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**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
NOVEMBER 28, 2011**

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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 Mayor Schoeffel 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 Scott Schoeffel  
Mayor Pro Tem Lara Anderson  
Council Member Lisa Bartlett  
Council Member William Brough (*Arrived at 5:02 pm*)  
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), (1 case)

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

**RECONVENE CITY COUNCIL MEETING - CALL TO ORDER**

Mayor Schoeffel reconvened the meeting at 6:05 p.m. All Council Members were present.

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Munoz stated that he had no announcement.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Brough.

**INVOCATION**

The Invocation was provided by Reverend Paul Peck.

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---

**PRESENTATIONS AND PROCLAMATIONS**

There were no Presentations or Proclamations.

**CONSENT CALENDAR**

IT WAS MOVED BY COUNCIL MEMBER STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LISA BARTLETT, ACCEPT ALL ITEMS LISTED UNDER THE CONSENT CALENDAR.

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

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

RECEIVED AND FILED.

**3. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**4. RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE APPROVAL OF THE MEASURE M2 EXPENDITURE REPORT FOR FISCAL YEAR 2010-2011**

ADOPTED RESOLUTION 11-11-28-01 ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING THE RENEWED MEASURE M (M2) EXPENDITURE REPORT FOR FISCAL YEAR 2010-2011;and*

AUTHORIZED THE MAYOR TO SIGN THE RESOLUTION ON BEHALF OF THE CITY; AND DIRECTED STAFF TO SUBMIT THE RESOLUTION FOR THE CITY OF DANA POINT TO THE ORANGE COUNTY TRANSPORTATION

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---

AUTHORITY (OCTA) TO MAINTAIN ELGIBILITY IN THE MEASURE M2 PROGRAM.

**5. DISPOSITION OF NON-ESSENTIAL CITY RECORDS**

APPROVED THE 2011 DISPOSITION OF NON-ESSENTIAL CITY RECORDS IN ACCORDANCE WITH CALIFORNIA STATE LAW AND THE CITY'S APPROVED RECORDS RETENTION SCHEDULE AND ADOPTED **RESOLUTION 11-11-28-02** ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE DISPOSITION OF CERTAIN INACTIVE CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.*

**PUBLIC COMMENTS**

Ferra Shea Coury, Dana Point, spoke regarding her desire for the City to allow residents to own female hens for fresh eggs.

**PUBLIC HEARINGS**

There were no Public Hearing Items

**UNFINISHED BUSINESS**

**6. DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT ANNUAL REPORT AND RENEWAL FOR 2012**

City Manager Chotkevys provided an introduction and Assistant City Manager Killebrew provided a staff report

Mayor Schoeffel opened the item for public comments.

Donna Kalez, San Clemente, long time business owner in Dana Point spoke regarding her support of the Tourism Business Improvement District and would like to see it to continue into 2012.

Russell Kerr, Laguna Niguel, Chairman of the Dana Point Chamber of Commerce spoke regarding his support of the Tourism Business Improvement District and encouraged the City Council to support it as well.

Mayor Schoeffel closed the item for public comments.

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---

Mayor Pro Tem Anderson voiced her concerns regarding the length of time that it has taken to reach this point and she would like to know why the logo has not been launched.

Council Member Bartlett urged everyone to be patient and to consider the scope of work involved, asserting that additional time is not an unreasonable request.

Council Member Brough voiced concerns over the lack of materials presented thus far, as well as, he would like clarification as to who the marketing firm's target audience was.

Mayor Pro Tem Anderson suggested possibly opening the advisory committee to include other Dana Point business owners to allow for additional feedback from the local community.

Mayor Schoeffel acknowledged that this process was taking longer than he had anticipated and hoped. He felt, it was a valuable asset and that he would like to give them more time but with a sense of urgency.

Council Member Weinberg stated that the Tourism Business Improvement District meets on a part time basis and presented challenges concerning time on the hoteliers.

