
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL ADJOURNED REGULAR MEETING MINUTES
FEBRUARY 20, 2007**

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Harkey at 5:10 p.m. in the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point.

ROLL CALL

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

STAFF PRESENT: Douglas Chotkevys, City Manager; Patrick Muñoz, City Attorney; Kathy Ward, City Clerk; Cathy Catlett, Assistant City Clerk; Kyle Butterwick, Director of Community Development; Brad Fowler, Director of Public Works/City Engineer; Matt Sinacori, City Engineer; Lt. Mark Levy, Chief of Police; Jackie Littler, Executive Secretary, and Brian McClure, Parks Manager.

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 (b)(3)(A), (1 case)

Mayor Harkey recessed the meeting into a Closed Session at 5:11 p.m. pursuant to Government Code Section 54956 *et. seq.*

RECONVENE CITY COUNCIL MEETING

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Weinberg.

INVOCATION

The Invocation was led by Bob Moore.

PRESENTATIONS AND PROCLAMATIONS

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL ADJOURNED REGULAR MEETING MINUTES
FEBRUARY 20, 2007**

Mothers Against Drunk Drivers (MADD) Deuce Award Presentation

Mayor Harkey introduced Mary Beth Griffin, Program Coordinator for MADD. Ms. Griffin presented an award to Deputy Steve Hoffman for the apprehension of 31 DUI drivers in Dana Point in 2006. Deputy Hoffman has been with the Sheriff's Department for 13 years, the last six in Dana Point. He was joined by his family for the presentation.

CONSENT CALENDAR

Mayor Harkey removed Item No. 11 from the Consent Calendar; Council Member Anderson removed Item No. 13 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER ANDERSON, SECONDED BY MAYOR PRO TEM BARTLETT, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM NOS. 11 AND 13.

The motion carried by the following vote:

AYES: Council Members Anderson, Bishop, Weinberg,
Mayor Pro Tem Bartlett and Mayor Harkey
NOES: None
ABSTAIN: 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. ADJOURNED REGULAR MEETING MINUTES, JANUARY 30, 2007

APPROVED THE MINUTES.

3. ADJOURNED REGULAR MEETING MINUTES, FEBRUARY 6, 2007

APPROVED THE MINUTES.

4. PLANNING COMMISSION MEETING MINUTES, DECEMBER 20, 2006

RECEIVED AND FILED.

5. PLANNING COMMISSION ACTIONS, MEETING OF FEBRUARY 13, 2007

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL ADJOURNED REGULAR MEETING MINUTES
FEBRUARY 20, 2007**

RECEIVED AND FILED.

6. YOUTH BOARD MEETING MINUTES, JANUARY 25, 2007

RECEIVED AND FILED.

7. YOUTH BOARD MEETING MINUTES, FEBRUARY 1, 2007

RECEIVED AND FILED.

8. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

9. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

10. LOCAL DISASTER COUNCIL ORDINANCE UPDATE

INTRODUCED AND CONDUCTED A FIRST READING THE ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 2.20 ENTITLED "EMERGENCY ORGANIZATION" OF THE DANA POINT MUNICIPAL CODE.

11. APPROVAL OF AN AMENDMENT TO THE EXISTING PBS&J PURCHASE ORDER PER THE MASTER AGREEMENT FOR MINOR DESIGN MODIFICATIONS FOR THE ANNUAL ROADWAY RESURFACING PROJECT

Mayor Harkey removed this item from the Consent Calendar. Director of Public Works Fowler indicated that this is an amendment to the purchase order to provide for surfacing additional streets, some of which will be slurry sealed.

Mayor Harkey added that changing some of the streets to slurry seal (that do not need to be cut and ground) will reduce the price significantly, and thanked staff for inspecting all of the streets.

IT WAS MOVED BY MAYOR HARKEY, SECONDED BY COUNCIL MEMBER ANDERSON, TO APPROVE AN AMENDMENT TO THE EXISTING PBS&J PURCHASE ORDER, PER THE MASTER AGREEMENT, FOR MINOR DESIGN MODIFICATIONS FOR THE ANNUAL ROADWAY RESURFACING PROJECT; AND AUTHORIZE A MINOR AMENDMENT TO THE EXISTING PURCHASE ORDER FOR GEOTECHNICAL SERVICES FOR ADDITIONAL ASPHALT CORING.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL ADJOURNED REGULAR MEETING MINUTES
FEBRUARY 20, 2007**

The motion carried by the following vote:

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

12. SECOND READING AND ADOPTION OF A MUNICIPAL CODE AMENDMENT REGARDING DUTIES AND RESPONSIBILITIES OF THE TRAFFIC IMPROVEMENT COMMISSION

HELD A SECOND READING AND ADOPTED **ORDINANCE 07-02** ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING CHAPTERS 12.04, 12.08 AND 12.14 OF THE DANA POINT MUNICIPAL CODE REGARDING MODIFICATIONS TO CLARIFY DUTIES AND RESPONSIBILITIES OF THE TRAFFIC IMPROVEMENT COMMISSION AND RELATED AUTHORITY.

