
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JULY 16, 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 5:03 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 stated that there was also a need to correct the Government Code reference under Anticipated Litigation from Government Code § 54956.9 (b1) to Government Code § 54956.9 (d2).

A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d2), (1 case)

B. CONFERENCE WITH LABOR NEGOTIATION - Government Code § 54957.6

Agency Designated Representatives: City Manager
Unrepresented and Represented Employees: All positions in the City

C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, Government Code § 54956.9 (a), (2 case):

Name of Case: City of Dana Point v. California Coastal Commission, Surfrider Foundation, Headlands Reserve LLC; California Court of Appeal – 4th Appellate District – Division One Case No. D060260 (Consolidated with D060369)

Name of Case: Therese Coppi v. City of Dana Point; County of Orange – USDC Central District Case No. – SACV11-1813 JST (RNBx)

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JULY 16, 2013**

D. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code § 54956.8

Location:	26315 and 26351 Via Canon
Agency Negotiator:	Douglas C. Chotkevys
Negotiating Parties:	City of Dana Point Integral Communities
Under Negotiation:	Price and terms of agreement relating to property

Mayor Weinberg recessed the meeting into a Closed Session at 5:05 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING - CALL TO ORDER

Mayor Weinberg reconvened the meeting at 6:31 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; 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; Mark Sutton, Building Official; John Tilton, City Architect; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Jennifer Ransom, City Clerk Specialist.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz announced that in connection with the existing litigation involving the Coastal Commission, the City Council authorized, by unanimous vote, to pursue a petition for review with the Supreme Court of the Appellate Court's decision.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Carlos N. Olvera.

INVOCATION

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

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JULY 16, 2013**

PRESENTATIONS AND PROCLAMATIONS

Business of the Month - Luciana's Ristorante

Director of Community Development Luna-Reynosa provided a PowerPoint presentation. She stated the importance of small business practices to local economies and acknowledged Luciana's Ristorante's continued commitment to Dana Point. She stated that Luciana's has been operating in Dana Point for 30 years serving delicious traditional Italian food to the community. She added that Luciana's Ristorante supports a number of local organizations including the Dana Point Grand Prix, Dana Point Restaurant Association, Dana Point Chamber of Commerce, Dana Point 5th Marines Brigade, and Monarch Beach Sunrise Rotary. Mayor Weinberg presented owner Jorge Luhan with a Certificate of Recognition for being named the Business of the Month for July 2013. Heather Johnston CEO of the Dana Point Chamber of Commerce presented Mr. Luhan with a Certificate as well as a free one year membership to the Chamber.

Employee of the Month, July 2013 - Rachel Johnson

Mayor Weinberg invited Rachel Johnson and her boyfriend Tate Casey to join him. Mayor Weinberg presented Rachel with a Certificate of Recognition for being selected the Employee of the Month, July 2013.

Kathy M. Ward, City Clerk – Employee Recognition

Mayor Weinberg invited City Manager Doug Chotkevys and City Clerk Kathy Ward to join him. Mayor Weinberg presented Kathy with a Certificate of Recognition for achieving the Master Municipal Clerk designation from the International Institute of Municipal Clerks.

CONSENT CALENDAR

Council Member William Brough removed Item 9, Mayor Pro Tem Lisa Bartlett removed Item 10, and a member of the public removed Item 16 from the Consent Calendar.

IT WAS MOVED BY MAYOR PRO TEM LISA BARTLETT, SECONDED BY COUNCIL MEMBER CARLOS N. OLVERA, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 9, 10, AND 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

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JULY 16, 2013**

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 18, 2013

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, JUNE 10, 2013

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF JULY 8, 2013

RECEIVED AND FILED.

5. DANA POINT DESTINY MEETING MINUTES, MARCH 21, 2013

RECEIVED AND FILED.

6. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

7. CITY TREASURER'S REPORT, JUNE 2013

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

8. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

9. STATUS UPDATE AND BID RESULTS FOR SOUTH COAST WATER DISTRICT'S PCH/DEL PRADO STREET IMPROVEMENTS PHASE 1 PROJECT FOR CITY STORM DRAIN

Council Member Brough removed this item from the Consent Calendar.

