
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JANUARY 17, 2012**

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Anderson 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 Lara Anderson
Mayor Pro Tem Steven Weinberg
Council Member Lisa A. Bartlett
Council Member William P. Brough (5:02 p.m)
Council Member J. Scott Schoeffel

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), (5 cases)
- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case) Name of Case: City of Dana Point v. California Coastal Commission, San Diego County Superior Court Case No. 37-2010-00099827 (Consolidated with San Diego County Superior Court Case No. 37-2010-00099878)

Mayor Anderson 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 Anderson reconvened the meeting at 6:07 p.m. All Council Members were present.

STAFF PRESENT - Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Kathy Ward, City Clerk; Mike Killebrew, Assistant City Manager; Mike Rose, Director of Disaster Preparedness; Lt. Mark Levy, Police Services; Kyle Butterwick, Director of Community Development; Brad Fowler, Director of Public Works/Engineering; Lynn Kelly, Management Analyst; Christy Teague, Economic Development Manager; Kevin

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Evans, Director of Community Services and Parks; Mark Sutton, Building Official; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that he had no announcement.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by former Dana Point Council Member and Mayor, Bill Bamattre.

INVOCATION

The Invocation was provided by Orange County Sheriff's Department Chaplain Kevin Torrence.

PRESENTATIONS AND PROCLAMATIONS

Recognition of Lt. Lynn Koehmstedt

Lt. Levy presented Lt. Koehmstedt with a glass plaque and a Sergeant's badge that was signed by all in Police Services in honor of Lt. Koehmstedt's contribution to the City and Police Services. Mayor Anderson presented Lt. Koehmstedt with a City Tile for his five years of service to Dana Point.

Deputy of the Year 2011 - Frank Smith

Lt. Levy recognized Deputy Frank Smith who was chosen as Deputy of the Year 2011 and presented Deputy Smith with a Certificate and an engraved obelisk. Mayor Anderson presented Deputy Smith with a Certificate of Recognition for his honor of being selected the Deputy of the Year 2011.

Volunteer of the Month - Sue Walshe, President, Pet Project Foundation

Management Analyst Kelly provided a PowerPoint presentation which provided details of the Volunteer of the Month selection, Sue Walshe. She reported that in 1991, Sue had co-founded the Animal Rescue Foundation of Dana Point with Glenda Rosen and in 2004 co-founded the Pet Project Foundation with the merger of the Animal Rescue Foundation and Friends of San Clemente Animals. She stated that through their fundraising efforts, they are able to contribute over \$350,000 dollars each year to San Clemente/Dana Point Animal Shelter. She stated that Sue has provided over 20 years of dedicated service to the community. Mayor Anderson presented Sue Walshe with a Certificate of Recognition and a "Making A Difference" award for being selected the inaugural Volunteer of the Month, January 2012.

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CONSENT CALENDAR

Council Member Brough removed Item 12 from the Consent Calendar.

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LISA A. BARTLETT, APPROVE ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 12.

The motion carried by the following vote:

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

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, DECEMBER 12, 2011

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, DECEMBER 19, 2011

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF JANUARY 9, 2012

RECEIVED AND FILED.

5. YOUTH BOARD MEETING MINUTES, DECEMBER 1, 2011

RECEIVED AND FILED.

6. YOUTH BOARD MEETING MINUTES, DECEMBER 15, 2011

RECEIVED AND FILED.

7. DANA POINT DESTINY COMMITTEE MINUTES, OCTOBER 12, 2011

RECEIVED AND FILED.

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8. ARTS AND CULTURE COMMISSION MINUTES, NOVEMBER 16, 2011

RECEIVED AND FILED.

9. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

10. CITY TREASURER'S REPORT, DECEMBER 2011

RECEIVED AND FILED THE CITY TREASURERS REPORT FOR THE MONTH OF DECEMBER 2011.

11. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

12. 2012 DANA POINT SUMMER CONCERT SERIES

Council Member William Brough removed this item from the Consent Calendar.

Council Member Brough stated that people had commented to him that they when the concerts are held at Heritage Park and that it should be a consideration in the future.

