
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
NOVEMBER 14, 2011**

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Schoeffel at 5:05 p.m. in the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point.

ROLL CALL OF CITY COUNCIL MEMBERS:

Present: Mayor Scott Schoeffel
Mayor Pro Tem Lara Anderson
Council Member Lisa Bartlett
Council Member William Brough
Council Member Steven Weinberg
Absent: None

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), (2 cases)
- B. CONFERENCE WITH LABOR NEGOTIATOR, Government Code § 54957.6
Agency Designated Representatives: City Manager Unrepresented and Represented Employees: All positions in City
- C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957 Title: City Manager

Mayor Schoeffel recessed the meeting into a Closed Session at 5:06 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING - CALL TO ORDER

Mayor Schoeffel reconvened the meeting at 6:18 p.m. He announced that the City Council would be returning to Closed Session when the meeting was adjourned. All Council Members were present.

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PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Gunnar Steele, a fifth grader at R.H. Dana Elementary School.

INVOCATION

The Invocation was provided by Associate Pastor Dan Russell of Capo Beach Calvary.

PRESENTATIONS AND PROCLAMATIONS

November Business of the Month - Stacks Pancake House

Management Analyst Kelly provided a PowerPoint presentation detailing the Hawaiian themed pancake house, Stacks Pancake House. She reported that Stacks employs 11 people and they are known for their quick and friendly service. She stated that Stacks offers a Fifth Marine Burrito where one dollar from each sale goes toward supporting the Fifth Marine Regiment at Camp Pendleton. She added that they have also hosted breakfasts in support of Dana Hills High School and the Alzheimer's Foundation. Mayor Schoeffel presented a Certificate of Recognition to Nixon Tanuwidjaya for Stacks Pancake House being named the Featured Business of the Month for November, 2011.

Pancreatic Cancer Awareness Month

Mayor Schoeffel presented a Proclamation to Vivian D'Agostino a volunteer of the Pancreatic Cancer Action Network in recognition of Pancreatic Cancer Awareness Month.

CONSENT CALENDAR

Mayor Schoeffel pulled Item Number 17 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER LISA BARTLETT, SECONDED BY MAYOR PRO TEM LARA ANDERSON, TO ACCEPT ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 17.

The motion carried by the following vote:

AYES: Council Member Lisa Bartlett, Council Member William Brough, Council Member Steven Weinberg, Mayor Pro Tem Lara Anderson and Mayor Scott Schoeffel

NOES: None

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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 24, 2011

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, OCTOBER 17, 2011

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF NOVEMBER 7, 2011

RECEIVED AND FILED.

5. YOUTH BOARD MEETING MINUTES, OCTOBER 6, 2011

RECEIVED AND FILED.

6. YOUTH BOARD MEETING MINUTES, OCTOBER 20, 2011

RECEIVED AND FILED.

7. DANA POINT DESTINY AD HOC COMMITTEE MINUTES, JULY 28, 2011

RECEIVED AND FILED.

8. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

9. CITY TREASURER'S REPORT, SEPTEMBER AND OCTOBER 2011

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTHS OF SEPTEMBER AND OCTOBER 2011.

10. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

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- 11. ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT FY 2010/2011 PHASE II**

ADOPTED RESOLUTION 11-11-14-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PROJECT ENTITLED "ANNUAL ROADWAY RESURFACING PROJECT FY 2010/2011 PHASE II"; AND TRANSFERRED PROJECT SAVINGS TO THE ANNUAL ROADWAY RESURFACING PROJECT FY 2011/2012, CIP NUMBER 1253.

- 12. ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT FY 2010/2011 PHASE III**

ADOPTED RESOLUTION 11-11-14-02 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PROJECT ENTITLED "ANNUAL ROADWAY RESURFACING PROJECT FY 2010/2011 PHASE III"; AND TRANSFER PROJECT SAVINGS TO THE ANNUAL ROADWAY RESURFACING PROJECT FY 2011/2012, CIP NUMBER 1253.

