
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL ADJOURNED REGULAR MEETING MINUTES
JANUARY 8, 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 Community Center at 34052 Del Obispo, Dana Point. Acting 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 Harkey at 6:00 p.m. at the Dana Point Community Center, 34052 Del Obispo, 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; Sharie Apodaca, Director of Administrative Services; Kathy Ward, Acting City Clerk; Cathy Catlett, Assistant 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; Jennifer Anderson, Management Analyst and Jackie Littler, Acting Executive Secretary.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Weinberg.

INVOCATION

The Invocation was led by David Mattson of Gloria Dei Lutheran Church.

PRESENTATIONS AND PROCLAMATIONS

Business of the Month

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Management Analyst Anderson provided a PowerPoint presentation of Silverado Wine and Spirits in Capistrano Beach. Mayor Harkey presented a Certificate of Recognition to owner Bill Mordhorst, his wife Pat and family members.

CONSENT CALENDAR

IT WAS MOVED BY COUNCIL MEMBER BISHOP, SECONDED BY COUNCIL MEMBER ANDERSON, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR.

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, DECEMBER 13, 2006

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, NOVEMBER 15, 2006

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF DECEMBER 20, 2006

RECEIVED AND FILED.

5. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

6. CITY TREASURER'S REPORT, NOVEMBER 2006

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF NOVEMBER 2006.

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7. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

8. ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE DEL OBISPO PARK RESTROOM/CONCESSION BUILDING PROJECT

ADOPTED **RESOLUTION No. 07-01-08-01** entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE DEL OBISPO PARK RESTROOM/CONCESSION BUILDING PROJECT.

AND DIRECTED STAFF TO TRANSFER ANY PROJECT SAVINGS TO THE ANNUAL GENERAL PARK REHABILITATION, CIP #1206.

9. LEGISLATIVE ADVOCACY AGREEMENT

1) AUTHORIZED THE CITY MANAGER TO EXECUTE A ONE-YEAR AGREEMENT WITH A AN OPTIONAL ONE-YEAR EXTENSION, WITH MIKE TOPE FOR LEGISLATIVE ADVOCACY SERVICES RELATIVE TO CERTAIN PUBLIC WORKS AND COMMUNITY DEVELOPMENT PROJECTS SUBJECT TO CALIFORNIA COASTAL COMMISSION REVIEW; AND 2) AUTHORIZED A TRANSFER OF FUNDS FROM THE RESERVE FOR SERVICE ENHANCEMENT FUND (99-299) TO THE CITY MANAGER'S BUDGET PROFESSIONAL SERVICES FUND (11-223) FOR THE COST OF SERVICES THROUGH FISCAL YEAR 2006-07.

PUBLIC COMMENTS

There were no Public Comments.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

10. CITY COUNCIL AND PLANNING COMMISSION MEETING DATES

City Manager Chotkevys provided a staff report on this item. Council discussed this item and asked various questions of staff. Council Member Weinberg expressed his concern with meeting in Room B until the Council Chambers are complete.

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Mayor Harkey discussed the reasons to change the meeting dates for the City Council and Planning Commission.

Council Member Anderson asked that the agendas be available on Thursdays before a City Council meeting so we don't lose a day by moving the meeting dates to Tuesday.

IT WAS MOVED BY COUNCIL MEMBER BISHOP, SECONDED BY MAYOR PRO TEM BARTLETT, THAT THE DATES OF CITY COUNCIL MEETINGS BE REVISED TO THE FIRST AND THIRD TUESDAY OF EACH MONTH (EFFECTIVE IMMEDIATELY), WITH THE AGENDA PACKET DISTRIBUTED ON THE THURSDAY PRIOR TO THE COUNCIL MEETING, AND THE DATES OF THE PLANNING COMMISSION MEETINGS BE REVISED TO THE SECOND AND FOURTH TUESDAY OF EACH MONTH.

The motion carried by the following vote:

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

NEW BUSINESS

11. CITY COUNCIL APPOINTED REPRESENTATIVES AND CITY COMMISSIONS, COMMITTEES, SUBCOMMITTEES AND TASK FORCES

City Manager Chotkevys provided a staff report.

Mayor Harkey called for Public Comments.

Richard Dietmeier, Dana Point, a member of the Ocean Water Quality Subcommittee for the last two years, spoke about the importance of the committee and its work on grease interceptors. He would like to continue to serve on this committee.

Terry Goller, Dana Point, spoke concerning the sober living homes in Dana Point and would like the City to form a committee to work on this issue, permitting and monitoring.

Mayor Harkey responded that Mayor Pro Tem Bartlett is involved in this issue, and there will be a meeting tomorrow at Senator Harman's office and representatives from Capistrano Beach and Newport Beach will be attending.

