
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
MARCH 18, 2008**

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.

CLOSED SESSION

There were no Closed Session items.

RECONVENE CITY COUNCIL MEETING

Mayor Bishop reconvened the meeting at 6:00 p.m.

ROLL CALL OF CITY COUNCIL MEMBERS:

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

STAFF PRESENT: Douglas Chotkevys, City Manager; Patrick Muñoz, City Attorney; Kathy Ward, City Clerk; Michael Killebrew, 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; Kevin Evans, Director of Community Services & Parks, Bobbi Ogan, Deputy City Clerk; Windy Robles, City Clerk Specialist; DyAnne Weamire, Administrative Secretary; Jackie Littler, Executive Secretary; and Andy Glass, Accounting Manager.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Richard Dietmeier.

INVOCATION

The Invocation was led by Reverend Paul Peck.

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PRESENTATIONS AND PROCLAMATIONS

VFW Patriot Pen winner – Christian D. Flashman

VFW member Frank Tucker, along with Mayor Bishop, introduced this year's Patriot Pen Winner, 13 year old Christian D. Flashman. Christian read his essay on what is an American Patriot entitled "Read, Write, and Blue." Mayor Bishop then introduced Wiley Hall from the VFW and they presented Christian with a Certificate of Recognition for his essay. The second place winner Brandon T. Carman, third place winner Alec Chase Boroff, and participants Sally Ruby Vazquez and Gwen R. Thomas were also recognized by name.

VFW Teacher of the Year – Sharon Miller

Frank Tucker read a brief biography about this year's Teacher of the Year Sharon Miller. Ms. Miller, a middle school teacher, had her school question local veterans on different items and then write an essay. VFW members, along with Mayor Bishop, presented a Certificate of Recognition to Sharon.

VFW Deputy of the Year – Theodore "Ted" Harris

Lt. Mark Levy introduced this year's VFW Deputy of the Year, Ted Harris. Lt. Levy read a brief biography on Deputy Harris and stated that he has been with the Department for 22 years. In 1997 he was promoted to investigator and currently works in General Investigations, investigating crimes that occur in Dana Point. Lt. Levy along with VFW members and Mayor Bishop presented a Certificate of Recognition to Deputy Harris.

VFW Firefighter of the Year – Richard "Jeff" Hughes

Mayor Bishop introduced Jeff Hughes as this year's VFW Firefighter of the Year. Mayor Bishop stated that Firefighter Hughes currently works at Station 59 as a Fire Apparatus Engineer and has been a part of the OCFA for 23 years. Mayor Bishop and VFW members presented a Certificate of Recognition to Firefighter Hughes.

Orange County Human Relations Commission Presentation – Bill Wood

Mayor Bishop introduced Bill Wood who is the representative for the Orange County Humans Relations Commission for the South Counties (OCHRC). Mr. Wood gave a presentation on what OCHRC has done in Dana Point over the last year. He presented the City with copies of this annual report. He asked the Mayor to come forward and he presented a Certificate of Recognition to the City for its good human relations infrastructure in 2006-2007. Mr. Wood thanked the City for all they do for the citizens of Dana Point.

Festival of Whales Parade Awards:

Mayor Bishop presented the City Award (Best Youth Group) to the Unicycle Club of Orange County. Mayor Bishop had the members of the Unicycle Club join him as he presented their founder, Adam Brody, with the award.

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Mayor Bishop presented the Festival of Whales Award (Best Local Entry) to the Boys and Girls Club of Capo Valley (Ultimate Oceans and Seatech Group). The award was presented to Danny Teyes, Educational Director, along with members of the Club.

Mayor Bishop presented the Musical Award (Best Musical Group) to the DHHS Marching Band. Representing DHHS Musical Director, Steven Wade, was Drum Major Nader Ghattas.

Lastly, Mayor Bishop presented the Mayor's Award (Best Display of Parade Theme) to the Surfrider Foundation of South OC. Accepting the award were Rick Erkeneff, Chairman; Brian Alper, Vice Chairman; and Denis Erkeneff, Special Events Chairperson.

CONSENT CALENDAR

A member of the public pulled Item No. 15 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER HARKEY, SECONDED BY COUNCIL MEMBER WEINBERG, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM NO. 15.

