
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
MAY 20, 2008**

CALL TO ORDER

5:00 P.M.

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Bishop 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: Mayor Joel Bishop
Mayor Pro Tem Lisa A. Bartlett (*arrived at 5:04 p.m.*)
Council Member Lara Anderson
Council Member Steven H. Weinberg

Absent: Council Member Diane L. Harkey

STAFF PRESENT: Douglas Chotkevys, City Manager; Patrick Munoz, City Attorney; Kathy Ward, City Clerk; Mike Rose, Emergency Services Manager; Mike Killebrew, Director of Administrative Services; Lt. Mark Levy, Chief of Police; Kyle Butterwick, Director of Community Development; Brad Fowler, Director of Public Works/City Engineer; Bobbi Ogan, Deputy City Clerk; Windy Robles, City Clerk Specialist; DyAnne Weamire, Administrative Secretary; Jackie Littler, Executive Secretary; Brian McClure, Parks Manager; Christy Teague, Economic Development Manager; and John Tilton, City Architect.

City Attorney Munoz stated that staff had an amendment to the Agenda that related to a modification for the Pacific Coast Highway median project. He added that there would need to be a unanimous vote to hear the item as Item #19.

Vote = 3-0 (Bartlett and Harkey Absent)

CLOSED SESSION

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

- A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b)(1), (2 cases: AT&T and Scenic Drive)**

RECESS OF CITY COUNCIL MEETING UNTIL 6:00 P.M.

Mayor Bishop recessed the meeting into a Closed Session at 5:03 p.m. pursuant to Government Code Section 54956 *et. seq.*

RECONVENE CITY COUNCIL MEETING

Mayor Bishop called the meeting to order at 6:00 p.m.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
MAY 20, 2008**

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that there was no announcement.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Richard Gardner, Director of South Coast Water District.

INVOCATION

The Invocation was led by Pastor Craig Whittaker of Capo Beach Calvary.

PRESENTATIONS AND PROCLAMATIONS

Employee Recognition

City Manager Chotkevys introduced Jorge Fuguet who currently works part time for the City's Community Service and Parks Department. He stated that Jorge goes beyond the call of duty. He is also a member of the City's CERT Team who had put in tireless hours during the Santiago Fire.

Mayor Bishop presented Jorge a Certificate of Recognition for his service to the City.

Public Service Week Recognition: Brad Fowler, Kathy Ward, and Kyle Butterwick

Mayor Pro Tem Bartlett stated that she had nominated three (3) employees through Senator Tom Harman's office for the 2008 Public Service Awards. She presented Certificates of Recognition to Brad Fowler, Director of Public Works and Engineering, Kathy Ward, City Clerk, and Kyle Butterwick, Director of Community Development. She had nominated Director Fowler in the Partnership Category for his work on water quality, and City Clerk Ward and Director Butterwick in the Individual Achievement category.

Grand Prix Bike Race

Darin Duhammel provided a report on the upcoming Dana Point Grand Prix Bike Race as well as a PowerPoint presentation. He presented the City Council Members with Dana Point Grand Prix baseball caps as a token of appreciation for their support of the race.

CONSENT CALENDAR

Council Member Anderson removed Item No. 12 and a member of staff removed Item No. 14 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER STEVEN H. WEINBERG, SECONDED BY MAYOR PRO TEM LISA A. BARTLETT, APPROVE THE BALANCE OF THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 12 AND 14.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
MAY 20, 2008**

The motion carried by the following vote:

AYES: Mayor Joel Bishop, Mayor Pro Tem Lisa A. Bartlett, Council Member Lara Anderson, and Council Member Steven H. Weinberg

NOES: None

ABSENT: Council Member Diane L. Harkey

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 6, 2008

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, APRIL 22, 2008

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF MAY 13, 2008

RECEIVED AND FILED.

5. CHARITABLE GRANT SUBCOMMITTEE DRAFT MINUTES, APRIL 30, 2008

RECEIVED AND FILED.

6. YOUTH BOARD MEETING MINUTES, APRIL 17, 2008

RECEIVED AND FILED.

7. OCEAN WATER QUALITY SUBCOMMITTEE MEETING MINUTES, MARCH 11, 2008

RECEIVED AND FILED.

8. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

9. CLAIMS AND DEMANDS

RECEIVED AND FILED.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
MAY 20, 2008**

- 10. APPROVE AMENDMENT NO. 12 TO CONTRACT AGREEMENT NO. C-8-0370 WITH ORANGE COUNTY TRANSIT AUTHORITY TO PROVIDE SENIOR TRANSPORTATION SERVICES TO THE DEL OBISPO COMMUNITY/SENIOR CENTER THROUGH JUNE 30, 2009**

APPROVED AMENDMENT NO. 12 TO THE EXISTING AGREEMENT NO. C-8-0370 WITH ORANGE COUNTY TRANSIT AUTHORITY FOR SENIOR TRANSPORTATION TO THE DEL OBISPO COMMUNITY/SENIOR CENTER THROUGH JUNE 30, 2009 AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT.

- 11. AGREEMENT FOR DISTRICT ATTORNEY PROSECUTION SERVICES**

APPROVED A FIVE YEAR AGREEMENT WITH DISTRICT ATTORNEY'S OFFICE OF ORANGE COUNTY TO PROSECUTION SERVICES FOR MUNICIPAL CODE VIOLATIONS FOR CITY OF DANA POINT.

- 12. ADOPTION OF A RESOLUTION DESIGNATING 34255 PACIFIC COAST HIGHWAY, DANA POINT, CALIFORNIA AS A NO ROLLERSKATING, SKATEBOARDING OR BICYCLING AREA**

Council Member Anderson pulled this item from the Consent Calendar.

City Manager Chotkevys provided a staff report.

Council Member Anderson asked why this item included bicycles as it will preclude people from riding their bikes to the center.

City Attorney Munoz replied that it was meant to keep the kids on BMX bikes from tearing up the property and stated that the site needs to be posted to allow the Sheriff's department to issue tickets.

City Manager Chotkevys stated that the deputies would use their discretion when issuing tickets.

IT WAS MOVED BY COUNCIL MEMBER STEVEN H. WEINBERG, SECONDED BY MAYOR PRO TEM LISA A. BARTLETT, ADOPTED RESOLUTION 08-05-20-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DESIGNATING 34255 PACIFIC COAST HIGHWAY, DANA POINT, CALIFORNIA, AS A NO ROLLERSKATING, SKATEBOARDING OR BICYCLING AREA.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
MAY 20, 2008**

The motion carried by the following vote:

AYES: Mayor Joel Bishop, Mayor Pro Tem Lisa A. Bartlett, and Council Member Steven H. Weinberg

NOES: Council Member Lara Anderson

ABSENT: Council Member Diane L. Harkey

13. AWARD CONTRACT TO UNITED STORM WATER, INC. FOR CATCH BASIN FILTER AND CDS UNIT CLEANING AND MAINTENANCE SERVICES

AWARDED A MAINTENANCE SERVICES CONTRACT TO UNITED STORM WATER, INC. FOR CATCH BASIN FILTER AND CDS UNIT CLEANING; AUTHORIZED UP TO FOUR, OPTIONAL TWO YEAR CONTRACT RENEWALS BEYOND THE ORIGINAL TWO YEAR TERM OF JULY 1, 2008 - JUNE 30, 2010; AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE MAINTENANCE SERVICES CONTRACT AND FUTURE AMENDMENTS TO THE CONTRACT.

14. FIRST READING AND INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADDING ARTICLE 9 TO THE DANA POINT MUNICIPAL CODE INCLUDING SECTIONS 14.01.780 THROUGH 14.01.950, ENTITLED "CONSTRUCTION OF CABLE COMMUNICATIONS SYSTEMS"

A member of staff had pulled this item from the Consent Calendar.

City Manager Chotkevys provided a staff report.

Mayor Bishop felt that the existing cable boxes are not maintained and that was one of the reasons for this item being brought forward.

Mayor Bishop opened the Public Comments.

Ann Anderson, San Clemente, spoke regarding their area receiving DSL service. She stated that AT&T has told them that they would have to receive the service through Dana Point.

John Heffernan, AT&T, stated that it was their intent to perform their network upgrade for the residents of Dana Point. He added that he has been working with City staff to identify places where the cabinets need to be placed. He felt that the proposed Ordinance would set up confrontation and that would not be in anyone's best interest.

