

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
MARCH 6, 2012
5:00 P.M.**

ACTION AGENDA

Location: City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point, California 92629

Next City Council Ordinance No. 12-04

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 5:01 p.m. in the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point.

ROLL CALL OF CITY COUNCIL MEMBERS:

Lara Anderson, Mayor
Steven Weinberg, Mayor Pro Tem
Lisa A. Bartlett, Council Member
William P. Brough, Council Member
J. Scott Schoeffel, Council Member

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)

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 6:00 p.m. All Council Members were present.

STAFF PRESENT: Douglas C. Chotkevys, City Manager; A. 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 Evans, Director of Community Services and Parks; Mark Sutton, Building Official; John Tilton, City Architect; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Yesenia Garcia from the Boys and Girls Club of Capistrano Valley.

INVOCATION

The Invocation was provided by Associate Pastor Sabrina Vasta from Gloria Dei Lutheran Church.

PRESENTATIONS AND PROCLAMATIONS

Volunteer of the Month – June Bauer
Boys & Girls Club of Capistrano Valley Youth of the Year – Yesenia Garcia
Recognition of Sgt. Major Ernest Hoopii

CONSENT CALENDAR

Mayor Pro Tem Weinberg stated that he will need to recuse himself from Item #9 due to a potential conflict of interest.

A member of the public removed Item #9 and Council Member Brough removed Item #10 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER BARTLETT, SECONDED BY COUNCIL MEMBER BROUGH, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 9 AND 10.

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

ABSENT: 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, FEBRUARY 21, 2012

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, FEBRUARY 13, 2012

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF FEBRUARY 27, 2012

RECEIVED AND FILED.

5. TRAFFIC IMPROVEMENT SUBCOMMITTEE MINUTES, SEPTEMBER 21, 2011

RECEIVED AND FILED.

6. ARTS AND CULTURE COMMISSION MINUTES, JANUARY 18, 2012

RECEIVED AND FILED.

7. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

8. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

9. ADOPTION OF THE UPDATED VERY HIGH FIRE HAZARD SEVERITY AND EMBER ZONES MAP, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS

Mayor Pro Tem Weinberg left the Council Chamber.

This item was removed from the Consent Calendar by a member of the public.

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY COUNCIL MEMBER BROUGH, THAT THE CITY COUNCIL INTRODUCES FOR FIRST READING AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTERS 8.02, 8.03, 8.18 AND ADDING CHAPTER 8.42 OF TITLE 8 OF THE DANA POINT MUNICIPAL CODE ADOPTING VERY HIGH FIRE HAZARD SEVERITY AND EMBER ZONES MAP, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS; and

ADOPT RESOLUTION 12-03-06-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, SETTING FORTH FINDINGS WITH RESPECT TO LOCAL CONDITIONS WITHIN THE CITY OF DANA POINT WHICH MAKE CERTAIN MODIFICATIONS AND CHANGES TO THE CALIFORNIA BUILDING CODE, CALIFORNIA RESIDENTIAL CODE AND UNIFORM SWIMMING POOL, SPA AND HOT TUB CODE REASONABLY NECESSARY FOR DIFFERENT OCCUPANCIES; and

INSTRUCT THE BUILDING OFFICIAL TO FILE THE RESOLUTION WITH THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND THE CALIFORNIA BUILDING STANDARDS COMMISSION.

The motion carried by the following vote:

AYES: Council Member Lisa Bartlett, Council Member William Brough, Council Member Scott Schoeffel, and Mayor Lara Anderson

NOES: None

ABSENT: Mayor Pro Tem Weinberg

Mayor Pro Tem Weinberg returned to the Council Chamber.

10. SECOND READING AND ADOPTION OF AN ORDINANCE ADDING A NEW CHAPTER 6.47 "PLASTIC CARRY-OUT BAGS" TO TITLE 6 OF THE DANA POINT MUNICIPAL CODE PROHIBITING THE DISTRIBUTION OF SINGLE-USE PLASTIC CARRY-OUT BAGS AT THE POINT OF SALE AT LOCAL RETAIL ESTABLISHMENTS

This item was removed from the Consent Calendar by Council Member Brough.

