
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
FEBRUARY 21, 2012**

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by City Clerk Ward at 5:00 p.m. in the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point. City Clerk Ward announced that the meeting was adjourned to 6:00 p.m. due to a lack of quorum.

RECONVENE CITY COUNCIL MEETING - 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 6:02 p.m. at 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 Bartlett
Council Member William Brough (*teleconferencing*)
Council Member Scott Schoeffel

Absent: None

STAFF PRESENT:

Douglas C. Chotkevys, City Manager; Jennifer Farrell; Assistant 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; Matthew Sinacori, City Engineer; Christy Teague, Economic Development Manager; Kevin Evans, Director of Community Services and Parks; Shelley Velez, Personnel Analyst; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

CLOSED SESSION

There were no Closed Session items.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Pete Hammer of VFW Post 9934.

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INVOCATION

The Invocation was provided by Veterans of Foreign Wars Post 9934 Chaplain Mori Hansen.

PRESENTATIONS AND PROCLAMATIONS

VFW Voice of Democracy Award Winner

Joe Snyder Commander of the VFW asked Kelly Gomez to join him. Kelly Gomez read her winning essay. Commander Fowler presented Ms. Gomez with a check and plaque on behalf of the VFW Post 9934. Mayor Anderson presented Ms. Gomez with a Mayor's Commendation for her being selected the VFW Voice of Democracy winner.

VFW 2011 Deputy of the Year

Commander Snyder presented Lt. Lynn Koehmstedt with a certificate and a check for being selected the 2011 Deputy of the Year. Mayor Anderson presented a Certificate of Recognition to Lt. Koehmstedt for his recognition.

VFW 2011 Firefighter of the Year

Commander Snyder presented a certificate and a check to Tom Forrester for being selected the 2011 Firefighter of the Year. Mayor Anderson presented a Certificate of Recognition to Firefighter Forrester for his recognition.

VFW 2011 Reserve Firefighter/EMT of the Year

Commander Snyder presented a certificate and a check to Scott Mermel for being selected the 2011 Reserve Firefighter/EMT of the Year. Mayor Anderson presented Firefighter Mermel with a Certificate of Recognition for his recognition.

Hide It, Lock It or Lose It Presentation

Sergeant Greenwood provided an update on the *Hide It, Lock It, or Lose It Program*. He outlined what Police Services had planned for the 2012 calendar year.

MADD presentation to Deputies Calder and Contreras

Danielle Olsen representative from MADD presented an award to Deputy Calder in recognition of his 25 DUI arrests in 2011 and an award to Deputy Contreras for his 34 DUI arrests in 2011.

CONSENT CALENDAR

Staff removed Item 12 from the Consent Calendar.

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

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

NOES: Council Member William Brough

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 7, 2012

APPROVED THE MINUTES.

3. JOINT CITY COUNCIL/PLANNING COMMISSION MEETING MINUTES, JANUARY 31, 2012

APPROVED THE MINUTES.

4. PLANNING COMMISSION MEETING MINUTES, JANUARY 23, 2012

RECEIVED AND FILED.

5. PLANNING COMMISSION ACTIONS, MEETING OF FEBRUARY 13, 2012

RECEIVED AND FILED.

6. YOUTH BOARD MEETING MINUTES, FEBRUARY 2, 2012

RECEIVED AND FILED.

7. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

8. CITY TREASURER'S REPORT, JANUARY 2012

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF JANUARY 2012.

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9. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

10. 2012 WEED ABATEMENT PROGRAM

ADOPTED RESOLUTION 12-02-21-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DECLARING WEEDS A PUBLIC NUISANCE AND INITIATING ABATEMENT PROCEEDINGS.

11. ANNUAL REVIEW OF INVESTMENT POLICY

APPROVED THE CITY'S STATEMENT OF SAFEKEEPING AND INVESTMENT OF PUBLIC FUNDS POLICY (INVESTMENT POLICY) AND APPROVE THE SELECTION OF BANK OF AMERICA/MERRILL LYNCH GLOBAL CUSTODY AND AGENCY SERVICES TO PROVIDE SAFEKEEPING SERVICES.

