
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
AUGUST 19, 2008**

CALL TO ORDER

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
Council Member Lara Anderson
Council Member Diane L. Harkey
Council Member Steven Weinberg

Absent: None

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Kathy M. Ward, City Clerk; Michael Killebrew, Director of Administrative Services; Kyle Butterwick, Director of Community Development; Brad Fowler, Director of Public Works and Engineering; Matthew Sinacori, City Engineer; Lt. Mark Levy, Chief of Police Services; Christy Teague, Economic Development Manager; Lynn Kelly, Management Analyst; Mike Rose, Emergency Services Manager; Kevin Evans, Director of Community Services and Parks; John Tilton, City Architect; Jennifer Anderson, Management Analyst; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

CLOSED SESSION

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

- A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, pursuant to Government Code § 54956.9 (b)(1) & (b)(3)(A) (3 cases)**

- B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, pursuant to Government Code § 54956.9 (b)(1) & (b)(3)(C) (1 case: Scenic Drive)**

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

Mayor Bishop recessed the meeting into a Closed Session at 5:01 p.m. pursuant to Government Code Section 54956 et seq.

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RECONVENE CITY COUNCIL MEETING

Mayor Bishop reconvened the meeting at 6:00 p.m. All Council Members were present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Planning Commissioner Liz Anderson-Fitzgerald.

INVOCATION

The Invocation was provided by Chaplain Bucky Weeks of South Coast Medical Center.

PRESENTATIONS AND PROCLAMATIONS

Business of the Month - The King's Club Barber Shop

Management Analyst Kelly provided a PowerPoint presentation. She stated that Mike Swenson had purchased the shop in June 2007. She added that he offers traditional haircuts for men and boys. Mayor Bishop presented Mike Swenson with a Certificate of Recognition for the Kings Club Barber Shop being selected as the Business of the Month, August 2008.

Municipal Water District of Orange County - Water Hero Presentation

Director Susan Hinman, Municipal Water District of Orange County introduced Darcy Burke, Director of Municipal Affairs for Municipal Water District of Orange County. Ms. Burke provided a PowerPoint presentation detailing the Water District's water conservation outreach plan.

CONSENT CALENDAR

A member of the Staff and the Public removed Item #13 from the Consent Calendar.

Mayor Pro Tem Bartlett recused herself from Consent Calendar Item #14 due to a potential conflict of interest.

IT WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY COUNCIL MEMBER DIANE L. HARKEY, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 13.

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The motion carried by the following vote:

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

NOES: 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, JULY 15, 2008

APPROVED THE MINUTES

3. PLANNING COMMISSION MEETING MINUTES, JUNE 24, 2008

RECEIVED AND FILED.

4. PLANNING COMMISSION MEETING MINUTES, JULY 8, 2008

RECEIVED AND FILED.

5. PLANNING COMMISSION MEETING MINUTES, JULY 22, 2008

RECEIVED AND FILED.

6. PLANNING COMMISSION ACTIONS, MEETING OF AUGUST 12, 2008

RECEIVED AND FILED.

7. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

8. CITY TREASURER'S REPORT, JUNE 2008

RECEIVED AND FILED THE CITY'S TREASURER REPORT FOR THE MONTH OF JUNE, 2008.

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9. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

10. DANA POINT YOUTH BOARD APPOINTMENTS

APPOINTED ELEVEN (11) MEMBERS AND SEVEN (7) AT-LARGE TO THE DANA POINT YOUTH BOARD.

11. DEPOSIT OF COMMUNITY FACILITIES DISTRICT BOND PROCEEDS IN THE LOCAL AGENCY INVESTMENT FUND

ADOPTED RESOLUTION NO. **08-08-19-01** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE DEPOSIT OF BOND PROCEEDS IN THE LOCAL AGENCY INVESTMENT FUND.

12. LANTERN BAY PARK IMPROVEMENTS

AUTHORIZED STAFF TO NEGOTIATE A CHANGE ORDER WITH VALLEY CREST LANDSCAPE, INC., THE CONTRACTOR BUILDING SEA TERRACE PARK FOR THE REHABILITATION OF MINOR LANDSCAPE AND MISCELLANEOUS IMPROVEMENTS AT LANTERN BAY PARK AND AUTHORIZED BUDGETED EXPENDITURES FOR THIS WORK AT LANTERN BAY PARK AS NOTED.

13. TOURISM BUSINESS IMPROVEMENT DISTRICT

Staff had pulled Item #13 from the Consent Calendar.

City Manager Chotkevys provided a staff report.

Council Member Harkey asked why the City was involved with this improvement district and what was the advantage for the hotels and the City.