IT WAS MOVED BY MAYOR PRO TEM WEINBERG, SECONDED BY COUNCIL MEMBER BARTLETT, THAT THE CITY COUNCIL HOLD A SECOND READING AND ADOPT WITH THE ELIMINATION OF RESTAURANTS FROM THE LANGUAGE **ORDINANCE 12-04** ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADDING A NEW CHAPTER 6.47 "PLASTIC CARRY-OUT BAGS" TO TITLE 6 OF THE DANA POINT MUNICIPAL CODE PROHIBITING THE DISTRIBUTION OF SINGLE-USE PLASTIC CARRY-OUT BAGS AT THE POINT-OF-SALE AT LOCAL RETAIL ESTABLISHMENTS.

The motion carried by the following vote:

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

NOES: Council Member William Brough

ABSENT: None

11. AWARD OF CONTRACT FOR THE STAGE AND SOUND SYSTEM FOR THE 2012 CITY OF DANA POINT CALENDAR OF EVENTS

APPROVED THE FOLLOWING FOR STAGE AND SOUND SYSTEM FOR THE 2012 CITY OF DANA POINT CALENDAR OF EVENTS: 1) CONTRACT WITH SOUTHERN CALIFORNIA SOUND STAGE & LIGHTING CORPORATION, DBA STAR WAY PRODUCTIONS FOR STAGE AND SOUND FOR 15 SPECIAL EVENTS IN THE 2012 CITY OF DANA POINT CALENDAR OF EVENTS; AND 2) AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT.

12. AWARD OF CONTRACT FOR THE DANA POINT FRIDAY NIGHT MOVIES IN THE PARK

APPROVED OF THE CONTRACT WITH JOHN SNYDER, HOLLYWOOD OUTDOOR MOVIES TO PROVIDE THE MOVIE SCREEN, SOUND SYSTEM, MOVIE AND THE TECHNICIAN FOR THE 2012 DANA POINT FRIDAY NIGHT MOVIES IN THE PARK.

13. AWARD OF CONTRACT FOR THE 4TH OF JULY AERIAL FIREWORKS DISPLAY AND BARGE CONTRACT

APPROVED THE FOLLOWING FOR THE 2012 FOURTH OF JULY AERIAL FIREWORKS DISPLAY: 1) CONTRACT WITH BAY FIREWORKS FOR THE AERIAL DISPLAY; 2) CONTRACT WITH PACIFIC TUGBOAT TO PROVIDE A TUG AND BARGE TO BE USED AS THE STAGING AREA FOR THE FIREWORKS DISPLAY; AND 3) AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENTS.

PUBLIC COMMENTS

Gene Burrus
Ingrid McGuire
Wayne Yost
Jim Manley
Janna Evans
David Drenick
Karen Millard

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

14. APPROVAL OF ORANGEMAN TRIATHLON SPECIAL EVENT AT REVISED LOCATION

IT WAS MOVED BY COUNCIL MEMBER BROUGH, SECONDED BY MAYOR PRO TEM WEINBERG, THAT THE CITY COUNCIL AUTHORIZE STAFF TO PROCESS A SPECIAL EVENT PERMIT TO ALLOW THE ORANGEMAN TRIATHLON EVENT IN DANA POINT STAGED OUT OF DOHENY STATE BEACH.

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

ABSENT: None

15. CONSIDERATION OF A RESOLUTION OF SUPPORT FOR PETITION TO THE FAIR POLITICAL PRACTICES COMMISSION TO AMEND REGULATION 18705.5

IT WAS MOVED BY MAYOR PRO TEM WEINBERG, SECONDED BY COUNCIL MEMBER BROUGH, THAT THE CITY COUNCIL ADOPT **RESOLUTION 12-03-06-02** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT SUPPORTING THE PETITION TO AMEND TITLE 2, CALIFORNIA CODE OF REGULATIONS SECTION 18705.5.

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

ABSENT: None

PUBLIC COMMENTS (Continued)

There were no additional Public Comments received.

STAFF REPORTS

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Anderson declared the meeting adjourned at 7:09 p.m. She announced that the next Regular Meeting of the City Council will be March 20, 2012, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.