- 13. HISTORIC PRESERVATION AGREEMENT (MILLS ACT) FOR THE PROPERTY LOCATED AT 35101 CAMINO CAPISTRANO**

AUTHORIZED THE MAYOR TO SIGN A HISTORIC PRESERVATION AGREEMENT WHICH WOULD ALLOW THE PROPERTY OWNERS OF THE HISTORIC STRUCTURE AT 35101 CAMINO CAPISTRANO TO PARTICIPATE IN THE STATE'S MILLS ACT PROGRAM.

- 14. APPROVAL OF COOPERATIVE AGREEMENT WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) FOR THE IMPLEMENTATION OF THE CROWN VALLEY PARKWAY TRAFFIC SIGNAL SYNCHRONIZATION PROJECT AS PART OF PROJECT P**

APPROVED THE SUBJECT AGREEMENT, AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT AND ALLOW THE CITY MANAGER TO APPROVE MINOR CHANGES TO THE AGREEMENT IF NECESSARY; AND ADOPTED RESOLUTION 11-11-14-03 ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE CITY MANAGER AS THE AUTHORIZED

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REPRESENTATIVE TO EXECUTE ALL NECESSARY AGREEMENTS, AMENDMENTS AND OTHER DOCUMENTATION FOR OCTA FUNDING PROGRAMS INCLUDING MEASURE M2 ON BEHALF OF THE CITY COUNCIL.

15. DONAHUE, HAWRAN & MALM, LLC CONTRACT EXTENSION FOR PROPERTY APPRAISAL SERVICES

AUTHORIZED THE CITY MANAGER TO EXECUTE A TWO YEAR CONTRACT EXTENSION WITH DONAHUE, HAWRAN & MALM, LLC WITH ONE (1) ADDITIONAL TWO YEAR RENEWAL OPTION.

16. CITY COUNCIL AND PLANNING COMMISSION MEETING DATES

HELD A SECOND READING AND ADOPTED **ORDINANCE 11-06** ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING SECTIONS 2.04.010 AND 2.07.011 OF THE DANA POINT MUNICIPAL CODE REGARDING THE DATE OF REGULAR MEETINGS FOR THE CITY COUNCIL AND PLANNING COMMISSION.

17. DISPOSITION OF NON-ESSENTIAL CITY RECORDS

Mayor Schoeffel had removed this item from the Consent Calendar.

IT WAS MOVED BY MAYOR PRO TEM LARA ANDERSON, SECONDED BY COUNCIL MEMBER LISA BARTLETT, CONTINUE THIS ITEM TO THE NEXT REGULAR CITY COUNCIL MEETING.

The motion carried by the following vote:

AYES: Council Member Lisa Bartlett, Council Member William Brough, Council Member Steven Weinberg, Mayor Pro Tem Lara Anderson and Mayor Scott Schoeffel

NOES: None

18. FISCAL YEAR 2011-12 PROPOSED BUDGET ADJUSTMENTS

AMENDED THE FY2011-12 GENERAL FUND AND CAPITAL IMPROVEMENTS FUND BUDGETS BY AUTHORIZING THE CARRYOVER AND RE-APPROPRIATION OF UNENCUMBERED FY11 FUNDS TO FY12.

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19. ADOPTION OF MEMORANDUM OF UNDERSTANDING WITH DANA POINT EMPLOYEES ASSOCIATION (DPEA)

APPROVED THE MEMORANDUM OF UNDERSTANDING (MOU) WITH THE DANA POINT EMPLOYEES ASSOCIATION (DPEA) AND AUTHORIZE THE CITY MANAGER TO SIGN THE MOU.

PUBLIC COMMENTS

Dorean Ora, Laguna Niguel, Grand Jury representative, stated that November has been declared as Grand Jury Awareness Month by the Board of Supervisors. She described the purpose of the Grand Jury and their duties. She added that the Grand Jury was the citizen's watchdog.

Pam Tappan, Capistrano Beach, offered condolences to the family of Doris Walker. She spoke about the workshop that was held for the Doheny Village and felt that staff had done an outstanding job. She encouraged the residents of Capistrano Beach to get involved.

Mary Jeffries, Dana Point, spoke regarding the Coastal Commission hearing that was held recently regarding the mobile home park on Del Obispo.

