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**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
OCTOBER 16, 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 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**

Mayor Pro Tem Bartlett reconvened the meeting at 6:01 p.m.

**ROLL CALL OF CITY COUNCIL MEMBERS**

Present: Diane L. Harkey, Mayor (*arrived at 6:40 p.m.*)  
Lisa A. Bartlett, Mayor Pro Tem  
Joel Bishop, Council Member  
Steven H. Weinberg, Council Member

Absent: Lara Anderson, Council Member

STAFF PRESENT: Douglas Chotkevys, City Manager; Patrick Muñoz, City Attorney; Kathy Ward, City Clerk; Mike Killebrew, Administrative Services Director; Kyle Butterwick, Director of Community Development, John Tilton, City Architect/Planning Manager; Brad Fowler, Director of Public Works/City Engineer; Matthew Sinacori, City Engineer; Sgt. Lynn Koehmstedt, Mike Rose, Emergency & Support Services Manager; Kevin Evans, Director of Community Services & Parks; Christy Teague, Economic Development Manager; Shelley Velez, Personnel Analyst; Bobbi Ogan, Deputy City Clerk, and Jackie Littler, Executive Secretary.

**PLEDGE OF ALLEGIANCE**

Council Member Bishop provided the Pledge of Allegiance.

**INVOCATION**

Reverend Paul Peck provided the Invocation.

**PRESENTATIONS AND PROCLAMATIONS**

City Manager Chotkevys introduced Ben Wong, League of California Cities representative. Mr. Wong stated that the League of California Cities Helen Putnam Award for Excellence Program was started in 1982 to recognize and promote outstanding efforts and innovative solutions by City governments to improve the quality of life in local communities, implement efficiencies in service delivery and operations, and provide services responsive to the local community. He presented the award to Mayor Pro Tem Bartlett and congratulated the entire City Council, City staff,

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residents, and community partners on receiving the 2007 Helen Putnam Award for Planning and Environmental Quality for the Salt Creek Urban Runoff Ozone Treatment Plant.

**CONSENT CALENDAR**

Mayor Pro Tem Bartlett removed Item No. 9 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER BISHOP, SECONDED BY COUNCIL MEMBER WEINBERG, 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:

AYES: Council Members Bishop, Weinberg, and Mayor Pro Tem Bartlett  
NOES: None  
ABSENT: Council Member Anderson and Mayor 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, OCTOBER 2, 2007**

APPROVED THE MINUTES.

**3. PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 11, 2007**

RECEIVED AND FILED.

**4. PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 25, 2007**

RECEIVED AND FILED

**5. PLANNING COMMISSION ACTIONS, MEETING OF OCTOBER 9, 2007**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

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**7. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**8. CONSULTING AGREEMENT TO ASSIST IN DEVELOPING A STRATEGY FOR POTENTIALLY RELOCATING THE DANA POINT POST OFFICE DISTRIBUTION CENTER**

AUTHORIZED THE CITY MANAGER TO EXECUTE THE ATTACHED CONSULTING AGREEMENT WITH PLATINUM ADVISORS, AND APPROVED THE APPROPRIATION FROM THE GENERAL FUND'S UNAPPROPRIATED FUND BALANCE.

**9. 2007 SALARY RANGES FOR REPRESENTED AND NON-REPRESENTED EMPLOYEE CLASSIFICATIONS**

Mayor Pro Tem Bartlett removed this item from the Consent Calendar.

City Manager Chotkevys provided a staff report.

Mayor Pro Tem Bartlett stated that it was important for the City to hire the best and the brightest. She added that it was tough to find good employees in the public sector and when we do find them, we want to keep them for the long term.

IT WAS MOVED BY MAYOR PRO TEM BARTLETT, SECONDED BY COUNCIL MEMBER BISHOP, TO ADOPT **RESOLUTION NO. 07-10-16-01** ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING SALARY RANGES FOR REPRESENTED AND NON-REPRESENTED CLASSIFICATIONS; AND*

AUTHORIZE 4.0% MERIT POOL FUNDING LIMIT FOR BOTH REPRESENTED AND NON-REPRESENTED EMPLOYEE GROUPS.

The motion carried by the following vote:

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

**PUBLIC COMMENTS**

Carlos Olvera, Dana Point, thanked everyone for the success of the Historical Society's home tour. He stated that they had over 500 visitors from 47 different zip codes. He thanked the Mayor Harkey and Mayor Pro Tem Bartlett for volunteering to be docents on the tour.

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Mahyar Ghassemian, Laguna Niguel, thanked the City Council for the support of their program South Orange County School of the Arts (SOSCA). She asked for the City's help in procuring more funding from Capistrano Unified School District for their program.

David Vine, Pasadena, spoke about Senator Tom Harmon and his support of releasing felons early from prison without serving their full sentences.

