
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR ACTION AGENDA
JANUARY 12, 2009**

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 5:00 p.m. in the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point.

ROLL CALL OF CITY COUNCIL MEMBERS:

Present: Mayor Lisa A. Bartlett
Mayor Pro Tem Steven Weinberg
Council Member Lara Anderson
Council Member Joel Bishop (*via teleconference*)
Council Member Scott Schoeffel

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Kathy M. Ward, City Clerk; Michael Killebrew, Director of Administrative Services; Lt. Mark Levy, Chief of Police Services; Kyle Butterwick, Director of Community Development; Brad Fowler, Director of Public Works and Engineering; Christy Teague, Economic Development Manager; Kevin Evans, Director of Community Services and Parks; John Tilton, City Architect; Jeff Rosaler, Natural Resource Protection Officer; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

CLOSED SESSION

City Attorney Munoz indicated 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):
 - 1. Scenic Drive
 - 2. Clark/Palisades Bluff

- B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Government Code § 54956.8 Location: APN# 682-311-02 and 682-311-03 Agency Negotiator: Douglas C. Chotkevys, City Manager Negotiating Parties: City of Dana Point and Beverly Hills Hospitality Group, LLC Under Negotiation: Terms of agreement relating to property

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

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Bartlett reconvened the meeting at 6:07 p.m. All Council Members were present.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that there was no announcement.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alternate Planning Commissioner Michael Dec.

INVOCATION

The Invocation was provided by Chaplain Bucky Weeks from South Coast Medical Center.

PRESENTATIONS AND PROCLAMATIONS

Recognition of Dana Hills High School Boy's and Girl's Cross Country Team
Recognition of Dana Hills High School Girl's Tennis Team
Recognition of OCSD Sgt. Bob Wren and CSO Tate Casey
Recognition of OCFA Battalion Chief Steve Whitaker

CONSENT CALENDAR

IT WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY MAYOR PRO TEM STEVEN WEINBERG, TO APPROVE THE BALANCE OF THE CONSENT CALENDAR.

The motion carried by the following vote:

AYES: Council Member Lara Anderson, Council Member Joel Bishop, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg, and Mayor Lisa A. Bartlett

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.

2. REGULAR MEETING MINUTES, DECEMBER 2, 2008

APPROVED THE MINUTES.

**3. PLANNING COMMISSION MEETING MINUTES, NOVEMBER 25, 2008
(120-10)**

RECEIVED AND FILED.

4. YOUTH BOARD MEETING MINUTES, NOVEMBER 20, 2008 (0120-40)

RECEIVED AND FILED.

**5. OCEAN WATER QUALITY MEETING MINUTES, OCTOBER 28, 2008
(0410-35)**

RECEIVED AND FILED.

6. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

7. CITY TREASURER'S REPORT, NOVEMBER 2008 (0350-20)

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF NOVEMBER 2008.

8. CLAIMS AND DEMANDS (0300-30)

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

9. ANNUAL INVESTMENT POLICY (0350-50)

APPROVED THE CITY'S STATEMENT OF SAFEKEEPING AND INVESTMENT OF PUBLIC FUNDS POLICY (INVESTMENT POLICY), AS PROPOSED BY THE CITY'S INVESTMENT REVIEW COMMITTEE.

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10. HISTORIC PRESERVATION AGREEMENT (MILLS ACT) FOR THE PROPERTY LOCATED AT 33872 VALENCIA PLACE (0920-30)

AUTHORIZED THE MAYOR TO SIGN A HISTORIC PROPERTY PRESERVATION AGREEMENT WHICH WOULD ALLOW THE PROPERTY OWNER, JOHN AND GAY FOTSCH TRUST, OF THE HISTORIC STRUCTURE LOCATED AT 33872 VALENCIA PLACE, TO PARTICIPATE IN THE STATE'S MILLS ACT PROGRAM.

11. CALIFORNIA MARINE LIFE PROTECTION ACT INITIATIVE STRATEGY (0230-45)

RECEIVED AND FILED.

12. ADOPTION OF A RESOLUTION APPROVING FINAL PARCEL MAP NO. 2007-113 TO ALLOW THE CONVERSION OF AN EXISTING DUPLEX APARTMENT ON VIA CALIFORNIA TO CONDOMINIUMS AND THE CORRESPONDING REQUEST TO SUBDIVIDE THE AIRSPACE FOR CONDOMINIUM PURPOSES AND THE ACCOMPANYING SUBDIVISION IMPROVEMENT AGREEMENT (0400-40)

ADOPTED RESOLUTION 09-01-12-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 2007-113 TO ALLOW THE CONVERSION OF AN EXISTING DUPLEX APARTMENT N VIA CALIFORNIA TO CONDOMINIUMS AND THE CORRESPONDING REQUEST TO SUBDIVIDE THE AIRSPACE FOR CONDOMINIUM PURPOSES AND THE ACCOMPANYING SUBDIVISION IMPROVEMENT AGREEMENT.

13. STREET INLET FILTER PURCHASE AND INSTALLATION MEMORANDUM OF UNDERSTANDING FOR RITZ COVE HOMEOWNER'S ASSOCIATION (0400-10)

AUTHORIZED THE CITY MANAGER TO EXECUTE AN MOU WITH THE RITZ COVE HOA; AND AUTHORIZED FUNDS TO FUND THE PURCHASE AND INSTALLATION OF INLET FILTERS AT RITZ COVE HOA.

