
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JANUARY 15, 2013**

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Weinberg 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 Steven H. Weinberg
Mayor Pro Tem Lisa A. Bartlett
Council Member William P. Brough
Council Member Carlos N. Olvera
Council Member J. 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)

Mayor Weinberg 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 Weinberg reconvened the meeting at 6:07 p.m. All Council Members were present.

STAFF PRESENT: Douglas C. Chotkevys, City Manager; A. Patrick Munoz, City Attorney; Kathy M. Ward, City Clerk; Mike Killebrew, Assistant City Manager; Mike Rose, Director of Disaster Preparedness; Lt. Lynn Koehmstedt, Police Services; John Tilton, Acting Director of Community Development; Brad Fowler, Director of Public Works/Engineering; Robert Sedita, Management Analyst; Kevin Evans, Director of Community Services and Parks; Christy Teague, Economic Development Manager; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JANUARY 15, 2013**

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz announced that on a motion made by Council Member Schoeffel, with a second by Council Member Brough, the Council unanimously voted to send a letter of establishment in connection with the establishment of a Quiet Zone at the Beach Road crossing which will result in the establishment of a Quiet Zone at that crossing in the next 21 days.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Schoeffel.

INVOCATION

The Invocation was provided by Pastor Jens Christy of Capo Beach Church.

PRESENTATIONS AND PROCLAMATIONS

Business of the Month - Cycleological

Management Analyst Sedita provided a PowerPoint presentation detailing Cycleological. He stated that Bill and Melissa Mol are avid cyclists and residents of Dana Point. He added that they opened Cycleological in March, 2012 where they offer a wide range of services. He reported that the Mol's are active in the Boys and Girls Club, Dana Point Cycling Foundation, and the Dana Point Grand Prix. He stated that the Mol's had worked with the Boys and Girls Club and the Dana Point Cycling Foundation to arrange for 50 bicycles to be donated to the children during the holidays. Heather Johnston from the Chamber of Commerce presented a complimentary membership to the Chamber of Commerce for one year. Mayor Weinberg presented Bill and Melissa Mol with a Certificate of Recognition in honor of Cycleological being selected the Business of the Month, January 2013.

Employee of the Month - Matthew Sinacori

Mayor Weinberg invited Matt Sinacori and his family to join him. Mayor Weinberg presented Matt's girls with their own orange safety vests. Mayor Weinberg presented Matt with a Certificate of Recognition for being selected the Employee of the Month for January 2013.

Girl Scout Gold Award

Mayor Weinberg presented a Certificate of Recognition and Girl Scout Gold Pin to Liane Sequeria in honor of Liane earning the Girl Scout Gold Award.

Elenna Lulu Erkeneff Presentation

Mayor Weinberg reported that Elenna was one of 27 surfers from 19 different countries that had been chosen to receive the 2012 International Surfing Association individual scholarship and stated that Elenna was the only recipient from the United States.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JANUARY 15, 2013**

Mayor Weinberg presented Elenna Erkeneff with a Certificate of Recognition in honor of her academic achievements, volunteerism, and success in surfing.

CONSENT CALENDAR

Council Member Brough removed Item Number 16 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER SCOTT SCHOEFFEL, SECONDED BY MAYOR PRO TEM LISA BARTLETT, TO ACCEPT ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM NUMBER 16.

The motion carried by the following vote:

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

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, DECEMBER 4, 2012

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, NOVEMBER 26, 2012

RECEIVED AND FILED.

4. YOUTH BOARD MEETING MINUTES, NOVEMBER 1, 2012

RECEIVED AND FILED.

5. YOUTH BOARD MEETING MINUTES, NOVEMBER 15, 2012

RECEIVED AND FILED.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JANUARY 15, 2013**

6. ARTS AND CULTURE COMMISSION MINUTES, OCTOBER 17, 2012

RECEIVED AND FILED.

7. ARTS AND CULTURE COMMISSION MINUTES, NOVEMBER 28, 2012

RECEIVED AND FILED.

8. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

9. CITY TREASURER'S REPORT, NOVEMBER 2012

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

10. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

11. AUTHORIZATION TO ISSUE REQUEST FOR PROPOSAL FOR AUDITING SERVICES

AUTHORIZED STAFF TO ISSUE A REQUEST FOR PROPOSAL (RFP) FOR AUDITING SERVICES.

12. ANNUAL REVIEW OF INVESTMENT POLICY

APPROVED THE CITY'S STATEMENT OF SAFEKEEPING AND INVESTMENT OF PUBLIC FUNDS POLICY (INVESTMENT POLICY).

13. ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PAVEMENT REHABILITATION PROJECT FY 12/13

ADOPTED RESOLUTION 13-01-15-01 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 "PACIFIC COAST HIGHWAY REHABILITATION PROJECT FY 2012/2013"; and

ESTABLISHED A NEW CAPITAL IMPROVEMENT PROGRAM PROJECT #1259 ENTITLED "PACIFIC COAST HIGHWAY REHABILITATION PROJECT,

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JANUARY 15, 2013**

COPPER LANTERN TO CRYSTAL LANTERN"; AND TRANSFERRED ALL PROJECT SAVINGS TO THE NEWLY ESTABLISHED PACIFIC COAST HIGHWAY REHABILITATION PROJECT, COPPER LANTERN TO CRYSTAL LANTERN PER THE FISCAL IMPACT SECTION.

14. SPECIAL EVENT CALENDAR FOR 2013

APPROVED THE EVENT CALENDAR FOR 2013 AND THE RECOMMENDED VENUES; AWARDED THE STAGE AND SOUND CONTRACT TO SOUTHERN CALIFORNIA SOUND STAGE & LIGHTING CORPORATION; AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE CONTRACT.

15. COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2012

RECEIVED AND FILED THE COMPREHENSIVE ANNUAL FINANCIAL REPORT ("CAFR") FOR THE YEAR ENDED JUNE 30, 2012.

16. ELEPHANT PARADE CONTRACT ON BEHALF OF DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT

Council Member Brough had removed this item from the Consent Calendar.

Assistant City Manager Killebrew provided a staff report.

City Manager Chotkevys clarified that this money was a not-to-exceed amount and would be offset by any revenue that is raised as a result of sponsorship dollars. He stated that it was important to point out that this is TBID money and not General Fund tax dollars of the City of Dana Point.

Council Member Brough stated that it seemed like a charitable effort and he was not sure what Asian elephants had to do with Dana Point. He added that he would like to see the TBID more focused on the beach or whales. He stated that he would not support this item.

Mayor Weinberg asked if part of the auction monies offset the expenses.

Assistant City Manager Killebrew replied that there are two components under this contract for sponsorship. He stated that of the sponsorships that are received for the Elephant Parade, 80 percent will go to the TBID and 20 percent will go to Elephant Parade USA, LLC. He added that separate from that is the Gala Event where 75 percent of the proceeds will go to the Asian Elephant Foundation, 15 percent to the artists and 10 percent to Elephant Parade International.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JANUARY 15, 2013**

Mayor Pro Tem Bartlett felt that this event will be great for the City, it will support a great foundation, it is a good cause, and put Dana Point on international map. She stated that she is very supportive of this item.

Council Member Schoeffel stated that he applauds the vision of the TBID managers. He added that this will be the first elephant parade produced in the United States. He felt that this was exactly the reason that the TBID was formed. He stated that he supports this item.

Mayor Weinberg listed the other cities that had hosted this event in the past. He stated that the goal of the TBID is to get people to come visit.

Council Member Olvera stated that his concerns have been addressed by holding this event in the fall so that it would not interfere with the Festival of Whales. He added that he was not fond of having the elephant as a trial in Dana Point, but since it has been so successful around the world, the City will need to see where we can go if this is a success here.

IT WAS MOVED BY COUNCIL MEMBER SCOTT SCHOEFFEL, SECONDED BY MAYOR PRO TEM LISA BARTLETT, TO AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT WITH ELEPHANT PARADE, LLC ON BEHALF OF THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT.

