
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 18, 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)
- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case) Name of Case: The People of the State of California ex rel the City of Dana Point v. Beach Cities Collective, et al, Orange County Superior Court Case No. 30-2010-00352103
- C. CONFERENCE WITH LABOR NEGOTIATOR, Government Code § 54957.6 Agency Designated Representatives: City Manager Unrepresented and Represented Employees: All positions in City
- D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957 Title: City Manager

Mayor Anderson recessed the meeting into a Closed Session at 5:01 p.m. pursuant to Government Code Section 54956 et seq.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 18, 2012**

RECONVENE CITY COUNCIL MEETING - CALL TO ORDER

Mayor Anderson reconvened the meeting at 6:06 p.m. All Council Members were present.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that he had no announcement.

Mayor Anderson stated that she would like to amend the Agenda, moving Item 23 to be heard directly after Public Comments.

City Manager Chotkevys announced that the appellant and the applicant had come to an agreement with regard to the proposed home at 32461 Seven Seas Drive and that the appeal had been withdrawn this afternoon.

IT WAS MOVED BY MAYOR LARA ANDERSON, SECONDED BY MAYOR PRO TEM STEVEN WEINBERG, AMEND THE AGENDA TO REMOVE ITEM 20 FROM THE AGENDA AND MOVE ITEM 23 TO BE HEARD AFTER PUBLIC COMMENTS.

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

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; Kevin Evans, Director of Community Services and Parks; John Tilton, City Architect; Christy Teague, Economic Development Manager; Sea Shelton, Senior Management Analyst; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by former Council Member William Bamattre.

INVOCATION

The Invocation was provided by Father Steve Sallott of St. Edwards Catholic Church.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 18, 2012**

PRESENTATIONS AND PROCLAMATIONS

August Volunteer of the Month - Judy Henderson

Senior Management Analyst Shelton provided a PowerPoint presentation which provided the details of Judy Henderson a founding member of the Dana Point Historical Society. Judy's first post was Treasurer and she currently serves as the Corresponding Secretary. She stated that the Historical Society will be celebrating their 25th anniversary this year. She added that Judy has been involved in many other community organizations in her 36 years of living in Dana Point. Mayor Anderson presented Judy with a "Making a Difference Award" and a Certificate of Recognition for her contributions to the community and for being selected as the Volunteer of the Month for August 2012.

September Volunteers of the Month - Rachel and Richard Alonzo

Senior Management Analyst Shelton provided a PowerPoint presentation regarding Rachel and Richard Alonzo. She reported that Rachel had been diagnosed with kidney cancer in 2001. She stated that a friend had been inspired by Rachel's handling of her diagnosis and walked in a local Relay For Life in Rachel's honor. She added that once Rachel was healthy enough her friend's actions inspired her to be become involved with Relay For Life in 2004. She stated that from that point forward, Rachel and Richard committed to the cause and became members of the founding committee to bring the Relay For Life to Dana Point. In addition to the contribution to Relay For Life, Richard also donates his time to the VFW Post 9934. Mayor Anderson presented Rachel and Richard with a Certificate of Recognition and a "Making a Difference Award" for their contributions to the Relay For Life and for being chosen the Volunteers of the Month for September 2012.

DAR Constitution Week

Mayor Anderson presented a Proclamation to representatives of the Daughters of the American Revolution, San Clemente Chapter, proclaiming September 17-23 Constitution Week in the City of Dana Point.

Proclamation to Sgt. Brett Gardner

Lt. Koehmstedt introduced Sgt. Brett Gardner. Lt Koehmstedt highlighted a few of the positions that Sgt. Gardner has held over the past ten years. He stated that some of those positions were Patrol Deputy, he had doubled as the School Resource Officer at Dana Hills, was the Terrorism Liaison Officer, Field Training Officer, Community Service Unit, member of the CERT Team, and State Certified Field Sobriety Test Instructor. His most recent position was that of Administrative Deputy where he was actively involved in all of Dana Point's special events. He reported that Sgt. Gardner had been awarded the Medal of Courage in 2007 for rushing into a burning apartment building and rescuing 3 or 4 of our Dana Point citizens. Mayor Anderson presented Sgt. Gardner with a Proclamation in honor of his ten years of service to the Dana Point community.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 18, 2012**

CONSENT CALENDAR

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LISA BARTLETT, TO APPROVE ALL ITEMS LISTED ON THE CONSENT CALENDAR.

