkevys, City Manager; Patrick Muñoz, City Attorney; Kathy Ward, City Clerk; Clara Wong, Interim Administrative Services Director; Kyle Butterwick, Director of Community Development; Brad Fowler, Director of Public Works/City Engineer; Lt. Mark Levy, Chief of Police; Christy Teague, Economic Development Manager; Mike Rose, Emergency & Support Services Manager; Cathy Catlett, Assistant City Clerk; Brian McClure, Parks 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. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957

Title: City Manager

RECONVENE CITY COUNCIL MEETING

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Anderson.

INVOCATION

Mayor Harkey offered this meeting and invocation in memory of Scotty Smith who had recently passed away.

The Invocation was led by Father Steve Sallot of St. Edwards Church.

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CONSENT CALENDAR

Mayor Pro Tem Bartlett and a member of the public pulled Item No. 7 and Council Member Bishop pulled Item No. 8.

IT WAS MOVED BY COUNCIL MEMBER ANDERSON, SECONDED BY COUNCIL MEMBER BISHOP, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM NOS. 7 AND 8.

The motion carried by the following vote:

AYES: Council Members Anderson, Bishop, Weinberg, Mayor Pro Tem Bartlett, and Mayor Harkey
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, AUGUST 21, 2007

APPROVED THE MINUTES.

3. PLANNING COMMISSION ACTIONS, MEETING OF AUGUST 28, 2007

RECEIVED AND FILED.

4. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

5. CITY TREASURER'S REPORT, JULY 2007

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

6. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

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7. AUTHORIZE REQUEST FOR PROPOSALS FOR A COMPREHENSIVE PARKING ANALYSIS FOR TOWN CENTER

Mayor Pro Tem Bartlett and a member of the public pulled Item No. 7.

Mayor Harkey and Council Member Bishop recused themselves from this item due to potential financial conflict of interest as a result of their interests in real properties within 500' of the project and left the Council Chamber.

City Manager Chotkevys provided a staff report.

Mayor Pro Tem Bartlett opened the item for Public Comments.

Wayne Rayfield, Dana Point, stated that a parking program and in-lieu parking fee are crucial for the Town Center project.

Mayor Pro Tem Bartlett closed the item for Public Comments.

Mayor Pro Tem Bartlett stated that she would like to ensure that the consultant that is chosen will work with some of the proposed developers if they want to incorporate some type of on-site or immediate area parking.

City Manager Chotkevys replied that as part of this parking analysis there will be focus groups and outreach efforts which would be include interested developers, merchants and residents.

IT WAS MOVED BY COUNCIL MEMBER WEINBERG, SECONDED BY COUNCIL MEMBER ANDERSON TO AUTHORIZE STAFF TO DISTRIBUTE A REQUEST FOR PROPOSAL (RFP) SEEKING BIDS FOR A COMPREHENSIVE PARKING ANALYSIS FOR TOWN CENTER.

The motion carried by the following vote:

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

Council Member Bishop and Mayor Harkey returned to the Council Chamber.

8. WEBSITE CONSULTANT

Council Member Bishop pulled Item No. 8.

City Manager Chotkevys provided a staff report.

Council Member Bishop felt that Vision Internet was a good choice. He encouraged staff to ensure that the website will be open to all operating systems.

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Mayor Pro Tem Bartlett asked if it was anticipated to have the Council meetings available for viewing on the website.

City Manager Chotkevys replied that the City Council had included money in the budget for this feature.

Council Member Anderson asked if the new website would allow for people to pay fees on-line.

Economic Development Manager Teague replied that the new website would allow for that.

IT WAS MOVED BY COUNCIL MEMBER BISHOP, SECONDED BY MAYOR PRO TEM BARTLETT, TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH VISION INTERNET FOR A NEW WEBSITE.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

PUBLIC COMMENTS

Jerry Grunor, Dana Point, spoke about public comments from the last City Council meeting.

Carol Wilson, Capistrano Beach, spoke about the recall. She stated that she had worked with the Mayor on a couple of projects in the past and had found her quite helpful.

Antony Cooke, Capistrano Beach, spoke regarding public comments that were made at the last Council meeting.

Robert Traphagen, Dana Point, spoke about the recall and read a letter he had sent to the *Dana Point News* which was not published.

Malcolm Wilson, Capistrano Beach, spoke about the recall and stated that his only concern was for saving the Doheny House.

Judy Rice, Laguna Hills/Hemet, spoke in reference to the City Attorney's relationship with William and Vicki Talley.

Wayne Rayfield, Dana Point, thanked the City Council and staff for the outstanding Emergency Preparedness Expo and he hoped that the City would continue the event every year. He reported that August and September are the main breeding months for mosquitoes. He stated that there have been 164 cases of West Nile reported in the State of California this year; only two (2) of which were in

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Orange County. He added that Typhus was a new problem which is spread from the fleas on possums or raccoons to wild cats and then transmitted to humans.

Mayor Harkey explained the difficulties in refuting allegations as an elected official. She stated that she would answer the allegations if and when the issues being discussed reached the ballot. She apologized to the community, her family, friends, and supporters for the disruptions and thanked them for their support. She stated that she was proud to be the City's Mayor, and the City was moving ahead and doing some wonderful things.