City Manager Chotkevys replied that it would provide the mechanism to collect tourism dollars with the purpose of brand marketing Dana Point.

Council Member Harkey asked if it would be easier for the hotels to use this type of vehicle as opposed to entering into a joint venture agreement.

City Manager Chotkevys replied that the improvement district would allow our hotels to come together to market Dana Point in our region and they would also work with other South County Cities to compete with other areas.

Mayor Bishop opened the Public Comments.

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Donna Kalez, Dana Wharf Sportsfishing, felt that it was important to do this for the City as it would bring revenue and marketing to Dana Point and it would allow us to compete with the cities around us. She urged approval of the concept.

Nichole Chambers, Dana Point Chamber of Commerce, stated that the Chamber supports the tourism Business Improvement District. She added that the BID would attract new businesses and investments to our City. She felt that our restaurants and shops would also benefit from the marketing which would improve the economy.

Jim Miller, Dana Point Coffee Importers, stated that as president of the Harbor Association and on behalf of the harbor merchants that they were excited about this proposal. He recommended City Council support.

Mayor Bishop closed the Public Comments.

Council Member Anderson disclosed that she had met with major hotels, the Chamber of Commerce and harbor representatives a couple of years ago regarding this proposal. She felt that it would be a fantastic thing as Dana Point is lacking in marketing. She stated that she supports this and hopes that the City moves forward quickly.

Council Member Harkey felt that if the improvement district was limited to only the large hotels it would eliminate the protests from the smaller hotels. She stated that the smaller hotels would still benefit by the marketing of the City without having to pay for it. She asked if the City did reach out to the smaller hotels or did staff decide not to.

City Manager Chotkevys replied that there was discussion and notification of the smaller hotels but the four major hotels have identified that they want to participate. He stated that the improvement district would not be limited to only the four major hotels but would be open to any other hotel that wanted to be included.

Council Member Weinberg stated that if the City was going to market Dana Point that the four major hotels and whoever else wants to join; he would like to see "Dana Point" in their name somewhere. He suggested a percentage fee so the smaller hotels would pay based on their room rates rather than a fixed fee.

City Manager Chotkevys recommend that the City Council authorize staff to continue to work with the hotels on the formation of a tourism Business Improvement District to promote Dana Point as an overnight destination and to take into account Council Member Weinberg's comments for the Mayor and City Manager to work to ensure that the name "Dana Point" was included in the names of the hotels. He stated that when this item was returned to the City

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Council that it would include a discussion on the tourism assessment methodology.

Mayor Pro Tem Bartlett asked if it was the intent to have the City involved in the advisory committee or just the hotels.

City Manager Chotkevys replied that it was the intent that the City would have representation but we are not in the marketing business so we would rely upon the hotels' expertise. He added that there are certain criteria that the City would establish.

Mayor Bishop stated that when he was in France he saw an advertisement for the St. Regis of Monarch Beach on television. He added that if the City could market itself internationally that it would set our City up for huge success.

IT WAS MOVED BY COUNCIL MEMBER STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LARA ANDERSON, AUTHORIZED STAFF TO CONTINUE TO WORK WITH DANA POINT HOTELS ON FORMATION OF A TOURISM BUSINESS IMPROVEMENT DISTRICT TO PROMOTE DANA POINT AS AN OVERNIGHT DESTINATION.

The motion carried by the following vote:

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

NOES: None

14. COOPERATIVE AGREEMENT WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY IN CONJUNCTION WITH THE RAIL HIGHWAY CROSSING ENHANCEMENT PROGRAM FOR BEACH ROAD

Mayor Pro Tem Bartlett recused herself from this item due to a potential conflict of interest.

APPROVED THE DRAFT COOPERATIVE AGREEMENT WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) AND AUTHORIZED THE CITY ATTORNEY AND CITY MANAGER TO BE ABLE TO ACCEPT MINOR CHANGES ONCE THE OCTA BOARD OF DIRECTORS APPROVED THE FINAL VERSION OF THE DOCUMENT.

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15. ADOPTION OF A RESOLUTION APPROVING FINAL PARCEL MAP NO. 2006-260

ADOPTED RESOLUTION NO. **08-08-19-02** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 2006-260 TO ALLOW THE CONVERSION OF AN EXISTING DUPLEX APARTMENT ON VIA CATALINA TO CONDOMINIUMS AND THE CORRESPONDING REQUEST TO SUBDIVIDE THE AIRSPACE FOR CONDOMINIUM PURPOSES.