IT WAS MOVED BY COUNCIL MEMBER LISA BARTLETT, SECONDED BY MAYOR PRO TEM STEVEN WEINBERG, THAT THE CITY COUNCIL APPROVE THE RECOMMENDATION TO CONDUCT THE 2012 DANA POINT SUMMER CONCERT SERIES AT HERITAGE, LANTERN BAY, AND SEA TERRACE PARKS AS PROPOSED BY STAFF.

The motion carried by the following vote:

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

NOES: None

13. INTRODUCTION AND FIRST READING OF TWO ORDINANCES AMENDING TITLE 10 ANIMAL CONTROL, WELFARE AND LICENSING REQUIREMENTS OF THE DANA POINT MUNICIPAL CODE

INTRODUCED AND HELD FIRST READING OF AN ORDINANCE ENTITLED:

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADDING A NEW SECTION 10.09.200, RELATING TO THE REDEMPTION OF UNALTERED ANIMALS TO THE DANA POINT MUNICIPAL CODE AND AMENDING SECTION 10.01.010 OF THE DANA POINT MUNICIPAL CODE RELATING TO ANIMAL CONTROL, WELFARE AND LICENSING REQUIREMENTS; and

INTRODUCED AND HELD FIRST READING OF AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADDING SECTION 10.10.140 TO THE DANA POINT MUNICIPAL CODE AND AMENDING SECTIONS 9.75.270, 10.01.010, 10.03.070, 10.08.060, 10.10.010 AND 10.10.130 OF THE DANA POINT MUNICIPAL CODE RELATING TO THE PROHIBITION OF RETAIL SALE OF DOGS AND CATS IN COMMERCIAL ANIMAL ESTABLISHMENTS.

PUBLIC COMMENTS

Pam Tappan, Capistrano Beach, spoke regarding ocean water quality and the potential banning of plastic bags and Styrofoam.

PUBLIC HEARINGS

14. APPEAL OF PLANNING COMMISSION APPROVAL OF COASTAL DEVELOPMENT PERMIT CDP11-0003 AND ENVIRONMENTAL IMPACT REPORT (SCH #2010041056) FOR PACIFIC COAST HIGHWAY/DEL PRADO PHASE I STREETScape IMPROVEMENTS PROJECT

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

Mayor Anderson opened the Public Hearing.

Whitney Hodges representing American Commercial Equities LLC (Appellant), stated that a major concern of ACE relating to the streetscape improvement project was losing the curb-cuts on Del Prado which provide access to their properties. She added that ACE felt that it would have a significant and substantial effect on the existing uses of their properties. She stated that the appeal was brought forward in order to protect ACE's legal rights and to exhaust their administrative remedies.

City Attorney Cosgrove summarized the reasons that staff believes the appeal should be denied. He clarified that this is a road improvement project and that this is what staff has analyzed. He stated that with respect to the transportation

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issues, the traffic engineers have twice analyzed the alleyway and the alleyway access and have found that it will be sufficient for the traffic generated at project build out. He added that the project will create eight additional striped, on street parking spaces. He stated that there was not requirement to re-circulate the EIR and he felt that City has done what was called for by CEQA. He added that for all of these reasons, staff believes the Planning Commission's determination should be upheld and recommended approval of the Resolution and certification of the EIR as final.

J. Richard Faulk, Dana Point, questioned whether the residents had been properly represented. He felt that the City shouldn't go forward with the project due to the recession.

Whitney Hodges stated that she disagreed with Mr. Cosgrove's assessment of their appeal and stated that they were ready to move forward with litigation.

Mayor Anderson closed the Public Hearing.

Council Member Schoeffel stated that he had read the staff report and listened to the presentation this evening. He felt that the appeal was not well taken and recommended a motion to deny the appeal.

IT WAS MOVED BY COUNCIL MEMBER SCOTT SCHOEFFEL, SECONDED BY MAYOR PRO TEM STEVEN WEINBERG, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING, DENY THE APPEAL, AND ADOPT A RESOLUTION UPHOLDING THE PLANNING COMMISSION APPROVAL OF COASTAL DEVELOPMENT PERMIT CDP11-0003, AND CERTIFICATION OF THE FINAL PROJECT ENVIRONMENTAL IMPACT REPORT NO. 2010041056 AND ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM (MMRP).