Brad Gross, Dana Point, introduced himself to the City Council as the County's new Director of the Harbor Department.

Wayne Rayfield, Dana Point, congratulated the City Council on receiving the Helen Putnam Award and stated that it was an excellent example of the City and Community working together. He added that the residents who live around the facility and the subcommittee members deserve many thanks as well.

Bruce Heyman, San Juan Capistrano, invited everyone to attend an event scheduled at the Ocean Institute on October 24<sup>th</sup> from 7-9 p.m. to welcome the new Harbor Director, Brad Gross.

## **PUBLIC HEARINGS**

There were no Public Hearings.

## **UNFINISHED BUSINESS**

There were no Unfinished Business items.

## **NEW BUSINESS**

### **10. NEED FOR WATER CONSERVATION, STORAGE AND RECLAIMED WATER SERVICE EXPANSION FOR IRRIGATION DUE TO DROUGHT AND DWINDLING IMPORTED WATER SUPPLIES**

City Manager Chotkevys provided a staff report and Public Works Director Fowler provided a summary of the issues of potable water.

Richard Dietmeier, Dana Point, introduced the South Coast Water District Board Members who were in attendance; Ingrid McGuire, Bob Moore, Richard Runge, and himself. He then introduced Mike Dunbar, General Manager of South Coast Water District.

Mike Dunbar, General Manager of South Coast Water District provided a PowerPoint presentation.

Mayor Harkey asked how homeowners could check to see what their historical average of water usage was to qualify for the rebate.

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Mike Dunbar clarified that the rebate only applies to the homeowner associations that have potable irrigation meters.

Mayor Harkey stated that she had heard that San Juan had had some problems with the ground water facility. She asked what were the issues there and how will we be able to circumvent those with our facility.

Mike Dunbar replied that in San Juan's case, it appears they had their wells too close together and the ground water table was pulled down allowing air to enter the system. He stated that when that occurs the iron and manganese that is present in the water precipitates out and when that happens, it tends to foul the system. He added that they only have one well and they have added an additional pre-treatment step, they do not envision encountering the same problem.

Council Member Bishop asked if Surfrider endorses the desalinization project.

Mike Dunbar replied yes they have.

Council Member Bishop asked how the water district could get more recycled water out for use to reduce the dependence on potable water.

Mike Dunbar stated that pipes would need to be installed to reach areas of need and working with the County Health Department to allow it.

Council Member Bishop asked about storage for recycled water.

Mike Dunbar stated that they are working with the City in placing a reservoir at Sea Terrace Park.

Mayor Pro Tem Bartlett encouraged everyone to review the websites that were listed in the presentation as they offered ways that residents could conserve water.

Council Member Weinberg reported that for the neighbor who leaves him notes regarding his landscaping; the slopes of his home are planted with drought tolerant plants and that right now they look bad, but after the first couple of rains, the plants will look better. He felt that a double piping requirement in the building codes would be helpful. He added that we need to be proactive today and not wait until it is too late.

IT WAS MOVED BY COUNCIL MEMBER BISHOP, SECONDED BY MAYOR HARKEY, TO APPROVE THE FOLLOWING RECOMMENDATIONS BY STAFF TO:

1. CONTINUE PROVIDING DROUGHT TOLERANT LANDSCAPING FOR CITY OWNED PARKS AND MEDIANS.
2. CONTINUE PARK AND MEDIAN IRRIGATION SYSTEM MANAGEMENT IMPROVEMENTS WITH SPRINKLER SYSTEM RETROFITS, RECLAIMED WATER RETROFIT AND MOISTURE SENSITIVE 'SMART' CONTROLLERS REDUCED USAGE - A MASTER PLAN OF POSSIBLE IMPROVEMENTS COULD BE PROVIDED.