City Manager Chotkevys provided a staff report on the progress of the Town Center project. He confirmed with Director Fowler that the project is currently running ahead of schedule. City Manager Chotkevys stated that there is

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JULY 16, 2013**

currently an unresolved matter concerning the agreement between the City and South Coast Water District regarding the street improvement plans. He stated that South Coast Water District argues that there is a cost incurred for abandoning certain utilities before the end of their useful life. He stated that the Water and Sewer Subcommittee along with the two Council representatives Mayor Weinberg and Council Member Brough are working to resolve the number proposed by South Coast Water District and move forward with the project.

Council Member Brough stated that he is under the understanding that the contract will not be issued until the amount proposed by South Coast Water District is paid.

City Manager Chotkevys confirmed that the contract will not be issued until the City has reimbursed South Coast Water District for the amount proposed. He stated that the City has requested a negotiation on this matter but has yet to achieve this.

Council Member Brough stated that he is concerned that this matter will delay the entire project and hopes that a resolution can be reached on this.

Council Member Olvera stated that he attended the regular meeting of the Board of Directors of the South Coast Water District where this item was discussed. He stated that he would like to voice his concern and that in his opinion they left this matter unresolved at the end of their discussion during their board meeting.

Council Member Brough stated that at this point in the project we can move forward without involving South Coast Water District but it will cost more in the future for them to make the necessary improvements after Town Center has reach full capacity.

Mayor Weinberg stated that he would like the Water and Sewer Subcommittee to get together with South Coast Water District and negotiate this matter so as not to delay the project.

City Manager Chotkevys stated that he will set up a meeting with the Water Sewer Subcommittee and South Coast Water District to get this matter resolved.

IT WAS MOVED BY COUNCIL MEMBER BY COUNCIL MEMBER CARLOS N. OLVERA, SECONDED BY COUNCIL MEMBER SCOTT SCHOEFFEL, THAT THE CITY COUNCIL RECEIVE AND FILE THE TOWN CENTER STATUS UPDATE, INCLUDING BID RESULTS FOR THE SCWD TOWN CENTER INFRASTRUCTURE IMPROVEMENTS PHASE 1 PROJECT.

The motion carried by the following vote:

AYES: Council Member William Brough, Council Member Carlos N. Olvera,

CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JULY 16, 2013

Council Member Scott Schoeffel, Mayor Pro Tem Lisa Bartlett and
Mayor Steven Weinberg

NOES: None

10. APPROVAL TO SPEND EXISTING AND ANTICIPATED CITIZEN OPTIONS FOR PUBLIC SAFETY (COPS) PROGRAM FUNDS (AB 1913) TO IMPLEMENT AND MAINTAIN FRONTLINE MUNICIPAL POLICE SERVICES

Mayor Pro Tem Bartlett removed this item from the Consent Calendar.

Mayor Pro Tem Bartlett stated that she feels that these programs are very worthwhile programs and important to the community. She asked if the additional funds to pay for the School Resource Officer position would be shared with the other surrounding cities that benefit from the program and if not can we look into this option.

City Manager Chotkevys replied that at this time they are not sharing the cost of the School Resource Officer but hopes to work with the surrounding cities on this in the future. He stated that he is encouraged by recent involvement by Laguna Niguel to inform parents of what to look for in their teens.

IT WAS MOVED BY MAYOR PRO TEM BARTLETT AND SECONDED BY COUNCIL MEMBER SCOTT SCHOEFFEL, THAT THE CITY COUNCIL ADJUST THE FY 2013/14 BUDGET WITH THE RE-APPROPRIATION OF UNENCUMBERED CITIZENS OPTION FOR PUBLIC SAFETY (COPS) PROGRAM UNSPENT MONIES REMAINING FROM THE FY 2012/13 BUDGET, TO THE SUPPLEMENTAL LAW ENFORCEMENT SERVICE FUND (SLESF) ACCOUNT, AND ALLOW THE APPROPRIATION OF EXISTING AND FUTURE FUNDS FROM THE COPS/SLESF TO IMPLEMENT AND MAINTAIN THE FOLLOWING PROGRAMS IN THE CITY OF DANA POINT:

