

# CITY OF DANA POINT

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**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
APRIL 17, 2012  
5:00 P.M.**

## **ACTION AGENDA**

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

**TELECONFERENCE LOCATION:  
Assemblywoman Diane L. Harkey's Office  
State Capitol  
1301 10<sup>th</sup> Street, Room 6027  
Sacramento, CA 95814**

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Next City Council Ordinance No. 12-05

## **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:**

Lara Anderson, Mayor  
Steven Weinberg, Mayor Pro Tem  
Lisa A. Bartlett, Council Member  
William P. Brough, Council Member (*Teleconferencing*)  
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), (1 case)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (2 cases):
  - 1. Beverly Hills Hospitality Group, LLC; Case No. 8:12-bk-12834-TA; United States Bankruptcy Court, Central District of California, Santa Ana Division;

2. The People ex. rel. City of Dana Point v. Beach Cities Collective, et al.: 30-2010-00352103

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 6:01 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. Lynn Koehmstedt, Police Services; Kyle Butterwick, Director of Community Development; Brad Fowler, Director of Public Works/Engineering; Lynn Kelly, Management Analyst; Kevin Evans, Director of Community Services and Parks; John Tilton, City Architect; 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 Arts and Culture Commissioner Nancy Jenkins.

## **INVOCATION**

The Invocation was provided by Reverend Paul Peck.

## **PRESENTATIONS AND PROCLAMATIONS**

Volunteer of the Month – Terry Rifkin  
Donate Life Month

## **CONSENT CALENDAR**

Mayor Pro Tem Weinberg removed Item 10 from the Consent Calendar.

IT WAS MOVED BY MAYOR PRO TEM WEINBERG, SECONDED BY COUNCIL MEMBER BARTLETT, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 10.

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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, APRIL 3, 2012**

APPROVED THE MINUTES.

**3. PLANNING COMMISSION MEETING MINUTES, MARCH 26, 2012**

RECEIVED AND FILED.

**4. PLANNING COMMISSION ACTIONS, MEETING OF APRIL 9, 2012**

RECEIVED AND FILED.

**5. YOUTH BOARD MEETING MINUTES, MARCH 15, 2012**

RECEIVED AND FILED.

**6. ARTS AND CULTURE COMMISSION MINUTES, FEBRUARY 15, 2012**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

**8. CITY TREASURER'S REPORT, MARCH 2012**

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

**9. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

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**10. EXTENSION OF AUDIT SERVICES AGREEMENT**

Mayor Pro Tem Weinberg removed this item from the Consent Calendar.

IT WAS MOVED BY MAYOR PRO TEM WEINBERG, SECONDED BY COUNCIL MEMBER BARTLETT, THAT THE CITY COUNCIL EXTEND THE CITY'S AUDIT SERVICES AGREEMENT WITH ROGERS, ANDERSON, MALODY & SCOTT, LLP ("RAMS"), COVERING FISCAL YEAR 2011-12, AUTHORIZED THE CITY MANAGER TO EXECUTE THE EXTENSION ON BEHALF OF THE CITY, AND DIRECTED STAFF TO BID THIS CONTRACT OUT FOR THE NEXT FISCAL YEAR WITH THE SELECTION OF A DIFFERENT FIRM.

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**

Russell Kerr  
Ingrid McGuire

**PUBLIC HEARINGS**

**11. CALIFORNIA COASTAL COMMISSION SUGGESTED MODIFICATIONS TO THE CITY'S APPROVED GENERAL PLAN AMENDMENT (GPA07-01), ZONE CHANGE (ZC07-01), ZONE TEXT AMENDMENT (ZTA07-02) AND LOCAL COSTAL PROGRAM AMENDMENT (LCPA 07-01) FOR THE PROPERTY LOCATED AT 34202 DEL OBISPO STREET.**

IT WAS MOVED BY COUNCIL MEMBER BROUGH, SECONDED BY MAYOR PRO TEM WEINBERG, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING AND ADOPT SUGGESTED MODIFICATIONS AS APPROVED BY THE CALIFORNIA COASTAL COMMISSION IN ITS CERTIFICATION OF THE CITY OF DANA POINT LOCAL COASTAL PROGRAM AMENDMENT LCPA07-01 AND FORWARD THE ADOPTED SUGGESTED MODIFICATIONS TO THE CALIFORNIA COASTAL COMMISSION FOR FINAL CERTIFICATION BY APPROVING:

**1) RESOLUTION 12-04-17-01 ENTITLED:**

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT GPA 07-01, WHICH AMENDS THE GENERAL PLAN LAND USE ELEMENT BY CREATING A NEW LAND USE CATEGORY OF "RESIDENTIAL/COMMERCIAL", AND CHANGES THE GENERAL PLAN DESIGNATION OF THE SUBJECT SITE, 34202 DEL OBISPO STREET, FROM "DANA POINT SPECIFIC PLAN – COASTAL RECREATION SPACE" TO "RESIDENTIAL/COMMERCIAL", AND*

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*SUBMISSION OF GPA 07-01 AS LOCAL COASTAL PROGRAM AMENDMENT LCPA 07-01 FOR FINAL APPROVAL BY THE COASTAL COMMISSION; and*

2) HELD A FIRST READING AND INTRODUCED AN ORDINANCE ENTITLED:

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA07-02 AND ZONE CHANGE ZC07-01 TO ESTABLISH A NEW ZONING CATEGORY OF "RESIDENTIAL/COMMERCIAL-18" (R/C-18) IN CHAPTER 9.13 OF THE ZONING ORDINANCE AND TO CHANGE THE DESIGNATION OF THE SUBJECT SITE, 34202 DEL OBISPO STREET, FROM "DANA POINT SPECIFIC PLAN – COASTAL RECREATION SPACE" TO "R/C-18", AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA07-01 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION; and*

3) **RESOLUTION 12-04-17-02** ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING LOCAL COASTAL PROGRAM AMENDMENT LCPA07-01 AND REQUESTING FINAL CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.*

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

## **UNFINISHED BUSINESS**

### **12. FISCAL YEAR 2011-12 BUDGET STATUS REPORT**

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM WEINBERG, THAT THE CITY COUNCIL RECEIVE AND FILE THE FISCAL YEAR 2011-12 BUDGET STATUS REPORT AND AUTHORIZED THE BUDGET AMENDMENTS DETAILED WITHIN THE REPORT.

### **13. 2012 WEED ABATEMENT PROGRAM**

IT WAS MOVED BY COUNCIL MEMBER BARTLETT, SECONDED BY MAYOR PRO TEM WEINBERG, THAT THE CITY COUNCIL HEAR ANY OBJECTIONS REGARDING WEED ABATEMENT AND THEREAFTER ADOPT **RESOLUTION 12-04-17-03** ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, HEARING NO OBJECTIONS AND PROCEEDING WITH WEED ABATEMENT.*

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

## **NEW BUSINESS**

### **14. CITY COUNCIL APPOINTED REPRESENTATIVES AND CITY COMMISSIONS, COMMITTEE, SUBCOMMITTEES AND TASK FORCES**

IT WAS MOVED BY MAYOR PRO TEM WEINBERG, SECONDED BY COUNCIL MEMBER BARTLETT, THAT THE CITY COUNCIL REVIEW THE LIST OF CITY COUNCIL REPRESENTATIVES TO OUTSIDE AGENCIES, CITY COMMITTEES, SUBCOMMITTEES AND TASK FORCES AND CHOOSE NOT TO MAKE ANY CHANGES.

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 adjourned the at 7:12 p.m. She announced that the next Regular Meeting of the City Council will be May 1, 2012, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.