
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JUNE 18, 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 5:02 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 and he stated that there was also a need to add an item under Conference with Legal Counsel - Existing Litigation, specifically Therese Coppi v. City of Dana Point; County of Orange - USDC Central District Case No. - SACV11-1813 JST (RNBx).

IT WAS MOVED BY MAYOR STEVEN H. WEINBERG, SECONDED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, ADD AN ITEM TO EXISTING LITIGATION.

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

- A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b1), (1 case)
- B. 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
- C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957 Title: City Manager

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Mayor Weinberg recessed the meeting into a Closed Session at 5:04 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING - CALL TO ORDER

Mayor Weinberg reconvened the meeting at 6:06 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; Sgt. Brian Irish, Police Services; Ursula Luna-Reynosa, Director of Community Development; Brad Fowler, Director of Public Works/Engineering; Matthew Sinacori, City Engineer; Kevin Evans, Director of Community Services and Parks; Christy Teague, Economic Development Manager; 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 reported that the City Council had not concluded their discussion in Closed Session and that they would need to adjourn to Closed Session at the conclusion of the City Council meeting.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pro Tem Bartlett.

INVOCATION

The Invocation was provided by Father Steve Sallot of St. Edward's Church.

PRESENTATIONS AND PROCLAMATIONS

Proclamation for Father Steve Sallot, St. Edward's Church

City Manager Chotkevys and Mayor Weinberg presented a City Tile and Proclamation to Father Sallot for his service to the community and St. Edwards Church.

CONSENT CALENDAR

Council Member Brough removed Items 11, 13, and 15 from the Consent Calendar.

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IT WAS MOVED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, SECONDED BY MAYOR PRO TEM LISA A. BARTLETT, ACCEPT ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 11, 13, AND 15.

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, JUNE 4, 2013

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, MAY 13, 2013

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF JUNE 10, 2013

RECEIVED AND FILED.

5. ARTS AND CULTURE COMMISSION MEETING MINUTES, APRIL 17, 2013

RECEIVED AND FILED.

6. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

7. CITY TREASURER'S REPORT, MAY 2013

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

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8. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

9. STATEWIDE COMMUNITY INFRASTRUCTURE PROGRAM (SCIP)

REFERRED THE SCIP PROGRAM TO THE INVESTMENT REVIEW COMMITTEE FOR THEIR REVIEW AND RECOMMENDATION.

10. ADOPTION OF A RESOLUTION APPROVING A JOINT PARTICIPATION AGREEMENT WITH SOUTH COAST WATER DISTRICT FOR REIMBURSEMENT OF COSTS TO SOUTH COAST WATER DISTRICT TO CONSTRUCT THE CITY'S STORM DRAIN IMPROVEMENT AS PART OF THE TOWN CENTER PHASE 1 PROJECT

ADOPTED RESOLUTION 13-06-18-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A JOINT PARTICIPATION AGREEMENT BETWEEN THE CITY OF DANA POINT AND THE SOUTH COAST WATER DISTRICT FOR THE REIMBURSEMENT OF COSTS TO SCWD TO CONSTRUCT THE CITY'S STORM DRAIN IMPROVEMENTS AS PART OF THE TOWN CENTER PHASE 1 PROJECT; and

AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT, AND AUTHORIZE THE CITY MANAGER TO PROVIDE THE CONSTRUCTION COST DEPOSIT AMOUNT TO SCWD (INCLUDES BASE BID PLUS A FIFTEEN PERCENT CONTINGENCY) AS INDICATED IN THE AGREEMENT.

11. APPROVAL OF THE DANA POINT ZERO WASTE PUBLIC EDUCATION PROGRAM

Council Member Brough removed this item from the Consent Calendar.

City Manager Chotkevys provided a staff report.

Director Fowler provided highlights of the program.

Council Member Brough stated that he does not see a litter problem in town and felt that that the money spent on street sweeping, storm drain screens, and diversion runoff was enough. He felt that the bus stops were a disaster and that he would like more focus on them. He added that he will be voting no as he does not support this item.

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Council Member Olvera stated that with Dana Point being a five-star city, it is very important that we are sensitive to the environment. He added that he agrees with some of Council Member Brough's comments. He hoped that Girl in the Curl and Hobie would be involved in part of the work as they seem to be very proactive in helping volunteer groups. He stated that Dana Hills High School has an organization "Let's Talk Trash" that works on the first Saturday of the month picking up trash. He would like to see some of the money go to a non-profit who will do something rather than say something. He added that he would like to continue to support coastal clean ups. He stated that he does not want little programs to get in the way of funding for Town Center.

Mayor Pro Tem Bartlett felt that this was a worthwhile program for our City and that educating the public is one component. She suggested that staff talk to CR&R to contribute to this program.

Mayor Weinberg stated that this is a way of showing people that we are a green city and help encourage conventions to come into our City. He added that this can be used as a marketing tool for our hotels.