- Approve funding for overtime backfill for the School Resource Officer position for this school year
- Approve funding for Project STOP (Stop Trashing Our Parks)
- Approve funding for Project **Hide It, Lock It, or Lose It**
- Approve funding for Project **It's Your Business**

The motion carried by the following vote:

AYES: Council Member William Brough, Council Member Carlos N. Olvera,

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JULY 16, 2013**

Council Member Scott Schoeffel, Mayor Pro Tem Lisa Bartlett and
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NOES: None

11. SECOND CONTRACT EXTENSION FOR THE ENVIRONMENTAL SERVICES PROVIDED BY LSA ASSOCIATES FOR THE SOUTH SHORES CHURCH EXPANSION PROJECT

AUTHORIZED THE CITY MANAGER TO EXECUTE SECOND EXTENSION TO THE CONSULTANT SERVICES AGREEMENT WITH LSA ASSOCIATES.

12. APPROVAL OF TREE TRIMMING CONTRACT WITH WEST COAST ARBORISTS

APPROVED STAFF'S REQUEST TO PIGGYBACK ON THE CITY OF COSTA MESA'S COMPETITIVE BID PROCESS FOR TREE MAINTENANCE SERVICES, AWARDED A FIVE YEAR CONTRACT TO WEST COAST ARBORISTS IN AN AMOUNT NOT-TO-EXCEED THE COUNCIL APPROVED BUDGET FOR TREE MAINTENANCE, AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT.

13. AWARD BID TO PRINT, BIND AND DISTRIBUTE THE QUARTERLY PUBLICATION OF THE CITY OF DANA POINT'S COMMUNITY NEWS

APPROVED A ONE (1) YEAR CONTRACT WITH ADVANCED WEB OFFSET, INC., AUTHORIZED THE CITY MANAGER TO EXECUTE THREE (3) ONE-YEAR EXTENSIONS TO ADVANCED WEB OFFSET INC. WITH A TEN PERCENT (10%) INCREASE TO COVER INCREASES IN MATERIAL AND PRODUCTION COSTS AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE CONTRACT.

14. AMENDMENT TO THE CITY MANAGER'S EMPLOYMENT CONTRACT

APPROVED THE MAYOR'S RECOMMENDATIONS FOR AMENDING THE CITY MANAGER'S EMPLOYMENT CONTRACT.

15. DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT QUARTERLY REPORT FOR APRIL – JUNE 2013

RECEIVED AND FILED THIS QUARTERLY REPORT.

16. ARTS AND CULTURE COMMISSION APPOINTMENTS

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JULY 16, 2013**

A member of the public removed this item from the Consent Calendar.
City Manager Chotkevys provided a staff report.

Mayor Weinberg opened the Public Comments.

Alan Wickstrom, Dana Point, stated that he is disappointed in the recommendation. He stated that he would like Council to table this item for another meeting.

Mayor Weinberg closed the Public Comments.

Mayor Pro Tem stated that because the balance of the Council did not receive and review the applications she requested Council Member Schoeffel's comments regarding the applicant selections and their qualifications.

Council Member Schoeffel replied that it was a competitive process and that after reviewing all of the applications he recommended five applicants that he felt were best qualified to work individually and collectively to represent the City on the Commission. He added that it is unfortunate that Mr. Wickstrom was not among those selected, and acknowledged his contributions to the City.

Mayor Pro Tem Bartlett asked if the selected applicants were selected because of their strong and varied backgrounds in the various areas that are important to the City for this commission.

Council Member Schoeffel replied that Mayor Pro Tem Bartlett is correct.

Council Member Brough stated that he is comfortable with Council Member Schoeffel's recommendations.

IT WAS MOVED BY COUNCIL MEMBER WILLIAM BROUGH, AND SECONDED BY MAYOR PRO TEM LISA BARTLETT, THAT THE CITY COUNCIL APPROVE THE RECOMMENDED APPOINTMENTS TO THE ARTS AND CULTURE COMMISSION MADE BY COUNCIL MEMBER SCOTT SCHOEFFEL.

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
JULY 16, 2013**

PUBLIC COMMENTS

Pamela Schuzer, Dana Point, stated that she enjoys the concert series held at Sea Terrace Park but she feels that there is not enough shade. She asked that the City consider providing shade for the residents attending the concerts held at Sea Terrace Park.

