
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
FEBRUARY 18, 2014**

CALL TO ORDER

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

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 (d)(1) (1 case)
- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, Government Code § 54956.9 (a), Name of case: City of Dana Point v. The Point Alternative Care - 30-201000352093

Mayor Bartlett recessed the meeting into a Closed Session at 5:03 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING - CALL TO ORDER

Mayor Bartlett reconvened the meeting at 6:05 p.m. All Council Members were present.

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Bobbi Ogan, Deputy City Clerk; Mike Killebrew, Assistant City Manager; Mike Rose, Director of Disaster Preparedness; Lt. Lynn Koehmstedt; Ursula Luna-Reynosa, Director of Community Development; Matthew Sinacori, City Engineer; Brian McClure, Parks Manager; Sherry Murphy, Recreation Manager; Christy Teague, Economic Development Manager; John Tilton, City Architect; Mark Sutton, Building Official; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Jennifer Ransom, City Clerk Specialist.

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CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that he had no announcement.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by VFW Post 9934 Commander Morrie Hansen.

INVOCATION

The Invocation was provided by VFW Post 9934 Commander Morrie Hansen.

PRESENTATIONS AND PROCLAMATIONS

Business of the Month - Planet Beauty

Community Development Director Luna-Reynosa provided a PowerPoint presentation featuring Planet Beauty. She stated that Planet Beauty opened in 1994 and will be celebrating their 20th anniversary this year. She added that Planet Beauty is involved with Dana Hills High School, St. Anne's School, and the National Charity League. Mayor Bartlett presented a Certificate of Recognition to Erin Dominguez for Planet Beauty being selected as the Business of the Month for February.

Employee of the Month - Shelley Velez

Assistant City Manager Killebrew introduced Shelley Velez. He stated that she a long-time employee of the City and is a consummate professional. Mayor Bartlett presented a Certificate of Recognition to Shelley for being selected the Employee of the Month for February.

VFW Deputy of the Year - Deputy David Cappel

Morrie Hansen, VFW Post 9934 Commander and Major Rick Viczorek presented a Certificate and a check to Deputy Cappel. Mayor Bartlett presented a Certificate of Recognition to Deputy Cappel for his honor of being selected VFW Deputy of the Year.

VFW Firefighter of the Year - Fire Captain Craig Covey

Mayor Bartlett stated that Captain Craig Covey was unable to attend tonight's meeting but acknowledged his honor.

VFW Teacher of the Year - Sharon Miller

Morrie Hansen, VFW Post 9934 Commander presented Sharon Miller with a certificate, an apple award, and a check. Mayor Bartlett presented Sharon with a Certificate of Recognition for her honor in being named VFW Teacher of the Year.

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CONSENT CALENDAR

Members of the public removed Items 12 and 17; Council Member Brough removed Items 13 and 14 from the Consent Calendar.

IT WAS MOVED BY MAYOR PRO TEM STEVEN H. WEINBERG, SECONDED BY COUNCIL MEMBER CARLOS N. OLVERA, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON CONSENT CALENDAR.

The motion carried by the following vote:

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

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, JANUARY 21, 2014

APPROVED THE MINUTES.

3. REGULAR ADJOURNED/JOINT MEETING MINUTES, JANUARY 28, 2014

APPROVED THE MINUTES.

4. PLANNING COMMISSION MEETING MINUTES, JANUARY 13, 2014

RECEIVED AND FILED.

5. PLANNING COMMISSION MEETING MINUTES, JANUARY 27, 2014

RECEIVED AND FILED.

6. PLANNING COMMISSION ACTIONS, MEETING OF FEBRUARY 10, 2014

RECEIVED AND FILED.

