
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
MAY 15, 2007**

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 Harkey at 6:01 p.m. at the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point.

ROLL CALL

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

STAFF PRESENT: Douglas Chotkevys, City Manager; Patrick Muñoz, City Attorney; Todd Litfin, Assistant City Attorney; 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; Christy Teague, Economic Development Manager; and Jackie Littler, Executive Secretary.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Bishop.

INVOCATION

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

PRESENTATIONS AND PROCLAMATIONS

1. Ocean Institute Update
Dan Stetson, President and CEO of the Ocean Institute provided a PowerPoint presentation updating the City Council on the existing and new programs offered at the Ocean Institute.
2. Festival of Whales – Thank You Certificate Presentation from Donna Kalez

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
MAY 15, 2007**

Donna Kalez of Dana Wharf Sportsfishing presented a plaque to the City Council thanking them for their participation in the 2007 Festival of Whales.

Mayor Harkey presented Council Member Anderson with gifts for her upcoming baby. Council Member Anderson congratulated Mayor Harkey on her daughter's graduation.

CONSENT CALENDAR

Mayor Harkey removed Item No. 2; Mayor Pro Tem Bartlett removed Item No. 7, and Council Member Weinberg removed Item No. 9 from the Consent Calendar. City Manager Chotkevys withdrew Item No. 9 from the agenda.

IT WAS MOVED BY COUNCIL MEMBER BISHOP, SECONDED BY MAYOR PRO TEM BARTLETT, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM NOS. 2, 7 AND 9.

The motion carried by the following vote:

AYES: Council Members Anderson, Bishop, Weinberg,
Mayor Pro Tem Bartlett and Mayor Harkey
NOES: None
ABSTAIN: 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, MAY 1, 2007

Mayor Harkey removed this item from the Consent Calendar. Mayor Harkey recommended two minor changes in her Council Comments.

IT WAS MOVED BY MAYOR HARKEY, SECONDED BY COUNCIL MEMBER WEINBERG, THAT THE MINUTES BE APPROVED AS AMENDED.

The motion carried by the following vote:

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

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
MAY 15, 2007**

3. PLANNING COMMISSION MEETING MINUTES, APRIL 24, 2007

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF MAY 8, 2007

RECEIVED AND FILED.

5. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

6. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

7. AB 2987 – THE STATE VIDEO FRANCHISING LAW

Mayor Pro Tem Bartlett removed this item from the Consent Calendar. City Manager Chotkevys provided a staff report.

Mayor Pro Tem Bartlett asked if we need to pass the ordinance in order to have access to both the five percent and one percent component. Assistant City Attorney Litfin responded in the affirmative.

Mayor Pro Tem Bartlett asked what the franchise fee of five percent can be used for. City Manager Chotkevys replied that the five percent franchise fee can be used to pay for wear and tear of the infrastructure for the streets and roadways.

Mayor Pro Tem Bartlett asked if companies like AT&T and Verizon would use the same cell box. City Manager Chotkevys replied that each company prefers to use their own box.

Mayor Pro Tem Bartlett asked if there are any projected fees for the next two years. City Manager Chotkevys replied that there are no projected fees at this time since the City has not been approached with a specific project.

IT WAS MOVED BY COUNCIL MEMBER ANDERSON, SECONDED BY COUNCIL MEMBER WEINBERG, TO INTRODUCE AN ORDINANCE IMPLEMENTING AB 2987, THE STATE VIDEO FRANCHISE LAW, WITHIN THE CITY ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, IMPLEMENTING AB 2987 WITHIN THE CITY REGARDING VIDEO FRANCHISE FEES, CUSTOMER SERVICE AND OTHER VIDEO-RELATED MATTERS

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
MAY 15, 2007**

The motion carried by the following vote:

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

8. AUTHORIZE REQUEST FOR PROPOSALS FOR WEBSITE SERVICES

AUTHORIZED STAFF TO DISTRIBUTE A REQUEST FOR PROPOSAL (RFP) SEEKING BIDS FOR WEBSITE SERVICES.

9. OPPOSITION OF PENDING LEGISLATION: SB 964

City Manager Chotkevys withdrew this item from the agenda.

PUBLIC COMMENTS

Mayor Harkey opened the meeting for public comments.

Judy Rice, Laguna Hills and Hemet, spoke about the City's Housing Element, the State's response and is concerned that we didn't meet the housing needs of the City.

Pam Tappan, Capistrano Beach, thanked the City for expanding the scope on the Doheny House, thanked the residents and gathered over 600 signatures in about two weeks to save this house. She also thanked Evan Stromberger, 7th grader from St. Edward's School, who spent six hours collecting signatures.

Virginia and Evan Stromberger, Capistrano Beach, resident for 18 years, spoke in favor of saving the Doheny House and Evan provided a history of this famous house.

Donna Faass, Capistrano Beach, spoke about the closure of the Marina Mobile Home Park and spoke about the specifics of the settlement agreement offered by Makar to the residents of the former Marina Mobile Home Park.