City Attorney Munoz added that there will be a meeting on March 2 on this item with his office, the City of Newport Beach and other cities to see if a coordinated plan to present to the state to get legislation moving forward to

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address this issue since there is nothing we can do at the local level. City Manager Chotkevys noted that he spoke with Ms. Diederma from Senator Harman's office this afternoon with regard to sober living homes in Dana Point.

Mayor Harkey discussed the City Council committee assignments for outside agencies. Mayor Harkey asked that the El Toro Reuse Planning Authority (ETRPA) be added on this list as there will be a meeting on January 22.

Council Member Anderson stated that former Council Member Wayne Rayfield expressed a desire to remain as the City's Vector Control Board representative and she was willing to relinquish her assignment as Alternate on that Board. Council Member Weinberg stated that he would be glad to offer this position to Mr. Rayfield and would accept a position as Alternate.

Council Member Anderson noted that she wanted to keep her position as the Foothill/Eastern Transportation Corridor Authority (TCA) representative as she had served in this position for two years and is the current Secretary of the Board.

Council Member Anderson asked if Council Member Bishop has a conflict with the Transportation Corridor Agency (TCA). Mayor Harkey responded that the City Attorney prepared a memo on this issue and Council Member Bishop may participate as to who can be appointed as the City's representative to the TCA Board.

The list of City Council Representatives to outside agencies is provided as **Attachment A**.

IT WAS MOVED BY MAYOR PRO TEM BARTLETT, SECONDED BY COUNCIL MEMBER BISHOP, THAT THE LIST OF CITY COUNCIL REPRESENTATIVES BE REVISED AS RECOMMENDED.

The motion carried by the following vote:

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

Mayor Harkey discussed the list of boards, commissions, committees, subcommittees and task forces. It was agreed to only discuss the Council representatives to the various committees and if there were changes made to the public members, that these recommendations would be brought back to the City Council for approval.

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Mayor Harkey suggested creating a Library Task Force and Sea Terrace Park Subcommittee and asked former Council Member Wayne Rayfield to become a public member of the Library Task Force. Mayor Harkey asked that Council Member Bishop be the only Council representative to the Ocean Water Quality Subcommittee and that this subcommittee be expanded to include ex-officio members from Congressman Campbell, Senator Harman and Supervisor Bate's office along with either a representative from the Doheny Long Board Surfing Association or the Surfrider Foundation.

The Town Center Subcommittee will be placed on hold with Council Members Anderson and Weinberg as representatives until the Coastal Commission returns with their recommendations.

Mayor Harkey recommended that the Traffic Improvement Subcommittee be changed to a Traffic Commission. This item will be brought back at the first meeting in February for Council discussion.

Mayor Harkey recommended adding a Grant Policy Task Force to review the existing grant program and review the policy.

With regard to the Sea Terrace Park Subcommittee, Council Members Anderson and Weinberg will be the Council representatives.

The list of City boards, commissions, committees, subcommittees and task forces is provided as **Attachment B**.

Mayor Harkey called for Public Comments.

Ingrid McGuire, Dana Point, asked that the Council reactivate the Water and Sewer Commission with the South Coast Water District.

Mayor Harkey recommended that Council Member Bishop work with South Coast Water District to schedule future meetings.

IT WAS MOVED BY COUNCIL MEMBER ANDERSON, SECONDED BY COUNCIL MEMBER BISHOP, THAT THE LIST OF CITY BOARDS, COMMISSIONS, COMMITTEES, SUBCOMMITTEES AND TASK FORCES BE REVISED AS RECOMMENDED.

The motion carried by the following vote:

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

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PUBLIC COMMENTS (Continued)

There were no additional Public Comments.

STAFF REPORTS

City Manager Chotkevys asked Director of Community Development Butterwick to provide a staff report on the status of the City projects at the Coastal Commission.

Director of Community Development Butterwick provided a status report on the Residential Building Heights Ordinance, the Harbor Plan and the Town Center Plan and indicated that these projects are progressing slowly at the Coastal Commission level.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Anderson wished everyone a Happy New Year. The Dana Point Woman's Club meets on the 1st Thursday of each month at 11:30. Their website is Danapointwomansclub.org and their phone number is 481-8991. The next Community Emergency Response Team (CERT) training session is on February 23 – 25. Please contact Todd DeVoe at 248-3579 or tdevoe@danapoint.org if you are interested in attending. The Valentines dance is on February 11 at the Community Center from 6 – 9:00 p.m. Council Member Anderson wanted to remind everyone to use our Community Calendar on our website www.danapoint.org to submit community events.

Council Member Weinberg mentioned that the Farmers Market is on every Saturday from 9 – 1:00 p.m. and the Craft Faire is also on Saturday (2nd Saturday of each month) from 9 – 3:00 p.m. at La Plaza Park.