Todd Glen, Dana Point, felt that the City's extension of the contract for the EIR preparation of South Shores Church avoided full disclosure of the geotechnical and pertinent details. He stated that the City Council should place the item on the agenda to facilitate open, public dialog.

City Manager Chotkevys asked staff if they had received the reports yet.

Director Butterwick replied that the EIR was still being prepared, including the geotechnical information. He stated that at some point that information will be submitted to the City, and will then be subject to an independent peer review initiated by the City which is part of the EIR process.

Hal Brice, Dana Point, thanked the City Council for the support on the issue of the Strands mid access. He felt that misinformation was being spread about the access to the beach.

Barbara Wagner, Dana Point, thanked the City Council for their support and spoke about her experiences living on the Strand.

Kenneth Wagner, Dana Point, stated that his home is right next to the mid Strand access and felt that if the gate were open all of the time, that it would be unsafe for the residents.

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Susan Parmelee, San Clemente, spoke regarding the homeless population in South County and the lack of emergency shelters.

Leslie Davis, San Clemente, felt that the City's Code was limiting for the homeless. She stated that Capo Calvary was the best location for a shelter. She encouraged the City Council to direct the Community Development Director to issue a special event permit and to waive all permit fees.

Steven Hagy, Dana Point, spoke regarding the homeless shelter at Capo Calvary Chapel and felt that the church's hands were tied in trying to help.

Denise Erkeneff, Dana Point, spoke regarding the mid Strand access way. She stated that over 2,400 people have signed their on-line petition asking for the gates to be removed. She felt that the hours for closing the gates were unrealistic.

Karin Schnell, Dana Point, invited everyone to the artist's reception on November 17, 2011, 6-8 p.m. at the Dana Point Community House for the new Dana Point book. She stated that books can be purchased at dpcoastalarts.org. She reported that Terminal C had opened today at John Wayne Airport and that the first permanent art piece had been installed.

Alan Warren, Laguna Beach, spoke regarding the access at mid Strand beach. He stated that the development there has provided better access than what was available before. He supported the City Council's position on the gates.

Richard Foley, Dana Point, spoke regarding the mid Strand access. He felt that the people who use the mid access don't stay on the path and added that it should be controlled like the accesses on the north and south sides.

Reverend Loc Tran, Dana Point, spoke regarding the homeless of Dana Point. He asked for an extension of the days and number of people who can be sheltered at Capo Beach Calvary.

Mayor Schoeffel asked if there was a specific Zoning Ordinance with respect to shelters.

Director Butterwick replied that was correct.

Mayor Schoeffel stated that it was his understanding that if there was a specific Zoning Ordinance that a special use permit could not be approved.

City Attorney Munoz replied that he was correct.

Mayor Schoeffel stated that if this Council decided to put an item on the Agenda, the item would be to amend the specific Ordinance with regard to shelters. He asked what that would entail in terms of process.

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Director Butterwick replied the process would consist of an Ordinance amendment of the City's Zoning Code beginning with a public hearing before the Planning Commission, the Planning Commission would then make a recommendation to the City Council, the City Council would ultimately rule on that item and it may also require a review by the Coastal Commission.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

20. AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE PACIFIC COAST HIGHWAY MEDIAN PROJECT PHASE 2

City Manager Chotkevys provided an introduction of the item and Director Fowler provided a staff report.

Council Member Weinberg asked if the same type of palm trees would be similar to those used in Phase I.

Director Fowler replied yes.

Mayor Pro Tem Anderson asked if the current median was being watered by a water truck or was there plumbed irrigation for that.

Director Fowler replied that irrigation is included in the scope of the contract and it is plumbed for recycled water.