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. SPECIAL MEETING MINUTES, JULY 12, 2012

APPROVED THE MINUTES.

3. REGULAR MEETING MINUTES, JULY 17, 2012

APPROVED THE MINUTES.

4. PLANNING COMMISSION MEETING MINUTES, JULY 9, 2012

RECEIVED AND FILED.

5. PLANNING COMMISSION MEETING MINUTES, JULY 23, 2012

RECEIVED AND FILED.

6. PLANNING COMMISSION MEETING MINUTES, AUGUST 13, 2012

RECEIVED AND FILED.

7. PLANNING COMMISSION ACTIONS, MEETING OF SEPTEMBER 10, 2012

RECEIVED AND FILED.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 18, 2012**

8. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

9. CITY TREASURER'S REPORT, JULY AND AUGUST

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTHS OF JULY AND AUGUST.

10. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

11. ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT FY11/12

ADOPTED RESOLUTION 12-09-18-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PROJECT ENTITLED "ANNUAL ROADWAY RESURFACING PROJECT FY11/12".

12. AWARD OF CONTRACT FOR CUSTODIAL SERVICES FOR CITY FACILITIES

AWARDED A CONTRACT TO OMNICLEAN FOR CUSTODIAL SERVICES AT THE PUBLIC RESTROOMS AND PCH PEDESTRIAN BRIDGE; 2) AWARDED CONTRACTS TO ISS FACILITY SERVICES INC. FOR CUSTODIAL SERVICES AT CITY HALL, THE COMMUNITY CENTER AND THE NATURE INTERPRETIVE CENTER; 3) AUTHORIZED THE CITY MANAGER TO EXECUTE THESE ONE (1) YEAR CONTRACTS; AND 4) AUTHORIZED THE CITY MANAGER, AT HIS DISCRETION TO EXTEND THESE CONTRACTS FOR UP TO TWO ONE (1) YEAR PERIODS.

13. HISTORIC PRESERVATION AGREEMENT (MILLS ACT) FOR THE PROPERTY LOCATED AT 24531 LA CRESTA

AUTHORIZED THE MAYOR TO SIGN A HISTORIC PROPERTY PRESERVATION AGREEMENT WHICH WOULD ALLOW THE PROPERTY OWNERS OF THE HISTORIC STRUCTURE AT 24531 LA CRESTA TO PARTICIPATE IN THE STATE'S MILLS ACT PROGRAM.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 18, 2012**

14. LEASE AGREEMENT WITH DANA POINT HISTORICAL SOCIETY

APPROVED A LEASE AGREEMENT BETWEEN THE CITY OF DANA POINT AND THE DANA POINT HISTORICAL SOCIETY AND; AUTHORIZED THE CITY MANAGER TO EXECUTE THE LEASE AGREEMENT, FOR ONE-YEAR TERM WITH THE OPTION TO EXTEND THE LEASE TERM FOR TWO ADDITIONAL ONE-YEAR TERMS.

15. NEW CONTRACT AGREEMENT BETWEEN ALL CITY MANAGEMENT SERVICES, INC. AND THE CITY OF DANA POINT FOR PROVIDING SCHOOL CROSSING GUARD SERVICES

AUTHORIZED THE CITY MANAGER TO APPROVE A NEW CONTRACT AGREEMENT BETWEEN ALL CITY MANAGEMENT SERVICES, INC. AND THE CITY OF DANA POINT FOR PROVIDING SCHOOL CROSSING GUARD SERVICES FOR THE 2012-2013.

16. CR&R TRASH FRANCHISE AGREEMENT BIENNIAL AUDIT CONTRACT WITH HF&H

APPROVED SUBJECT CONTRACT WITH HF&H.

