
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
MAY 21, 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 (*arrived at 5:02 p.m.*)

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 - ANTICIPATED LITIGATION, INITIATION OF LITIGATION, Government Code § 54956.9 (d)(4), (1 case): California Regional Water Quality Control Board, San Diego Region
- C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case): Name of Case: Holistic Health - Orange County Superior Court Case No. 30-2010-00352106-CU-MC-CJC
- D. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Government Code § 54956.8 Location: 26315 and 26351 Via Canon Agency Negotiator: Douglas C. Chotkevys, Mike Killebrew Negotiating Parties: City of Dana Point and Integral Communities Under Negotiation: Price and terms of agreement relating to property

Mayor Weinberg recessed the meeting into a closed Session at 5:02 p.m. pursuant to Government Code Section 54956 et seq.

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RECONVENE CITY COUNCIL MEETING - CALL TO ORDER

Mayor Weinberg reconvened the meeting at 6:03 p.m. All Council Members were present.

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Kathy Ward, City Clerk; Mike Killebrew, Assistant City Manager; Mike Rose, Director of Disaster Preparedness; Lt. Lynn Koehmstedt, Police Services; Ursula Luna-Reynosa, Director of Community Development; Brad Fowler, Director of Public Works/Engineering; Kevin Evans, Director of Community services and parks; Christy Teague, Economic Development Manager; Matthew Sinacori, City Engineer; Mark Sutton, Building Official; 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 in connection with Item C the City Council rejected a settlement offer from Holistic Health; Item D the City Council authorized the agency negotiator to move forward with negotiations of a purchase agreement; and Item B the City Council authorized the initiation of litigation against the California Regional Water Quality Control Board, San Diego Region to file an administrative petition in connection with the recent NPDES permit.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Olvera.

INVOCATION

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

PRESENTATIONS AND PROCLAMATIONS

There were no Presentations, nor Proclamations.

CONSENT CALENDAR

IT WAS MOVED BY COUNCIL MEMBER CARLOS N. OLVERA, SECONDED BY MAYOR PRO TEM LISA A. BARTLETT, ACCEPT THE RECOMMENDATIONS FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR.

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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, MAY 7, 2013

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, APRIL 22, 2013

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF MAY 13, 2013

RECEIVED AND FILED.

5. YOUTH BOARD MEETING MINUTES, APRIL 4, 2013

RECEIVED AND FILED.

6. ARTS AND CULTURE COMMISSION MEETING MINUTES, FEBRUARY 20, 2013

RECEIVED AND FILED.

7. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

8. CITY TREASURER'S REPORT, APRIL 2013

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF APRIL, 2013.

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9. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

10. DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT QUARTERLY REPORT FOR JANUARY - MARCH 2013

RECEIVED AND FILED THE QUARTERLY REPORT.

11. AGREEMENT FOR DISTRICT ATTORNEY PROSECUTION SERVICES

APPROVED A FIVE-YEAR AGREEMENT WITH THE DISTRICT ATTORNEY'S OFFICE OF ORANGE COUNTY TO PROVIDE PROSECUTION SERVICES FOR MUNICIPAL CODE VIOLATIONS FOR THE CITY OF DANA POINT.

PUBLIC COMMENTS

Todd Glenn, Dana Point, spoke regarding South Shores Church. He stated that he and other residents had submitted their concerns regarding the proposed expansion and that they were still waiting for a response to their comments. He added that he would like to ensure that they were notified in a timely manner on the completion of the draft EIR.

PUBLIC HEARINGS

12. PUBLIC HEARING AND RESOLUTION TO ADOPT THE PROPOSED OPERATING AND CAPITAL IMPROVEMENT BUDGETS FOR FISCAL YEARS 2013-2014 AND 2014-2015; RESOLUTION TO ESTABLISH THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2013-2014; AND AMENDMENT TO MUNICIPAL CODE SECTION 3.25.070

City Manager Chotkevys provided an introduction to the item and Assistant City Manager Killebrew provided a PowerPoint presentation.