Council Member Anderson asked why the box can't be placed in San Clemente for Mrs. Anderson's community.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
MAY 20, 2008**

John Heffernan replied that the wiring is not always contained within the city boundaries.

City Manager Chotkevys asked if AT&T couldn't relocate the box to San Clemente to better meet the needs of Mrs. Anderson's community.

John Heffernan replied that the limitation for that community is based on the distance from that box. He stated that the addition of a new cabinet to join with the existing copper wiring would provide that community the service.

City Manager Chotkevys asked if AT&T couldn't relocate the existing box across the street into San Clemente and then add the companion box to provide the service.

John Heffernan replied that he did not have the particulars because it is a construction engineering issue but you have to be a certain distance from the cabinet to receive the DSL service and unfortunately that building is just too far.

Mayor Bishop closed the Public Comments.

Mayor Bishop stated that the point of the Ordinance is for Dana Point to say that we are serious about eliminating the blight. He added that are ways for AT&T and Cox to conduct their business within this Ordinance.

Council Member Anderson stated that she was concerned about the screening of the boxes.

IT WAS MOVED BY COUNCIL MEMBER STEVEN H. WEINBERG, SECONDED BY MAYOR PRO TEM LISA A. BARTLETT, TO HOLD A FIRST READING AND INTRODUCE AN ORDINANCE ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADDING ARTICLE 9, INCLUDING SECTIONS 14.01.780 THROUGH 14.01.950, ENTITLED "CONSTRUCTION OF CABLE COMMUNICATIONS SYSTEMS" .

The motion carried by the following vote:

AYES: Mayor Joel Bishop, Mayor Pro Tem Lisa A. Bartlett, Council Member Lara Anderson, and Council Member Steven H. Weinberg

NOES: None

ABSENT: Council Member Diane L. Harkey

- 15. SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, MODIFYING CHAPTER 12.14 OF THE DANA POINT MUNICIPAL CODE ADDRESSING NECESSARY CODE REVISIONS FOR PREFERENTIAL PARKING DISTRICTS CITYWIDE**

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
MAY 20, 2008**

HELD SECOND READING AND ADOPTED **ORDINANCE 08-05** ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, MODIFYING CHAPTER 12.14 OF THE DANA POINT MUNICIPAL CODE ADDRESSING NECESSARY CODE REVISIONS FOR PREFERENTIAL PARKING DISTRICTS CITYWIDE.

16. APPROVAL OF FIRST AMENDMENT TO COOPERATION AGREEMENT BETWEEN THE COUNTY OF ORANGE AND CITY OF DANA POINT TO CONTINUE AS "SMALL CITY" PARTICIPANT

APPROVED THE FIRST AMENDMENT TO THE COOPERATION AGREEMENT BETWEEN THE COUNTY OF ORANGE AND THE CITY OF DANA POINT TO CONTINUE DESIGNATION OF DANA POINT AS A SMALL CITY PARTICIPANT IN THE URBAN COUNTY PROGRAM THROUGH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR FY2009-11, AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT.

PUBLIC COMMENTS

John Chaffetz, Dana Point, stated that he did not feel it was right to schedule a Council meeting on an election day. He asked Council to change the date of their next meeting.

PUBLIC HEARINGS

17. ZONING CODE UPDATE PROGRAM - ZONE TEXT AMENDMENTS ZTA08-0002 AND ZTA08-0003

City Manager Chotkevys provided an introduction of the item.

Director Butterwick summarized the proposed changes to the Zoning Code.

IT WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY MAYOR PRO TEM LISA A. BARTLETT, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING AND INTRODUCE FOR FIRST READING AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENTS ZTA08-0002 AND ZTA08-0003, REVISING THE CITY OF DANA POINT ZONING ORDINANCE TO CORRECT INCONSISTENCIES, CLARIFY EXISTING REGULATIONS, SIMPLIFY THE REVIEW PROCESS, UPDATE "NONCONFORMING USES AND STRUCTURES" CHAPTER, AND PROVIDE FOR AMENDMENTS TO PREVIOUSLY APPROVED DISCRETIONARY PERMITS .

