
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 16, 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 (*arrived at 5:30 p.m.*)
Council Member Steven Weinberg

Absent: None

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Kathy M. Ward, City Clerk; Mike Rose, Emergency Services Manager; Michael Killebrew, Director of Administrative Services; Lt. Mark Levy, Chief of Police Services; Brad Fowler, Director of Public Works and Engineering; Kyle Butterwick, Director of Community Development; Matthew Sinacori, City Engineer; Christy Teague, Economic Development Manager; Kevin Evans, Director of Community Services and Parks; John Tilton, City Architect; 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, Government Code § 54956.9 (b1), (1 case)**

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.

RECONVENE CITY COUNCIL MEETING

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

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CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that there was no announcement.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Planning Commissioner Ed Conway.

INVOCATION

The Invocation was provided by Bishop Kirk Lindahl, Capistrano First Ward, Church of Jesus Christ of Latter Day Saints.

PRESENTATIONS AND PROCLAMATIONS

Recognition of Lt. Mark Levy

City Manager Chotkevys invited OCFA Division Chief Rick Robinson, OCFA Battalion Chief Gene Begnell, and Irma Levy to join him. City Manager Chotkevys spoke about Lt. Levy saving the lives of two swimmers while he and his family were enjoying a day at Salt Creek Beach. City Manager Chotkevys presented Lt. Levy with a poster and a personalized lifeguard can. Division Chief Robinson presented Lt. Levy with the Life Saving Certificate on behalf of the Orange County Fire Authority. Mayor Bishop then presented Lt. Levy with a Proclamation in recognition of his life saving efforts.

Business of the Month - Luciana's Restaurante

Economic Development Manager Teague provided a PowerPoint presentation. She stated that Luciana's is a family owned and run restaurant. Luciana's has been recognized many times over the past years for their excellence. Luciana's has been in Dana Point for 25 years. Mayor Bishop presented Jorge Luhan with a Certificate of Recognition for being named Business of the Month, September 2008.

Constitution Week Proclamation to Members of the DAR

Daughters of the American Revolution (DAR) representatives Fay Kristjanson and Terry Goller announced that there would be a bell ringing at the Mission in San Juan Capistrano in honor of the anniversary of the signing of the Constitution. Mayor Bishop presented the DAR representatives with a Proclamation in honor of Constitution Week.

Proposition 1B Funds Presentation by Supervisor Pat Bates

Supervisor Pat Bates presented Mayor Bishop and the City Council with a check in the amount of \$500,000 from Prop 1B funds to be used on the Pacific Coast Highway Congestion Relief project.

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CONSENT CALENDAR

Staff removed Item #11 and Mayor Pro Tem Bartlett removed Item #14 from the Consent Calendar.

Mayor Bishop stated that he would have to abstain from voting on Item #12 as he had a potential conflict of interest.

IT WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY MAYOR PRO TEM LISA A. BARTLETT, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 11 AND 14.

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, AUGUST 19, 2008

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, AUGUST 12, 2008

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF AUGUST 26, 2008

RECEIVED AND FILED.

5. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

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6. CITY TREASURER'S REPORT, JULY 2008

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

7. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

8. AMENDMENT TO THE CITY'S CONFLICT OF INTEREST CODE

ADOPTED RESOLUTION **08-09-16-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING THE CONFLICT OF INTEREST CODE

9. APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF ORANGE AND PARTICIPANTS FOR USE OF THE COUNTY-WIDE MASS NOTIFICATION SYSTEM

APPROVED THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE COUNTY OF ORANGE AND PARTICIPANTS FOR USE OF THE COUNTY-WIDE MASS NOTIFICATIONS SYSTEM AND AUTHORIZED THE CITY MANAGER TO SIGN THE MOU.

10. APPROVAL OF A CONTRACT BETWEEN THE CITY OF DANA POINT AND PRO911 SYSTEMS FOR THE INSTALLATION OF A WIRELESS MESH NETWORK TO ENHANCE PUBLIC SERVICE, PUBLIC SAFETY AND DISASTER RESPONSE CAPABILITIES

APPROVED THE SOLE SOURCE CONTRACT BETWEEN THE CITY OF DANA POINT AND PRO911 SYSTEMS FOR THE PURCHASE AND INSTALLATION OF A WIRELESS MESH NETWORK TO ENHANCE OUR PUBLIC SERVICE, PUBLIC SAFETY, AND DISASTER RESPONSE CAPABILITIES IN THE AMOUNT DETAILED IN THE FISCAL IMPACT SECTION, AUTHORIZED THE CITY MANAGER TO EXECUTE THE CONTRACT, AND AMENDED THE FY 2008-09 GENERAL FUND BUDGET BY AUTHORIZING APPROPRIATION OF UNENCUMBERED FUNDS INCLUSIVE OF A 10% CONTINGENCY.

11. ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PACIFIC COAST HIGHWAY ROADWAY IMPROVEMENTS PROJECT (MEDIANS)

Staff had removed this item from the Consent Calendar.

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City Manager Chotkevys provided a staff report.

Director of Public Works and Engineering Fowler provided a PowerPoint presentation of before and after photos of the Pacific Coast Highway medians.

Council Member Harkey felt that the project had turned out nicely and the medians have enhanced the community.

Mayor Pro Tem Bartlett stated that she has received favorable comments from the residents.

IT WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY MAYOR PRO TEM LISA A. BARTLETT, THAT THE CITY COUNCIL ADOPT RESOLUTION **08-09-16-02** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PACIFIC COAST HIGHWAY ROADWAY MEDIANS IMPROVEMENTS PROJECT;

and TRANSFER PROJECT SAVINGS AS PROVIDED IN THE FISCAL SECTION.

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

12. REIMBURSEMENT FOR PUBLIC IMPROVEMENTS ON SELVA ROAD AND PACIFIC COAST HIGHWAY

AUTHORIZED PAYMENT IN THE AMOUNT OUTLINED IN THE FISCAL IMPACT SECTION FOR WORK COMPLETED ON THE CITY'S BEHALF ON SELVA ROAD AND ON PACIFIC COAST HIGHWAY COINCIDENT WITH NEW DEVELOPMENT.

13. PBS&J CONTRACT EXTENSION FOR PROFESSIONAL ENGINEERING SERVICES

AUTHORIZED THE CITY MANAGER TO EXECUTE A TWO YEAR CONTRACT EXTENSION WITH PBS&J WITH TWO ADDITIONAL TWO YEAR OPTIONS.

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14. CITY SPONSORSHIP OF 2008 TURKEY TROT EVENT

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

City Manager Chotkevys provided a staff report.

Mayor Bishop opened the Public Comments.

Nichole Chambers, Dana Point Chamber of Commerce, spoke regarding the Turkey Trot. She stated that the event provided an economic stimulus to the local businesses.

Mayor Pro Tem Bartlett asked Ms. Chambers to explain what the Chamber does with the profit that is made from the event.

Nichole Chambers replied that the Turkey Trot is a revenue stream for the Chamber which is included in their operational budget. She stated that the revenue allows them to do projects and put on events that benefit the business community.

Mayor Bishop closed the Public Comments.

IT WAS MOVED BY MAYOR PRO TEM LISA A. BARTLETT, SECONDED BY COUNCIL MEMBER STEVEN WEINBERG, THAT THE CITY COUNCIL APPROVE SPONSORING THE DANA POINT CHAMBER OF COMMERCE TURKEY TROT 5K/10K AND KIDS RACE ON NOVEMBER 27, 2008.

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

PUBLIC COMMENTS

Bruce Junor, Newport Beach Concours D'Elegance representative, presented a poster to the City Council and spoke about the cars that will be on display at the St. Regis Hotel on the golf course. The event is scheduled for September 28, 2008 and tickets for the public are \$60. For more information go to www.nbconcours.com or www.danapoint.org.

Mike Holland, Dana Point, spoke regarding a concern he has about Heritage Park. He had observed a landscape crew removing established pine trees in the park. He stated that the slope has not been replanted since the removal of the trees.

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City Manager Chotkevys responded that one of the problems we have had in Heritage Park is that the trees have been vandalized. He stated that the City is trying to strike a balance to provide a manicured look to the parks and an individual's property right is not put above the public's property rights. He added that the trees that were removed had been identified by staff and a certified arborist as needing to be taken out.

Richard Gardner, Capistrano Beach, commended staff on their ability to project the finances of the City. He spoke regarding the Doheny Village Plan that he would like to see developed for the area similar to the Town Center Plan.

PUBLIC HEARINGS

15. ADOPTION OF A RESOLUTION TO VACATE AN EASEMENT FOR PUBLIC ROADWAY PURPOSES OF AN ALLEY GENERALLY LOCATED WEST OF DOHENY PARK ROAD BETWEEN VICTORIA BOULEVARD AND DOMINGO AVENUE

City Manager Chotkevys provided an introduction of the item.

Mayor Bishop opened the Public Hearing.

Richard Gardner, Capistrano Beach, stated that he was opposed to the vacation of this easement because of the lack of planning for the area.

Mayor Bishop closed the Public Hearing.

Council Member Harkey asked who owned the property adjacent to the alley.

City Engineer Sinacori replied that the Goods own the property on one side of the alley and the Pickerings owned the property on the other.