The motion carried by the following vote:

AYES: Council Members Anderson, Harkey, Weinberg, Mayor Pro Tem Bartlett, and Mayor Bishop
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, FEBRUARY 19, 2008

APPROVED THE MINUTES.

3. REGULAR MEETING MINUTES, MARCH 4, 2008

APPROVED THE MINUTES.

4. PLANNING COMMISSION MEETING MINUTES, FEBRUARY 26, 2008

RECEIVED AND FILED.

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5. PLANNING COMMISSION ACTIONS, MEETING OF MARCH 11, 2008

RECEIVED AND FILED.

6. YOUTH BOARD MEETING MINUTES, FEBRUARY 21, 2008

RECEIVED AND FILED.

7. OCEAN WATER QUALITY SUBCOMMITTEE MINUTES, JANUARY 8, 2008

RECEIVED AND FILED.

**8. OCEAN WATER QUALITY SUBCOMMITTEE MINUTES – JOINT MEETING,
FEBRUARY 6, 2008**

RECEIVED AND FILED.

9. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

10. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

11. CUSTOMER SERVICE DEVELOPMENT PROGRAM

AUTHORIZED IMPLEMENTATION OF A CUSTOMER SERVICE DEVELOPMENT PROGRAM FOR ALL CITY STAFF TO CONTINUE THE GROWTH AND ENHANCEMENT OF THE CITY'S DELIVERY OF SERVICES TO THE GENERAL PUBLIC AND AUTHORIZED THE CITY MANAGER TO ENTER INTO A CONTRACTUAL AGREEMENT WITH POWER TRAINING INSTITUTE.

12. 2008 WEED ABATEMENT PROGRAM

Adopted **Resolution 08-03-18-01** entitled:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA,
DECLARING WEEDS A PUBLIC NUISANCE AND INITIATING ABATEMENT PROCEEDINGS.*

AND AUTHORIZED STAFF TO RELEASE BID PACKETS TO CONTRACTORS TO ABATE WEEDS IN THE CITY.

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13. SECOND READING AND ADOPTION OF ZONING CODE UPDATE PROGRAM – ZONE TEXT AMENDMENT ZTA08-0001

HELD SECOND READING AND ADOPTED **ORDINANCE 08-04** ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA08-0001, REVISING THE CITY OF DANA POINT ZONING ORDINANCE TO CORRECT INCONSISTENCIES, SIMPLIFY THE REVIEW PROCESS, AND LIMIT EXTENSIONS OF DISCRETIONARY PERMITS.

14. AWARD OF CONTRACT FOR THE 4TH OF JULY AERIAL FIREWORKS DISPLAY AND BARGE CONTRACT

APPROVED THE FOLLOWING FOR THE 2008 FOURTH OF JULY AERIAL DISPLAY: A CONTRACT WITH PYRO-SPECTACULARS IN THE AMOUNT OF \$65,000, A CONTRACT WITH PACIFIC TUGBOAT SERVICES IN THE AMOUNT OF \$23,100 TO PROVIDE THE TUG AND BARGE TO BE USED AS THE STAGING AREA FOR THE FIREWORKS DISPLAY, AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENTS.

15. SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) MEMBERSHIP

A member of the public pulled this item.

City Manager Chotkevys provided a staff report.

Mayor Bishop opened the public comments.

Judy Rice, Laguna Hills and Hemet, congratulated the City for joining the Southern California Association of Governments as it will allow the City to apply for grant money toward the affordable housing efforts.

Mayor Bishop closed the public comments.

IT WAS MOVED BY COUNCIL MEMBER ANDERSON, SECONDED BY MAYOR PRO TEM BARTLETT, THAT THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO SUBMIT THE CITY'S REQUEST FOR MEMBERSHIP AND PAY MEMBERSHIP DUES TO THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG), FOR THE CITY MANAGER TO SIGN THE SCAG JOINT POWERS AGREEMENT THAT IS NECESSARY FOR MEMBERSHIP, AND FOR THE MAYOR TO APPOINT A DELEGATE AND ALTERNATE REPRESENTATIVE TO THE SCAG GENERAL ASSEMBLY FROM THE CITY COUNCIL.