16. AUTHORIZATION TO PURCHASE FURNITURE USING THE EXISTING COMPETITIVELY BID CONTRACT BETWEEN THE COUNTY OF ORANGE AND CORPORATE EXPRESS

APPROVED STAFF'S REQUEST TO PIGGYBACK ON THE COUNTY OF ORANGE'S COMPETITIVE BIDE PROCESS FOR THE PURCHASE OF FURNITURE FOR THE COMMUNITY DEVELOPMENT RENOVATION PROJECT AND AUTHORIZED STAFF TO PURCHASE THE SPECIFIED FURNITURE USING THE CONTRACT PRICING ESTABLISHED IN THE COMPETITIVELY BID CONTRACT BETWEEN THE COUNTY OF ORANGE AND CORPORATE EXPRESS FOR FREESTANDING FURNITURE AND MODULAR SYSTEMS.

17. INFORMATION TECHNOLOGY MASTER PLAN REQUEST FOR PROPOSAL

AUTHORIZED THE RELEASE OF THE CITY'S REQUEST FOR PROPOSAL (RFP) TO DEVELOP THE CITY'S INFORMATION TECHNOLOGY (IT) MASTER PLAN.

PUBLIC COMMENTS

Brad Gross, OC Dana Point Harbor Master, spoke regarding the upcoming dredging and beach nourishment project which is to begin in early October.

Robert Traphagen, Dana Point, spoke regarding the upcoming mediation scheduled for Monday with Makar. He invited the City to attend.

Bob Becker, Dana Point, Volunteer with Pet Project Foundation reported that the Pet Project Foundation is having a major fundraiser on Saturday, September 20, 2008. The Tail of Two Cities will be held at the Talega Country Club in San Clemente beginning at 5:30 p.m. For more information go to www.petprojectfoundation.org or call the shelter at 492-1617.

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Dr. James Seitz, Dana Point, spoke about the closed session items listed on the Agenda. He also mentioned the upcoming mediation with Makar and felt that the City's absence from the discussions would be disastrous.

Joanna Adrian, Dana Point, spoke regarding the Sea Terrace Park/Library Subcommittee.

Richard Gardner, Capistrano Beach, spoke regarding the upcoming meeting at Palisades School regarding improvements at Pines Park. He mentioned that Larry Montoya, a long-time resident and employee of South Coast Water District, had recently passed away.

PUBLIC HEARINGS

18. RE-APPROPRIATION OF CITIZENS OPTION FOR PUBLIC SAFETY (COPS) PROGRAM FUNDS FROM FY 2007/2008 - (AB 1913)

Director of Administrative Services Killebrew provided a staff report.

Mayor Bishop opened the Public Hearing.

Ingrid McGuire, Dana Point, spoke regarding a number of attempted break-ins and transients in her neighborhood. She asked the City Council to consider increasing the patrols in residential neighborhoods.

Mayor Bishop closed the Public Hearing.

Council Member Anderson felt that this program pays for itself and stated that she supports the funding.

Mayor Pro Tem Bartlett asked if the City receives any funding from Laguna Niguel for the school resource position.

City Manager Chotkevys replied that we do not even though 60% of the young adults who attend Dana Hills High School live in Laguna Niguel. He stated that staff was waiting to see what the impact of the State budget would be for funding of the position.

Mayor Pro Tem Bartlett stated that the City should get involved and encourage residents to activate their Neighborhood Watch Program.

City Manager Chotkevys added that the Sheriff Deputies are out in force but the City needs every set of eyes and ears to help us out.

Council Member Harkey stated that she was supportive of this as well. She felt that Neighborhood Watch has gone below the radar screen and she encouraged

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the City Council to start the ball rolling. She stated that it was a good opportunity to meet your neighbors.

IT WAS MOVED BY COUNCIL MEMBER DIANE L. HARKEY, SECONDED BY MAYOR PRO TEM LISA A. BARTLETT, CONDUCTED A PUBLIC HEARING AND ADJUSTED THE FY 2008/09 BUDGET WITH THE RE-APPROPRIATION OF UN-ENCUMBERED FUNDS FROM THE CITIZENS OPTION FOR PUBLIC SAFETY (COPS) PROGRAM UNSPENT MONIES REMAINING FROM THE FY 2007/08 BUDGET, TO THE SUPPLEMENTAL LAW ENFORCEMENT SERVICE FUND (SLESF) ACCOUNT, APPROPRIATED FUNDS FROM THE SLESF TO IMPLEMENT THE FOLLOWING PROGRAMS:

- APPROVE FUNDING FOR THE SCHOOL RESOURCE OFFICER POSITION FOR THIS SCHOOL YEAR.
- APPROVE FUNDING FOR PROJECT STOP (STOP TRASHING OUR PARKS).

The motion carried by the following vote:

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

NOES: None

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

There was no New Business.

PUBLIC COMMENTS

There were no additional Public Comments.