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3. DEVELOP CITY WEBSITE LINKS TO WATER CONSERVATION INFORMATION SOURCES FOR IRRIGATION CONTROL GRANTS, XERISCAPES, LOW WATER USE APPLIANCE REBATES, ETC.
4. CONTINUE PUBLIC AWARENESS THROUGH SUPPORTING SOUTH COAST WATER DISTRICT'S WATER SYSTEM USAGE AUDITS, OVER IRRIGATION NOTICES, JOINT SOUTH COAST WATER DISTRICT OUTREACH CAMPAIGNS, HOA COMMUNITY LANDSCAPE AREA WATER USE REDUCTION PROGRAMS, ETC.
5. ENCOURAGE PRIVATE DROUGHT TOLERANT LANDSCAPING INSTALLATIONS AND TRANSFORMATIONS AND REQUIRING WATER CONSERVING 'SMART' CONTROL SYSTEMS AND WATER CONSERVING SPRINKLER HEADS FOR NEW DEVELOPMENT AND REDEVELOPMENT.
6. COMMERCIAL DOUBLE PIPING SYSTEMS FOR NEW DEVELOPMENT TO CONSERVE POTABLE WATER BY REQUIRING USE OF RECLAIMED WATER FOR TOILETS AND LANDSCAPING.
7. REVIEW OF OUR CITY MUNICIPAL CODES TO CONSIDER OTHER WATER CONSERVATION/WATER QUALITY DEVELOPMENT INCENTIVES OR REQUIREMENTS.
8. PROVIDE SUPPORT FOR SOUTH COAST WATER DISTRICT'S RECYCLED WATER DISTRIBUTION SYSTEM IMPROVEMENTS TO FEED HARBOR AREA PARKS.
9. INVESTIGATE AND RETURN WITH RECOMMENDATIONS ON SALT CREEK RECYCLING FACILITY TO BEGIN RECYCLING A PORTION OF THE CREEK RUNOFF.
10. INVESTIGATE AND RETURN WITH RECOMMENDATIONS ON IMPLEMENTING THE PROPOSED SEA TERRACE PARK UNDERGROUND STORAGE FACILITY AS WELL AS OTHER POSSIBLE LOCAL STORAGE LOCATIONS.
11. CONTINUE TO EXPLORE ADDITIONAL CONSERVATION MEASURES AS APPROPRIATE.

The motion carried by the following vote:

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

**PUBLIC COMMENTS (Continued)**

There were no additional Public Comments.

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**STAFF REPORTS**

There were no Staff Reports.

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

Council Member Weinberg stated that he had attended the Orange County Library Advisory Committee meeting where they had discussed fines for the late return of books among other things.

Council Member Bishop stated that Fire Prevention Week was last week. He added that he had visited both Dana Point fire stations and headquarters. He stated that it was a well attended event. He reported that he was hosting a meeting for the *California Ships 2 Reefs* organization in the Council Chambers that is open to the public on Wednesday beginning at 7:00 p.m. He stated that the purpose of the group was to take retired military destroyers and other large ships and make them into artificial reefs to promote sea life.

Mayor Harkey reported that the Chopper Drop was successful with unprecedented attendance and similarly, the Home Tour was fabulous and one of the most well attended events that we have ever held. She thanked the Historical Society for the event. She reported that the Sea Bass, which was dedicated last week, is actually Art In Public Places and located at Fire Station 29 in Capistrano Beach.

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

- Several TCA Board Meetings
- October 5<sup>th</sup> – Ocean Institute Gala for the newly established Teachers Club which will recognize outstanding teachers in the community each year.
- October 5<sup>th</sup> – Dana Point Historical Society Home Tour. She and the Mayor had served as docents. She stated that there was a fabulous selection of homes in Capistrano Beach.
- October 9<sup>th</sup> – Council Member Weinberg, City staff and herself attended the Art In Public Places dedication ceremony for the giant sea bass at the Fire Station 29 in Capistrano Beach.

She announced that the City was teaming up with CR&R to host a clean up day on Saturday, October 20<sup>th</sup> from 7:30 a.m. – 2:30 p.m. at Dana Hills High School and Palisades Elementary School. She stated that bulky items such as large appliances, furniture, televisions, computers, printers, fax machines, copiers, green waste and other large items will be accepted for free by CR&R. She added that Goodwill and the Salvation Army would also be available to accept reusable items. She stated that household hazardous waste could not be accepted.

She stated that on October 16<sup>th</sup> she had attended the Orange County Conference for Women and that over half of the conference topics were on water efficiency.

Mayor Pro Tem Bartlett recessed the meeting to Closed Session at 7:30 p.m.

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**CLOSED SESSION**

City Attorney Muñoz 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 (c)

1 case: Transient Occupancy Tax – Class Action Lawsuit re: Online Bookings

- B. CONFERENCE WITH LABOR NEGOTIATOR, Government Code § 54957.6

Agency Designated Representatives: City Manager  
Unrepresented and Represented Employees: All positions in City

- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case)

Name of Case: Craig Daniel, Carol Daniel, Chris Neria and Stacy Neria v. the City of Dana Point, Superior Court of the State of California, County of Orange – Central District, Case No. #06CC10395

**CLOSED SESSION ANNOUNCEMENT**

Council authorized the City Manager to execute an agreement with Paul Kiesel to pursue administrative process and thereafter participate in class action litigation against online booking companies (Council vote was 3-1 Harkey voting no); provided that after completion of the administrative process, Council reviews the matter before the City is included formally in the litigation.

**ADJOURNMENT**

There being no further business before the City Council at this session, Mayor Pro Tem Bartlett declared the meeting adjourned at 9:10 p.m.

The next Regular Meeting of the City Council will be November 6, 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 NOVEMBER 6, 2007