Mayor Weinberg opened the Public Hearing.

Bill Huff, Upland, thanked the City Council for putting the Town Center into the budget. He stated that he would like to ensure that the entire project will be able to be funded. He encouraged the Council to implement the whole plan so businesses on Del Prado will be able to take advantage of those improvements.

Robert Hows, Dana Point, thanked the City Council for starting the Town Center project. He stated that he was concerned with the underfunding for Del Prado.

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Mike Powers, Dana Point, thanked the City Council for starting the Town Center project. He stated that he shares the concerns that Del Prado is not funded. He added that he would like some sort of commitment that all phases will be completed.

Mayor Weinberg closed the Public Hearing.

Mayor Weinberg stated that this is a budget; not expenditure, but a road map. He added that the budget will be adjusted mid-year or as needed. He disclosed that each of the Council Members met with staff to have all questions and concerns regarding the budget addressed prior to this meeting.

Mayor Pro Tem Bartlett thanked staff for the great work on the budget. She stated that it was nice to see the revenues increasing and that she was pleased with the numbers that she sees.

Council Member Brough stated that he is very excited about this budget and felt that staff had done a great job. He added that Council is allocating 9.2 million to start the Town Center project. He asked his colleagues for their support of this item.

Council Member Schoeffel stated that no one would be able find a city comparable to Dana Point that has 9.2 Million dollars available in funds to devote to a project such as the Town Center. He thanked staff and his fellow Council Members for making this possible.

Council Member Olvera stated that after reviewing the past budgets he has determined that if there had been no downturn in 2007, the City would have an extra 15 Million Dollars in the bank. He added that for this Council to be able to tell staff to begin the Town Center project, and for staff to come up with 9.2 Million Dollars to start, how could anyone be critical. He stated that he was convinced that the staff knows what they are doing when estimating and forecasting the City's budget.

City Manager Chotkevys stated that it was a pleasure to work with this staff and Council to create a document that hits all of the important points that the community and the Council want.

IT WAS MOVED BY MAYOR PRO TEM LISA A. BARTLETT, SECONDED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, CONDUCT A PUBLIC HEARING TO REVIEW THE CITY OF DANA POINT PROPOSED OPERATING AND CAPITAL IMPROVEMENT BUDGETS FOR FISCAL YEARS 2013-2014 ("FY 2014") AND 2014-2015 ("FY 2015").

The motion carried by the following vote:

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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

IT WAS MOVED BY MAYOR PRO TEM LISA A. BARTLETT, SECONDED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, TO ADOPT **RESOLUTION 13-05-21-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADOPTING AN OPERATING AND CAPITAL IMPROVEMENT BUDGET FOR THE CITY OF DANA POINT FOR FISCAL YEARS 2013-2014 AND 2014-2015.

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

IT WAS MOVED BY MAYOR PRO TEM LISA A. BARTLETT, SECONDED BY COUNCIL MEMBER WILLIAM P. BROUGH, TO ADOPT **RESOLUTION 13-05-21-02** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2013-2014.

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

IT WAS MOVED BY MAYOR PRO TEM LISA A. BARTLETT, SECONDED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, TO ADOPT **RESOLUTION 13-05-21-03** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING THE POSITION TITLES, SALARY RANGES, AND CLASS SPECIFICATIONS FOR SENIOR PERSONNEL ANALYST AND ACCOUNTANT.

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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

IT WAS MOVED BY MAYOR PRO TEM LISA A. BARTLETT, SECONDED BY
COUNCIL MEMBER J. SCOTT SCHOEFFEL, TO INTRODUCE AND HOLD A
FIRST READING OF AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT,
CALIFORNIA, AMENDING CHAPTER 3.25.070 "TRANSIENT OCCUPANCY
TAX," SECTION 070 "REPORTING AND REMITTING," TO THE DANA POINT
MUNICIPAL CODE TO ALLOW FOR QUARTERLY PAYMENTS FOR SHORT
TERM RENTALS.

