
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
APRIL 17, 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 (*teleconferencing*)
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), (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.

Mayor Anderson recessed the meeting into 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.

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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 Nancy Jenkins, Arts and Culture Commissioner.

INVOCATION

The Invocation was provided by Reverend Paul Peck.

PRESENTATIONS AND PROCLAMATIONS

Volunteer of the Month - Terry Rifkin

Management Analyst Kelly provided a PowerPoint presentation detailing the volunteer efforts of Terry Rifkin. Management Analyst Kelly stated that Terry is a charter member of the Monarch Beach Sunrise Rotary Club and has held her membership with the club for the past 23 years. She added that currently Terry's service priority is her appointment on the Board of Directors for the Dana Point 5th Marine Regiment Support Group. She stated that Terry's position is Director of Support and Outreach which allows her to work with the 5th Marine Regiment Family Readiness Officer to assist in the needs of families and also develop a volunteer network in the community for the various supporting service projects. She added that for the Regiment's yearlong deployment to Afghanistan, Terry had created a program "Operation Joining Forces" where local communities can adopt a single Marine or a Marine whose family is stateside at Camp Pendleton. Through this program Terry has created avenues and connections for support for those families separated by service. She stated that one of Terry's current projects is fundraising for an Afghanistan Monument for the memorial park at Camp Pendleton to honor the fallen Marines of "Operation Freedom". Mayor Anderson presented a "Making a Difference" award and a Certificate of Recognition to Terry Rifkin in honor of her being chosen as Volunteer of the Month for April.

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Donate Life Month

Gina Cousineau, Donate Life Ambassador, provided details of the benefits of donating organs to help others in need. Mayor Anderson presented a Proclamation to Ms. Cousineau recognizing April as Donate Life Month.

CONSENT CALENDAR

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

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

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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.

10. EXTENSION OF AUDIT SERVICES AGREEMENT

This item was removed from the Consent Calendar by Mayor Pro Tem Weinberg.

City Manager Chotkevys provided a staff report.

Mayor Pro Tem Weinberg stated that when the one year extension is expired that he would like for staff to bid this contract out for the next fiscal year and choose a different auditor. He felt that it was necessary to have someone new review the City's records.

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER WILLIAM BROUGH, EXTEND THE CITY'S AUDIT SERVICES AGREEMENT WITH ROGERS, ANDERSON, MALODY & SCOTT, LLP, COVERING FISCAL YEAR 2011-12, AUTHORIZE THE CITY MANAGER TO EXECUTE THE EXTENSION ON BEHALF OF THE CITY, AND DIRECT 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

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PUBLIC COMMENTS

Russell Kerr, Laguna Niguel, Chairman of the Dana Point Chamber of Commerce, introduced the new Chamber of Commerce Executive Director, Heather Johnston.

Ingrid McGuire, Dana Point, reminded everyone of the May 1 deadline for the scholarship that the water district is offering. She announced that an open house has been planned for the South Orange County Water Authority (SOCWA) desalinization project located in Doheny State Beach on Thursday, April 26 from 10-3 p.m.

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.**

City Manager Chotkevys provided a staff report.

Mayor Anderson asked what the open space or public recreation requirement was that the Coastal Commission had stipulated for this property.

Director Butterwick replied that there wasn't a specific requirement or recommendation from the Coastal Commission. He clarified that open space was a requirement of the City and that if a project used the maximum allowable density, that the park dedication requirement would approach two acres on this site.

Mayor Anderson opened the public hearing.

Mary Jeffries, Dana Point, spoke regarding the change in the zoning of the property. She stated that she was concerned about the potential for condominiums without garages.

Mayor Anderson closed the public hearing.

Mayor Anderson asked for a clarification on the garage issue.

Director Butterwick replied that the City has not yet received an application for a project on this property. He reminded the City Council that the City's Municipal Code requires garage parking.

Council Member Brough asked if the Coastal Commission had gone into detail about their suggested modification for an adequate buffer from the waste water property.

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Director Butterwick replied that there was quite a bit of discussion about this issue, but that the Coastal Commission wasn't prepared to establish a specific setback requirement from the SOCWA property. He stated that a setback will be established during the City's development review process.

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

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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

UNFINISHED BUSINESS

12. FISCAL YEAR 2011-12 BUDGET STATUS REPORT

City Manager Chotkevys introduced the item and Director Killebrew provided a staff report.