17. CONTRACT SERVICES DESIGN AGREEMENT AMENDMENT WITH ROMA DESIGN GROUP FOR TOWN CENTER SOUTH GATEWAY IMPROVEMENT DESIGN

APPROVED SUBJECT CONTRACT SERVICES DESIGN AGREEMENT AMENDMENT AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AMENDMENT.

18. HEALTH PLAN PROVISIONS FOR CALENDAR YEAR 2013

ADOPTED RESOLUTION 12-09-18-02 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, MODIFYING HEALTH BENEFIT PLAN ALLOWANCES FOR ALL ELIGIBLE REPRESENTED AND ALL ELIGIBLE NON-REPRESENTED CLASSIFICATIONS.

19. AMENDMENT TO THE CITY'S CONFLICT OF INTEREST CODE

ADOPTED RESOLUTION 12-09-18-03 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING THE CONFLICT OF INTEREST CODE.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 18, 2012**

PUBLIC COMMENTS

Bruce Ballantine, Dana Point, volunteer from the Alzheimer's Association of Orange County, stated that September has been designated as Alzheimer's Awareness month. He invited the City Council to their Walk to End Alzheimer's on October 6th beginning at 7:30 a.m. He stated that for more information to go to www.alz.org.

Adel Abusamra, Dana Point, thanked the City Council for the improvements that make Dana Point a nice place to live. He spoke regarding two large recreational vehicles that are located on his street. He feels that these vehicles are eyesores for the neighborhood. He asked for an ordinance or guidelines regarding the parking of recreational vehicles.

City Manager Chotkevys replied that staff has been working with Mr. Abusamra and his neighbors regarding this concern. He stated that the vehicles are currently parked legally in a side yard, behind a fence.

Cliff Nathanson, Dana Point, spoke regarding the recreational vehicles that are parked in the neighborhood.

23. 2012-2013 DANA POINT YOUTH BOARD APPOINTMENTS

City Manager Chotkevys provided a staff report.

Mayor Anderson had each of the applicants provide an introduction of themselves:

Isabella Dalton
Alena Powers Davis
Bryce Dec
Elenna Erkeneff
Hugh Fitzmaurice
Matthew Lim
Julia Lisle
Sarah Martino
Patricia Schuelke
Grace Willett
Jordan Hall

IT WAS MOVED BY COUNCIL MEMBER WILLIAM BROUGH, SECONDED BY COUNCIL MEMBER LISA BARTLETT, APPOINT THE FOLLOWING TO SERVE ON THE YOUTH BOARD:

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 18, 2012**

ISABELLA DALTON
ALENA POWERS DAVIS
BRYCE DEC
ELENA ERKENEFF
HUGH FITZMAURICE
MATTHEW LIM
JULIA LISLE
SARAH MARTINO
PATRICIA SCHUELKE
GRACE WILLETT
JORDAN HALL

APPOINTED AS MEMBERS AT LARGE:

AMANDA MEREDITH
JILLIAN PLOUFF

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.

PUBLIC HEARINGS

- 20. APPEAL OF PLANNING COMMISSION DECISION APPROVING COAST DEVELOPMENT PERMIT CDP12-0001 ALLOWING THE CONSTRUCTION OF A NEW 2350 SQUARE FOOT, SINGLE-STORY, SINGLE-FAMILY DWELLING (INCLUDING A 550 SQUARE FOOT DETACHED GARAGED ON VACANT LAND LOCATED AT 32461 SEVEN SEAS DRIVE**

This item was removed from the Agenda due to the appeal being withdrawn after a compromise had been agreed to.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 18, 2012**

UNFINISHED BUSINESS

22. SHORT TERM VACATION RENTALS

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

Dr. Tim McClarney, True North Research, provided a PowerPoint presentation summarizing the details of results of the Short Term Vacation Rental policies survey.

Mayor Anderson opened the Public Comments.

Gary Clark, Capistrano Beach, stated that he lives near some vacation rentals and felt that they were a problem for the neighborhood. He added that does not support allowing this type of use and would like the Ordinance enforced.