Mayor Pro Tem Bartlett wished everyone a happy, healthy and prosperous New Year. Mayor Pro Tem Bartlett attended a wonderful Lord of the Strings concert at the Community House in December and there's another concert on January 19 at the Community House at 7:30 p.m. Please contact Tim Johnson if you are interested in attending at 842-2227. Mayor Pro Tem Bartlett indicated she has received a lot of comments from concerned residents in regards to the rehab and sober living houses. We will be meeting with the local legislators and want to reach common ground for local residents as well as the state level.

Mayor Harkey thanked everyone for attending this meeting and wished everyone a Happy New Year and recommends going to New York to celebrate the New Year. Mayor Harkey would like to have a study session in January on Via Cañon beginning with a site visit with the Council and Planning Commission. Mayor Harkey recommends a study session on vacation rentals and cost analysis for traffic calming measures for Pacific Coast Highway and Del Prado within the next month. She would also like to have a public Budget Workshop (for discussion only) before the next budget is presented. She would like to meet with representatives from Capistrano Unified School District concerning Dana Hills High School pool improvements and noted that Council Member

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Bishop will follow up with South Coast Water District availability of affordable housing on the 30 acres. Mayor Harkey will have office hours at City Hall every Friday, beginning January 26 from 1:00 – 5:00 p.m. The Council will be attending the League Leadership Academy beginning tomorrow.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Harkey declared the meeting adjourned at 7:22 p.m.

The next Regular Meeting of the City Council will be January 16, 2007 at 5:00 p.m. in the Community Center located at 34052 Del Obispo in Room B, Dana Point, California.

KATHY M. WARD
ACTING CITY CLERK

APPROVED AT THE MEETING OF JANUARY 16, 2007.

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ATTACHMENT A

**DANA POINT CITY COUNCIL COMMITTEE
ASSIGNMENTS**

NAME OF AGENCY/COMMITTEE MEETING LOCATION	REPRESENTATIVE	APPOINTED	MEETING FREQUENCY
Animal Services Subcommittee Coastal Animal Services Authority (CASA) 535 Avenida Fabricante, San Clemente 92672 JPA provides for 2 year appointment, 361-8205	Anderson Weinberg (alt.)	1/08/07 1/08/07	Quarterly roughly 6:00 p.m.
California Joint Powers Insurance Authority 8081 Moody, La Palma 90623 (800)229-2343	Bartlett Bishop (alt.)	1/08/07 1/08/07	Annually/Mo.
Capistrano Unified School District 33122 Valle Road San Juan Capistrano 92675 (949)489-7000	Harkey	1/08/07	As Needed
El Toro Reuse Planning Authority (ETRPA) 24035 El Toro Road Laguna Hills 92653 (949)707-2067	Anderson	1/08/07	As Needed
Foothill/Eastern Transportation Corridor Agency + 125 Pacifica #120, Irvine 92618 PO Box 53770, Irvine 92619-3770 (949) 754-3400 1. Board of Directors 2. Operations Committee Compensation = \$120/mtg. + .48_ per mile	Bartlett Harkey (alt.)	1/08/07 1/08/07	Monthly for both 1. 2 nd Thurs., 9:30 a.m. 2. Weds. 8 days before Board, 12 noon
Great Park Conservancy Advisory Council (949) 653-1775 Carol Simon	Harkey* Anderson (alt.)	1/08/07 1/08/07	As needed
Interjurisdictional Planning Forum for Growth Management Area (GMA) 11 pursuant to Measure M (Rotates between cities of SJC, Dana Point and SC) Public Works and Engineering Services 248-3582	Bishop Harkey (alt.)	1/08/07 1/08/07	Annually No set date or time
League of California Cities 1. League of California Cities Annual Conference Voting Delegate and Alternate 2. City Selection Committee Voting Delegate and Alternate (714)972-0077	Mayor* Mayor Pro Tem* Mayor* Mayor Pro Tem* * (or Mayor's appointee)	1/08/07 1/08/07	1. Annual Conf. in September 2. Monthly - Varies
Orange County Council of Governments (OCCOG) City of Mission Viejo (949)470-3033	Harkey Bartlett (alt.)	1/08/07 1/08/07	Monthly 4 th Thursday 11:30 am Annual meeting in August