IT WAS MOVED BY COUNCIL MEMBER STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LISA BARTLETT, APPROVE THE CONSTRUCTION CONTRACT DOCUMENTS REQUIRED FOR THE "PACIFIC COAST HIGHWAY MEDIAN PROJECT (FROM NIGUEL SHORES OVERPASS TO SELVA ROAD)"; ACKNOWLEDGE AND ACCEPT THE BID WITHDRAWAL (ON FILE IN PUBLIC WORKS) FROM WEST COAST PUBLIC WORKS, INCORPORATED DUE TO AN INADVERTENT CLERICAL ERROR; AWARD A CONTRACT TO ALL AMERICAN ASPHALT FOR CONSTRUCTION OF THE PACIFIC COAST HIGHWAY MEDIAN PROJECT (FROM NIGUEL SHORES OVERPASS TO SELVA ROAD), PROVIDING THAT THE CITY MANAGER OR HIS DESIGNEE SIGNS AND ADMINISTERS THE SUBJECT CONTRACT AND MAY APPROVE ADDITIONAL PAYMENT FOR CHANGE ORDERS, CONTINGENCIES, CONSTRUCTION MANAGEMENT SERVICES, SOILS AND MATERIAL TESTING, AND CONSTRUCTION DESIGN SUPPORT FOR THE PROJECT AS NOTED IN THE FISCAL IMPACT SECTION; AND 3) TRANSFER FUNDING AS NOTED IN THE FISCAL IMPACT SECTION.

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The motion carried by the following vote:

AYES: Council Member Lisa Bartlett, Council Member William Brough, Council Member Steven Weinberg, Mayor Pro Tem Lara Anderson and Mayor Scott Schoeffel

NOES: None

NEW BUSINESS

There were no New Business items.

PUBLIC COMMENTS

There were no additional Public Comments received.

STAFF REPORTS

There were no Staff Reports.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Weinberg reported that he had turned in his list of meetings attended to the City Clerk and wished everyone a good Thanksgiving.

Council Member Bartlett reported that she had attended several Transportation Corridor Agency meetings, Southern California of Association of Governments, and Association of California Cities - Orange County meetings. She stated that on November 11th she had attended the Veteran's Day ceremony at Strands Vista Park. She announced the following future events:

November 19th - Monarch Beach Sunrise Rotary will be serving a Thanksgiving luncheon at the Senior Center.

November 20th - Holiday tree lighting event at the Ritz Carlton at 4:00 p.m.

November 24th - Dana Point Turkey Trot in the Harbor. She stated that the event benefits the Second Harvest Food Bank

November 27th - Holiday tree lighting event at the St. Regis at 4:30 p.m.

December 10th - Dana Point Winter Festival in La Plaza

She encouraged everyone to check out the City of Dana Point Parks and Recreation Guide for other great winter events and activities planned in the City. She wished everyone a Happy Thanksgiving.

Mayor Pro Tem Anderson reported that she had attended the Veteran's Day Memorial Service at Vista Strand Park. She stated that she was saddened and shocked about

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the passing of Jack and Doris Walker-Smith. She encouraged everyone to have working smoke detectors in their homes.

Council Member Brough reported that he had turned in his list of meetings attended to the City Clerk. He commended the VFW for the wonderful ceremony they had put on for Veteran's Day. He stated that he was also shocked and saddened about the Walker-Smiths and felt that it was a tremendous loss for the City. He wished everyone a Happy Thanksgiving.

Mayor Schoeffel felt that the Doheny Village workshop was very exciting to see. He stated that another significant investment that people could put into their homes in addition to smoke detectors and sprinkler systems is to have their breaker boxes inspected. He adjourned the meeting into an extended Closed Session in the memory of Sergeant Tyler Holtz and Doris Walker-Smith.

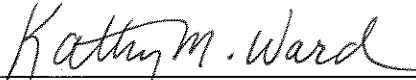
Mayor Schoeffel recessed the meeting into Closed Session at 7:37 p.m. and reconvened the meeting at 8:07 p.m.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that there was nothing to report.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Schoeffel declared the meeting adjourned at 8:08 p.m. and announced that the next Regular Meeting of the City Council will be held on November 28, 2011, 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 DECEMBER 12, 2011

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Meetings attended since the October 24, 2011 City Council meeting:

Council Member William Brough

October 29	City Employee BBQ and Softball Tournament, Youth Baseball Fields
November 5	Dana Point Youth Baseball Sign Up, Community Center Doheny Village Workshop, Calvary Chapel, Capistrano Beach
November 11	VFW Veterans Day Ceremony, Dana Point Veterans Memorial

Council Member Steven Weinberg

November 9	OCFA Budget and Finance Meeting
November 11	Veterans Day Ceremony