Bill Matthies, Capistrano Beach, stated that he does not support vacation rental use. He added that the survey should have included those who live next to a rental. He felt that these rentals are a quality of life issue, and he doesn't feel that the City can regulate these rentals. He stated that these are for-profit businesses being conducted in residential areas.

Beth Everett, Laguna Niguel, stated that she supports vacation rentals and felt that the zoning of Niguel Beach Terrace allowed the use.

Tom Henderson, Capistrano Beach, felt that vacation rentals in residential areas were not compatible. He stated that the City needs to enforce the current codes. He felt that the sampling on the survey was not large enough for the City Council to make an educated decision on this subject.

Bill Everett, Laguna Niguel, stated that he was the President of the Niguel Beach Terrace Association. He added that it was his belief that their CC&R's do not prohibit short term rentals, nor do the City Codes prohibit the rentals because their complex was zoned mixed use, not residential and it was in coastal zone.

Brian Gianesin, Laguna Beach, Legal Counsel for Niguel Beach Terrace, stated that since their rules had been amended in 2009 they have had less than three complaints to the board. He added that they have many more problems with long-term renters than with short-term renters. He stated that the vacation renters provided money to the local economy. He felt that short term rentals could be regulated to everyone's benefit.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 18, 2012**

21. RE-APPORTIONMENT OF CITIZEN OPTIONS FOR PUBLIC SAFETY PROGRAM FUNDS FROM FY 2011/2012 - (AB 1913)

City Manager Chokevys provided a staff report.

Council Member Bartlett asked what percentage of Dana Hills High School students were from Dana Point versus Laguna Niguel.

City Manager Chokevys replied that he has heard that 2/3 of the population were from Laguna Niguel, with a smaller amount from Aliso Viejo.

Council Member Bartlett stated that considering the large population of students from Laguna Niguel, she felt that it would be appropriate to contact the City of Laguna Niguel and ask them to share costs for the school resource officer position.

There being no requests to speak, Mayor Anderson opened and closed the public hearing.

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LISA BARTLETT, CONDUCT A PUBLIC HEARING AND ADJUST THE FY 2012/13 BUDGET WITH THE RE-APPROPRIATION OF UNENCUMBERED CITIZENS OPTION FOR PUBLIC SAFETY (COPS) PROGRAM UNSPENT MONIES REMAINING FROM THE FY 2011/12 BUDGET, TO THE SUPPLEMENTAL LAW ENFORCEMENT SERVICE FUND (SLESF) ACCOUNT, AND APPROPRIATE FUNDS FROM THE SLESF TO IMPLEMENT AND MAINTAIN THE FOLLOWING PROGRAMS:

- * APPROVE FUNDING FOR THE SCHOOL RESOURCE OFFICER POSITION FOR THIS SCHOOL YEAR
- * APPROVE FUNDING FOR PROJECT STOP (STOP TRASHING OUR PARKS)
- * APPROVE FUNDING FOR PROJECT *HIDE IT, LOCK IT, OR LOSE IT*
- * APPROVE FUNDING FOR PROJECT *IT'S YOUR BUSINESS*.

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

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 18, 2012**

Charles Hoose, Capistrano Beach, felt that the two uses were not compatible. He stated that he does not support vacation rentals. He urged the Council to enforce the regulations.

Dan Snipes, Dana Point, stated that he knows of many vacation rental homes in his area that have not been a burden to the neighborhood. He felt that the City was on the right track requiring a permit to use homes for vacation rentals as well as to levy a fine on those property owners who continue to rent their homes to guests who use the home for parties. He added that troublesome renters could be dealt with beforehand if the property owners performed their due diligence on who they were renting to. He stated that Dana Point should continue their research as to the best solutions others cities have already created.

Ken King, Dana Point, felt that if the City continues to allow the rentals to continue unabated they will be taken over in Niguel Beach Terrace. He stated that he is surrounded by motel units in Niguel Beach Terrace and that he doesn't have neighbors he can build relationships with. He urged the City Council to enforce the Code.

Mike Marcu, Capistrano Beach, stated that he does not support vacation rentals. He added that he has experienced first-hand the renters and felt that vacation rentals are not suitable for a residential area. He stated that he would like the Codes enforced.

