
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
OCTOBER 16, 2012**

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by City Clerk Ward at 5:00 p.m. in the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point. City Clerk Ward announced that the meeting was adjourned to 6:00 p.m. due to a lack of quorum.

RECONVENE CITY COUNCIL MEETING - 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 6:01 p.m. at 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

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

CLOSED SESSION

There were no Closed Session items.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Bill Manes of the VFW Post 9934.

INVOCATION

The Invocation was provided by Orange County Fire Authority Chaplain Jeff Hetschel.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
OCTOBER 16, 2012**

PRESENTATIONS AND PROCLAMATIONS

National VFW Firefighter of the Year

Joe Snyder, VFW Post Commander presented a plaque and a check to Tom Forrester for being selected the Department Firefighter of the Year and VFW Department Commander Earl Fulk presented the State award to Tom. Mayor Anderson presented Tom with a Certificate of Recognition in honor of his achievement.

Volunteer of the month - Ed Neely

Senior Management Analyst Shelton provided a PowerPoint presentation which provided details of Ed Neely and his service to the community. She stated that Ed is a volunteer with the Doheny State Beach Interpretive Association as well as he serves as board secretary and membership chairperson for the Association. She added that Ed is also a tidepool docent for the rocky intertidal areas of the Dana Point Marine conservation area. She stated that Ed is the editor and publisher of the monthly Association newsletter "The Doheny Update" as well as the editor and publisher of the e-magazine, "South Swell". Mayor Anderson presented Ed Neely with a "Making a Difference" award and a Certificate of Recognition for being selected the Volunteer of the Month, October 2012 in honor of his contributions in the education and preservation of Doheny State Beach.

25th Anniversary of the Dana Point Coastmasters Club

Mayor Anderson presented a Proclamation to the president of the Coastmasters Club in honor of their 25th Anniversary of the founding of the club.

CONSENT CALENDAR

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LISA BARTLETT, TO ACCEPT THE RECOMMENDATIONS OF 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.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
OCTOBER 16, 2012**

2. REGULAR MEETING MINUTES, SEPTEMBER 18, 2012

APPROVED THE MINUTES.

3. REGULAR MEETING MINUTES, OCTOBER 2, 2012

APPROVED THE MINUTES.

4. PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 10, 2012

RECEIVED AND FILED.

5. PLANNING COMMISSION ACTIONS, MEETING OF OCTOBER 8, 2012

RECEIVED AND FILED.

6. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

7. CITY TREASURER'S REPORT, SEPTEMBER 2012

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

8. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

9. AWARD OF CONTRACT FOR THE CONSTRUCTION OF THE PACIFIC COAST HIGHWAY MEDIAN PROJECT PHASE III

APPROVED THE CONSTRUCTION CONTRACT DOCUMENTS REQUIRED FOR THE "PACIFIC COAST HIGHWAY MEDIANS, PHASE III PROJECT (FROM SELVA ROAD TO STREET OF THE BLUE LANTERN)"; AWARD A CONTRACT TO GASS CONSTRUCTION COMPANY, INC. FOR CONSTRUCTION OF THE PACIFIC COAST HIGHWAY MEDIANS, PHASE III PROJECT (FROM SELVA ROAD TO STREET OF THE BLUE LANTERN), PROVIDING THAT THE CITY MANAGER OR HIS DESIGNEE SIGNS AND ADMINISTERS THE SUBJECT CONTRACT AND MAY APPROVE ADDITIONAL PAYMENT FOR CHANGE ORDERS, CONTINGENCIES, CONSTRUCTION MANAGEMENT SERVICES, SOILS AND MATERIAL TESTING, SURVEYING AND CONSTRUCTION DESIGN SUPPORT FOR THE PROJECT AS NOTED IN THE FISCAL IMPACT SECTION; AND TRANSFER FUNDING AS NOTED IN THE FISCAL IMPACT SECTION.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
OCTOBER 16, 2012**

10. AWARD OF CONTRACT FOR CUSTODIAL SERVICES FOR CITY FACILITIES

AWARDED A CONTRACT TO GREAT CLEANING SERVICE, INC. (GCS) FOR CUSTODIAL SERVICES AT CITY HALL, THE COMMUNITY CENTER AND THE NATURE INTERPRETIVE CENTER; AWARDED A CONTRACT TO SANTA FE BUILDING MAINTENANCE FOR CUSTODIAL SERVICES AT CITY HALL; AUTHORIZED THE CITY MANAGER TO EXECUTE THESE ONE (1) YEAR CONTRACTS; AND AUTHORIZED THE CITY MANAGER, AT HIS DISCRETION, TO EXTEND THESE CONTRACTS FOR UP TO TWO, ONE (1) YEAR PERIODS.

