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**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
MAY 1, 2007**

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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 Mayor Harkey at 5:00 p.m. in 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

**CLOSED SESSION**

There were no Closed Session items.

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; 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 Mayor Pro Tem Bartlett.

**INVOCATION**

The Invocation was led by Mayor Harkey.

**INTERVIEWS FOR TRAFFIC IMPROVEMENT COMMISSION APPLICANTS**

THE CITY COUNCIL CONDUCTED INTERVIEWS TO FILL THREE POSITIONS ON THE DANA POINT TRAFFIC IMPROVEMENT COMMISSION.

The City Council conducted interviews in ten minute intervals to fill three positions on the Dana Point Traffic Improvement Commission with the following applicants:

Gerald Delin  
Gary Kamm  
Yvonne English  
David Colville  
Wayne Vega

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Ahmad Hindiyeh  
Chris Turner  
Cas Pinkowski

Mayor Harkey recessed the meeting at 6:05 p.m. and reconvened the meeting and interviews at 6:15 p.m.

Joe Ames  
Sarah Maanpaa

IT WAS MOVED BY COUNCIL MEMBER ANDERSON, SECONDED BY MAYOR PRO TEM BARTLETT, TO MOVE ITEM NO. 11 UNDER UNFINISHED BUSINESS TO THE BEGINNING OF THE MEETING.

The motion carried by the following vote:

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

#### **UNFINISHED BUSINESS**

##### **11. APPOINTMENT OF TRAFFIC IMPROVEMENT COMMISSIONERS**

Mayor Harkey commented that the City has received many great applications for the Traffic Improvement Commission and felt it was important that every section of the City was represented (all four areas) on this Commission. She felt strongly that the Commissioners should be residents that have lived in the City for some time.

Mayor Harkey asked that the Council handle the vote in the same way that they handled the Planning Commissioners – to pick their top three candidates and see if there is consensus.

Council Member Anderson noted that all areas of the City should be represented and noted that current members Linda Brame lives in Niguel Shores and Rod Howorth lives in the Lantern Village.

City Attorney Munoz asked that Mayor read each Council Member's votes for the record.

Mayor Harkey announced the following choices for each Council Member:

Council Member Weinberg voted for Gary Kamm, Chris Turner and David Colville

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Council Member Anderson voted for Gary Kamm, David Colville and Chris Turner

Mayor Harkey voted for Wayne Vega, Ahmad Hindiyeh and Gary Kamm

Mayor Pro Tem Bartlett voted for Gary Kamm, Cas Pinkowski and Ahmad Hindiyeh

Council Member Bishop voted for Ahmad Hindiyeh, Gary Kamm and Wayne Vega

Council Member Anderson indicated that Gary Kamm is a retired police officer and lives in Capistrano Beach, David Colville lives around Dana Hills High School which has various traffic issues, and liked Chris Turner from the Palo Alto area and likes residents that have new ideas that live in different areas of the City.

Council Member Bishop believes longevity in the City is important and considered residents that weren't involved in too many areas of the City, and chose a diverse group.

Mayor Pro Tem Bartlett approves of a diversified group, longevity in the City and felt it is important that all areas of Dana Point are represented.

IT WAS MOVED BY MAYOR HARKEY, SECONDED BY MAYOR PRO TEM BARTLETT, TO APPOINT GARY KAMM TO THE TRAFFIC IMPROVEMENT COMMISSION.

Mayor Harkey noted that Commissioner Kamm will need to get up to speed with the issues in Capistrano Beach.

Mayor Harkey noted that Vega and Turner live in the Palo Alto area, Hindiyeh lives in Lantern Village and Colville lives in Dana Point proper and each have two votes each. Mayor Harkey noted that Mr. Vega, whom she worked with on the Underground Utility Committee, has been a resident for 20 years and is well known in his community.

IT WAS MOVED BY MAYOR HARKEY, SECONDED BY MAYOR PRO TEM BARTLETT, TO APPOINT WAYNE VEGA TO THE TRAFFIC IMPROVEMENT COMMISSION.

