

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
MAY 1, 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. 12-05

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
J. Scott Schoeffel, Council Member (*arrived at 5:01 p.m.*)

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 REAL PROPERTY NEGOTIATOR, Government Code § 54956.8

Location: 34202 Del Obispo, Dana Point
Agency Negotiator: City Manager and City Attorney
Negotiating Parties: City of Dana Point and Alvarez & Masal Capital Real Estate, LLC
Under Negotiation: Price and terms of possible acquisition of real property

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; John Tilton, City Architect; Brad Fowler, Director of Public Works/Engineering; Kevin Evans, Director of Community Services and Parks; John Tilton, City Architect; Mark Sutton, Building Official; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk

CLOSED SESSION ANNOUNCEMENT

Mayor Anderson stated that there was no announcement.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Gene Burrus.

INVOCATION

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

PRESENTATIONS AND PROCLAMATIONS

Volunteer of the Month – Bob Fowler

CONSENT CALENDAR

Council Member Brough removed Item 11 and a member of the public removed Item 12 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 ITEMS 11 AND 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

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 17, 2012

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, APRIL 9, 2012

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF APRIL 23, 2012

RECEIVED AND FILED.

5. OCEAN WATER QUALITY SUBCOMMITTEE ACTION MINUTES, NOVEMBER 22, 2011

RECEIVED AND FILED.

6. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

7. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

8. DANA POINT DESTINY AD HOC COMMITTEE MINUTES, NOVEMBER 30, 2011

RECEIVED AND FILED.

9. ARTS AND CULTURE COMMISSION MINUTES, MARCH 21, 2012

RECEIVED AND FILED.

10. SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT TO INCLUDE MODIFICATIONS TO ZONE TEXT AMENDMENT ZTA07-02 AND ZC07-01 FOR THE PROPERTY LOCATED AT 34202 DEL OBISPO STREET AND INCORPORATING NEW ZONING CATEGORY IN THE ZONING CODE AND AUTHORIZING SUBMITTAL OF THE ORDINANCE TO THE CALIFORNIA COASTAL COMMISSION FOR FINAL CERTIFICATION

HELD A SECOND READING AND ADOPTED **ORDINANCE 12-05** ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENTS ZTA07-02 AND ZONE CHANGE ZC07-01 AS

PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA07-01 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

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

City Attorney Munoz stated that Mayor Pro Tem Weinberg recused himself from this item due to a potential conflict of interest. Mayor Pro Tem Weinberg left the Council Chamber.

Council Member Brough removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY COUNCIL MEMBER BARTLETT, THAT THE CITY COUNCIL HOLD A SECOND READING AND ADOPT **ORDINANCE 12-06** 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.

The motion carried by the following vote:

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

NOES: Council Member William Brough

ABSENT: Mayor Pro Tem Steven Weinberg

12. SUPPORT OF DANA POINT TIMES ADJUDICATION AS A NEWSPAPER OF GENERAL CIRCULATION

IT WAS MOVED BY COUNCIL MEMBER BARTLETT, SECONDED BY MAYOR PRO TEM WEINBERG, THAT THE CITY COUNCIL ADOPT **RESOLUTION 12-05-01-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, IN SUPPORT OF THE PROPOSED ADJUDICATION OF THE DANA POINT TIMES AS A NEWSPAPER OF GENERAL CIRCULATION BY THE ORANGE COUNTY SUPERIOR COURT.

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

Joe Snyder
Gene Burrus
Nancy Jenkins

PUBLIC HEARINGS

There are no Public Hearings.

UNFINISHED BUSINESS

There are no Unfinished Business items.

NEW BUSINESS

13. APPROVE THE DORIS WALKER TRIBUTE ART DESIGN FOR HERITAGE PARK

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM WEINBERG, THAT THE CITY COUNCIL APPROVE THE RECOMMENDATION FROM THE DANA POINT ARTS AND CULTURE COMMISSION TO: 1) APPROVE THE CONCEPTUAL POPUP-BOOK ART DESIGN SUBMITTED BY LOCAL ARTIST CHRISTOPHER PECHARKA FOR PHASE ONE OF THE DORIS WALKER TRIBUTE AT HERITAGE PARK; 2) APPROVE FUNDING FOR THE TRIBUTE DISPLAY; AND 3) DESIGNATE THE HERITAGE PARK COMPASS POINT AS THE DORIS WALKER OVERLOOK.

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 meeting at 7:10 p.m. She announced that the next Regular Meeting of the City Council will be May 15, 2012, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.