She reported that the Board of Realtors Newsletter had recently run an article she had written on Prop 13 which had been printed in her personal newsletter. She added that she loves to publish which she does on a monthly basis.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

9. 5th MARINE REGIMENT ADOPTION COMMITTEE

City Manager Chotkevys provided a staff report.

Council Member Bishop stated that he supports the concept and asked who would be on the Board of Directors.

City Manager Chotkevys replied that it was anticipated that the Council would have a representative, the City Manager or his designee, Pete Hammer, other community members, and a U.S. Marine representative. He stated that the initial Board would include 5-6 people to start, and then expand to no more than 12.

Mayor Harkey opened the item for Public Comments.

Bob Moore, Dana Point, stated that the Veterans of VFW Post 9934 was delighted to see this committee being formed. He added that anything the City can do to improve the lives of all the service people, they should do it.

Mayor Harkey closed the item for Public Comments.

Mayor Harkey stated that she hoped that this could become a regular program that will provided consistent support for the Marines and she was pleased to support it.

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Council Member Anderson stated that other South Orange County cities seem to be doing the same thing and that she would support it.

Council Member Weinberg stated that he supports the creation of a committee.

IT WAS MOVED BY MAYOR HARKEY, SECONDED BY MAYOR PRO TEM BARTLETT, TO AUTHORIZE STAFF TO WORK WITH LOCAL COMMUNITY LEADERS TO CREATE A 5TH MARINE ADOPTION COMMITTEE.

The motion carried by the following vote:

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

PUBLIC COMMENTS (Continued)

There were no additional Public Comments.

STAFF REPORTS

City Manager Chotkevys announced that the Community Center and Senior Center would remain open until 9:00 p.m. to allow people an escape from the heat until the heat wave passes.

City Attorney Muñoz reported that the trespass and loitering Ordinance has had a good degree of success and that very few tickets have been issued.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Bishop thanked Wayne Rayfield for his service on the Vector Control Board. He announced that Saturday, September 15th was Coastal Clean Up Day and he encourage everyone to get involved and more information can be found on the City's website. He reported that he was in the process of updating his daily blog on his website www.joel4dp.com to be more open and communicative with residents on City issues.

Council Member Weinberg stated that he was impressed with the Orange County Fire Authority equipment they had on display at the Emergency Preparedness Expo. He added that it was good to see that the City had been able to donate \$15,000 to local charities from the bike race.

Council Member Anderson spoke about the quarterly Recreation Guide and how informative it was. She stated that the monthly financial report indicated that July was a record month for Transient Occupancy Tax (TOT). She added that the City's hotels have been having a great summer. She noted that building permit revenue was also up. She reported that the Transportation Corridor Agency has formed a TCS which is a new body to consider the acquisition of the Orange County toll roads. She

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stated that she was in support of the merger because she felt that the existing boards were redundant because they were basically doing the same thing.

Mayor Pro Tem Bartlett agreed that the Dana Point Recreation Guide was a great way to find out about events in the City and that it was a nice publication. She reported that since the last City Council meeting that she had attended the following:

- TCA training session on how to deal with the media.
- Presentation by Congressman John Campbell at the Dana Point Yacht Club. He gave a briefing on what was happening with the economy.
- Toured the Headlands property.

Mayor Harkey stated that in regards to the TCA that there were a number of reasons to merge the toll roads and a number of reasons not to. She added that the number of board members were one of the major drawbacks to consolidation and the way it has to be done due to the separate bonds, requirements, and tax consequences. She stated that she was supportive of the consolidation.

She stated that she had received a letter from the San Juan Capistrano Mayor and City Council thanking Dana Point for standing with them to help stop the postal facility.

She announced that the Chopper Drop was scheduled to take place on September 23rd from 4-7:00 p.m. and that tickets are being offered for \$10 each. She added that the event would benefit the Ocean Institute. She also encouraged people to participate in the Million Dollar Home Raffle that will also benefit the Institute.

She stated that the Marine Corps Birthday Ball was coming up and that it was a great event to contribute to. She added that detailed information will be available on the City's website. She stated that the Marines Corps were trying to raise money to allow their servicemen and women to attend the ball free of charge.

She reported that the Highway 74 (Ortega) will be widened and recommended that people who commute using this highway check the CALTRANS website for more information on the project.

She stated that the Orange County Sheriff's Department had started participation in cross-designation program in January, 2006 and by July, 2006 and there had been 33,777 inmates booked into jail and initially screened, out of that number they amassed 3,916 interviews, 2,610 immigration holds, and 16,057 of the inmates have been booked on felony charges.

She spoke about Scotty Smith. She stated that he had pursued the Neighborhood Watch Program in 1982. Scotty became the Neighborhood Watch Coordinator for the City of Dana Point which included over 200 block captains. He and his wife Martie had joined the Volunteer In Police Services (VIPS) program in July, 1991. Scotty was extremely devoted and had logged over 8,115 volunteer hours for the City.

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ADJOURNMENT

There being no further business before the City Council at this session, Mayor Harkey adjourned the meeting in memory of Scotty Smith at 7:10 p.m.

The next Regular Meeting of the City Council will be September 18, 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 SEPTEMBER 18, 2007