Council Member Anderson indicated Mr. Vega did an excellent job on the Underground Utility Committee and doesn't like voting against him; however, she would like to get someone new involved like Mr. Turner.

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Council Member Weinberg agreed with Council Member Anderson and doesn't like voting against these great candidates, and feels like Mr. Turner could have some fresh ideas and would prefer to nominate someone young first, then a long-time resident second.

The motion carried by the following vote:

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

IT WAS MOVED BY COUNCIL MEMBER BISHOP. SECONDED BY MAYOR PRO TEM BARTLETT, TO APPOINT AHMAD HINDIYEH TO THE TRAFFIC IMPROVEMENT COMMISSION

The motion carried by the following vote:

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

No Alternates were appointed on this Commission.

### **PRESENTATIONS AND PROCLAMATIONS**

Business of the Month – Beacon Printing

Economic Development Manager Teague gave a PowerPoint presentation of Beacon Printing. Beacon Printing has been in business since 1992. Mayor Harkey presented a Certificate of Recognition to Brad and Judy Brandmeier for being the recipients of the Featured Business of the Month for May 2007.

### **CONSENT CALENDAR**

Mayor Harkey removed Item No. 9 from the Consent Calendar.

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 NO. 9.

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  
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, APRIL 17, 2007**

APPROVED THE MINUTES.

**3. PLANNING COMMISSION MEETING MINUTES, APRIL 10, 2007**

RECEIVED AND FILED.

**4. PLANNING COMMISSION ACTIONS, MEETING OF APRIL 24, 2007**

RECEIVED AND FILED.

**5. YOUTH BOARD MEETING MINUTES, APRIL 19, 2007**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

**7. CITY TREASURER'S REPORT, MARCH 2007**

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

**8. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**9. APPROPRIATION OF AB2766 FUNDS FOR POLICE BICYCLES**

Mayor Harkey removed this item from the Consent Calendar.

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City Manager Chotkevys provided a staff report on this item. Mayor Harkey noted that is a very positive and helpful program.

IT WAS MOVED BY MAYOR HARKEY, SECONDED BY COUNCIL MEMBER ANDERSON, TO APPROVE AN APPROPRIATION IN THE AMOUNT OF \$8,000 FROM THE AB2766 FUND TO FUND THE PURCHASE OF FOUR NEW BICYCLES FOR THE BICYCLE PATROL/COMMUNITY POLICING UNIT.

The motion carried by the following vote:

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

#### **PUBLIC COMMENTS**

Mayor Harkey opened the meeting for public comments.

Shannon Archbold, Dana Point, Dana Point resident since 1975, spoke on behalf of AYSO Soccer, Region 87, whose players are from Dana Point and San Juan Capistrano. She spoke about the soccer fields in disrepair at Marco Forster. Eight hundred thousand dollars was approved for this purpose but due to budget constraints, the fields have not been repaired. She asked the Council to contribute as 50% of the students come from Dana Point.

John Chaffetz, Dana Point, noted that he attended the Environmental Impact Report for the Doheny House and spoke in support of the Doheny House not getting demolished.

Pam Tappan, Capistrano Beach, spoke about the Environmental Impact Report Scoping meeting on the Doheny House last Wednesday. She thanked staff, Council Member Anderson and approximately 60 residents for attending. Comments can be provided by May 1<sup>st</sup>, and there is a petition available for signing. She asked that all of the residents to get involved and call her at 240-8061.

Warner Tappan, Capistrano Beach, spoke about the Caltrans sign at the entrance of Dana Point and is very disappointed about the yellow sign and two new green signs (connecting the I-5 with Pacific Coast Highway), and the center divider.

Mayor Harkey noted that she is unhappy with these signs. City Manager Chotkevys added that he is unhappy with those signs and that this is Caltrans right-of-way, and they have indicated that this is a safety issue.