13. ESTABLISHMENT OF THE TRAFFIC IMPROVEMENT COMMISSION

Council Member Anderson removed this item from the Consent Calendar for a separate vote.

IT WAS MOVED BY MAYOR PRO TEM BARTLETT, SECONDED BY COUNCIL MEMBER BISHOP, TO ADOPT **RESOLUTION NO. 07-02-20-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING A DANA POINT TRAFFIC IMPROVEMENT COMMISSION;

APPROVE THE APPLICATION, AND DIRECT STAFF TO ADVERTISE FOR INTERESTED RESIDENTS TO SERVE ON THE COMMISSION.

The motion carried by the following vote:

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

PUBLIC COMMENTS

Mayor Harkey presented Mary Ellen of Mel's Boutique and Mel's Too in Dana Point a Certificate of Recognition for being the City's Business of the Month for February 2007 since Mary was not available at the last Council meeting.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL ADJOURNED REGULAR MEETING MINUTES
FEBRUARY 20, 2007**

Mayor Harkey opened the meeting for public comments.

Judy Rice, Laguna Hills, spoke about the lack of affordable housing in Dana Point and the closure of the Marina Mobile Home Park.

John Chaffetz, Dana Point, spoke about the Doheny House and Paul Douglas and asked the Mayor if she still supported Mr. Douglas and the Doheny House.

Mayor Harkey indicated that the City is doing everything we can legally concerning the Doheny House and cannot respond any further with regard to this property. City Manager Chotkevys agreed that there not be any further comment at this time.

Gene Burrus, Dana Point, spoke on behalf of Vanna Murphy and all of the volunteers of the Senior Center, and thanked the City Council for their support of the Seniors Valentine's Dance on February 11th which was attended by over 150 couples. This was the best event they have ever had at the Senior Center.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

14. CRYSTAL COVE DOG FUN ZONE

City Manager Chotkevys provided a staff report concerning the dog fun zone at Crystal Cove Park and reported that staff has mitigated the issues and the residents were notified of this agenda item. Director of Public Works Fowler added that since the changes have been made during the last month by reducing the hours and changing the footprint, staff has not received any complaints from the residents.

Mayor Harkey opened this item for Public Comments.

Joan Scarantino, Dana Point, spoke in support of the dog fun zone at this park and has met a lot of new neighbors as a result of this dog fun zone.

Drew Reynolds, Dana Point, spoke in favor of the dog fun zone and about the problems with dogs before the dog fun zone was installed at this park.

Rand Kaar, Dana Point, spoke in support of the dog fun zone at this park and the residents are in favor of this dog fun zone.

Council Member Anderson thanked staff for their efforts and modifications made to this park.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL ADJOURNED REGULAR MEETING MINUTES
FEBRUARY 20, 2007**

Council Member Weinberg spoke in support of improvements made to this dog fun zone site.

Mayor Harkey indicated that she reviewed this site during a site visit and met with Kristin Reynolds who asked that the Doggie bags be moved on the inside of the gate/fence and change the entrance to help the neighbors (where the lawn mower entrance is located). Mayor Harkey suggested these changes be added to this dog fun zone.

IT WAS MOVED BY COUNCIL MEMBER WEINBERG, SECONDED BY COUNCIL MEMBER ANDERSON, TO RECOMMEND THE DOG FUN ZONE AT CRYSTAL COVE PARK BECOME A PERMANENT SITE WITH THE SUGGESTED MODIFICATIONS.

The motion carried by the following vote:

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

15. PLANNING COMMISSION APPOINTMENTS

City Manager Chotkevys provided a staff report and suggested that the Council schedule one meeting to hold the Planning Commission interviews.

Council Member Anderson clarified that the last time Planning Commission interviews were held they were held on two different days which is helpful if everyone is not available on one day. She asked if Council was reconsidering the current Planning Commissioners whose terms don't expire at this time. City Manager Chotkevys indicated that the Planning Commissioner serve at the pleasure of the City Council.

Mayor Harkey suggested that the interviews be scheduled at the next regular meeting on March 6, 2007 beginning at 5:00 p.m.

City Manager Chotkevys noted that these interviews occur one at a time and are open to the public.

The Council decided they would interview the applicants (10 minutes per applicant) and return at the next meeting to deliberate on the selection.

Mayor Harkey suggested that the Council to send out a questionnaire to the applicants ahead of time to assist with the interview and shorten the interview process. The applicant's responses on the questionnaire would be sent to the Council with the next agenda packet.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL ADJOURNED REGULAR MEETING MINUTES
FEBRUARY 20, 2007**

City Manager Chotkevys suggested that the next meeting will begin at 5:00 p.m. with a brief Consent Calendar and the interviews to begin shortly thereafter.

Mayor Harkey noted the high caliber of candidates for the Planning Commission interviews.

COUNCIL DIRECTED STAFF TO SCHEDULE PLANNING COMMISSION APPLICANT INTERVIEWS AT THE NEXT COUNCIL MEETING ON MARCH 6, 2007, AT 5:00 P.M.