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
MAY 20, 2008**

The motion carried by the following vote:

AYES: Mayor Joel Bishop, Mayor Pro Tem Lisa A. Bartlett, Council Member Lara Anderson, and Council Member Steven H. Weinberg

NOES: None

ABSENT: Council Member Diane L. Harkey

UNFINISHED BUSINESS

18. INTRODUCTION OF CITY'S REDESIGNED WEBSITE

City Clerk Ward thanked City staff for all of their hard work on preparing the City's new website and introduced William Iek of Vision Internet.

William Iek provided a presentation on the City's new website.

Mayor Bishop thanked the staff and stated that the website was beautiful.

City Clerk Ward stated that the website should go live to the public by June 2nd.

19. PACIFIC COAST HIGHWAY ROADWAY IMPROVEMENTS CONTRACT EXPENDITURE ADJUSTMENT

City Manager Chotkevys provided a staff report.

Mayor Bishop asked if there were any trees in the City to compare these to.

City Manager Chotkevys replied that the palm trees on Selva were similar.

IT WAS MOVED BY COUNCIL MEMBER STEVEN H. WEINBERG, SECONDED BY COUNCIL MEMBER LARA ANDERSON, TO APPROVE AN EXPENDITURE ADJUSTMENT TO SUBJECT CONTRACT, CIP PROJECT #1207.

The motion carried by the following vote:

AYES: Mayor Joel Bishop, Mayor Pro Tem Lisa A. Bartlett, Council Member Lara Anderson, and Council Member Steven H. Weinberg

NOES: None

ABSENT: Council Member Diane L. Harkey

NEW BUSINESS

There were no New Business items.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
MAY 20, 2008**

PUBLIC COMMENTS

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 following:

- May 12th - Coastal Animal Services Authority meeting.
- May 15th - Library Advisory Board Meeting.
- May 18th - Doheny Blues Festival.

Mayor Pro Tem Bartlett reported that she had attended the following:

- Several TCA Board Meetings.
- May 15th - Attended the South Orange County Association of Mayors meeting at the Mission in San Juan Capistrano for Mayor Bishop.
- May 16th - Attended the ribbon cutting ceremony for Greenfield Communications, a new Dana Point business located on Violet Lantern. They offer state of the art fiber optic technology that is installed underground.
- Doheny Blues Festival last weekend.
- Appreciation Dinner at Camp Pendleton which included the Marines, elected officials and members of the Marine support groups.
- May 19th - Investment Review Committee meeting.

She reported the following upcoming events:

- May 21st, morning: Orange County Sheriff's Peace Officers Memorial Ceremony in Santa Ana; midday: TCA Budget Workshop and afternoon: the City of Dana Point Street Sweeping meeting at City Hall at 3:00 p.m.
- May 31st - Beta Foster Care charity event at the Fairmont Hotel in Newport Beach.

Council Member Weinberg stated that he had attended the Coastal Commission Meeting in Marina Del Rey where the Town Center Plan was approved with minor modifications. He reported that he had attended the OCFA Budget and Finance Committee. He spoke about the Dana Point Grand Prix Bike Race on June 1st and encouraged everyone to come out and watch the kids' Big Wheel race.

Mayor Bishop reported that the City of Dana Point would be hosting a Teen Safety Conference at Dana Hills High School from 8:00 a.m. - 1:00 p.m. on Saturday, May 31st.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
MAY 20, 2008**

The conference is sponsored by the Orange County Sheriff's Department and the Orange County Fire Authority.

He announced the following:

- Boat Show will be held on May 29 through June 1.
- South Coast Medical Center Charity Golf Tournament.
- Attended the Ocean Water Quality meeting where an evaluation on water quality was discussed and the evaluation has indicated that is it the birds that are causing the water quality problems.
- 100% biodegradable doggie bags dispensers have been installed at the top of the stairs at Dana Strands and also at Sycamore Creek Trail.
- That the bluff top trail littering has been cleaned up.

Mayor Bishop submitted other meetings that he attended and upcoming events in writing to the City Clerk (attached as [Exhibit 1](#)).

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Bishop declared the meeting adjourned at 7:03 p.m. and announced that the next Regular Meeting of the City Council will be June 3, 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 June 3, 2008

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
MAY 20, 2008**

EXHIBIT 1

Meetings Attended by Joel Bishop

5/13/08 Ocean Water Quality Subcommittee

5/16/08 Older American's Day presentation at the Senior Center

5/16/08 Office Hours