

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
DECEMBER 4, 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. 12-07

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

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: Superior Court Case No. 30-2010-00352093; The People of State of California ex rel. The City of Dana Point v. The Point Alternative Care, Inc., etal.

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; Sgt. Brian Irish, Police Services; John Tilton, Interim Director of Community Development; Brad Fowler, Director of Public Works/Engineering; Sea Shelton, Senior Management Analyst; Kevin Evans, Director of Community Services and Parks; Christy Teague, Economic Development Manager; Mark Sutton, Building Official; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; Jennifer Ransom, City Clerk Specialist, and Bobbi Ogan, Deputy City Clerk.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated he had nothing to report.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Wayne Rayfield.

INVOCATION

The Invocation was provided by Reverend Paul Peck.

PRESENTATIONS AND PROCLAMATIONS

Volunteers of the Month – Paula and Bob Becker

CONSENT CALENDAR

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY COUNCIL MEMBER BARTLETT, THAT THE RECOMMENDATIONS BE ACCEPTED FOR 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

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, NOVEMBER 20, 2012

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, OCTOBER 22, 2012

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF NOVEMBER 26, 2012

RECEIVED AND FILED.

5. ARTS AND CULTURE COMMISSION MEETING MINUTES, SEPTEMBER 19, 2012

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. SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADDING NEW CHAPTER 6.48 "VESSEL REGULATIONS" TO TITLE 6 OF THE DANA POINT MUNICIPAL CODE REGULATING THE ANCHORING OF VESSELS WITHIN THE JURISDICTIONAL WATERS OF THE CITY OF DANA POINT, EXCLUDING DANA POINT HARBOR

HELD A SECOND READING AND ADOPTED **ORDINANCE 12-07** ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADDING NEW CHAPTER 6.48 "VESSEL REGULATIONS" TO TITLE 6 OF THE DANA POINT MUNICIPAL CODE REGULATING THE ANCHORING OF VESSELS WITHIN THE JURISDICTIONAL WATERS OF THE CITY OF DANA POINT, EXCLUDING DANA POINT HARBOR.

9. DISPOSITION OF NON-ESSENTIAL CITY RECORDS

APPROVED THE 2012 DISPOSITION OF NON-ESSENTIAL CITY RECORDS IN ACCORDANCE WITH CALIFORNIA STATE LAW AND THE CITY'S APPROVED RECORDS RETENTION SCHEDULE AND ADOPTED **RESOLUTION 12-12-04-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE DISPOSITION OF CERTAIN INACTIVE CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

10. RESOLUTION RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 6, 2012, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW

ADOPTED RESOLUTION 12-12-04-02 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 6, 2012, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW.

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

There were no New Business items.

RECOGNITION OF OUTGOING CITY COUNCIL MEMBER

- Presentation to Lara Anderson
- Recognition of Outgoing Mayor by Mayor Pro Tem Weinberg

SWEARING IN OF NEWLY ELECTED CITY COUNCIL MEMBERS

City Clerk Ward administered the Oath of Office to:

- Carlos N. Olvera
- J. Scott Schoeffel

CITY COUNCIL REORGANIZATION

A. COUNCIL REORGANIZATION

The new Mayor is Steven Weinberg; the Mayor Pro Tem is Lisa Bartlett.

PUBLIC COMMENTS

There were no Public Comments.

PUBLIC HEARINGS

11. ANNUAL REVIEW OF THE GENERAL GOVERNMENT IMPACT FACILITIES AND TRANSPORTATION FACILITIES DEVELOPMENT IMPACT FEES

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM BARTLETT, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING AND ADOPT **RESOLUTION 12-12-04-03** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REAFFIRMING THE APPLICATION OF THE GENERAL GOVERNMENT FACILITIES AND TRANSPORTATION FACILITIES DEVELOPMENT IMPACT FEE PROGRAM FOR ALL NEW DEVELOPMENT LOCATED WITHIN THE CITY OF DANA POINT FOR THE 2011-2012 FISCAL YEAR.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

12. DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT ANNUAL REPORT AND RENEWAL FOR 2013 WITH RELATED CONTRACTS

IT WAS MOVED BY MAYOR PRO TEM BARTLETT, SECONDED BY COUNCIL MEMBER SCHOEFFEL, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING AND ADOPT **RESOLUTION 12-12-04-04** ENTITLED:

A RESOLUTION OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE 2013 ANNUAL REPORT AND DECLARING THE INTENTION OF THE CITY COUNCIL TO CONTINUE THE PROGRAM AND ASSESSMENTS FOR THE 2013 CALENDAR YEAR FOR THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID); and

AUTHORIZED THE CITY MANAGER TO EXECUTE A CONTRACT WITH AGENCY 51 FOR 2013 MARKETING SERVICES ON BEHALF OF THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID); AND

AUTHORIZED THE CITY MANAGER TO WORK WITH THE ADVISORY BOARD TO NEGOTIATE A CONTRACT WITH HELMS BRISCOE FOR 2013 CONFERENCE PLANNER INCENTIVE PROGRAM ON BEHALF OF THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID) FOR CITY COUNCIL APPROVAL AT THE EARLIEST POSSIBLE DATE; AND

APPROVED THE CONCEPT FOR THE ELEPHANT PARADE, AND AUTHORIZE THE CITY MANAGER TO WORK WITH THE ADVISORY BOARD TO NEGOTIATE A CONTRACT WITH ELEPHANT PARADE USA FOR PRODUCTION OF AN INTERNATIONAL EVENT ON BEHALF OF THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID) FOR CITY COUNCIL APPROVAL AT THE EARLIEST POSSIBLE DATE.

The motion carried by the following vote:

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

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 Weinberg declared the meeting adjourned at 7:52 p.m. and announced that the next Regular Meeting of the City Council will be held on January 15, 2013, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

RECEPTION

REFRESHMENTS WERE SERVED – THE PUBLIC WAS INVITED.