Maria Elena Banks, Dana Point, felt that the money spent on the research should have been put into enforcement of the vacation rentals instead.

Susan Whittaker, Dana Point, stated that vacation rentals have been a concern of hers for a long time. She added that she lives next to and with vacation rentals and felt that multi-family condos were least able to endure the impacts of these hotels. She stated that she would like the zoning to be upheld.

Liz Claus, Dana Point/Member of Planning Commission, felt that an easier approach to vacation rentals would be to offer support and training for those who want to run a short term rental. She stated that guidelines need to be created.

Vonne Barnes, San Clemente, stated that she is an owner of a home in Niguel Beach Terrace. She added that Niguel Beach Terrace is zoned mixed use and felt that vacation rentals were a legal use in that area.

Stephen Pryde, Dana Point, stated that he lives near four vacation rentals and that they have not had any problems.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 18, 2012**

Joe McNulty, Capistrano Beach, stated that his family has rented out properties for years and have had no problems. He felt that it came down to the quality of people you rent to.

Hugh Limebrook, Capistrano Beach, stated that they have never had any problems with any renters. He felt that short term rentals were good for business in Dana Point. He stated that Beach Road has always taken care of itself and there were rarely any problems.

Judy Bourget, Dana Point, felt that it was ingrained in her community that the condos were perfect for vacation rentals. She stated that she can't enjoy their pool because they are overrun with vacationers.

Mayor Anderson recessed the meeting at 8:01 p.m. Mayor Anderson reconvened the meeting at 8:10 p.m. and closed the Public Comments.

City Attorney Munoz addressed the comments made regarding the Niguel Beach Terrace CC&R's. He stated that from what was stated during the Public Comments that they do not allow vacation rentals, that transient occupancies are not authorized. He added that Niguel Beach Terrace is not a mixed use area despite what people think, that it is zoned multi-family 22 dwelling units per acre and that the commercial area is across the street. He stated that residential zoning does not allow transient occupancies in a residential zone. He added that at the moment, this is not a permitted use and because the Planning Commission and Council have been studying the issue for a number of years, the direction that had been given was to not take any action because the issue was being studied. He stated that if the Council makes a final decision to leave things as they are, staff needs direction to move forward and start enforcing. He added that if the Council wants to allow vacation rentals in some or all areas of the City, then the Zoning Ordinance would need to be changed because the current Ordinance does not permit vacation rentals within residential districts. He stated that staff would need direction if vacation rentals would be allowed throughout or only parts of the City. He clarified that the Coastal Commission does not have any say over anything outside of the coastal zone, within the coastal zone if the zoning is changed then the City would need to go to the Coastal Commission for their concurrence.

Council Member Schoeffel stated that the comments made tonight and the written comments that the City Council receive are very different. He added that if the owners of these units do supervise the activity there aren't as many problems being reported.

Mayor Pro Tem Weinberg stated that the City has a density problem. He added that he does not support telling people they can't rent out their property but feels

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 18, 2012**

that the City needs to create guidelines and enforce those rules. He stated that if they become a problem then the City should revoke their privilege.

Council Member Bartlett stated that there are quality of life issues. She felt that it would be problematic to spot zone, and it would push out long term residents over time.

Council Member Brough stated that the concern is that the City hasn't been able to enforce this and worries about what the mechanism would be in the future as there is no business license program in Dana Point. He added that he would like to see in the HOA communities the residents make the decision not the City Council.

Mayor Anderson felt that this was a quality of life issue for the residents and that she agreed that a person's proximity to residential businesses determines how they feel about it. She stated that if the Council chooses to allow vacation rentals there will be a need for regulations and she does not want to sell out the neighborhoods to the highest bidder.

Council Member Schoeffel stated that when people live in a single family residential neighborhood they expect to live near single family residential uses. He felt that he didn't know where to draw the line because of the vastly different experiences. He asked that if the use was so fundamentally incompatible that they shouldn't be allowed or was there a manner of regulation to control them when they move from a single family use to a commercial use in a residential zone. He stated that there will be costs associated with regulating vacation rentals. He felt that the guiding factor should be whether the uses are consistent with a single family use or are they better characterized as an inappropriate commercial use in a single family zone.