Mayor Harkey thanked Donna for providing the specifics of the settlement agreement.

Robert Traphagen, Dana Point, commented on a statement made by Mayor Harkey at the May 1st City Council meeting with regard to Makar's settlement offer and the former residents of the Marina Mobile Home Park.

Dr. James Seitz, Dana Point, spoke about the Marina Mobile Home Park and asked the Council to do the right thing for those former residents.

Bob Moore, Dana Point, VFW Post 9934, invited the City Council, staff and residents to the Memorial Day Service at Pines Park on Monday, May 28th.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
MAY 15, 2007**

Patrick Evans, Huntington Beach, spoke about Makar's settlement offer and about comments made at the City Council meeting on May 1st and affordable housing.

Roger Worthington, Dana Point, spoke about the upcoming Dana Point Grand Prix race on Saturday, May 26th and invited all the residents to attend. Mr. Worthington presented the Council with tee shirts for the race. Monies raised from this event will be given to the Earth Ocean Society and the Boys & Girls Club of Capistrano Valley.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

10. APPROVAL OF PUBLIC ACCESS CHANNEL 30 POLICY

City Manager Chotkevys provided a staff report on a policy for Public Access Channel 30.

Richard Dietmeier, Dana Point, President of South Coast Water District, thanked the City Manager for the tour of the new Council Chambers and spoke in favor of a policy for Channel 30 and would like to negotiate an arrangement with the City for their public messages with regard to water issues.

Council Member Anderson was very excited about this policy which allows for 24/7 coverage, open and transparent government, and approved of the five objectives listed on Page 3 of the staff report:

1. To make public proceedings and events more accessible to Dana Point residents by providing live, gavel-to-gavel coverage of City Council and other community meetings via cable television.
2. To share public information on city issues such as emergency preparedness, water quality, and other important public information.
3. To promote events in the community sponsored by the City or nonprofit organizations through the Community Bulletin Board.
4. To increase community awareness of City services.
5. To provide outside programming that is informative to Dana Point residents.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
MAY 15, 2007**

Mayor Pro Tem Bartlett spoke about 24/7 coverage and would like to review this policy during the upcoming budget process so we can look at the required infrastructure and financial impact. Would like to look at what we can broadcast to the public through CCN such as the website, Park & Recreation Guide, Dana Point News, the City newsletter. She recommended reviewing this policy during the upcoming 2007-09 budget.

Council Member Anderson noted that we have the fiscal impacts within the budget.

Mayor Harkey spoke about the upcoming budget that will be forthcoming. She noted that in FY 06-07 we budgeted \$57,000, FY 07-08 and \$350,000 for public information. She asked that this Policy be reviewed in the overall scope of the budget and is not sure if we need 24/7 programming for a city the size of Dana Point and questioned if we should be instituting a whole new department with an additional staff person plus programming and other requirements plus overview.

Council Member Anderson noted that the \$350,000 includes funds for a Public Relations consultant, programming, etc. and she feels that the cost of broadcasting public meetings should be far less than \$350,000.

City Manager Chotkevys spoke about the money budgeted in this year's budget and cost associated with broadcasting the current meetings. We can open up this service to the Planning Commission, Traffic Improvement Commission, and South Coast Water District and could offer a 24/7 reader board. During the review of the FY 07-09 budget, these specific items should be reviewed and discussed.

Council Member Anderson asked staff if the Council could approve this policy without approving funding. City Manager Chotkevys replied in the affirmative.

Council Member Weinberg would like to approve the policy statement without the funding.

Council Member Bishop indicated that we could put our Council meetings, SCWD meetings, bulletin board, etc. on Channel 30, and that the Council should pass this policy and talk about funding within the budget process.

Mayor Pro Tem Bartlett asked that the Council hold the policy and funding with the 2007-09 budget discussions. She indicated that not all people have Cox Communications to review the Council meetings; some have Direct TV so the meetings could be viewed via the City's website.

Mayor Harkey stated that the purpose for this policy is to run entertainment and does not see this as a function of government and doesn't think that we need all of this administration for TV channel (staff up), and she doesn't think we need to start a whole new department. She does agree with broadcasting public meetings.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
MAY 15, 2007**

IT WAS MOVED BY COUNCIL MEMBER WEINBERG, SECONDED BY COUNCIL MEMBER ANDERSON, TO APPROVE THE PUBLIC ACCESS CHANNEL 30 POLICY IN ANTICIPATION OF EXPANDED DPTV-30 PROGRAMMING.

The motion carried by the following vote:

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

PUBLIC COMMENTS (Continued)

There were no additional Public Comments.

