
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
APRIL 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 5:00 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

CLOSED SESSION

Assistant City Attorney Farrell 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)

- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, Government Code § 54956.9 (a), (2 cases) Name of Case: Therese Coppi v. City of Dana Point; County of Orange - USDC Central District Case No. - SACV11-1813 JST (RNBx) Name of Case: Test Claim to Commission on State Mandates, San Diego Region Water Permit - Orange County, 10-TC-11 California Regional Water Quality Control Board, San Diego Region, Order No. R9-2009-0002, effective December 16, 2009

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 6:00 p.m. All Council Members were present.

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Jennifer Farrell, Assistant City Attorney; Kathy Ward, City Clerk; Mike Killebrew, Assistant City Manager; Mike Rose, Director of Disaster Preparedness; Lt. Lynn Koehmstedt, Police Services; Ursula

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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; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

CLOSED SESSION ANNOUNCEMENT

Assistant City Attorney Farrell stated that she had no announcement.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Brough.

INVOCATION

The Invocation was provided by VFW Post 9934 Chaplain Maury Hansen.

PRESENTATIONS AND PROCLAMATIONS

MADD Presentation - Deputy Jonathan Daruvala

MADD representative Sherry Graham presented a certificate to Deputy Jonathan Daruvala in recognition of his 64 DUI arrests in 2012. Lt. Koehmstedt reported that Deputy Daruvala has been serving the Dana Point community for over 11 years. He stated that Deputy Daruvala has over 270 DUI arrests in his law enforcement career and that he has been certified by the California Highway Patrol and the State of California to teach DUI enforcement.

CONSENT CALENDAR

Council Member Brough removed Item 9 from the Consent Calendar.

IT WAS MOVED BY MAYOR PRO TEM LISA A. BARTLETT, SECONDED BY COUNCIL MEMBER WILLIAM P. BROUGH, ACCEPT THE RECOMMENDATIONS FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 9.

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

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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.**

WAIVED 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, APRIL 2, 2013**

APPROVED THE MINUTES.

3. **YOUTH BOARD MEETING MINUTES, FEBRUARY 21, 2013**

RECEIVED AND FILED.

4. **YOUTH BOARD MEETING MINUTES, MARCH 7, 2013**

RECEIVED AND FILED.

5. **DANA POINT DESTINY MINUTES, JUNE 18, 2012**

RECEIVED AND FILED.

6. **MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR**

RECEIVED AND FILED.

7. **CITY TREASURER'S REPORT, FEBRUARY AND MARCH, 2013**

RECEIVED AND FILED THE CITY TREASURER'S REPORTS FOR THE MONTHS OF FEBRUARY AND MARCH, 2013.

8. **CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

9. **AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT FY 12/13**

Council Member Brough removed this item from the Consent Calendar.

City Manager Chotkevys provided a staff report.

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Council Member Brough asked how the funds would be broken up and what the timing for the work to be done was.

City Manager Chotkevys replied that a little more over one million will be used for Capistrano Beach and the remaining funds will be used in the City where needed.

Director Fowler stated that construction will begin in about six weeks.

City Manager Chotkevys clarified that by starting in six weeks, it will get us past the rainy season.

IT WAS MOVED BY COUNCIL MEMBER WILLIAM P. BROUGH, SECONDED BY COUNCIL MEMBER CARLOS N. OLVERA, THAT THE CITY COUNCIL APPROVE THE CONSTRUCTION CONTRACT DOCUMENTS REQUIRED FOR THE "ANNUAL RESIDENTIAL ROADWAY RESURFACING PROJECT FY 12/13"; AND APPROVE AWARD OF A CONTRACT TO ALL AMERICAN ASPHALT FOR CONSTRUCTION OF THE ANNUAL RESIDENTIAL ROADWAY RESURFACING PROJECT FY 12/13, PROVIDING THAT THE CITY MANAGER OR HIS DESIGNEE SIGNS AND ADMINISTERS THE SUBJECT CONTRACT AND MAY APPROVE ADDITIONAL PAYMENT FOR CHANGE ORDERS, CONTINGENCIES, MANAGEMENT SERVICES, SOILS AND MATERIAL TESTING, SURVEYING, AND CONSTRUCTION DESIGN SUPPORT FOR THE PROJECT AS NOTED IN THE FISCAL IMPACT SECTION.