Mayor Pro Tem Bartlett suggested staff include an insert on this program into the next CR&R quarterly billings for no charge.

Council Member Schoeffel stated that this commitment is a very inexpensive down payment on the continuing vibrant health of our economy. He added that the environment is our economy. He felt that the amount of the program to tell the world that we care a great deal about our community was a real bargain.

Council Member Brough asked if any other marketing firm was considered.

City Manager Chotkevys replied that the City has had three major public outreach programs and there were three local firms that were interested. He stated that Staff chose to go with Ross Teasley for this program since the other two firms were each used for "Hide It, Lock It, Lose It" and "It's Your Business".

IT WAS MOVED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, SECONDED BY MAYOR PRO TEM LISA A. BARTLETT, APPROVE THE ZERO WASTE PUBLIC EDUCATION PROGRAM.

The motion carried by the following vote:

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

NOES: Council Member William P. Brough

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12. APPROVAL OF THE LEASING, OPERATION AND MAINTENANCE AGREEMENT FOR SURFACE RUNOFF OZONE TREATMENT PROJECT AT NORTH CREEK

AUTHORIZED THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO A MAINTENANCE AND SERVICE AGREEMENT WITH QUANTUM OZONE, INC. FOR THE URBAN RUNOFF OZONE TREATMENT PILOT PROCESS AT NORTH CREEK.

13. SUMMARY REPORT ON THE ACCOMPLISHMENTS OF THE DANA POINT ARTS AND CULTURE COMMISSION

Council Member Brough removed this item from the Consent Calendar.

Council Member Brough stated that he had reviewed the accomplishments of the Arts and Culture Commission and felt that they were doing a great job. He suggested that the Commission only meet as needed, maybe once a quarter. He recommended having Council Member Schoeffel make the recommendations of who should serve on the Commission.

Council Member Schoeffel stated that he would be happy to make the recommendations if that is what the City Council desires. He added that in regard to the meeting frequency, the Council could and should consider changing how often the Commission meets since their priorities may be shifting going forward and would not require as many meetings.

Council Member Olvera asked what the difference was between a committee, subcommittee, and commission.

City Manager Chotkevys replied that they all have their charge, and they all are subject to the Brown Act.

City Attorney Munoz stated that there really is no difference.

Mayor Weinberg felt that there was a difference because of the Form 700 reporting requirements.

City Attorney Munoz stated that the subcommittees also file Form 700's and that the Municipal Code does talk about the difference between Commission and committees.

City Manager Chotkevys stated that from this standpoint they are all advisory boards and serve at the pleasure of the Council. He added that staff will work with Council Member Schoeffel to go through the process and identify candidates. He stated that the recommendations would return on the Consent Calendar.

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Council Member Schoeffel stated that functionally there is no difference between a commission and subcommittee. He added that there is a difference when it comes to an Arts and Culture Commission, and that a commission receives more respect.

IT WAS MOVED BY MAYOR STEVEN H. WEINBERG, SECONDED BY COUNCIL MEMBER WILLIAM P. BROUGH, RECOMMEND THAT THE ARTS AND CULTURE COMMISSION MEET ON A QUARTERLY BASIS OR AS NEEDED AND APPOINTED COUNCIL MEMBER SCHOEFFEL TO REVIEW THE APPLICATIONS AND PROVIDE RECOMMENDATIONS TO THE CITY COUNCIL FOR APPOINTMENT.

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

14. FACILITY USE AGREEMENT WITH SOUTH COAST WATER DISTRICT

APPROVED THE CONTINUED USE OF THE CITY COUNCIL CHAMBER BY THE SOUTH COAST WATER DISTRICT FOR A PERIOD OF ONE YEAR, AUTHORIZED THE CITY MANAGER TO EXECUTE THE FACILITY USE AGREEMENT DEFINING THE TERMS AND COSTS ASSOCIATED WITH THIS USE, AND AUTHORIZE THE CITY MANAGER TO EXECUTE ANNUAL EXTENSIONS OF THIS AGREEMENT.

15. CITY OF DANA POINT RESPONSE TO PROPOSED SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD) ACTIONS IMPACTING THE NUMBER AND LOCATION OF FIRE RINGS AT BEACHES WITHIN THE CITY

Council Member Brough removed this item from the Consent Calendar.

Council Member Brough thanked the Mayor for putting this item on the agenda. He stated that if Rule 444 goes through, Dana Point will lose 24 of 36 fire rings in the area.

IT WAS MOVED BY COUNCIL MEMBER WILLIAM P. BROUGH, SECONDED BY COUNCIL MEMBER CARLOS N. OLVERA, AUTHORIZE THE MAYOR TO SEND A LETTER TO THE BOARD OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD) URGING IT TO HONOR THE RULE OF LOCAL CONTROL AND ALLOW EACH AGENCY THE ABILITY TO REGULATE PLACEMENT AND CONTROL OF FIRE RINGS WITHIN ITS JURISDICTION.