STAFF REPORTS

City Manager Chotkevys talked about a number of correspondences on the Doheny House. He had received an email over the weekend from the owner, Mr. Conley, who has brought forward an application for this property. There is a process that needs to be followed beginning with the Environmental Impact Review (EIR). Staff is soliciting public input/testimony. This process will continue to the Planning Commission for their review. This property is also within the Coastal zone; therefore, the Coastal Commission may need to review this property. His summary to Mr. Conley will be available in the public record.

Mayor Harkey added that we have received 50 emails, 13 letters, 22 public comment forms, and a 61 page petition with approx. 500 signatures.

City Attorney Munoz noted that we just ended the initial comment period related to the scoping of the EIR, and then there will be another comment period.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Bishop gave blood at the City's blood drive with over 30 people, and he has signed up for the Grand Prix race.

Mayor Pro Tem Bartlett reported that she attended a meeting at the OCTA on May 9th to discuss and form a working group for a Quiet Train Zone and discuss options for implementation in each city. The train horns are louder and longer and will be increasing in part because Metrolink has received approval to double the number of daily trains each day which then pushes the freight trains into the evening schedule. The goal of the working group is to look at all options for quiet zones in each affected city and access the Measure M dollars to assist with the financial aspect of the effort. She will continue to keep us posted on the group's progress. As an Orange County Fire Authority Board Member Alternate, she attended their Budget and Finance meeting on May 9th and plans

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
MAY 15, 2007**

to attend the OCFA Fire Safety Day on May 18th where participants will have the opportunity to become a firefighter for the day in a hands-on environment. On May 18th at the Community House is a Lord of the Strings Concert featuring Jazz master Jeff Linsky. If anyone is interested, please call 842-2227. On May 20th from 12 – 6:00 p.m., Dana Point Coastal Arts is sponsoring Taste of the Arts with artist tours and reception. For location and reception information and to RSVP, please contact Dana Point Coastal Arts at 542-8361. May 20th is the first CVS Concert at the Mission in San Juan Capistrano featuring Broadway Stars of Tomorrow. The concert starts at 6:15 p.m., and for tickets please call 240-8584.

Council Member Anderson attended two budget meetings at the Orange County Public Library Advisory Board on May 3rd and May 11th. This budget was approved, and it will be forwarded to the Board of Supervisors for approval. She noted that the budget for each city is based on the following formula: 40% on property tax, 30% on population, and 30% on circulation. Using this formula, Dana Point's factor is 3.1 which means that our library is open six days per week. In order for our library to be open seven days per week, our factor would have to be 4.1. Please continue to use our library! This subject may be discussed further in the upcoming budget discussions. The Historical Society's Founders Day is on Wednesday, May 23 at 6:00 p.m. at South Shores Church (the Recreation Guide is incorrect). This year's honorees are Helen and Mel Pierce, and she invited everyone to attend.

Council Member Weinberg spoke about the events of our Grand Prix race on May 26th beginning at 7:00 a.m. and modeled his Grand Prix tee shirt. The Big Wheel race is for the younger children and they will all receive Shimano medals and tee shirts. Just bring your bike and helmet. There are several great pro races as well. If you want to volunteer, please contact Economic Development Manager Christy Teague at 248-3519.

Public Works Director Fowler added that the kid's race starts at 12:00 noon and registration will start at 10:30 a.m. and please arrive an hour ahead to register your child.

Mayor Harkey will not be here for the Grand Prix as she will be visiting her mother in Arizona. She reported that the Boys & Girls Club in Capistrano Valley only serves 131 residents. She encouraged the families to use this service since the cost is only \$25 for a family membership. On Sunday, May 20th, A Taste of the Arts sponsored by the Dana Point Coast Arts. The cost is \$40 for members, \$50 for non-members at Danman's school near the Renaissance restaurant on Del Prado. The annual Memorial Day program presented by the Veterans of Foreign Wars Post 9934 is on Monday, May 28th at 10:00 a.m. The Municipal Water District of Orange County has invited the Council for a site inspection of all the water plants, and she will try to attend. The Dana Point Chamber of Commerce is having their 2007 Installation dinner on Saturday, June 9th, at the Dana Point Yacht Club; cocktails, 6:00 p.m. cocktails, 7:00 p.m. dinner. The cost is \$60 per person. Please contact the Chamber if you would like to attend. The South Orange County School of the Arts (part of Dana Hills High School) is having a special performance on June 11th at 6:00 p.m. at the Orange County Performing Arts Center.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
MAY 15, 2007**

Tickets are as low as \$15.00. For tickets, please call 714/556-2787 or their website www.socsarts.org.

CLOSED SESSION

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

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b1), (3 cases - Doheny House EIR, possible litigation reg. Mr. Evans, and PCH over crossing bridge)

Mayor Harkey recessed the meeting into a Closed Session at 8:00 p.m. pursuant to Government Code Section 54956 *et. seq.*

City Attorney Munoz indicated he had nothing to report out of Closed Session.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Harkey declared the meeting adjourned at 8:45 p.m.

The next Regular Meeting of the City Council will be June 5, 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 JUNE 5, 2007