Mayor Pro Tem Weinberg asked if there was a limit to how many people that can live in a home.

Director Butterwick replied that yes there are limitations on the number of people that can reside in a single family home and that it is addressed in the State codes.

Mayor Pro Tem Weinberg stated that by regulating the vacation rentals, the City could decrease the density level.

Council Member Bartlett asked if short term rentals were allowed in Dana Point, would the City Council then have to change the zoning in the entire City to mixed use.

City Attorney Munoz replied that the City Council would have to determine the definition of what a short term use of a residential property is and then

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 18, 2012**

within those residential areas a zoning amendment would need to be approved to permit that use.

Council Member Bartlett asked if it is a commercial use because it is a short term rental, how the City would preclude other property owners from requesting to use their property for other types of commercial use as well.

City Attorney Munoz replied that would be a policy question. He stated that a policy could be made to allow vacation uses in some residential areas but not in others.

Council Member Brough stated that he does not want to regulate private property and he felt that a program would be very burdensome.

Mayor Pro Tem Weinberg felt that if the City controlled and regulated the vacation rentals correctly it would improve the quality of life for the residents.

Council Member Bartlett stated that people have certain expectations when they purchase a single family residence. She was concerned about more short term rentals being created.

Mayor Anderson made a motion to uphold existing codes as written and direct staff to work with property owners to come up with reasonable timeframe.

Council Member Bartlett felt that a set timeframe needs to be established.

City Manager Chotkevys clarified that an appropriate timeframe of January 1, 2014 would be adequate. He felt that would provide everyone time to get their affairs in order.

Mayor Anderson amended her motion to include the deadline of January 1, 2014. The motion died for lack of a second.

Council Member Schoeffel stated that he was not sure that the short term rental was the fundamental problem; the short term rental that is not like a single family use in a residential neighborhood is the problem.

Mayor Pro Tem Weinberg stated that short term rentals need to have regulations. He added that if the rentals pay transient occupancy tax and the City assigns one staff member to manage, the investment return will be positive for the City. He felt that the Council should direct staff to come back with a program that would not cost the residents money with strong enough rules that landlords with repeatedly bad tenants will lose their short term privileges.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 18, 2012**

Council Member Brough asked how the City would register the vacation rentals if there is no business license requirement. He stated that the City needs to ensure that the homes are safe.

City Manager Chotkevys suggested that Council direct staff to return with one or two candidate programs that provide a set of regulations and cost to regulate for Council consideration.

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER WILLIAM BROUGH, DIRECT STAFF TO RETURN WITH ONE OR TWO SHORT TERM VACATION RENTAL PROGRAMS THAT PROVIDE A SET OF REGULATIONS AND THE COST/REVENUE TO REGULATE FOR THE CITY COUNCIL TO REVIEW BY THE NOVEMBER 20, 2012 CITY COUNCIL MEETING AT THE LATEST.

The motion carried by the following vote:

AYES: Council Member Lisa Bartlett, Council Member William Brough, Council Member Scott Schoeffel, and Mayor Pro Tem Steven Weinberg

NOES: Mayor Lara Anderson

NEW BUSINESS

23. 2012-2013 DANA POINT YOUTH BOARD APPOINTMENTS

This item was moved to be heard after Public Comments.

STAFF REPORTS

City Manager Chotkevys reported that the City has partnered with San Juan Capistrano regarding obtaining insurance for the Quiet Zone. He stated that because of the efforts of Betty Hill, various residents, Council Member Schoeffel, and our colleagues at the City of San Juan Capistrano, Dana Point has one or two leads for possible insurance coverage. He added that a delegation from Dana Point and San Juan Capistrano will be attending the California JPIA coverage committee meeting to make a presentation. He stated that Director Fowler has filed the City's application for our intention for the Quiet Zone. He announced that Kyle Butterwick is going to retire effective the first part of November. He thanked Kyle for providing Dana Point with the apex of his career and thanked him for everything he has done for this City.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 18, 2012**