11. HISTORIC PRESERVATION AGREEMENT (MILLS ACT) FOR THE PROPERTY LOCATED AT 34532 CAMINO CAPISTRANO

AUTHORIZED THE MAYOR TO SIGN A HISTORIC PROPERTY PRESERVATION AGREEMENT WHICH WOULD ALLOW THE PROPERTY OWNERS OF THE HISTORIC STRUCTURE AT 34532 CAMINO CAPISTRANO TO PARTICIPATE IN THE STATE'S MILLS ACT PROGRAM.

PUBLIC COMMENTS

Cindy Fleming, Dana Point, introduced the Architectural Guild of South Orange County, a newly formed 501(c)(6) non-profit business league of design professionals including architects, landscape architects and land planners of Dana Point, San Clemente and San Juan Capistrano. She stated that their mission was to provide a better understanding of what these professions provide for our communities, design expertise to the communities, better communication between local governments and the building professions, and provide a resource of design expertise to the communities. She added that more information could be found at www.archguild.org.

Joe Snyder/Bob Fowler, VFW Post 9934, reported that on Sunday, November 11th there will be a Veteran's Day ceremony at Strand Beach. He stated that the Post could not do half of what they do without the City's support and that they were very grateful. Bob Fowler reported that they have assisted 186 people in the last 15 months with filing their claims while meeting at the Community Center and they have filed 69 claims since moving into their office here at City Hall.

Norm Denton, Dana Point, reported that the Historical Society held their 25th Year Anniversary kickoff event at the bluff top trail by the Drogher statue. He urged people to visit the bluff top trail which is located between Violet and Amber Lantern which had been recently designated as historic by the City. He asked people to support the Historical Society with their events and with membership if possible.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
OCTOBER 16, 2012**

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

12. FISCAL YEAR 2012-13 PROPOSED BUDGET ADJUSTMENTS

City Manager Chotkevys provided a staff report.

Council Member Brough stated that he was comfortable with the carryovers as proposed but that he was concerned with two items. He added that he would like to discontinue the grease interceptor program and the environmental public awareness campaign. He felt that the grease interceptor program was more of a South Coast Water District program and added that when the Council was considering the plastic bag ban, it was stated that an educational program was not going to be effective.

Mayor Pro Tem Weinberg felt that the City needs to keep the awareness program to continue to educate people.

Mayor Anderson asked if staff could elaborate on the grease interceptor program.

City Manager Chotkevys replied that what this was an economic incentive for business owners to install the grease interceptor and grease trap. He stated that the City has partnered with South Coast Water District to help the City be more business friendly by providing the incentive.

Director Fowler added that the City's contribution is 1/4 and South Coast Water District's contribution is 1/4 and the business owner pays 1/2 for the installation of the interceptor. He stated that the City had interest in this program as it is a water quality issue.

Council Member Brough stated that he would still like to eliminate the awareness campaign. He added that since this is all one item that he had a concern with the New Revenue item for the symphony. He felt that the symphony was a perfect candidate to go under Arts and Culture Commission and have the Commission manage it and fund it out of the Art in Public Places budget.

City Manager Chotkevys stated that staff would have to determine if that could be done. He added that it was important to note that the net contribution is \$25,000 from the City and there is a carryover from last year of \$2,400 from last year. He asked Senior Management Analyst Shelton what was the sponsorship total was to last year's program.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
OCTOBER 16, 2012**

Senior Management Analyst Shelton replied that she was not sure but felt that it was around \$20,000.

City Manager Chotkevys clarified that it was \$20,000 generated in the community above and beyond the ticket sales. He stated that at Council's direction, staff could bring this item back with the numbers better identified.

Mayor Pro Tem Weinberg asked if the Council could approve the item as recommended and then staff could return and clarify whether the symphony could be funded under Arts and Public Places.

City Manager Chotkevys replied that staff will review the Ordinance and return to Council with an answer. He stated that with regard to the awareness program; that staff has talked with the Dana Point Destiny committee about going out into the public and making Dana Point a "trash free zone". He added that they are working on a program to bring back for Council consideration much like "Hide it, Lock it, or Lose it" which will include a staff report outlining the expenditure of money.