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7. **YOUTH BOARD MEETING MINUTES, DECEMBER 5, 2013**
RECEIVED AND FILED.
8. **ARTS AND CULTURE COMMISSION MEETING MINUTES, OCTOBER 16, 2013**
RECEIVED AND FILED.
9. **MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR**
RECEIVED AND FILED.
10. **CITY TREASURER'S REPORT, JANUARY 2014**
RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF JANUARY 2014.
11. **CLAIMS AND DEMANDS**
RECEIVED AND FILED THE CLAIMS AND DEMANDS.
12. **TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID) QUARTERLY STATUS UPDATE FOR OCTOBER - DECEMBER 2013 AND RELATED CONTRACT FOR SPECIAL EVENT DEVELOPMENT SERVICES**

A member of the public had removed this item from the Consent Calendar.

City Manager Chotkevys provided a staff report.

Mayor Bartlett opened the Public Comments.

Dana Yarger, Dana Point, congratulated the TBID for the creation of the Elephant Parade and thanked all those who had supported and participated in the event.

Mayor Bartlett closed the Public Comments.

IT WAS MOVED BY MAYOR PRO TEM STEVEN H. WEINBERG, SECONDED BY MAYOR LISA A. BARTLETT, THAT THE CITY COUNCIL RECEIVE AND FILE QUARTERLY REPORT; AND AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT WITH UTOPIA ENTERTAINMENT, INC. FOR SPECIAL EVENT DEVELOPMENT SERVICES ON BEHALF OF THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID).

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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 Steven Weinberg and
Mayor Lisa Bartlett

NOES: None

**13. COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR
ENDED JUNE 30, 2013**

Council Member Brough removed this item from the Consent Calendar.

City Manager Chotkevys provided a staff report.

Council Member Brough asked for clarification on the unassigned accounts on page 5 of the staff report; was this recommended by the auditor.

Assistant City Manager Killebrew replied yes those accounts are classified that way for year-end report purposes and this relates to a government standard from two years ago. He added that the reserves are still there, just classified differently.

Council Member Brough stated that his only concern was that the State would be able to go after the undesignated reserves.

Assistant City Manager replied that these are Council designated reserves and that he did not believe that the City's reserves were subject to any State actions.

IT WAS MOVED BY COUNCIL MEMBER WILLIAM P. BROUGH, SECONDED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, THAT THE CITY COUNCIL RECEIVE AND FILE THE COMPREHENSIVE ANNUAL FINANCIAL REPORT ("CAFR") FOR THE YEAR ENDED JUNE 30, 2013.

The motion carried by the following vote:

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

NOES: None

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14. UPDATE ON SISTER CITY COMMITTEE

Council Member Brough removed this item from the Consent Calendar.

City Attorney Munoz provided a staff report.

Council Member Brough stated that since the agreement was not ratified, he saw no purpose of the committee.

Mayor Bartlett replied that for some reason the agreement was not ratified, but the Mayor of Viterbo Italy did come for a visit and we did sign some non-official documents and she thought it was just a matter of ratifying the agreement. She made the motion that the Council direct the City Attorney to work on the document to ratify the Sister City agreement. Mayor Pro Tem Weinberg seconded the motion.

Council Member Olvera stated that he agreed with Council Member Brough and that he did not see a reason to proceed. He added that he did not understand what the action to be taken on this item was.

Mayor Bartlett stated that this is just a formal ratification of the Sister City agreement that would allow Dana Point to have cross-cultural ties to promote tourism in each of the cities.

Council Member Schoeffel asked if there was any supportable action that has happened in the last five years.

Mayor Bartlett replied that we had gotten started with some promotional things, then there had been a change in governance in Italy which started with the change in Presidency and that Viterbo now have a new Mayor that Dana Point needs to get acquainted with to move forward in the Sister City arrangement. She felt that it was an exciting possibility to be able to have those cross-cultural ties for promotional purposes.

IT WAS MOVED BY MAYOR LISA A. BARTLETT, SECONDED BY MAYOR PRO TEM STEVEN H. WEINBERG, THAT THE CITY COUNCIL DIRECT STAFF TO RATIFY THE SISTER CITY AGREEMENT WITH THE CITY OF VITERBO.