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Brough reported that he had attended the following:

July 26 - Five City Chamber Meeting in Laguna Niguel
August 3 - Dana Point Ocean Desalinization Open House at Doheny State
August 10 - Sgt. Brett Gardner's Promotion Lunch at Olamendi's
September 6 - League of Cities Reception in San Diego
September 9 - Tall Ships Festival
September 15 - Event hosted by VFW Post 9934 Honoring POW MIA's at Sea Terrace Park

Council Member Bartlett reported that she had attended the following:

Several meetings for the Transportation Corridor Agency, Southern California Association of Government meetings, and Association of Cities - Orange County
September 5-7 - League of Cities Conference in San Diego
September 15 - POW MIA National Recognition at Sea Terrace Park

She invited everyone to attend the Dana Point Kansas City BBQ and Taste of Brews on September 29 at Sea Terrace Park.

Council Member Schoeffel thanked Kevin Evans and his staff for the summer concert series. He reported that he had attended the following:

TCA meetings
VFW POW MIA event
Fish for Life event in August

He announced that the Dana Point Yacht Club in association with SOCSA will be offering Sundays at Sunset music series. He stated that there were nine performances scheduled through the fall.

Mayor Pro Tem Weinberg reported that he had turned in his list of meetings to the City Clerk. He announced that he would be a judge at the Kansas City BBQ again this year at Sea Terrace Park. He stated that the event will begin at noon.

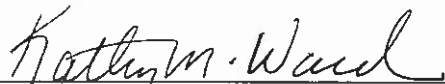
Mayor Anderson stated that she had turned in her list of meetings and events to the City Clerk. She thanked Kevin and his staff for all of the fun activities this summer. She announced that for the BBQ Championship a free shuttle service will pick up from the Dana Hills High School. She stated that there are 77 teams and the proceeds benefit the 5th Marine Support Group, VFW, and American Cancer Society Dana Point Relay for Life. She reminded everyone that on October 1, the Styrofoam ban goes into effect. She added that at the San Clemente/Dana Point Animal Shelter from now until September 30 was holding an event called "Pussy Cat Palooza" where they are offering

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 18, 2012**

50 percent off cat and kitten adoptions. For more information go to www.petprojectfoundation.org. She stated that Killer Dana is holding a Relay for Life Give Back sales event where 20 percent of all purchases made on September 29 or 30 will be donated back to Relay for Life.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Anderson adjourned the meeting at 9:32 p.m. She announced that the next Regular Meeting of the City Council will be held on October 2, 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 OCTOBER 16, 2012

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 18, 2012**

Meetings attended since July 17, 2012

Mayor Lara Anderson

July 19	South OC Association of Mayors Meeting
August 2	Wine Bistro Ribbon Cutting
August 4	5 th Marines Support Car Wash
August 19	Laguna Niguel Library Grand Re-Opening
August 20	Lunch honoring Sgt. Gardner
August 25	Emergency Preparedness Expo VFW BBQ
September 6	Meeting with auditors
September 8	Fish For Life Opening Ceremony Doheny Days
September 9	Tallships Festival
September 14	Presented certificates of recognition to Laguna Cliffs Marriott employees of 25 years
September 15	POW/MIA Recognition Day
September 16	Observed meeting of Save Our Bookstore/Friends of DP Library
September 17	CASA JPA Meeting and Roundtable
	Concerts in the park, meetings with residents, etc.

Mayor Pro Tem Steven Weinberg

July 25	Discuss Commission and Business Processes w/ San Juan
July 26	OCFA Executive Committee OCFA Board of Directors
August 8	OCFA Budget and Finance Committee OCFA Equity Study Group
August 16	Vector Control Board of Directors Vector Control Budget and Finance Committee
August 20	Promotion Party for Deputy Brett Gardner
August 23	OCFA Claims Board OCFA Executive Committee
September 12	OCFA Budget and Finance Committee
September 14	Explorers Luncheon and Recognition
September 15	VFW's POW-MIA Recognition Day