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

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

There were no New Business items.

PUBLIC COMMENTS

There were no additional Public Comments received.

STAFF REPORTS

There were no Staff Reports.

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COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Schoeffel reported that he had attended two Transportation Corridor Agency meetings, the Italian American Opera Foundation kickoff meeting on May 10, Mile for Maddie, Dana West Yacht Club Opening, and the Doheny Blues Festival. He stated that upcoming events include the Memorial Day celebration in Pines Park at 10 a.m. on Monday, May 27 and May 31 will be the last performance of the Dana Point Symphony. He added that he has seen two stories in the press recently regarding the City's upcoming Elephant Parade; one was in the *Wall Street Journal* and the other was an interview on KCAL 9 this past Sunday morning with Dana Yarger.

Council Member Brough reported that he had attended the following:

May 15 - Water/sewer committee meeting with South Coast Water District
May 16 - Chamber Mixer at Lantern Bay Realty celebrating their 40 years in business
May 19 - Doheny Blues Festival

He wished everyone a happy and safe Memorial Day weekend and wished his wife Michelle a happy birthday. He encouraged everyone to take a moment on Monday for those who gave the ultimate sacrifice on behalf of our great country.


Mayor Pro Tem Bartlett reported that she had attended several meetings for the Association of California Cities - Orange County, Transportation Corridor Agencies, and Southern California Association of Governments. She stated that she had attended many of the same events as the other Council Members including the Italian Opera event, the Maddie James walk and Seaside Learning Center opening and the 40th Anniversary of Lantern Bay Realty. She announced that the Movies in the Park will be starting on June 7. She added that on July 7 the Summer Concert Series will be starting. She stated that the Concours d'Elegance Car Show at the St. Regis is scheduled for June 22-23. She was asked to mention that Torch 1975 Inc. and VFW Post 9934 are presenting the "President Gerald Ford Centennial Birthday and Operation Baby Lift Reunion Celebrations" on July 12 through July 15. She stated that there were various events taking place and that the City Clerk would have the information for those that are interested.

Mayor Weinberg stated that he had turned in his list of meetings attended to the City Clerk. He wished everyone a happy and safe Memorial Day and reminded everyone of the upcoming Memorial Day Ceremony at Pines Park.

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ADJOURNMENT

There being no further business before the City Council at this session, Mayor Weinberg declared the meeting adjourned at p.m. and announced that the next Regular Meeting of the City Council will be held on June 4, 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 JUNE 4, 2013

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Meetings attended since May 7, 2013:

Mayor Steven Weinberg

May 8	OCFA Budget & Finance Committee Cox Forum
May 13	SDG&E Forum
May 15	Rotary presentation of Mayor Award for Festival of Whales Parade Ad Hoc Water Sewer Committee Meeting OCFA Equity Working Group
May 20	2013 Tim Brown/Kathy Ireland 9-1-1 Celebrity Golf Classic
May 21	Niguel Shore Presentation

Mayor Pro Tem Lisa Bartlett

Several meetings for the Association of California cities – Orange County, Transportation Corridor Agencies, and Southern California Association of Governments

May 10	Italian American Opera Foundation Meeting
May 13	SDG&E Government Leaders Spotlight at the Laguna Cliffs Marriott
May 14	Ocean Institute Board of Directors Meeting
May 16	Chamber of Commerce Mixer to celebrate Lantern Bay Realty's 40 th Anniversary
May 18	Mile for Maddie and opening of the Maddie James Seaside Learning Center
May 18-19	Doheny Blues Festival at Doheny State Beach

Council Member Carlos N. Olvera

May 16	Chamber of Commerce Mixer to celebrate Lantern Bay Realty's 40 th Anniversary
May 18	Doheny Blues Festival at Doheny State Beach