The motion carried by the following vote:

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

NOES: None

15. ANNUAL REVIEW OF THE GENERAL GOVERNMENT IMPACT FACILITIES AND TRANSPORTATION FACILITIES DEVELOPMENT IMPACT FEES

City Manager Chotkevys provided a staff report.

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There being no requests to speak on this item, Mayor Anderson opened and closed the Public Hearing.

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER SCOTT SCHOEFFEL, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING AND ADOPT **RESOLUTION 12-01-17-02** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REAFFIRMING THE APPLICATION OF THE GENERAL GOVERNMENT FACILITIES AND TRANSPORTATION FACILITIES DEVELOPMENT IMPACT FEE PROGRAM FOR ALL NEW DEVELOPMENT LOCATED WITHIN THE CITY OF DANA POINT FOR THE 2010-2011 FISCAL YEAR.

The motion carried by the following vote:

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

NOES: None

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

There was no New Business.

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 Schoeffel announced that there will be a joint meeting held with the City Council and the Planning Commission on January 31, 2012 at the Dana Point Community Center at 5:00 p.m. He stated that the Dana Point Symphony was set to start February 10th at St. Edwards Catholic Church at 7:30 p.m.

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Council Member William Brough stated that he had turned in his meetings attended to the City Clerk.

Council Member Lisa Bartlett reported that she had attended several Transportation Corridor Agency, Association of California Cities-Orange County and Southern California Association of Government meetings. She encouraged everyone to check out the City's Park and Recreation Guide as there are some great activities and events coming up. She stated that the Dana Point 2012 calendar was now available. She announced that on January 26 the Dana Point Chamber of Commerce Installation Dinner will be held at the Laguna Cliffs Marriott. She stated that on February 3 and 4 *Jazz in January* at the Ocean Institute will be held which features several well-known jazz artists. She added that tickets were available at www.ocean-institute.org or call 949-496-2274.

Mayor Pro Tem Steven Weinberg stated that he had turned in his meetings attended to the City Clerk.

Mayor Anderson stated that she had turned in her list of meetings attended to the City Clerk. She announced that Brad Fowler had been named Engineer of the Year for 2011 by the Orange County Chapter of the American Society of Civil Engineers. She stated that it was everyone's last chance to vote for the Best of Dana Point Lantern Awards in the Dana Point Times. She added that anyone who wanted to vote could log onto www.danapointtimes.com and vote for their favorite Dana Point business. She stated that the polls will close on January 20th. She reported that on January 25th the Historical Society would be holding a program meeting and potluck dinner at St. Edwards Church where Doug Chotkevys will be the key speaker.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Anderson declared the meeting adjourned at 7:08 p.m. She announced that the City Council would next be meeting with the Planning Commission for a Joint Meeting to be held on January 31, 2012 at 5:00 p.m. in the Dana Point Community Center located at 34052 Del Obispo, Dana Point, California.

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Meetings Attended Since the December 12, 2011 City Council Meeting:

Mayor Lara Anderson

December 13	City Holiday Luncheon
December 15	Friends of the Dana Point Library Annual Meeting VIPS Holiday Dinner
December 16	Dana Point Harbor Boat Parade Judging
January 5	Provided a "City Update" speech to Dana Point Woman's Club
January 17	Provided a "City Update" speech to Niguel Shores Men's Club

Mayor Pro Tem Steven Weinberg

December 13	City Holiday Luncheon
December 14	DP Chamber Holiday Party
December 15	Vector Control Budget & Finance Vector Control Board of Directors DP Police Services Recognition
January 11	OCFA Budget and Finance
January 17	Doheny Village Meeting with ROMA

Council Member William Brough

December 13	City Holiday Luncheon
December 14	DP Chamber Holiday Mixer
December 15	DP Police VIPS dinner
December 16	Judge for DP Harbor boat parade
January 16	Lance Corporal Donald Hogan Navy Cross ceremony, Camp Pendleton