The motion carried by the following vote:

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

NOES: Council Member William Brough

PUBLIC COMMENTS

Judy Dore, Rancho Santa Margarita, Principal of RH Dana ENF, thanked the City Council for the support of their school. She presented thank you cards that some of her students had made for the City Council.

Mike Frost, Dana Point, Lantern Village Association President, stated that their organization feels that the Town Center is very important in the upcoming budget. He added that there is concern about the Town Center and the Council's direction out in the community. He asked the Council to figure out how to finance the Plan to start construction in 2013.

Jorge Luhan II, Dana Point, owner of Luciana's restaurant, requested that the Town Center Plan be put on the budget. He stated that there needs to be discussion and

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JANUARY 15, 2013**

direction. He felt that there has been a lack of direction and desire to proceed. He asked for the Town Center be addressed on the next agenda to let the public know where this project is and where the Council stands.

Robert Beaulieu, San Clemente, Pacific Western Bank, San Clemente, stated that the Town Center Plan provided a vision for the downtown. He felt that there was a desire of the property owners to move forward without delay on the plan. He asked Council to direct staff to pursue an immediate plan to move forward with the budgeting and completion of the street improvement plans.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

17. CITY COUNCIL APPOINTED REPRESENTATIVES AND CITY COMMISSIONS, COMMITTEES, SUBCOMMITTEES AND TASK FORCES

Mayor Weinberg passed out his proposed recommendations for the appointments.

Council Member Olvera asked if there should not be a representative to meet with Moulton Niguel Water District since they also serve Dana Point.

City Manager Chotkevys replied that he would contact the General Manager of Moulton Niguel to see if there were interested in having a representative from Dana Point.

Council Member Brough asked if the South Coast Water District was a necessary committee.

City Manager Chotkevys replied that one of the key issues is with regard to the Town Center. He stated that there will be a series of meetings coming up but as part of that we need to ensure that South Coast Water District will be able to provide the necessary infrastructure to support the new development.

Council Member Brough asked if the Sister City was a necessary committee to keep.

Mayor Weinberg replied that the City does have an outstanding issue with a sister city.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JANUARY 15, 2013**

City Attorney Munoz stated that he would look into the issue and report back to Council at the next meeting.

IT WAS MOVED BY MAYOR PRO TEM LISA BARTLETT, SECONDED BY COUNCIL MEMBER WILLIAM BROUGH, TO REVIEW THE LIST OF CITY COUNCIL REPRESENTATIVES TO OUTSIDE AGENCIES, CITY COMMITTEES, SUBCOMMITTEES AND TASK FORCES, MAKE REVISIONS TO APPOINTMENTS AND ADOPT **RESOLUTION 13-01-15-02** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DESIGNATING AND APPOINTING ITS REPRESENTATIVE AND ALTERNATE TO THE ORANGE COUNTY FIRE AUTHORITY'S BOARD OF DIRECTORS.

The motion carried by the following vote:

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

NOES: None

18. APPOINTMENTS TO THE PLANNING COMMISSION AND TRAFFIC IMPROVEMENT SUBCOMMITTEE

Mayor Weinberg asked if we need to advertise for the Arts and Culture Commission.

City Manager Chotkevys replied that their terms expire in June so staff would bring forward a request to begin recruitment in March to the City Council.

Council Member Schoeffel asked why their terms end in June when they weren't appointed until late October.

City Clerk Ward replied that was how the original Resolution was set up.

IT WAS MOVED BY MAYOR PRO TEM LISA BARTLETT, SECONDED BY COUNCIL MEMBER WILLIAM BROUGH, TO DIRECT STAFF TO PROCEED WITH THE RECRUITMENT/APPOINTMENT OF PLANNING COMMISSION MEMBERS AND TRAFFIC IMPROVEMENT SUBCOMMITTEE MEMBERS.

The motion carried by the following vote:

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

NOES: None

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JANUARY 15, 2013**

19. PROPOSED PUBLIC ART AT THE LANTERN BAY PARK

City Manager Chotkevys provided a staff report.