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

10. AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE PUBLIC WORKS RENOVATION PROJECT

APPROVED THE CONSTRUCTION CONTRACT DOCUMENTS REQUIRED FOR THE "PUBLIC WORKS RENOVATION PROJECT" AND APPROVED AWARD OF A CONTRACT TO OPTIMA RPM, INCORPORATED FOR THE CONSTRUCTION OF THE PUBLIC WORKS RENOVATION PROJECT, PROVIDING THAT THE CITY MANAGER OR HIS DESIGNEE SIGNS AND ADMINISTERS THE SUBJECT CONTRACT AND MAY APPROVE ADDITIONAL PAYMENT FOR CHANGE ORDERS, CONTINGENCIES, MANAGEMENT SERVICES, AND CONSTRUCTION DESIGN SUPPORT FOR THE PROJECT AS NOTED IN THE FISCAL IMPACT SECTION.

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11. FISCAL YEAR 2012-13 BUDGET STATUS REPORT

RECEIVED AND FILED THE FISCAL YEAR 2012-13 BUDGET STATUS REPORT AND AUTHORIZE THE BUDGET AMENDMENTS DETAILED WITHIN THIS REPORT.

PUBLIC COMMENTS

Pam Tappan, Capistrano Beach, spoke regarding the plastic bag ban. She reported that she had visited Smart & Final recently and that the customers were yelling at the clerks about being charged for reusable plastic bags. She also spoke regarding vacation rentals and felt that there were already laws on the books that address any issues.

Mary Kay Wise, Dana Point, spoke regarding the homeless situation in Dana Point. She stated that she has been trying to find solutions for the homeless citizens. She added that the homeless problem was not going away and felt that the City had a moral obligation to find a resolution.

Joseph O'Connor, Dana Point, stated that he was an advocate for the homeless. He spoke of a homeless person dying in the alley due to exposure. He asked for the number of beds allowed at shelters to be increased.

Judith Stanton, Dana Point, spoke regarding the homeless. She stated that she would like the City to find a way to help them.

Nancy McIntyre, San Clemente, stated that when she had retired she learned of the homeless problem. She added that she had founded iHope with others in 2009. She stated that in 2012 iHope opened a resource center with services to help the homeless find jobs, medications, and laundry services. She added that this is a day center only. She stated that iHope would like to work with the City and added that the homeless need somewhere to stay at night or at least during the inclement weather. She suggested looking at Laguna Beach as a model.

City Manager Chotkevys clarified that based on his examination of Ms. Fox's death certificate, she died of acute alcohol poisoning and that it was not due to exposure. He stated that during the collaboration on the 2008 first certified Housing Element for the City, there was a provision included that stated churches by right could have a 10 bed emergency shelter and with approval of a Conditional Use Permit they could have 20 beds. He added that to-date there have been no churches that have decided to operate an emergency shelter this year. He stated that a local pastor has told him that they did not want to subject their congregation or school children to the public safety issues that come with operating an emergency shelter for the homeless. He reported that when the City was working with Capo Beach Church last year that there were a number of

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criminal assaults with people going to the hospital and then to jail. He stated that the offenses involved attempted murder and aggravated assault. He added that the City of Dana Point does not have the facilities to operate a homeless shelter. He stated that the City has not told anyone nor have they strong-armed any church into not operating a homeless shelter. He asked iHope to be very careful when screening their clients because there are very real public safety issues. He stated that he wanted the record to be clear that the City has not told anyone that they could not have a 10 bed shelter.

Lt. Koehmstedt stated that there were some very serious assaults in the area last year. He added that the arrest of the iHope client led to another arrest in San Juan Capistrano today for recent burglaries.

Steve Stewart, Dana Point, spoke regarding the lack of access for a cold weather shelter. He stated that he had emailed and called twice to speak to Council Members to discuss the issue but he had not received any return calls. He felt that there needs to be a change in the 10 person occupancy Ordinance.

Steve Hagy, San Clemente, spoke regarding the homeless. He stated that he had volunteered at Capo Beach Church and felt that lives were changed at the shelter. He felt that the City needs to give people an opportunity to change.

Dennis Rice, Santa Ana, spoke regarding being homeless. He said that it was the people who showed they cared about total strangers that made all the difference to him.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

12. 2013 WEED ABATEMENT PROGRAM

City Manager Chotkevys provided a staff report.

There being no requests to speak, Mayor Weinberg opened and closed the Public Comments.

IT WAS MOVED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, SECONDED BY COUNCIL MEMBER CARLOS N. OLVERA, THAT THE CITY COUNCIL HEAR ANY OBJECTIONS REGARDING WEED ABATEMENT AND THEREAFTER ADOPT RESOLUTION 13-04-16-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, HEARING NO OBJECTIONS AND PROCEEDING WITH WEED ABATEMENT.

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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

NEW BUSINESS

13. APPOINTMENTS TO THE ARTS AND CULTURE COMMISSION

City Manager Chotkevys provided a staff report.