The motion carried by the following vote:

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

NOES: Council Member William P. Brough, and Council Member Carlos N. Olvera

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15. THIS ITEM HAS BEEN REMOVED
16. 2014 WEED ABATEMENT PROGRAM

ADOPTED RESOLUTION 14-02-18-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DECLARING WEEDS A PUBLIC NUISANCE AND INITIATING ABATEMENT PROCEEDINGS.

17. APPROVAL OF A RESOLUTION PROVIDING DIRECTION REGARDING PARKING IN-LIEU FEE POLICY

A member of the public removed this item from the Consent Calendar.

City Manager Chotkevys provided a staff report.

Council Member Olvera asked what would trigger a review or appeal process.

City Manager Chotkevys replied that it would be on a case-by-case basis as each project has its own unique density and parking issues. He stated that this Resolution would provide the flexibility for businesses to move forward while waiting for Coastal Commission approval for the parking plan.

Community Development Director Luna-Reynosa added that the Code does discuss in-lieu fees but is not clear and that staff was seeking policy direction. She stated that this would only apply to commercial development as all residential development would have to provide parking on site.

City Manager Chotkevys stated that there would be a public discussion before the Planning Commission and that if there was still a concern, it could then be appealed to the City Council.

Council Member Olvera asked what would happen if the parking plan was changed by the Coastal Commission.

Community Development Director Luna-Reynosa replied that staff had met with Coastal Commission staff and that the ideas that they did not support were not included in the Plan. She added that staff was planning to meet with the Coastal Commission staff again in March so as staff drafts the LCPA we will know that they are comfortable with that language.

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Council Member Schoeffel felt that this Resolution would be an incentive to developers to start building and that this was a resourceful solution to a problem. He asked if staff knew what the inventory of vacant parcels was.

City Manager Chotkevys replied that staff was compiling a list and asked Director Luna-Reynosa if staff had any luck since the last meeting.

Community Development Director Luna-Reynosa replied that going back to the presentation that Nelson/Nygaard gave at the joint meeting that the City is going to focus on the existing supply of private parking and converting that into shared public parking.

City Manager Chotkevys added that in the meantime, staff is putting together an inventory of who owns the lots.

Council Member Schoeffel stated that it was good to hear that the surplus parking will accommodate what the City needs if we are able to negotiate an in-lieu program and that he would support this Resolution.

City Manager Chotkevys stated that it will turn vacant parcels into parking lots and that it will be a good sign for the development process in the Lantern District.

Council Member Brough felt that this would be a tremendous step forward for the Town Center and that he would support the item.

Mayor Bartlett opened the Public Comments.

Bob Theel, Dana Point, stated that he was happy with the joint meeting and the process to bring this forward. He added that he was concerned initially with the handling of the parking on a case-by-case basis by the City Manager, but he now feels better learning that there will be a public forum for the approval.

Mayor Bartlett closed the Public Comments.

IT WAS MOVED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, SECONDED BY COUNCIL MEMBER CARLOS N. OLVERA, THAT THE CITY COUNCIL ADOPT RESOLUTION 14-02-18-02 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, PROVIDING DIRECTION REGARDING PARKING IN-LIEU FEE POLICY.

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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 Steven Weinberg and
Mayor Lisa Bartlett

NOES: None

18. ADOPTION OF A RESOLUTION APPROVING REQUESTED STREET NAME CHANGES FOR TRACT 16769 (HOTEL RESIDENTIAL SOUTH DEVELOPMENT)

ADOPTED RESOLUTION 14-02-18-03 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING REQUESTED STREET NAME CHANGES ASSOCIATED WITH TRACT 16769.

19. ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE FY 12-13 ANNUAL RESIDENTIAL ROADWAY RESURFACING PROJECT

ADOPTED RESOLUTION 14-02-18-04 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 "ANNUAL RESIDENTIAL ROADWAY RESURFACING FY 12-13 PROJECT"; and

AUTHORIZED TOPOGRAPHIC SURVEYING SERVICES WITH HALL AND FOREMAN FOR UPCOMING PROJECTS PER THE FISCAL IMPACT SECTION; AND; ESTABLISHED A NEW CAPITAL IMPROVEMENT PROGRAM PROJECT ENTITLED "COAST HIGHWAY CLASS 1 BIKEWAY/PEDESTRIAN WAY EXTENSION PROJECT PHASE 1" AS A RESULT OF RECEIVING GRANT FUNDS FOR THE PROJECT; AND DIRECTED ALL PROJECT SAVINGS AND AUTHORIZE BUDGET TRANSFERS AS INDICATED IN THE FISCAL IMPACT SECTION.