IT WAS MOVED BY COUNCIL MEMBER STEVEN WEINBERG, SECONDED BY MAYOR PRO TEM LISA A. BARTLETT, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING FOR THE VACATION OF THE ALLEY GENERALLY LOCATED AT THE WESTERLY END OF DOMINGO AVENUE BETWEEN VICTORIA BOULEVARD AND DOMINGO AVENUE AND ADOPT RESOLUTION **08-09-16-03 ENTITLED:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT ORDERING THE VACATION OF AN EASEMENT FOR PUBLIC ROADWAY PURPOSES OF AN ALLEY GENERALLY LOCATED WEST OF DOHENY PARK ROAD BETWEEN VICTORIA BOULEVARD AND DOMINGO AVENUE

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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

UNFINISHED BUSINESS

16. FISCAL YEAR 2008-09 PROPOSED BUDGET ADJUSTMENTS

City Manager Chotkevys introduced the item and Director of Administrative Services Killebrew provided a staff report.

Council Member Weinberg asked for an explanation on the grease interceptor program.

Director of Public Works and Engineering Fowler replied that the grease interceptor program was co-operative program with South Coast Water District that provides incentives to food preparation establishments to install grease interceptors to help improve and reduce the amount back up and sewage spills into our ocean.

Mayor Pro Tem Bartlett asked for clarification on the adjustments that are being be made to the CIP.

City Manager Chotkevys replied that the surplus amount being transferred from the General Fund into the CIP fund which will then be available to the Council to appropriate during the year or to consider when creating the two-year budget in the spring.

Council Member Anderson stated that she appreciates the work staff does on this and that the projections are always close to accurate.

IT WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY COUNCIL MEMBER STEVEN WEINBERG, THAT THE CITY COUNCIL AMEND THE FY2008-09 ("FY09") GENERAL FUND OPERATING BUDGET AND FACILITIES FUND OPERATING BUDGET BY AUTHORIZING APPROPRIATION OF UNENCUMBERED FUNDS AND ADJUSTMENTS TO CERTAIN FY09 GENERAL FUND REVENUES AS ENUMERATED IN THE REPORT.

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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

NEW BUSINESS

There was no New Business.

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 had attended the following:

- August 21 - Chamber Mixer at RJ's Café
- August 24 - Concert in the Park where Jumping Jack Flash the Rolling Stones tribute band played

She announced that Jumping Jack Flash would be playing at the Pet Project Foundation's Tale of Two Cities. This is an auction/fundraiser on Saturday, September 20th at the Talega Golf Club. Tickets are still available; for more information go to www.petprojectfoundation.org. She stated that also on that day the 25th Annual California Coastal Clean Up Day at Doheny State Beach from 9:00 a.m. to noon as well as the Dana Point Emergency Preparedness Expo at Dana Hills High School from 10:00 a.m. to 2:00 p.m.

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

- Several TCA Board Meetings
- Devry International Real Estate International Office which had recently relocated to Dana Point from Laguna Niguel
- September 11 - League of Cities Installation Reception

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- Cox Communication educational segment taping with the Mayor of Rancho Santa Margarita, Neal Blaze. The moderator was Lucy Dunn head of the Orange County Business Council. The discussion was on running for local elected offices.

She announced the following:

- Chopper Drop on September 28th at Lantern Bay Park
- Hotel and restaurant revenues have increased from last year

Council Member Weinberg reported that he had attended the following:

- OCFA Budget Meeting
- Wild lands tour where he and the City Manager had toured the City by air. He stated that it was frightening how many properties have not been maintained. He added that residents need a buffer between their homes and the landscaping. He stated that bottle brush plants are very flammable.
- Chamber Mixer at RJ's Cafe

Council Member Harkey reported that she had attended the League of Cities Annual Installation on September 11th and several TCA Board Meetings. She announced that the Historical Society home tour is coming up on October 5th and encouraged everyone to purchase tickets. She stated that the Capistrano Valley Symphony would be having their last concert of the season later this month. She reported that the City of San Juan Capistrano has begun the process to approve quiet zones.

Mayor Bishop stated that he had turned in the meetings he had attended in writing to the City Clerk ([Exhibit 1](#)). He reported that there is a new children's television program on KOCE, Cox Channel 10, Friday, September 19th at 8:30 p.m., "Curiosity Quest Goes Green". He added that there will be 13 episodes and each episode will concentrate on a different recyclable item. He reported that Coastal Clean Up Day would be held at Salt Creek Beach and the Marine Life Refuge on Saturday, September 20th from 9:00 a.m. to noon. He encouraged everyone to attend the Emergency Preparedness Expo at Dana Hills High School and *Is Your Teen At Risk* 8:30 a.m. to noon also on being held on Saturday, September 20th.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Bishop declared the meeting adjourned at 7:33 p.m. and announced that the next Regular Meeting of the City Council will be October 7, 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
8/20/08 to 9/16/08

September 4 Southern California Association of Government (SCAG)