Alan Wickstrom, Dana Point, 21 year resident, spoke about South Orange County School of the Arts (SOCSA) within Dana Hills High School, invited the Council to attend their upcoming performances at the Orange County Performing Arts Center on Monday, June

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11<sup>th</sup>. Mr. Wickstrom thanked the Council for the support of the arts and visit their website at [www.socsaarts.org](http://www.socsaarts.org) for more information.

Mayor Harkey and Council Member Bishop noted that this is a fabulous program.

Karen Schnell, Dana Point, spoke about the 1<sup>st</sup> Annual Arts Day on April 29<sup>th</sup> with various events all day. Ms. Schnell thanked the Council for attending. Next year's event will be on May 4<sup>th</sup> and if anyone is interested, please contact her or Kevin Evans in the Recreation Department.

Robert Traphagen, Dana Point, spoke about the money lost in their purchase of a mobile home at the Marina Mobile Home Park. Mr. Traphagen is being sued along with Bonnie Pitkin for \$450,000 (legal fees). Mr. Traphagen submitted a letter for the record regarding the settlement with Makar.

Colleen Ann Traphagen, Dana Point, spoke about the settlement with Makar.

Dr. Jim Seitz, Dana Point, spoke about the good faith settlement agreement with Makar and was disappointed with the Council regarding their good faith towards this agreement. He also spoke about flag desecration.

Joe Evans, Laguna Woods, Patrick Evan's father, and as disappointed about the events that have occurred to the residents of the former Mobile Home Park.

Patrick Evans, Huntington Beach, spoke about the agreement with Makar and the residents of the Mobile Home Park. Mr. Evans spoke about a letter involving Mayor Harkey and would like these matters to be resolved.

Dan Kleir, Encino, attorney representing Mr. Patrick Evans and his clients, and asked the City Council to do the right thing and work to resolve this matter.

Mayor Harkey spoke about her conversation with the Traphagens at the Chamber luncheon. She provided the Traphagens with a suggested letter in response to their request for help in connection with their concern related to being sued for legal fees. Mayor Harkey was very disappointed as to what has been said. She noted that no good deed goes unpunished. She asked the City Attorney to read a statement concerning this subject.

City Attorney provided a summary of the litigation that followed the sale and closure of the Mobile Home Park. These three litigation cases are done, and the City has prevailed in all of them, both at the trial court and court of appeal. The Council nevertheless encouraged Makar to offer approx. \$1 million and forgive the legal fees of \$350,000 – \$450,000. Makar asked, in return, that the residents would not oppose their future project and that the payments would be spread out so that they would have an assurance that the residents wouldn't oppose the project. The City Attorney's office was advised that the \$1 million settlement offer was not accepted (as of yesterday's deadline at 5:00 p.m.). The Council felt that was a fair and reasonable settlement offer; the City will move forward to

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consider the future development and what is fair to the entire community, and stated that it is unfortunate that the Mobile Home Park residents will not have the benefit of this windfall payment.

Mayor Harkey called a recess at 7:45 p.m. and reconvened the meeting at 7:55 p.m.

## **PUBLIC HEARINGS**

### **10. 2007 ABATEMENT PROGRAM, AUTHORIZATION TO ABATE WEEDS**

City Manager Chotkevys provided a staff report.

Mayor Harkey opened the Public Hearing.

There were no public comments and no Council comments.

Mayor Harkey closed the Public Hearing.

IT WAS MOVED BY COUNCIL MEMBER ANDERSON, SECONDED BY COUNCIL MEMBER BISHOP, TO CONDUCT A HEARING TO HEAR ANY OBJECTIONS REGARDING WEED ABATEMENT AND ADOPTED **RESOLUTION NO. 07-05-01-01** ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, HEARING NO OBJECTIONS AND PROCEEDING WITH WEED ABATEMENT.*

The motion carried by the following vote:

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

## **NEW BUSINESS**

There were no New Business items.

## **PUBLIC COMMENTS (Continued)**

There were no additional Public Comments.