Mayor Anderson asked if any of the cuts that are being proposed affect the public.

City Manager Chotkevys replied no that our employees are very committed to providing five-star customer service.

Mayor Pro Tem Weinberg stated that staff has made the City Council look very good. He asked if the hotel occupancy rates were higher and the rates lower.

City Manager Chotkevys replied that it is a combination of all of the above. He stated that because of the competitive nature in South Orange County, the rates were increasing and that he would like to think that the occupancy was going up.

Mayor Pro Tem Weinberg felt that business has been improving based on the amount of firework shows that have been on display that were tied to conferences.

Council Member Brough asked about the proposed reduction of \$91,000 in the water quality and natural resources department. He stated that he would like to keep money in the budget for the water quality study.

City Manager Chotkevys replied that staff has determined that the cost associated with maintaining the solid waste diversions underground and storm drain maintenance is tracking lower than expected.

Director Fowler clarified that the City is required to reduce bacteria coming out of San Juan Creek to the beach and that the actual cost this year was less than what was budgeted. He stated that on a separate project, that the City was still trying to complete the microbial source tracking portion of the study and that staff was working with Southern California Coastal Resources Project. He added that this effort is currently budgeted. He

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stated that it was not impossible that he may have to ask the City Council in the next fiscal year for funds if we are short to continue that work, but that staff was not going to need funds this fiscal year.

City Manager Chotkevys stated that money was invested underground in the form of solid diversions and that because of everything that has been done, staff is not seeing costs.

Council Member Brough stated that he would like to see in the budget adjustment is a commitment to Town Center.

Director Fowler replied that the City has \$700,000 to \$800,000 in a Town Center fund. He stated that \$350,000 was being requested to work on the entry of the south end of town.

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

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

13. 2012 WEED ABATEMENT PROGRAM

City Manager Chotkevys provided a staff report.

Mayor Pro Tem Weinberg stated that quite a few people live out of town that own property. He felt that the City needed to include with the letter that is mailed out a list of 5-10 people who the property owners can contact to clean up their lots.

Director Butterwick replied that staff does provide that information upon request.

There being no requests to speak on this item, Mayor Anderson opened and closed the public comments.

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

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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

NEW BUSINESS

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

City Manager Chotkevys provided a staff report.

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LISA BARTLETT, 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

PUBLIC COMMENTS

There were no additional Public Comments received.

STAFF REPORTS

City Manager Chotkevys thanked Mike Rose for his efforts on allowing Council Member Brough to take part in tonight's meeting. He thanked Terry Rifkin for all of her efforts in community service.

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COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Brough thanked Mike Rose for his efforts. He reported that he had attended the egg hunts at Sea Canyon Park and a 5th Marine Regiment dinner last night at Olamendi's for the next State Commander, Earl Fulk.

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 stated that on April 7 she had attended the Sea Canyon Park Easter egg hunt with her sister and nephew. She announced that on April 20-21 was the California Wine Festival in Dana Point with festivities in the Harbor.

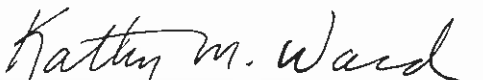
Council Member Schoeffel reported that he had attended a few TCA meetings as well as the Sea Canyon Park Easter egg hunt. He felt that last Friday night's Dana Point Symphony Orchestra was the most enjoyable event he had attended since the last City Council meeting and he encouraged everyone to attend the concluding performance on May 4.

Mayor Pro Tem Weinberg reported that he had attended the OCFA Budget and Finance Committee. He reminded everyone that the Dana Point Grand Prix will be held on May 6. He hoped that all of the kids in Dana Point sign up for the kid's race.

Mayor Anderson reported that she had attended the Grand Opening Ceremony for the New Cat Adoption Center at the animal shelter. She stated that she had also attended the Doheny Woody Show and made the Mayor's selection. She announced that Earth Day was coming up with a lot of events associated with it. She stated that the Dana Point Historical Society's April program was scheduled to be a historical tour of kayaking featuring John Hopkins of Coastline Kayaking on April 25 at Dana Hills Tennis Center at 6:30 p.m. She added that on April 28 that the 19th Annual Pet Project Foundation Wag-A-Thon was scheduled in the Harbor from 8:30-1:00 p.m.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Anderson adjourned the meeting 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.



KATHY M. WARD
CITY CLERK

APPROVED AT THE MEETING OF MAY 1, 2012