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NAME OF AGENCY/COMMITTEE MEETING LOCATION	REPRESENTATIVE	APPOINTED	MEETING FREQUENCY
Orange County Fire Authority + 1 Fire Authority Road Irvine, CA 92602 Compensation = \$100 per meeting \$300/mo. maximum (714)744-0400	Bishop Bartlett (alt.)	1/08/07 1/08/07	Monthly & As Needed 4 th Thursday 6:30 p.m.
Orange County Library Advisory Board County Library Headquarters (714)566-3040	Anderson Weinberg (alt.) (2 yr. Term exp. 12/08)	1/08/07 1/08/07	Quarterly roughly 4:00 p.m.
Ocean Institute Board of Directors (949)496-2274	Harkey Bartlett (alt.)	1/08/07	Wednesdays 1/31,5/23,10/3 7:30 a.m.
Orange County Vector Control District + Water Control District, Garden Grove 13001 Garden Grove Blvd., Garden Grove, CA 92843 Compensation = \$100 per month, no mileage (714)971-2421	W. Rayfield (public member) Weinberg (alt.) (2 year term expires 12/08)	1/08/07 1/08/07	Monthly 3 rd Thursday 3:30 p.m.
Ritz-Carlton Community Events Meeting Ritz-Carlton Hotel 1 Ritz-Carlton Dr., Dana Point 240-2000	Mayor* Mayor Pro Tem (alt.)*	1/08/07 1/08/07	As needed 7:30 a.m.
San Joaquin Transportation Corridor Agency + 125 Pacifica #120, Irvine 92618 PO Box 53770, Irvine 92619-3770 1. Board of Directors 2. Budget and Finance Committee 3. SJH Right-of-Way Ad Hoc Committee Compensation = \$120/mtg. + .48_ per mile (949) 754-3400	Harkey Bartlett (alt.)	1/08/07 1/08/07	Monthly for all 1. 2 nd Thursday 9:30 a.m. 2. Tuesdays 9 days before Board, 12 noon 3. As Needed
South Coast Water District 31592 West St Laguna Beach 92651 (949)499-4555	Bishop	1/08/07	As Needed
So. Orange County Association of Mayors (SOCAM) Location rotates between South County Cities	Mayor* Mayor Pro Tem (alt.)*	1/08/07 1/08/07	Bimonthly 7:30 a.m.
So. Orange Co. Major Investment Study Group (SOCMIS) OCTA 550 S. Main St. Orange. CA 92863 (714) 560-6282	Harkey Bishop (alt.)	1/08/07 1/08/07	Quarterly

* Historically representatives are current Mayor and/or Mayor Pro Tem

+ Compensation provided

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CITY OF DANA POINT

ATTACHMENT B

**List of Boards, Commissions, Committees, Subcommittees,
and Task Forces**

NAME OF BOARD, COMMISSION, COMMITTEE, SUBCOMMITTEE OR TASK FORCE	COUNCIL REPRESENTATIVE	MEETING FREQUENCY
Grant Policy Task Force	Bartlett Anderson	As needed
Investment Review Committee <u>Public Members:</u> Nancy Baumann (appointed by the Council 1-16-07) Larry Rolapp (appointed by the City Mgr. 11-2-95)	Bartlett Harkey	As Needed/ Annually
Library Task Force <u>Public Members:</u> Wayne Rayfield Joanna Adrian Philip Bordeaux Lynn Dawson Bill Johnson Michael Mata Judy L. Smith Alternate: Karin Schnell	Harkey Anderson	As Needed
Ocean Water Quality Subcommittee <u>Public Members:</u> Richard Dietmeier Michael Kelly Mary Opel	Bishop	2 nd Tuesday of the month at 3:00 p.m.
Planning Commission <u>Commissioners:</u> J. Scott Schoeffel, Chair Norman Denton Liz Anderson-Fitzgerald April O'Conner	N/A (Recruitment for Planning Comm. vacancies will be 1/9/07 – 2/9/07).	Meets on 1 st and 3 rd Wednesdays of the month at 7:00 p.m.
Residential Building Height Task Force		Sunsetted on 4-12-06
Sea Terrace Park Subcommittee <u>Public Members:</u> Joanna Adrian Philip Bordeaux Lynn Dawson Bill Johnson Michael Mata Judy L. Smith Alternate: Karin Schnell	Weinberg Anderson	As needed

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NAME OF BOARD, COMMISSION, COMMITTEE, SUBCOMMITTEE OR TASK FORCE	COUNCIL REPRESENTATIVE	MEETING FREQUENCY
Town Center Subcommittee <u>Public Members:</u> Alice Anderson Karin Schnell Yvonne English Beverly A. Sels Jim Howard Georgia Theodor Ronna Kincaid Terry Walsh Bob Mardian Thomas Volkmann, Advisor Jim Miller Kirsten Reynolds	Anderson Weinberg	As Needed
Traffic Improvement Subcommittee <u>Public Members:</u> Linda Carol Brame Rod Howorth Adam Powell	Bartlett Anderson	Meets on the 3 rd Wednesday of the month at 1:30 p.m.
Utility Undergrounding Subcommittee		Sunsetted
Youth Board <u>Students:</u> Courtney Barrett Matthew Myers Andrew Berg Sarah Nowland Alexander de Peyster Jessica Penphrase Jonathan Gossett Anna Thiergartner Morgan Miyazono Sarah Tuley Ali Montes	N/A	1 st and 3 rd Thursdays of the month at 6:00 p.m.