NEW BUSINESS

There were no New Business items.

PUBLIC COMMENTS (Continued)

There were no additional Public Comments.

STAFF REPORTS

City Manager Chotkevys provided an update on the Coastal Commission's projects: the Gateway by the Harbor will be heard by the Coastal Commission at their March meeting, and we are hopeful that the Residential Building Height Task Force Ordinance will be heard at their April meeting. The Town Center project is working in a positive direction and hopes the Harbor application will be complete in the near future. City Manager Chotkevys thanked the staff for their efforts.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Bishop indicated that on Saturday, February 24, the Orange County Fire Authority will hold their dedication ceremony for our new Station 29 and will be attending this dedication with Mayor Harkey.

Mayor Pro Tem Bartlett noted that she had requested the information on the current Planning Commissioner so we can have the background on the current Commissioners and have a well-rounded Planning Commission. She attended the League of California Cities workshop and meeting on February 8, and on February 14, she took a tour of the Headlands project and was very impressed with this development. Mayor Pro Tem Bartlett noted that she and Council Member Anderson, staff and several residents with grant experience have been working revisions to the Charitable Grant Policy which we hope to complete for the next agenda. For anyone interested in sober living homes in residential areas, there will be a Town Hall meeting on Thursday, at 6:00 p.m. at the Newport Beach Public Library which will be hosted by Senator Tom Harman and Assemblywoman Mimi Walters – she and the Mayor will be there. The Boys and Girls Power Breakfast will be on Monday, February 26 at 7:00 a.m. at the St. Regis Hotel. The

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL ADJOURNED REGULAR MEETING MINUTES
FEBRUARY 20, 2007**

Dana Point Historical Society is meeting on Monday, February 26 at the Community House at 7:00 p.m.

Council Member Anderson noted that the Wag-A-Thon will not be held during the Festival of Whales this year, instead it will be held on Saturday, April 28th – see the Pet Project Foundation's website at www.petprojectfoundation.org. The Festival of Whales (March 3,4,10,11) parade is on March 3rd at 10:00 a.m. The Pet Project Foundation will still have a booth at street faire for the Wag-A-Thon.

Council Member Weinberg proposed that the Council agendize two-way traffic for Town Center and include the cost of what would be included in Phase I.

Mayor Harkey indicated that this item will be covered in the Budget Hearing on or before May.

Council Member Weinberg asked if this item can be heard sooner and vote on two-way traffic and Phase I.

Mayor Harkey responded that the expense is unknown and it should be looked at the same time as the budget, so it can be done as an overall package with a financial analysis.

Council Member Bishop indicated his support of looking into this matter and is concerned that we won't know how much to budget if we don't look at this item in advance of the budget.

Council Member Anderson asked if there would be large financial discrepancy between one-way verses two-way. Mayor Harkey responded that it depends on the scope of the plan.

Mayor Pro Tem Bartlett suggested that we get the results from the V-calming devices in Town Center before we proceed any further. Council Member Weinberg indicated that the V-calming devices are a temporary measure to slow down traffic.

City Manager Chotkevys suggested that staff talk with the Town Center consultant Boris concerning the cost of one-way verses two-way and develop an order of magnitude cost of one-way verses two-way and present this information to the Council for their information and discussion as a receive and file item.

Council Member Weinberg indicated that the Council still needs to decide if we want two-way traffic verses one-way traffic.

Mayor Harkey suggested moving with the City Manager's suggestion to come back with some scoping and discussion items which will segway into the budget discussions.

Council Member Weinberg commented that at one of the last meetings concerning the Town Center that almost all of the citizens spoke in favor of two-way traffic.

Mayor Harkey responded that it appeared that the City Manager's suggestion would satisfy the request and asked the City Manager to provide the data.

Mayor Harkey spoke about the Habitat for Humanity of Orange County that will be building 27 new homes in San Juan Capistrano. They would like to reserve half of these for disabled military veterans from the Iraq and Afghanistan conflicts in need of housing. For further information, please contact them at 714/434-6200 or www.habitatoc.org. The Lighthouse Society has changed their meetings and their next meeting is Thursday, March 1 at the Community Center where they will have a U.S. Coast Guard presentation.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL ADJOURNED REGULAR MEETING MINUTES
FEBRUARY 20, 2007**

City Manager Chothevys provided an update on the trespassing issue in Capistrano Beach and is working with the property owners on this issue. Mayor Harkey reported that Dana Wharf Sportsfishing had their cast-off cruise for the Festival of Whales today.

Mayor Harkey also indicated that the Dana Point News had reported on the new Council assignments and that there seemed to be some discrepancy as to how the assignments were handled in the past. She stated that she had a tape of the January 17, 2005 meeting where the Council reorganized and made Council assignments in one fell swoop. She stated she would be willing to provide a DVD of the meeting to anyone who might be questioning the procedure the present Council followed. She stated that the major difference is that unlike years past, the present Council voted on the assignments.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Harkey declared the meeting adjourned at 7:05 p.m.

The next Regular Meeting of the City Council will be March 6, 2006 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 _____