There being no requests to speak, Mayor Weinberg opened and closed the Public Comments.

Council Member Olvera stated that being a new Council Member and trying to gain the understanding and expertise of all of the City's appointees in reviewing their applications for the two openings, he would also like to review the resumes of the other three Commissioners as well.

Mayor Pro Tem Bartlett stated that reviewing the resumes of everyone would be consistent with how the Planning Commission appointments were handled recently.

IT WAS MOVED BY COUNCIL MEMBER J. SCOTT SCHOEFFEL, SECONDED BY COUNCIL MEMBER CARLOS N. OLVERA, DIRECT STAFF TO PROCEED WITH THE RECRUITMENT/APPOINTMENT OF ARTS AND CULTURE COMMISSION 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

PUBLIC COMMENTS

There were no additional Public Comments received.

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STAFF REPORTS

City Manager Chotkevys provided an update on the vacation rental program. He stated that staff had met with Mr. Weinberg and a number of his clients and residents of Beach Road to review the checklist and inspection program. He added that they not only went over the checklist but also included a discussion about the Building Code.

Assistant City Manager Killebrew reported that the residents wanted to discuss the Ordinance as well. He stated that staff went step-by-step through the Ordinance and it provided a great opportunity to explain how the different facets of the Ordinance worked. He added that the requirement for insurance was a major concern but he felt that the meeting went well.

City Manager Chotkevys introduced the City's new Community Development Director, Ursula Luna-Reynosa.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Schoeffel mentioned that the Doheny Blues Festival was coming up in May and that the Mile for Maddie fundraising event and remembrance of Maddie James is scheduled for the morning of May 18. He urged everyone to participate.

Council Member Brough reported that he had attended the following:

April 8 - spoke at the Orange County Association of Realtors on a Town Center update
Town Center Association public meeting
April 9 - Post Office relocation meeting
April 12 - San Clemente State of the City
April 14 - had the opportunity to hear the Iraq Ambassador to the UN speak
April 15 - Tavern on the Coast open house
April 16 - Doris Walker dedication

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 on April 16 she had attended the Doris Walker Dedication Ceremony at Heritage Park. She announced the following upcoming events:

April 19 - Magic Shears ribbon cutting ceremony
Tavern on the Coast ribbon cutting ceremony
April 19-20 - California Wine Festival. The 19th is held at the Laguna Cliffs Marriott and the 20th is held at Doheny State Beach
May 5 - Dana Point Grand Prix of Cycling in our Town Center
May 18 - Mile for Maddie Walk
May 18-19 - Doheny Blues Festival

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May 27 - VFW Post 9934 Memorial Day event at Pines Park
May 31 - Dana Point Symphony Concert at St. Edwards

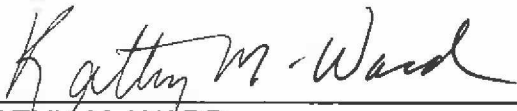
She announced that OCTA was accepting applications for the Measure M Taxpayers Oversight Committee. She stated that the applications are due by April 22 and if there was any interest, please contact City Clerk, Kathy Ward for information.

She reported that the Ocean Institute has distributed their summer adventures catalog and felt that there were some great programs being offered for children.

Mayor Weinberg stated that he had turned in his list of meetings attended to the City Clerk. He announced that the State of City is scheduled for April 22 at Laguna Cliffs Marriott and that the Dana Point Grand Prix is being held on May 5. He reported that there would be a Celebration of Earth Day beach clean-up on April 20 at Doheny State Beach from 9-11 a.m., Monarch Bay Plaza is sponsoring a shred event, the Ritz Carlton sponsoring beach clean-up from 10-12 noon and Sunday, April 21 is the Ocean Institute Earth Day with another beach clean-up from 9-11 a.m. He stated that beginning on April 27 and every fourth Saturday of the month from 8-11 a.m., the Ocean Institute will be holding beach clean-ups.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Weinberg declared the meeting adjourned at 6:56 p.m. and announced that the next Regular Meeting of the City Council will be held on May 7, 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 MAY 7, 2013

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Meetings attended since April 16, 2013:

Mayor Steven Weinberg

- April 10 - OCFA Budget and Finance Committee
- April 11 - San Diego Water Quality Board
- April 13 - Police Training at Dana Hills High School
- April 15 - Investment Review Committee Meeting
- April 16 - Doris Walker Dedication

Council Member Carlos N. Olvera

- April 8 - Met with City staff on Dana Point maps
Attended a Town Center community meeting
- April 16 - Doris Walker Dedication Ceremony