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The motion carried by the following vote:

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

Council Member Harkey asked who the SCAG representative would be.
Mayor Bishop would like to be the SCAG representative.

PUBLIC COMMENTS

Judy Rice, Laguna Hills and Hemet, spoke in regards to affordable housing issues.

Gene Burrus, Dana Point, expressed gratitude for being chosen for the Festival of Whales Parade Grand Marshall. He thanked the Monarch Beach Sunrise Rotary Club for the St. Patrick's Day luncheon and for the Thanksgiving luncheon that they provided for the Seniors. He thanked Kevin Evans and his staff at the Community Center for finding a facility for the 100 people that attended the St. Patrick's Day luncheon.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

16. FISCAL YEAR 2007-08 BUDGET STATUS REPORT

City Manager Chotkevys provided an introduction of this item.

Director Killebrew stated that the City Council's direction and the City's financial practices are intentionally conservative and that the approach is serving Dana Point very well. He then thanked Andy Glass and the rest of the Finance Department staff for all of their work, as well as the department heads and their key staff. He then provided a Power Point presentation summarizing the 2007/2008FY budget status. He finished with saying that the City was closely monitoring the State Budget.

City Manager Chotkevys stated that he wanted to end on a positive note saying that Dana Point is a phenomenal City to live, work, and play in. He also noted that it is one of safest cities in this country. He added that due to the City's fiscally conservative practices, the City is finding a very favorable bid climate for Capital Improvement Projects. At the same time the City is able to provide high quality staff and train them to deliver high quality service to the residents and customers.

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Council Member Harkey commended staff and Council for putting together nice changes for the City and for attaching some extra straps on financing so there are some reserves. She stated that the City will not be impacted and will not have to cut programs. She also said that, for the most part, Orange County cities are fairly well run and most of them have good reserve policies in place. She also thanked the staff for all of their hard work.

Council Member Weinberg stated that the City is doing a good job and making good decisions.

Mayor Bishop asked if the report mentioned that hotel revenues are up to record highs for 6 of the last 7 months.

City Manager Chotkevys replied that the revenues are up and one of the trends that the City has seen is that occupancies and room rates are at record levels.

Mayor Bishop stated the City was converting contracted staff into permanent staff to lower the price as well as get some benefit of ownership. He asked how much money the City saved this year converting contract employees to permanent staff.

City Manager Chotkevys replied that \$435,000 was the savings from the staffing lag in hiring the people, but in the budget document it was determined that there was substantial savings. He stated that with full time staff, not only is it cheaper, but it is better and faster. He added that the City gets a better product for the community.

Council Member Harkey stated that Dana Point is still a contract city with roughly two thirds of the employees being contracted employees. She added that she wrote a letter to the editor and as she recalled, the City was saving nearly 50% of the cost of contract employees by hiring in-house. She also stated that most of the new hires were at-will and not union employees. The reason they were hired was because the City could project for the next five years that we would need the people. She felt that it did not make sense to contract employees when the City had five years of work to be done. The City is staffed up and setting money aside to do projects and is getting low bids. She also pointed out that the City is doing so well in hotel revenue because due to the dollar crashing around the world, it is a lot cheaper to come to Dana Point. She added that Dana Point is making out very well by the tourism.

IT WAS MOVED BY COUNCIL MEMBER WEINBERG, SECONDED BY MAYOR PRO TEM BARTLETT THAT THE CITY COUNCIL RECEIVES AND FILE THE FISCAL YEAR 2007-08 BUDGET STATUS REPORT AND AUTHORIZED THE BUDGET AMENDMENTS DETAILED IN THE REPORT.

The motion carried by the following vote:

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

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NEW BUSINESS

There were no New Business items.

PUBLIC COMMENTS (Continued)

There were no additional Public Comments.

STAFF REPORTS

There were no Staff Reports.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Anderson reported that she attended the Charitable Grant Subcommittee meeting along with Mayor Pro Tem Bartlett on March 11th to clarify the new policies. She stated that the next file date for the Grant application is April 1st. She added that the 15th Annual Wag-a-Thon will be on April 26th from 8:30 a.m. until 1:00 p.m. at the Dana Point Harbor. Register on line at www.petprojectfoundation.org. She stated that the Easter Egg Hunts are this weekend, March 22nd, at Pines Park and Sea Canyon Park. Activities begin at 9:00 a.m. and the egg hunts will begin at 10 a.m. She wished everyone a wonderful Easter weekend.