Alan Wickstrom, Dana Point, stated that as the President of Monarch Beach Sunrise Rotary he would like to invite everyone to the 4th Annual Dana Point Lobster Fest held at Doheny State Beach on August 24th.

Mayor Pro Tem Bartlett added that anyone can contribute to the Monarch Beach Sunrise Rotary by making a donation to the Dana Point Lobster Fest.

Megan McLaurin, San Clemente, legal intern with Surfrider Foundation spoke regarding public beach access at Strands Beach. She asked City Council to remove the restricted access to Strands Beach.

PUBLIC HEARINGS

17. 2013 WEED ABATEMENT PROGRAM

City Manager Chotkevys provided a staff report.

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

IT WAS MOVED BY COUNCIL MEMBER SCOTT SCHOEFFEL, SECONDED BY MAYOR PRO TEM LISA BARTLETT, THAT THE CITY COUNCIL CONDUCT A HEARING ON THE WEED ABATEMENT COST REPORT AND, THEREAFTER, ADOPT **RESOLUTION 13-07-16-01** CONFIRMING THE COST REPORT AND PROVIDING FOR THE COLLECTION ON THE REGULAR TAX BILL ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE COST OF ABATEMENT AND PROVIDING FOR THE COLLECTION ON THE REGULAR TAX BILL.

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
JULY 16, 2013**

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 would be turning in a revised list of meetings attended to the City Clerk. He added that there was an upcoming concert at Heritage Park and invited anyone that could to attend.

Council Member Brough reported that he had attended the following:

June 27 Wine Bistro one year anniversary
July 4 2013 Fireworks Extravaganza

Council Member Olvera reported that he had attended the following:

June 20 5th Marine MAR SG Hail & Farewell Dinner for Col Turner & Col Bohm
June 28 South Orange County Economic Coalition
July 14 Concert in the Park

Council Member Olvera stated that he appreciated the detail at which staff provided with regard to items 5 and 15 of the consent calendar.

Mayor Pro Tem Bartlett reported that she had attended several meetings for the Transportation Corridor Agencies. She stated that she had also attended the following:

June 23 Concours d'Elegance
June 25 5th Marines Change of Command at Camp Pendleton
July 4 St. Regis Fourth of July Event
July 13 VFW 9934 President Ford Centennial Birthday Celebration & Operation
 Baby Lift
July 14 Concert in the Park

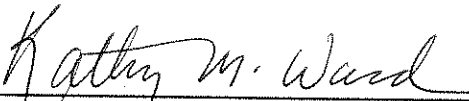
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JULY 16, 2013**

Mayor Pro Tem Bartlett added that Concerts in the Park were scheduled through August 25th and that times and locations can be found online or at City Hall.

Mayor Weinberg reported that he had turned in his list of meetings attended to the City Clerk. He announced that the next meeting will be held on September 17.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Weinberg declared the meeting adjourned at 7:36 p.m. and announced that the next Regular Meeting of the City Council will be September 17, 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 SEPTEMBER 17, 2013

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JULY 16, 2013**

Meetings attended since June 18, 2013:

Council Member Scott Schoeffel

June 20 5th Marine SG Hail & Farewell Dinner for Col Turner & Col Bohm
June 22/23 Concours d'Elegance at St. Regis Resort and Spa
June 27 Wine Bistro first year anniversary celebration
July 7 Concert in the Park (Tijuana Dogs and ProgKnowsys)
July 13 VFW 9934 President Ford Centennial Birthday Celebration & Operation
 Baby Lift
July 14 Concerts in the Park (Tim Urban and Raymond Michael's Elvis Tribute)

Mayor Steven Weinberg

June 20 Orange County Vector Control (OCVC) Budget and Finance
 OCVC Board of Directors
 5th Marine SG Hail & Farewell Dinner for Col Turner & Col Bohm
June 23/24 2013 Dana Point Concours d'Elegance
June 27 Town Center Workshop
 OCFA Claims Committee
 OCFA Executive Committee
 OCFA Board of Directors
June 28 Photo Shoot for Torch 1975
July 7 Concerts in the Park (Tijuana Dogs and ProgKnowsys)
July 10 OCFA Budget and Finance Committee