20. 2014 SPECIAL EVENT CALENDAR

APPROVED THE SPECIAL EVENT CALENDAR FOR 2014 AND THE RECOMMENDED VENUES; AND AWARDED THE STAGE AND SOUND CONTRACT TO SOUTHERN CALIFORNIA SOUND, STATE & LIGHTING CORPORATION; AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE CONTRACT.

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21. AERIAL MAN-LIFT VEHICLE ACQUISITION

AUTHORIZED THE PURCHASE OF A REPLACEMENT TRUCK, EQUIPPED WITH AN AERIAL MAN-LIFT, FOR USE BY THE EMERGENCY SERVICES AND FACILITIES DEPARTMENT.

PUBLIC COMMENTS

Chris Hoy, Palm Springs, stated that he was proud of the Elephant Parade event and thanked the City for holding it. He suggested a tribute to the Elephant Parade be created and provided Council with copies of his concept.

Denise Erkeneff, Dana Point, thanked the City for their support and Council Member Schoeffel for his generous donation to the South Orange County School of the Arts (SOCSA). She reported that on March 2 SOCSA will be holding their annual Underwriting dinner which will be hosted by Brio Tuscany Grille at 4:00 p.m.

Yvonne English, Dana Point, stated that the Elephant Parade was amazing and that she agreed with Chris Hoy that there should be an elephant tribute created.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

22. AUTHORIZATION TO ISSUE CITY OF DANA POINT COMMUNITY FACILITIES DISTRICT NO. 2006-1 (CFD 2006-1), 2014 SPECIAL TAX BONDS (HEADLANDS)

City Manager Chotkevys provided an introduction of the item and Assistant City Manager Killebrew provided a staff report.

Council Member Schoeffel asked if the Community Facilities District was basically a benefit district for people who live in a particular area and the proceeds are earmarked and spent in a particular region with the consent of the encumbered.

Assistant City Manager Killebrew replied yes, that the property owner agreed to assess themselves but as part of the entire Development Agreement, in order for the development to move forward

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certain contributions had to be made by the developer to the community which included the developer building all of the assets that are out there.

Council Member Schoeffel asked if this was the manner that those contributions were financed.

Assistant City Manager Killebrew replied yes, 100 percent.

Council Member Schoeffel asked when was this due under the Development Agreement with respect to the timeline of the development and sale of the project.

Assistant City Manager Killebrew replied that certain conditions had to be met prior to Certificate of Occupancy being given to any of the structures that were built on the site; one was the substantial completion of the public facilities.

Council Member Schoeffel asked what was the value of the improvements.

Assistant City Manager Killebrew replied that based on the invoices that were submitted to the Public Works Department, it was enough to pay for the assets that were delivered to the City within the 45 Million authorized bonding amounts.

Council Member Schoeffel stated that this was quite the process that lead to the agreement and that he supports the action.

Council Member Brough felt that this was the nicest project on the California coast and that the developer has done everything that he was asked to do. He stated that he would support the item.

Mayor Bartlett stated that this was the last major residential development on the California coast and that we are proud to have this in our city.

IT WAS MOVED BY MAYOR PRO TEM STEVEN H. WEINBERG, SECONDED BY COUNCIL MEMBER WILLIAM P. BROUGH, ADOPT RESOLUTION 14-02-18-05 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2006-1 OF THE CITY OF DANA POINT AUTHORIZING THE ISSUANCE OF ITS 2014 SPECIAL TAX BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED TWENTY SIX MILLION, TWO HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$26,245,000) AND APPROVING CERTAIN DOCUMENTS AND TAKING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH.

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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 Steven Weinberg and
Mayor Lisa Bartlett

NOES: None.