PUBLIC COMMENTS

Jennifer Johnson
Ingrid McGuire
John Chaffetz

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PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

**14. SURFING HERITAGE MUSEUM (CONTINUED FROM NOVEMBER 18, 2008)
(0920-05)**

IT WAS MOVED BY MAYOR LISA A. BARTLETT, SECONDED BY MAYOR PRO TEM STEVEN WEINBERG, THAT THE CITY COUNCIL:

1. RECEIVE STATUS REPORT FROM THE SURFING HERITAGE MUSEUM TASK FORCE ON PROGRESS OF POTENTIAL JOINT USE AGREEMENT AT SEA TERRACE PARK;
2. PROVIDE DIRECTION AS APPROPRIATE AS THE SURFING HERITAGE MUSEUM TASK FORCE CONTINUES TO STUDY THIS IMPORTANT ISSUE; AND
3. DIRECT STAFF TO CONDUCT TOWN HALL MEETINGS TO GATHER ADDITIONAL PUBLIC INPUT.

The motion carried by the following vote:

AYES: Council Member Lara Anderson, Council Member Joel Bishop, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg, and Mayor Lisa A. Bartlett

NOES: None

NEW BUSINESS

**15. CITY COUNCIL APPOINTED REPRESENTATIVES AND CITY COMMISSIONS, COMMITTEES, SUBCOMMITTEES AND TASK FORCES
(0410-20)**

- 1) CONSIDERED APPOINTMENTS OF CITY COUNCIL REPRESENTATIVES TO OUTSIDE AGENCIES;
- 2) CONSIDERED APPOINTMENTS TO CITY COMMITTEES, SUBCOMMITTEES AND TASK FORCES; AND
- 3) DIRECTED STAFF TO TAKE ACTION AS DEEMED APPROPRIATE.

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IT WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY MAYOR PRO TEM STEVEN WEINBERG, THAT THE CITY COUNCIL APPROVE ALL OF THE ASSIGNMENTS WITH THE EXCEPTION OF THE TCA BOARDS AND THE INVESTMENT REVIEW COMMITTEE.

The motion carried by the following vote:

AYES: Council Member Lara Anderson, Council Member Joel Bishop, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg, and Mayor Lisa A. Bartlett

NOES: None

IT WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY MAYOR PRO TEM STEVEN WEINBERG, THAT THE CITY COUNCIL APPROVE THE FOLLOWING:

1. MAYOR BARTLETT TO SERVE ON THE FOOTHILL/EASTERN TRANSPORTATION CORRIDOR AGENCY WITH MAYOR PRO TEM WEINBERG SERVING AS THE ALTERNATE;
2. MAYOR PRO TEM WEINBERG SERVE ON THE SAN JOAQUIN TRANSPORTATION CORRIDOR AGENCY WITH MAYOR BARTLETT SERVING AS THE ALTERNATE;
3. MAYOR BARTLETT SERVE ON THE TRANSPORTATION CORRIDOR SYSTEM WITH MAYOR PRO TEM WEINBERG SERVING AS THE ALTERNATE; AND
4. MAYOR BARTLETT SERVE ON THE INVESTMENT REVIEW COMMITTEE WITH COUNCIL MEMBER SCHOEFFEL SERVING AS THE ALTERNATE.

The motion carried by the following vote:

AYES: Mayor Pro Tem Steven Weinberg, Council Member Lara Anderson, and Council Member Scott Schoeffel

NOES: Council Member Joel Bishop and Mayor Lisa A. Bartlett

16. APPOINTMENTS TO THE PLANNING COMMISSION (0120-10)

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LARA ANDERSON, THAT THE CITY COUNCIL:

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1. DIRECT MICHAEL DEC TO CONTINUE FILLING THE OPEN SEAT ON THE PLANNING COMMISSION AS AN ALTERNATE UNTIL THAT SEAT HAS BEEN FILLED;
2. DIRECT STAFF TO AMEND THE ORDINANCE TO ELIMINATE THE PLANNING COMMISSION ALTERNATE POSITIONS AND ELIMINATE TERM LIMITS FOR THE PLANNING COMMISSIONERS;
3. DIRECT STAFF TO ADVERTISE FOR THE AVAILABLE POSITIONS; AND
4. DIRECT STAFF TO AMEND COUNCIL POLICY 302.

The motion carried by the following vote:

AYES: Council Member Lara Anderson, Council Member Joel Bishop, Council Member Scott Schoeffel, and Mayor Pro Tem Steven Weinberg

NOES: Mayor Lisa A. Bartlett

**17. TRAFFIC IMPROVEMENT COMMISSION APPLICATION SOLICITATION
(0120-30)**

IT WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY MAYOR PRO TEM STEVEN WEINBERG, THAT THE CITY COUNCIL DIRECT THE CITY CLERK TO SOLICIT THE COMMUNITY FOR APPLICANTS TO SERVE AND REVISE THE ORDINANCE AND RESOLUTION TO CHANGE THE COMMISSION BACK TO A SUBCOMMITTEE WITH NO TERM LIMIT.

The motion carried by the following vote:

AYES: Mayor Lisa A. Bartlett, Mayor Pro Tem Steven Weinberg, Council Member Lara Anderson, Council Member Joel Bishop, and Council Member Scott Schoeffel.

NOES: None

PUBLIC COMMENTS

There were no additional Public Comments.

STAFF REPORTS

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

ADJOURNMENT

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There being no further business before the City Council at this session, Mayor Bartlett declared the meeting adjourned at 9:14 p.m. and announced that the next Regular Meeting of the City Council will be January 26, 2009, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.