12. SECOND READING AND ADOPTION OF AN ORDINANCE ADDING A NEW CHAPTER 6.46 "EXPANDED POLYSTYRENE FOOD SERVICE WARE" TO TITLE 6 OF THE DANA POINT MUNICIPAL CODE PROHIBITING THE DISTRIBUTION OF EXPANDED POLYSTYRENE (STYROFOAM) FOOD SERVICE WARE AT LOCAL FOOD VENDORS, CITY FACILITIES, AND CITY SPONSORED EVENTS

This item was removed from the Consent Calendar by staff.

Mayor opened the Public Comments.

Frances Lam, Irvine, volunteer with Surfrider Foundation, thanked the City Council for this Ordinance.

Denise Erkeneff, Dana Point, volunteer with Surfrider Foundation, thanked the City Council for moving swiftly on this Ordinance.

Rick Erkeneff, Dana Point, felt that there are many opportunities to brand the City and he showed a cup that he had received when he purchased coffee in Huntington Beach as an example of what could be done.

Patti Short, Dana Point, thanked the City Council and staff for moving this Ordinance forward.

Mayor Anderson closed the Public Comments.

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IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER SCOTT SCHOEFFEL, ADOPT **ORDINANCE 12-03** ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADDING A NEW CHAPTER 6.46 "EXPANDED POLYSTYRENE FOOD SERVICE WARE" TO TITLE 6 OF THE DANA POINT MUNICIPAL CODE PROHIBITING THE DISTRIBUTION OF EXPANDED POLYSTYRENE (STYROFOAM) FOOD SERVICE WARE AT LOCAL FOOD VENDORS, CITY FACILITIES, AND CITY SPONSORED EVENTS.

The motion carried by the following vote:

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

NOES: Council Member William Brough

13. 2011-2012 SALARY RANGES FOR REPRESENTED EMPLOYEE CLASSIFICATIONS

ADOPTED RESOLUTION 12-02-21-02 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING SALARY RANGES FOR REPRESENTED CLASSIFICATIONS.

PUBLIC COMMENTS

Martha McNicholas, Laguna Niguel, stated that she was a representative of the 2012 Dana Hills Grad Nite Committee. She thanked the City Council for their donation to Grad Nite. She announced that the 16th Annual Taste of Dana was scheduled for March 21st. She stated that right now they had eighteen (18) restaurants participating and that they would appreciate every donation.

Pam Tappan, Capistrano Beach, stated that she was concerned with the Volunteer of the Month Program. She felt that this program was a slap in the face of the retailers as this program used to be the Business of the Month and would showcase local businesses. She stated that the little bit of publicity they received could be the difference whether they stay in business or not. She asked the Mayor to bring back the Business of the Month and support the local retailers.

PUBLIC HEARINGS

There were no Public Hearings.

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UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

14. CONSIDERATION OF A NEGATIVE DECLARATION FOR PROHIBITING THE DISTRIBUTION OF SINGLE-USE PLASTIC CARRYOUT BAGS AT THE POINT-OF-SALE AT LOCAL RETAIL ESTABLISHMENTS AND INTRODUCTION AND FIRST READING 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

City Manager Chotkevys provided a staff report.

Jennifer Farrell reported that the City had received a renewed threat of litigation from the *Save the Plastic Bag Coalition* this afternoon. She stated that she has reviewed the arguments of their other cases and did not feel that they had any merit. She added that the Coalition is supported by the plastic bag industry and that it would not surprise her if they followed through on their threat.

Mayor Anderson opened the public comments.

Pam Tappan, Capistrano Beach, spoke in opposition of the ban on plastic bags.

Terry Walsh, Dana Point, stated that there were a lot of things that people could do to clean up the City. He felt that banning plastic bags was going in the wrong direction and that it was a very small part of the problem. He stated that he supported the Ordinance that Council Member Brough was proposing.

Sarah Sheehy, California Grocers Association, felt that the Ordinance without regulating paper bags was not the way to go. She stated that mandating a charge for paper incentivizes people to bring their own reusable bags. She added that without the charge, the customers just switch to paper costing the retailers anywhere from \$60-80,000 dollars a year per store and does not garner the desired environmental changes.

Carlos Olvera, Dana Point, spoke about the definition of a "green city". He felt that a ban on plastic bags was punishing the constituents.

Rick Erkeneff, Dana Point, spoke about plastic bags and how they represent a throw-away society.

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Ross Teasley, Dana Point, summarized the actions of what has happened in the past two years on this issue.

Denise Erkeneff, Dana Point, reported that at the last beach clean-up, they had collected 750 plastic bags. She urged the City Council to include restaurants in the Ordinance.