## **STAFF REPORTS**



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City Attorney Munoz noted that the City of Newport Beach has adopted a moratorium recently concerning the rehabilitation homes, and he may bring something back for approval if it addresses the specific issue of homes with six or fewer residents which are currently not subject to regulation.

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

Council Member Bishop noted that the Orange County Fire Authority responded to a fire on Santa Clara. They used the new thermal scanners to help them locate people through the thick smoke. The fire trucks were able to get through the gate, and the fire was minimized to \$10,000 property damage and \$30,000 car damage. He thanked the Fire Authority for their response.

Mayor Pro Tem Bartlett reported the City is having a CERT training session on May 19<sup>th</sup>. For more information, please see Todd DeVoe, Emergency Services Coordinator at City Hall. The Dana Point Grand Prix is on May 26<sup>th</sup>. This bike race is for toddlers to adults. They are looking for more young racers. For more information, see their website at [www.danapointgrandprix.com](http://www.danapointgrandprix.com) or send an email to [info@danapointgrandprix.com](mailto:info@danapointgrandprix.com). The City is holding a Blood Drive on Thursday, May 3<sup>rd</sup> from 12:00 – 6:00 p.m. at the Dana Point Community Center.

Council Member Anderson reported on several meetings she attended on April 18<sup>th</sup> and April 30<sup>th</sup> regarding the Coastal Animal Services Authority and the City's animal shelter. She attended the Chamber of Commerce's State of the City address on April 26<sup>th</sup>. She reported that we lost a great resident Bob Knauth and animal shelter volunteer on Sunday. A luncheon will be held in his honor this Saturday and the Laguna Cliff's Marriott. Dana Point Theater Company is presenting the play "Love Letters" at Belle Napoli on three days. On May 6<sup>th</sup>, 12:00 noon, Wayne Rayfield and Joanna Adrian will star. On May 8, Jim Miller and I will be starring in the play at 6:00 p.m. On May 15<sup>th</sup>, Tom Blake and Lynn Nelson will star at 6:00 p.m. Seating is limited; the cost is \$25 per person. For more information, see [www.dptheaterco.org](http://www.dptheaterco.org). Council Member Anderson dispelled a rumor that she is not going to run again for City Council in 2008. Council Member Anderson announced that she is having a baby in October.

Council Member Weinberg reported that he attended the Chamber of Commerce State of the City luncheon on April 26<sup>th</sup>. The luncheon was well attended.

Mayor Harkey announced that her daughter is graduating from college on May 11<sup>th</sup>. She is monitoring the progress of the EIR on the Doheny House and did not attend last week's meeting so that she would not be the focus of the meeting. She attended "Is Your Teen at Risk" program put on by the City of Rancho Santa Margarita with Lt. Levy. We may want to join the City of San Juan Capistrano to put together a similar program which helps teenagers and parents to know some of the key issues and resources for help. The Great Park orange balloon which may go up on May 14<sup>th</sup>, and they will be selling tickets for rides. A Dana Point resident Casey Pagneli will be one of the first riders. Assembly Bill 1457 which could have prevented completion of construction of the 241 toll road was

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put on a two year hold status due to the opposition of this bill. Representatives of the Transportation Corridor Agency to Sacramento in opposition of this Bill. Dana Point boaters have been notified by the County that their boat slip property taxes were not accessed for the last three years so they will be billed for those back taxes. Purple Feet thanked the City for our traffic calming measures that were integrated downtown. Mayor Pro Tem Bartlett and staff will be attending the OCTA meeting reviewing the plan to silence the train whistles on May 9<sup>th</sup> which will be very helpful to Capistrano Beach residents. The League of Cities 2007 Annual Conference is scheduled on September 5-8<sup>th</sup> in Sacramento. The National Day of Prayer on May 3<sup>rd</sup> on the first floor of City Hall at 12:00 noon.

**ADJOURNMENT**

There being no further business before the City Council at this session, Mayor Harkey declared the meeting adjourned at 8:10 p.m.

The next Regular Meeting of the City Council will be May 15, 2007 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 \_\_\_\_\_