Council Member Brough stated that he is only voting no on this due to the public awareness campaign and added that he does support the other items.

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LISA BARTLETT, AMEND THE FY2012-13 ("FY 12-13") GENERAL FUND AND CAPITAL IMPROVEMENTS FUND BUDGETS BY AUTHORIZING THE CARRY-OVER AND RE-APPROPRIATION OF ENCUMBERED AND UNENCUMBERED FY11-12 FUNDS TO FY12-13.

The motion carried by the following vote:

AYES: Council Member Lisa Bartlett, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg, and Mayor Lara Anderson

NOES: Council Member William Brough

NEW BUSINESS

There were no New Business items.

PUBLIC COMMENTS

There were no additional Public Comments received.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
OCTOBER 16, 2012**

STAFF REPORTS

City Manager Chotkevys announced that tonight was Kyle Butterwick's last City Council meeting as Director of Community Development. He thanked Kyle for his service to the City.

Director Butterwick stated that Dana Point does feel like home to him. He added that it has been a pleasure, an honor and a privilege to finish up his career here.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Mayor Pro Tem Weinberg thanked Kyle for everything he has done to help him grow as a Planning Commissioner and Council Member. He reported that he had turned in his meetings attended to the City Clerk. He urged people to vote for the candidates of their choice.

Council Member Bartlett stated that it has been a pleasure to work with Kyle. She reported that she had attended several Association of California Cities, Orange County, Southern California Association of Governments and Transportation Corridor Agencies. She announced that on October 25th at 8:30 a.m. the ground breaking ceremony for the Maddie James Seaside Learning Center at the Ocean Institute will be held. She added that on November 17th the Senior Thanksgiving luncheon will be held.

Council Member Brough congratulated Kyle on his retirement and thanked him for his support. He announced that he had attended the South County Economic Coalition in Mission Viejo on October 4th and the City Manager's City Softball BBQ where he played in the game where the City defeated the Sheriff's Department team 14-10.

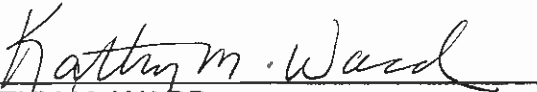
Council Member Schoeffel stated that Kyle is the finest Planning Director he has ever worked with in his 32 years of practicing law. He added that he was grateful to have worked with him. He spoke regarding the Dana Point Symphony Orchestra and felt that this year's series will be exceptional. He stated that the program will sustain itself and only get better. He reported that he had attended a CJPIA meeting to work on a solution to the Quiet Zone as well as the Relay for Life in Lantern Bay Park on October 6th and 7th. He felt that the Relay was a successful event. He felt that the "Sundays at Sunset" program that SOSCA is putting on is a lot of fun.

Mayor Anderson stated that Kyle has created a legacy for future generations. She reported that she had turned in her list of meetings attended to the City Clerk. She announced that the bulky item clean-up event is scheduled for Saturday from 7:30 a.m. to 2:30 p.m. at Dana Hills High School and Palisades School. She stated that the Senior Center is looking for a restaurant or two to fill the void that the Jolly Roger has left. She added that the Jolly Roger had been a long-time contributor to the Senior program and that they will be missed.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
OCTOBER 16, 2012**

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Anderson adjourned the meeting at 7:09 p.m. in memory of Bill Brotherton and Stan Rosen who both had recently passed away. She announced that the next Regular Meeting of the City Council will be held on November 20, 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 NOVEMBER 20, 2012

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
OCTOBER 16, 2012**

Meetings attended since the last September 18, 2012:

Mayor Lara Anderson

September 20	South OC Mayor's Meeting
September 26	Life Point Chiropractic Ribbon Cutting Dana Point Historical Society 25 th Anniversary Celebration
September 29	BBQ Contest Welcome Event
September 30	Fish For Life Opening Ceremony BBQ Contest Judging and Awards
October 6	Relay for Life Opening Ceremony
October 13	City Softball Tournament and BBQ
October 14	Lantern Village Association Taco Fest
October 15	Coastal Animal Services Authority JPA meeting

Mayor Pro Tem Steven Weinberg

September 20	Vector Control Board of Directors Vector Control Budget and Finance Committee
September 29	Kansas City BBQ contest

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