Alan Wickstrom, Dana Point, stated that since the last meeting there have been many conversations with Chamber of Commerce members and Board members. He asked for support of Council Member Brough's Ordinance as a serious alternative.

John Hicks, Laguna Niguel, stated that he was concerned about the Ordinance. He urged the City Council to not approve of the Ordinance as drafted and to reconsider to allow time to work with businesses and stakeholders to create a plan that doesn't require a mandated tax or fee.

Diana Poulos, Dana Point, asked the City Council to not hold the first reading and to review Council Member Brough's draft Ordinance as a possible replacement to the ban. She felt that recycle bins should be placed next to every trash can in the City to make it easier for people to recycle. She stated that if the City Council is not interested in an alternative, she felt that the Ordinance should be sent to the Destiny Committee so that the incentives that have been discussed can be included.

Jim Miller, Dana Point, stated that the Harbor merchants cannot support the Ordinance as proposed since it does not include the incentives that were discussed at the last meeting. He added that the City Council should direct the Destiny Committee to develop the incentive portion as promised. He felt that Council Member Brough's Ordinance addresses the whole issue and not just plastic bags.

Russell Kerr, Laguna Niguel, Chairman Dana Point Chamber of Commerce, asked for time to review all of the issues. He felt that the Ordinance should be all inclusive and not piecemeal.

Mayor Anderson closed the Public Comments.

Council Member Brough spoke regarding his draft Ordinance. He stated that it was drafted in response to the concerns of the local businesses. He added that he tried to find common ground and felt that this issue has become divisive. He stated that he would like to provide businesses with incentives to do this right. He felt that the easy thing is to ban the bags, but the hard thing to do is to make Dana Point a trash free zone. He asked for consideration of his Ordinance.

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Mayor Anderson stated that moving towards a trash free program would be a great thing and that she finds Council Member Brough's proposal interesting.

Council Member Bartlett stated that a trash free Dana Point would be great, but how does the City Council implement that. She added that there were some things that were easy to control at the point of sale and she felt that banning Styrofoam containers and single-use plastic bags were a start.

Mayor Pro Tem Weinberg stated that it wasn't an education problem; it is people who don't care. He felt that this ban was overdue. He added that by passing the Ordinance tonight, the City Council had time to create an incentive program.

Mayor Pro Tem Weinberg made a motion to adopt a Negative Declaration for prohibiting the distribution of single-use plastic carryout bags at the point-of-sale at local retail establishments and introduced an ordinance for first reading 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. Council Member Schoeffel seconded the motion for discussion.

Council Member Schoeffel felt that the Ordinance has the changes that the City Council had agreed upon at the last meeting. He stated that Council Member Brough brought up a good point that the refuse problem and control of refuse does not begin and end with plastic bags and Styrofoam products. He urged City staff to work with Council Member Brough as he felt that his proposed Ordinance could be the foundation of the incentive program.

Mayor Anderson felt that the City Council should make it formal that staff will be looking at an incentive program. She asked if the language should be included in the Ordinance to direct staff to work with the Dana Point Destiny Committee.

Mayor Pro Tem Weinberg asked if the City Council should include the direction to staff as a separate item rather than including the language in the Ordinance.

City Manager Chotkevys replied that the City Council could direct staff to include in the Ordinance as a "Whereas" that the Council has directed staff to work with the Dana Point Destiny Committee to return with an incentive program for Council consideration. He stated that he would clarify that staff would be directed to work within the framework of the Dana Point Destiny Committee to review and receive comment on Council Member Brough's proposed Ordinance.

Council Member Schoeffel felt that it was appropriate to include the language in the legislative intent portion of the Ordinance. He stated then with the consensus of the Council, direct staff to work with the Dana Point Destiny Committee to

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develop appropriate incentives as well as discuss Council Member Brough's zero trash Ordinance. He felt that the draft Ordinance was a fitting compliment and that the City would be well served by any thought in that direction.

Council Member Brough stated that he was sad that his colleagues didn't hear the concerns of the local businesses.

Council Member Schoeffel replied that he heard them that we just differ on how to approach a solution to what we both agree is a problem.

