
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
MARCH 6, 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 Bartlett
Council Member William Brough
Council Member 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), (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; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

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CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that he had no report.

PLEDGE OF ALLEGIANCE

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

INVOCATION

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

PRESENTATIONS AND PROCLAMATIONS

Management Analyst Kelly provided a PowerPoint presentation regarding June Bauer. She reported that June has been an integral part of the Friends of the Library for the past sixteen years where she currently serves as the Vice President and Manager of the Friends' bookstore. She stated that of the sixteen years that June has served on the Board of Directors; five of those were spent as the President. She added that in addition, June manages the membership of the newsletter, works in the bookstore, and manages the scheduling for over 100 volunteers. She stated that June has facilitated the fundraising efforts of One Million dollars through book sales, fundraisers, silent auctions, special sales, and book consignment sales. Mayor Anderson presented a Certificate of Recognition and a "Making a Difference Award" to June Bauer for her efforts with the library and her many other volunteer efforts.

James Littlejohn, Executive Director of the Boys and Girls Club of Capistrano Valley introduced Nicole Bellair. Nicole provided details of Yesenia Garcia's background who had been chosen as the Youth of the Year. Mayor Anderson presented a Certificate of Recognition to Ms. Garcia for her honor.

Mayor Anderson presented a Proclamation to Sergeant Major Ernest Hoopi honoring him for his dedication to our country and his assistance with the 5th Marine Regiment Support Group. Sergeant Major Hoopi has been selected the Sergeant Major of Installation in North Carolina.

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.

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IT WAS MOVED BY COUNCIL MEMBER LISA BARTLETT, SECONDED BY COUNCIL MEMBER WILLIAM BROUGH, ACCEPT 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

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.

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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.

A Member of the staff removed this item from the Consent Calendar.

Mayor Anderson opened the Public Comments.

Carlos Olvera, Dana Point, spoke about a 2003 Grand Jury report regarding wood shingle roofs. He stated that he supports this Ordinance.

Mayor Anderson closed the Public Comments.

IT WAS MOVED BY COUNCIL MEMBER SCOTT SCHOEFFEL, SECONDED BY COUNCIL MEMBER WILLIAM BROUGH, INTRODUCE 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 AND CALIFORNIA RESIDENTIAL CODE; AND

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

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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

RECUSE: Mayor Pro Tem Steven 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

Council Member Brough removed this item from the Consent Calendar.

City Manager Chotkevys provided a staff report.

Mayor Anderson opened the Public Comments.

Frances Lam, Irvine, thanked the City of Dana Point for recognizing the impact that people have on the ecosystem.

Mayor Anderson closed the Public Comments.

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LISA BARTLETT, 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 Scott Schoeffel, Council Member Lisa Bartlett, Mayor Pro Tem Steven Weinberg, and Mayor Lara Anderson

NOES: Council Member William Brough

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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, Dana Point, announced that the City would be hosting a St. Patrick's Day luncheon. He stated that if you would like to attend, to make a reservation by contacting Vanna Murphy at 496-4252. He added that Council Member Schoeffel will be performing. He reminded everyone that the Festival of Whales will continue this weekend in the Harbor.

Ingrid McGuire, Dana Point, spoke regarding the Festival of Whales parade and how she felt that it was the best ever.

Wayne Yost, Dana Point, stated that he was in support of the dog fun zone being built in Dana Woods. He asked for the letter from the Parks and Recreation Department to be sent out to the other communities surrounding Dana Woods that also use the park on a regular basis.

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Jim Manley, Dana Point, felt that the dog fun zone was being forced into an area that doesn't fit. He stated that the dog park will be 100 steps from his home.

Janet Evans, Dana Point, stated that she opposes the dog park in Dana Woods. She added that their CC&R's are very strict and that the chain link fence for the dog park is not consistent. She felt that the park was built to enhance the community and that there was a lack of available parking for this park. She felt that the curve in the street will be dangerous and she was worried for the kids that play in the cul-de-sacs.

David Drennick, Dana Point, congratulated the City Council on the plastic bag ban. He stated that he supports the concept of a dog park at Dana Woods. He felt that it was the most underutilized park in Dana Point.