PUBLIC COMMENTS

There were no additional Public Comments received.

STAFF REPORTS

City Manager Chotkevys provided an update on the Town Center project. He reported that everything was on schedule.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Olvera reported that he had attended the OCTA ground breaking for the Interstate 5 widening process from Ortega Highway south to San Clemente and the Library Advisory Board meeting. He stated that the Library Advisory Board has been having a problem reaching a quorum for the meetings and that they were working on amending the bylaws to allow for a quorum and a vote of the majority present. He added that he had also attended the Chamber Installation dinner where Gene Burrus was named Citizen of the Year and a Lantern District Ad Hoc committee meeting.

Council Member Brough reported that he had attended the following:

January 29 - Carpool ground breaking

January 30 - Dana Point Chamber Installation dinner

February 7 - 90th Birthday celebration for South Coast Water District Director Bob Moore

He requested an item be placed on the next agenda for an update on the Transportation Corridor Agency and the situation there.

Council Member Schoeffel stated that he would turn in his list of meetings attended to the City Clerk. He reported that he had attended TCA meetings and that the transaction volume and revenue were way up for the 73. He added that there had been a new announcement regarding the Express Account where no transponder will be required. He stated he had also attended the inaugural Strategic Ad Hoc Committee for the San Joaquin Hills 73. He added that he had played strolling violin for the Senior's Valentine's day dance. He announced that there was a Jazz Festival scheduled at the Ocean Institute the weekend of February 28th and that Dana Point Symphony tickets

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were still available for the March 8th performance. He stated that his favorite event of the Festival of Whales was the concert that was held on Sunday at the end of the festival.

Mayor Pro Tem Weinberg stated that he turned in his list of meetings attended to the City Clerk. He encouraged attendance at the Festival of Whales for both weekends.

Council Member Olvera stated that he supported the addition of the TCA item being added on the next agenda.

Mayor Bartlett reported that she had attended the following:

Several Transportation Corridor Agency meetings and one South California Association of Governments meeting

The OCTA I-5 Pico ground breaking

January 23 - The Grand Monarch ribbon cutting ceremony

January 25 - The Dana Point Concours d'Elegance kickoff event

January 30 - Mayor's Round Table Meeting

The Dana Point Chamber Installation dinner

She announced the following future events:

February 21 - Grand opening and ribbon cutting ceremony for Mathansium

February 28 - March 2 Ocean Institute Jazz Festival


March 1, 2, 8, and 9 - Festival of Whales parade and events

March 15 - St. Patrick's Day lunch for the seniors at the Senior Center

March 21 - Annual Senior Summit hosted by Supervisor Pat Bates and the County of Orange. If interested, there are flyers available at the Community Center and City Hall at the information desk

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Bartlett declared the meeting adjourned at 7:31 p.m. and announced that the next Regular Meeting of the City Council will be held on March 18, 2014, 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 MARCH 18, 2014

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Meetings attended since January 21, 2014:

Mayor Pro Tem Steven Weinberg

January 23	OCFA Board meeting OCFA Executive Committee meeting
January 28	Joint Planning Commission and City Council Meeting
January 30	OCFA Best and Bravest Awards Banquet
February 5	OCFA Budget and Finance Committee Meeting
February 12	PCH/Del Prado Gateway Ad Hoc Meeting
February 13	Vector Control, Budget & Finance Committee Vector Control Nuisance Abatement Ad Hoc Committee Vector Control Board of Directors

Council Member Scott Schoeffel

January 14	Special Joint Meeting of the San Joaquin Hills Transportation Corridor Agency Board of Directors and the Foothill Eastern Transportation Corridor Agency Board of Directors
February 7	Meeting with Transportation Corridor Agencies Chief Executive Officer and the Chairs and Vice-Chairs of the TCA Boards
February 9	Performed music at the City's Senior Valentine's Day dinner dance at the Dana Point Community Center
February 12	Meeting of the Strategic Planning Ad Hoc Committee of the San Joaquin Hills Transportation Corridor Agency Board of Directors