**IT WAS MOVED BY COUNCIL MEMBER STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LISA BARTLETT, THAT THE CITY COUNCIL ADOPT RESOLUTION 11-11-28-03 ENTITLED:**

*A RESOLUTION OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE 2012 ANNUAL REPORT AND DECLARING THE INTENTION OF THE CITY COUNCIL TO CONTINUE THE PROGRAM AND ASSESSMENTS FOR THE 2012 CALENDAR YEAR FOR THE DANA POINT TOURISM BUSINESS DISTRICT (TBID); and*

**SET THE DATE FOR PUBLIC HEARING FOR RENEWAL OF THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT FOR DECEMBER 12, 2011.**

The motion carried by the following vote:

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

**NOES:** Council Member William Brough

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---

**NEW BUSINESS**

There were no New Business Items.

**PUBLIC COMMENTS**

There were no additional Public Comments received.

**STAFF REPORTS**

City Manager Chotkevys recognized Administrative Sergeant Lynn Koehmstedt on his promotion, and introduced Brian Irish as Sergeant Koehmstedt's replacement. City Manager Chotkevys also announced the return of Sergeant Russ Chilton and thanked Lt. Mark Levy and Dana Point Police Services for their overall outstanding service to the community.

City Attorney Munoz provided an update on one of the City's ongoing litigation cases involving the dispensary Holistic Health. He stated that the City received an opinion from the Court of Appeal. He added that the Court of Appeal had recently dismissed two of their appeals so the City will be moving forward. He informed the Council of the passing of Richard Dixon, former long-time City of Lake Forest Council Member.

**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.

Council Member Bartlett reported that she had attended the following:

Several Transportation Corridor Agency meetings.  
Association of California Cities - Orange County meeting.

11/17 & 11/18 - League of California Cities leadership training conference.  
11/19 - Served Thanksgiving luncheon at the Senior Center. This yearly event is presented on behalf of the Monarch Beach Sunrise Rotary.  
11/26 - Celebration of Life for Doris Walker and Jack Smith held at the Dana Point Community Center.

She encouraged residents to attend the Dana Point Winter Festival in La Plaza Park on December 10<sup>th</sup>, as well as to check out the Dana Point Parks and Recreation Guide for other great winter events, activities, and classes.

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**CITY OF DANA POINT, CALIFORNIA  
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NOVEMBER 28, 2011**

---

Council Member Brough reported that he had attended the following:

11/17 Association of California Cities OC, Cutting Red Tape reception, Costa Mesa  
11/17 Save Baby Beach group meeting, Hennessey's  
11/18 Ocean Ranch Christmas, McCool Flowers & Wee Loft

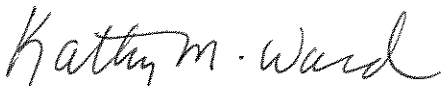
11/22 Chamber Turkey Trot Reception, Mahe Dana Point Harbor  
11/24 Chamber Turkey Trot, Dana Point Harbor  
11/26 Walker & Jack Smith Celebration of Life, Community Center

Mayor Pro Tem Anderson urged residents to attend Santa Paws and Claws presented by the Pet Project Foundation, December 3<sup>rd</sup> at Aegis from 10am to 3 pm, visit the Pet Project Foundation website for more information. She reported that there was a program through the Dana Point San Clemente Animal Shelter "Homeward Bound for the Holidays" where the shelter was offering reduced adoption rates through December 15.

Mayor Schoeffel urged residents to attend the Boat Parade event in the Dana Point Harbor starting December 9 & 10th. He reported feeling a great sense of community after attending the Celebration of Life for Doris Walker and Jack Smith.

**ADJOURNMENT**

There being no further business before the City Council at this session, Mayor Schoeffel declared the meeting adjourned in the memory of Doris Walker and Jack Smith at 6:36 p.m. and announced that the next Regular Meeting of the City Council will be held on December 12, 2011, 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 DECEMBER 12, 2011

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Meetings Attended Since the November 14, 2011 City Council Meeting:

**Council Member Steven Weinberg**

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| November 17 | Vector Control Board of Directors                           |
| November 22 | City of Dana Point Ocean Water Quality Subcommittee Meeting |