Mayor Pro Tem Bartlett announced that she attended the following:

- TCA Board Meetings
- March 6 – Taste of Dana Point at DHHS
- March 7 – Meeting with Regional Director of the Healthcare Advocacy for St. Josephs Healthcare System. She was interested in learning more about their healthcare initiatives.
- March 11 – Mayors Prayer Breakfast in Irvine
- March 11 – Charitable Grant Subcommittee meeting. April 1st is the deadline for Grant applications.
- March 11 – OCTA open house at RH Dana. www.octa.net/socmis
- March 12 – Harbor update for waterside improvements at the OC Sailing Center. www.dphplan.com vote for alternates proposed for waterside improvements.
- March 15 – Monarch Beach Sunrise Rotary Club served over 100 seniors at the Senior Center for St. Patrick's Day.

She announced the following upcoming events:

- March is Red Cross Month
- March 20 – Briefing for elected officials on disaster planning and to increase response capacity. Learn more at www.oc-redcross.org
- April 4 – South Orange County Regional Chamber of Commerce Ball in Irvine

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- April 5 and 7 – Ocean Institute will hold its annual Golf Classic Tournament and Gala Event to raise money for upcoming projects such as the Seaside Learning Center. Contact the Ocean Institute for more information.

Council Member Weinberg reported that he was Principal for the Day at RH Dana Elementary School and afterwards he attended a recognition for all of the principals of the day at the school headquarters. He also attended the Budget and Finance Committee meeting with the OCFA. He is also working on the upcoming bike race and he stated that sponsorship is up this year from last year. He said that the City has these events to expose people to why we live in Dana Point and to also help our businesses.

Council Member Harkey reported that she attended the following events:

- March 5 – OC Forum State of the County. She said that we have a good economy in Orange County, but it's slipping due to a lack of funding and heavy handedness from the State. On the bright side, we are resilient, diversified, and the 5th largest county in the country. Orange County is no longer looked at as the L.A. Basin. More people are now traveling to Orange County for employment than people traveling to L.A. Universities are earning acclaim and there is still tremendous imbalance of housing for jobs. The cost of living here is extremely high which is good for existing home owners, but bad for anyone who is trying to find a home.
- March 12 – Harbor Town Hall Meeting
- March 13 – TCA Board Meeting
- March 13 – State of the City in Laguna Hills. She noted that they have a fabulous community and there is no Council turn-over. The City has 40% of the annual budget reserve requirement and \$39M capital projects in the works over the next 6 years. Laguna Hills provides their Council with a two year operating budget, a six year CIP, and an eight year Resource Allocation. They are looking forward to a new Nordstrom's Rack and plans for improvement on I-5 La Paz interchange are underway.

She announced the following upcoming events:

- March 22 – SOCSA Black Tie Event at the Bowers Museum. Call if you would like a seat: 949-702-2623.
- March 22 – Easter Egg Hunt
- March 29 – Swallows Day Parade in San Juan Capistrano – Following the parade, there will be a party at El Adobe.
- April 5 – Dana Point Women's Club Fashion Show – This event will be starring local elected officials and at the Dana Point Yacht Club. For reservations, call Nancy at 949-212-0824.
- April 5 – Ocean Institute Golf Gala and Golf Tournament following at the Links on Monday, April 7th – For tickets or information call 949-496-2274 extension 412 or visit the Ocean Institute website: www.ocean-institute.org.

Council Member Harkey also wished everyone a wonderful Easter holiday!

Mayor Bishop reported that he had attended the following:

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- Taste of Dana Point at DHHS
- Mayor's Prayer Breakfast with Mayor Pro Tem Bartlett
- Growth Management Area (GMA) 11 – An organization of Dana Point, San Juan Capistrano, and San Clemente, where the decisions are made on how Measure M funds will be applied.
- Lord of the Strings concert

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Bishop declared the meeting adjourned at 7:07 p.m. and announced that the next Regular Meeting of the City Council will be April 1, 2008, 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 APRIL 1, 2008