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER SCOTT SCHOEFFEL, ADOPT **RESOLUTION 12-02-21-03** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION FOR PROHIBITING THE DISTRIBUTION OF SINGLE-USE PLASTIC CARRYOUT BAGS AT THE POINT-OF-SALE AT LOCAL RETAIL ESTABLISHMENTS; AND

INTRODUCED FOR FIRST READING AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL FO THE CITY OF DANA POINT, CALIFORNIA, ADDITING 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 INCLUDING NEW LANGUAGE IN THE LEGISLATIVE INTENT DIRECTING STAFF TO WORK WITH THE DANA POINT DESTINY COMMITTEE TO DEVELOP AN INCENTIVE PROGRAM AND DISCUSS OTHER PROGRAMS TO MAKE DANA POINT A TRASH FREE CITY.

The motion carried by the following vote:

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

NOES: Council Member William Brough

15. NATIONAL ENDOWMENT FOR THE ARTS GRANT FOR A MASTER PLAN FOR PUBLIC ART

City Manager Chotkevys provided a staff report.

Council Member Schoeffel asked when the City could expect a response on the grant application.

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Director Butterwick replied that we should be notified sometime in early summer. He added that if staff is successful, the funds will be available by the end of the year.

Mayor Anderson opened the Public Comments.

Alan Wickstrom, Dana Point, stated that he hoped that the City Council would support this item.

Mayor Anderson closed the Public Comments.

Council Member Schoeffel felt that this was an absolutely outstanding opportunity for the City to take and that he would support the item.

IT WAS MOVED BY COUNCIL MEMBER LISA BARTLETT, SECONDED BY MAYOR PRO TEM STEVEN WEINBERG, ADOPT **RESOLUTION 12-02-21-04** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FOR A MASTER PLAN FOR PUBLIC ART FROM THE NATIONAL ENDOWMENT FOR THE ARTS; AND

AUTHORIZED THE MAYOR TO SIGN A LETTER OF SUPPORT FOR THE NATIONAL ENDOWMENT FOR THE ARTS GRANT APPLICATION FOR DEVELOPMENT OF A PUBLIC ART MASTER PLAN.

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

PUBLIC COMMENTS

There were no additional Public Comments received.

STAFF REPORTS

City Manager Chotkevys stated that the *Hide it, Lock it, Lose it* Program was made possible by the vision of Mark Levy. He felt that the program will be part of his legacy. He stated that the program has been copied by cities throughout the country. He felt that Mark has done a tremendous job serving our community.

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COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Schoeffel reported that the second Dana Point Symphony concert was scheduled for March 9th at 7:30 p.m. at St. Edwards.

Council Member Bartlett reported that she had attended board and commission meetings for SCAG, TCA, and ACC-OC. She stated that she had attended the *Healthy Pet* grand opening on Del Obispo in the Albertson's shopping center. She encouraged people to participate in the upcoming Festival of Whales events.

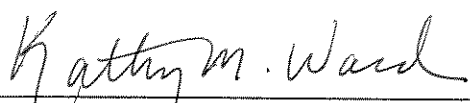
Council Member Brough stated that he had turned in his list of meetings attended to the City Clerk.

Mayor Pro Tem Weinberg reported that he had turned in his list of meetings attended to the City Clerk.

Mayor Anderson reported that she had turned in her list of meetings attended to the City Clerk. She announced that Bulky Item Drop Off is scheduled for this Saturday from 7:30 a.m. to 2:30 p.m. at Dana Hills High School and Palisades Elementary.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Anderson declared the meeting adjourned at 8:09 p.m. She announced that the next Regular Meeting of the City Council will be March 6, 2012, 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 MARCH 6, 2012

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Meetings Attended Since the February 7, 2012 City Council Meeting:

Mayor Lara Anderson

February 8	Provided a "City Update" speech to South OC Realtors group
February 9	Presented proclamation to Carolyn Hopkins, retiring Dana Point Children's Librarian
February 11	VFW District 2-OC Official Visit Banquet
February 13	Healthy Pet Ribbon Cutting

Mayor Pro Tem Steven Weinberg

February 8	OCFA Budget and Finance Committee Meeting
February 9	OCFA Mapping Meeting
February 10	Dana Point Symphony
February 16	Vector Control Budget and Finance Committee Meeting
	Vector Control Board of Directors Meeting

Council Member William Brough

February 9	South County Watershed Management Executive Committee meeting
February 10	VFW Golf Fundraiser
February 11	VFW District 2 banquet, Doubletree
February 13	Chamber ribbon cutting for Healthy Pet, Albertson's plaza
February 16	Chamber Valentine's Day mixer at Gemmel's