Karen Millard, Dana Point, stated that she opposes the dog park in Dana Woods. She added that the black chain link fence was not attractive in their park. She felt that the Dana Woods resident's comments should be weighted more heavily than those who don't live there because they are the ones who have to live next to the dog park. She stated that she was concerned for the children playing in the cul-de-sacs.

City Manager Chotkevys replied that this was not done on a whim, but after receiving requests from Dana Woods residents. He stated that the dog fun zone was going to be on a 90-day trial basis. He added that in light of the concerns received, the project has been placed on hold to allow staff to receive more comments and meet with the homeowners association board.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

14. APPROVAL OF ORANGEMAN TRIATHLON SPECIAL EVENT AT REVISED LOCATION

City Manager Chotkevys provided a staff report.

Mayor Anderson asked if the only intersection to be impacted was at Palisades and Beach Road.

Director Fowler replied yes.

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IT WAS MOVED BY COUNCIL MEMBER WILLIAM BROUGH, SECONDED BY MAYOR PRO TEM STEVEN WEINBERG, 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

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

City Attorney Munoz provided a staff report.

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER WILLIAM BROUGH, 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

PUBLIC COMMENTS

There were no additional Public Comments received.

STAFF REPORTS

City Manager Chotkevys commented on Gene Burrus. He stated that Gene will be announcing Dana Point Youth Baseball this Saturday beginning at 8:30 a.m. He thanked Gene for everything he does.

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COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Brough announced that he had attended the Festival of Whales parade this past weekend. He stated that he had also participated in the Dana Point Historical Society, *Two Years Before the Mast* reading as well as the VFW pancake breakfast and Monarch Beach Rotary diamond dig. He thanked City staff and the Chamber of Commerce for putting together such a great weekend.

Council Member Schoeffel stated that he was going to really miss Sergeant Major Hoopi. He reported that the Dana Point Symphony would be performing Friday at 7:30 p.m. at St. Edwards Church. He stated that the closing ceremonies of the Festival of Whales will be this coming Sunday where there will be *A Whale of a Concert* on a floating stage off of Baby Beach. He added that the Tijuana Dogs will start it off, then a Journey tribute band and closing with a Chicago tribute band. He encouraged everyone to attend.

Council Member Bartlett reported that she had attended meetings for the Transportation Corridor Agency, Association of California Cities - Orange County, and Southern California Association of Governments. She felt that this was the biggest and best parade ever, and encouraged attendance at the festivities this weekend. She stated that it is also whale watching season and added that reservations could be made through the Ocean Institute or Dana Wharf Sportsfishing. She added that the Dana Point Symphony concert is this Friday. She stated that if you are a senior; consider attending the March 17th St. Patrick's Day lunch by contacting Vanna Murphy at the Senior Center. She added that she will miss Sergeant Major Hoopi as well, that he is such a great individual, performed great service to our country, and has been part of the fabric of the Dana Point community for the past couple of years.


Mayor Pro Tem Weinberg reported that he had not attended any meetings since the last Council meeting. He thanked Gene Burrus for what he does for the community.

Mayor Anderson reported that she had turned in her list of meetings attended to the City Clerk. She thanked City staff for their efforts at the Festival of Whales this past weekend. She stated that the Festival of Whales continues this weekend and added that the calendar of events can be found on www.danapointtimes.com or www.festivalofwhales.com. She reported that she will be judging the First Annual Chowder Cook Off this weekend.

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ADJOURNMENT

There being no further business before the City Council at this session, Mayor Anderson declared the meeting adjourned at 7:09 p.m. and invited the public to have cake in honor of Director Brad Fowler being selected the 2011 Engineer of the Year by the American Society Civil Engineers of Orange County. 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.
Meetings Attended Since the February 21, 2012 City Council Meeting:



KATHY M. WARD
CITY CLERK

APPROVED AT THE MEETING OF APRIL 3, 2012

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Mayor Lara Anderson

February 26 Dana Point Earth/Ocean Society Annual Meeting
February 27 Coastal Animal Services Authority JPA Meeting
March 2 Met with representatives from AT&T/Jim Brown 911 for Kids Golf
Tournament
March 2 Festival of Whales Opening Party
March 3 Festival of Whales Parade and Block Party
March 3 Dana Point Historical Society Reading of "Two Years Before the Mast"
March 4 VFW Pancake Breakfast