Acting Director of Community Development Tilton provided an introduction and Economic Development Manager Teague provided a PowerPoint presentation describing the art piece.

Mayor Pro Tem Bartlett felt that this piece was very fitting for Dana Point.

Council Member Schoeffel felt that this will be a stunning piece of art, unique and different.

IT WAS MOVED BY MAYOR PRO TEM LISA BARTLETT, SECONDED BY COUNCIL MEMBER SCOTT SCHOEFFEL, TO APPROVE THE RECOMMENDED ARTISTIC DISPLAY FOR LANTERN BAY PARK; AUTHORIZE TRANSFER OF FUNDS FROM THE ARTS IN PUBLIC PLACES RESERVE ACCOUNT; AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT WITH STEVEN RYDZON.

The motion carried by the following vote:

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

NOES: None

PUBLIC COMMENTS

There were no additional Public Comments received.

STAFF REPORTS

There were no Staff Reports.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Schoeffel reported that he had attended one TCA meeting, and two in January. He stated that SOSCA continues to hold their "Sundays at Sunset" event at the Dana Point Yacht Club. He reminded everyone that the Dana Point Symphony Orchestra kicks off on February 8 with the Tchaikovsky Violin Concerto.

Council Member Brough stated that he had turned in his list of meetings to City Clerk. He wished everyone a Happy New Year.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JANUARY 15, 2013**

Council Member Olvera reminded the public that Beverly Sels had passed away a week ago and that her celebration of life was held last Saturday. He stated that Beverly was past President of the Dana Point Historical Society and Citizen of the Year for 1999. He added that the current Citizen of the Year, Judy Henderson is a Director Emeritus for the Dana Point Historical Society.

Mayor Pro Tem Bartlett wished everyone a Happy New Year. She reported that she had attended several meetings for the Association of California Cities - Orange County, Southern California Association of Governments and Transportation Corridor Agencies. She added that on December 14 she had attended the Dana Point Boat Parade. She reported the following future events:

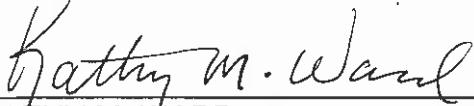
January 31 - Dana Point Chamber Installation Dinner at the Marriott
February 8 - Dana Point Symphony concert at St. Edwards Church at 7:30 p.m.
February 10 - Senior Valentine's Day Dance at the Dana Point Community Center
February 22-24 - Ocean Institute's Jazz Festival

She reported that the 2013 City of Dana Point calendars were available in the reception area at City Hall.

Mayor Weinberg stated that he had turned in his list of meetings attended to the City Clerk.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Weinberg declared the meeting adjourned at 7:24 p.m. in memory of Beverly Sels and announced that the next Regular Meeting of the City Council will be held on February 5, 2013, 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 FEBRUARY 5, 2013

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JANUARY 15, 2013**

Meetings attended since the last December 4, 2012:

Mayor Steven Weinberg

December 5, 2012	VIP Dinner
December 6	Dana Point Chamber Mixer
December 7	RH Dana Tree decorating
12-08-2012	OCFA Reserve Commence Address Dana Point Winter Festival Dana Point Tree Lighting Ceremony Boat Parade Judging
December 11	RH Dana Art at Community Center
December 12	Dana Point Holiday Luncheon
December 16	Award of Boat Parade Mayor's Trophy
December 20	Vector Control Budget & Finance Meeting Vector Control Board of Directors
December 22	Ribbon Cutting for reopening Dana West Yacht Club
January 9, 2013	OCFA Budget & Finance Committee meeting
January 11	Meeting with local business leaders

Council Member William Brough

December 6	Gift of History event 3 rd graders Angel Stadium Dana Point Chamber Holiday Mixer, St. Regis
December 7	OC Association Realtors Installation Dinner, Dana Point Yacht Club
December 12	Dana Point City Holiday Luncheon, Yacht Club
December 16	Boat Parade Awards, Harpoon Henry's

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