STAFF REPORTS

City Manager Chotkveys thanked the public and asked for their patience with the construction activities going on around town.

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

Council Member Anderson reported that there was a meeting scheduled for tomorrow night at 6:30 p.m. at Palisades Elementary to discuss the idea of installing restrooms at the park and gauging community reaction. She felt that a sign at the park about the meeting would be a good idea. She added that if you can't attend the meeting send an e-mail to kevans@danapoint.org with your comments. She stated that the final Certification of the Town Center Plan is on the September agenda for the California Coastal Commission. She reported that she had attended the Joint Powers Authority meeting for the animal shelter and that they are overrun with animals for adoption. She stated that they are currently reviewing the vicious dog ordinance so that it is consistent with San Clemente's ordinance. She announced that the Fall Recreation Guide has arrived in the mail. She stated that at the Pet Project Foundation's Tail of Two Cities event on September 20th, Jumping Jack Flash will be performing. She added that they are accepting donations for the event and that you can drop them off at City Hall.

Mayor Pro Tem Bartlett stated that she had attended the following since the last meeting:

- Several TCA Board meetings
- July 16 - Attended the California JPIA annual Board of Directors meeting
- July 24 - Attended the Chamber of Commerce luncheon meeting
- August 5 - League of Cities State Budget Update in Tustin

She announced the following upcoming events:

Tomorrow is the last day to purchase your Ocean Institute home raffle ticket and be eligible for all of the early bird prize drawings. The big home raffle prize drawing will be in November. The grand prize is a million dollar home in Laguna Beach or a million dollars in cash.

Tickets are on sale for the Sand Dollar Guild Chopper Drop which will be held on September 28th at Lantern Bay Park. For tickets for the Chopper Drop or the Home Raffle, contact Eleen Meese at the Ocean Institute.

Council Member Weinberg congratulated Mark Billings, former Police Chief for Dana Point who was just promoted to Captain of Homeland Security. He stated that he had attended the Dana Point Chamber of Commerce luncheon and the OCFA Board Meeting last month.

Council Member Harkey reported that since the last meeting she had attended the following:

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- July 11 - Laguna Niguel Chamber of Commerce Legislative Committee Hearing
- July 16 - South Orange County Major Investment Study group met for the last time before forwarding our final recommendations to OCTA for suggestions on transportation solutions
- July 17 - South Orange County Chamber Installation Dinner
- July 18 - Monthly League of Cities Advocacy meeting
- July 21 - OCTA news conference to display the use of Measure M Funds
- July 23 - Lantern Bay Estates HOA
- July 24 - Dana Point Chamber of Commerce luncheon where Sheriff Sandra Hutchens was the guest speaker
- July 24 - San Juan Capistrano Chamber Installation Dinner
- July 25 - South Orange County Senior Summit at Laguna Hills Community Center 8-1 p.m.
- July 25 - SANDAG Borders Committee meeting in San Diego
- July 31 - Meeting with two of the members of the Newport Beach Concours d'Elegance Board
- August 5 – Sacramento
- August 10 - Held a party in Dana Point for people in the community where the Ocean Institute had made a presentation
- August 15 - Breakfast with the Mayor of Aliso Viejo
- August 16 - Sponsored the Equestrian Coalition Barn Dance with proceeds going to the firefighters

She reminded everyone that the Capistrano Valley Symphony would be holding another concert on Sunday, August 24th.

Mayor Bishop stated that he had turned in the meetings he had attended in writing to the City Clerk ([Exhibit 1](#)). He reported that he had met with the President and CEO of KOCE TV for a briefing and stated that in February, 2009 the analog signal will be eliminated. He stated that the Concerts in the Park have been great and that the last concert is this Sunday where Jumping Jack Flash will be performing. He reported that the Concours d'Elegance is a very high-end car show where the cars are one-of-a-kind. He stated that the Newport Concours d'Elegance Board has asked him to participate on their Board and the City Manager to be on the Steering Committee to help facilitate our event scheduled to be held in Dana Point in September. He added that he and the City Manager traveled up to Pebble Beach last weekend to see how the Concours event was run. He stated that while they were there they had gone into Santa Cruz to see how Roma had designed their Town Center. He added that it was a very informative trip.

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ADJOURNMENT

There being no further business before the City Council at this session, Mayor Bishop declared the meeting adjourned at 7:21 p.m. and announced that the next Regular Meeting of the City Council will be September 16, 2008 at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

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Exhibit 1

Joel Bishop
Meetings Attended
7/16/08 to 8/19/08

7/17/08	SOCAM Meeting
7/24/08	Chamber Luncheon
7/25/08	KOCE Briefing
8/07/08	SCAG Transportation & Communications Committee, LA
8/17/08	Concours d'Elegance