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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

PUBLIC COMMENTS

Bob Fowler, VFW Post 9934, reported that VFW Post 9934 was selected for the 4th consecutive year in a row as the number one Post in the State of California and All American Post nationwide. He thanked the City Council for all of their support. He introduced Morrie Hansen as the new Commander of Post 9934.

Morrie Hansen, VFW Post 9934, thanked the City Council for their support.

Penny Maynard, Dana Point, spoke regarding Senate Bill 71 which was sitting on the Governor's desk for signature. She stated that portions of the California Public Records Act would be affected if approved. She asked everyone to contact the Governor's office to ask for his line item veto of the provision in SB 71 that would reduce transparency in government. She asked the City Council to place an Ordinance on a future agenda to codify that Dana Point will continue to comply with all aspects of the California Public Records Act.

Joe Snyder, Capistrano Beach, spoke regarding the President Ford celebration coming in three weeks. He stated that the events begin with a Presidential Honors Ceremony at bump out park in the Harbor at 10 a.m. on Saturday morning, a gala will be held on Saturday evening and on Sunday there will be Vietnamese cuisine offered and panels made up of the air crew, caregivers, and baby lift kids.

PUBLIC HEARINGS

**16. AMENDMENT TO COASTAL DEVELOPMENT PERMIT CDP11-0003 AND
ADDENDUM TO FINAL ENVIRONMENTAL IMPACT REPORT NO.
2010041056 FOR PACIFIC COAST HIGHWAY/DEL PRADO PHASE I
STREETScape IMPROVEMENTS PROJECT**

City Manager Chotkevys provided a staff report.

Director Fowler provided a brief overview including a PowerPoint presentation.

There being no requests to speak on this item, Mayor Weinberg opened and closed the Public Hearing.

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IT WAS MOVED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, SECONDED BY COUNCIL MEMBER CARLOS N. OLVERA, TO CONDUCT A PUBLIC HEARING AND ADOPT RESOLUTION 13-06-18-02 ENTITLED

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING AMENDMENT TO COASTAL DEVELOPMENT PERMIT CDP11-0003 AND ADDENDUM TO ENVIRONMENTAL IMPACT REPORT FOR PACIFIC COAST HIGHWAY/DEL PRADO PHASE I STREETScape IMPROVEMENTS PROJECT.

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.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Schoeffel reported that he had attended the following:

Two Transportation Corridor Agency meetings

June 6 - 5th Marine Regiment 96th Anniversary Ball

State of South OC Luncheon where Pat Bates and Doug Chotkevys were speakers

June 7 - Visited all three elementary schools in Dana Point and presented his Excellence in Elementary awards

He encouraged people to please try and attend the centennial celebration of Gerald Ford's birthday.

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Council Member Brough reported that he had attended the following:

June 5 - Water/Sewer subcommittee meeting regarding Town Center
June 6 - Operation Enduring Freedom monument dedication at Camp Pendleton
June 7 - Town Center community meeting at the Community House

Mayor Pro Tem Bartlett reported that she had attended one meeting for the Association of California Cities - Orange County, and several meetings for the Southern California Association of Governments and Transportation Corridor Agencies. She stated that she had also attended the 5th Marines 96th Anniversary celebration and the State of the County address. She announced the following future events:

Concerts in the park were scheduled for July 7 through August 25
4th of July Fireworks celebration in the Harbor
Concours d'Elegance at the St. Regis this weekend

Mayor Weinberg reported that he had turned in his list of meetings attended to the City Clerk. He announced that there would be no meeting on July 2, and that the next meeting will be held on July 16.

CLOSED SESSION (Continued)

Mayor Weinberg adjourned the meeting to Closed Session at 6:58 p.m.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Weinberg declared the meeting adjourned at 7:38 p.m. and announced that the next Regular Meeting of the City Council will be held on July 16, 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 JULY 16, 2013

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Meetings attended since June 4, 2013:

Mayor Steven Weinberg

June 5 Water/Sewer Committee
June 6 5th Marine 96th Birthday, Regiment Support Group
June 7 Fish for Life
June 11 Bon Voyage for Deputy Rob Edwards
 DHHS Graduation
June 12 OCFA Budget and Finance Committee
June 14 State of the County Luncheon
June 17 Town Center Meeting at the Community House

Mayor Pro Tem Lisa Bartlett

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

June 6 5th Marines 96th Anniversary celebration at the Laguna Cliffs Marriott
June 14 State of the County Address
June 17 SCAG President's Summit in Palm Desert

Council Member Carlos N. Olvera

June 6 5th Marines 96th Anniversary celebration at the Laguna Cliffs Marriott
June 14 State of the County Address
June 17 Town Center Meeting at the Community House