
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR ACTION AGENDA
FEBRUARY 9, 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
Council Member Scott Schoeffel

CLOSED SESSION

City Attorney Munoz indicated there was a need for a Closed Session as follows:

- A. 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

Mayor Bartlett 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 Bartlett reconvened the meeting at 6:00 p.m. All Council Members were present.

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Kathy M. Ward, City Clerk; Mike Killebrew, Director of Administrative Services; Sgt. Lynn Koehmstedt, Police Services; Kyle Butterwick, Director of Community Development; Matthew Sinacori, City Engineer; Lynn Kelly, Management Analyst; Christy Teague, Economic Development Manager; Kevin Evans, Director of Community Services and Parks; John Tilton, City Architect, Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; Bobbi Ogan, Deputy City Clerk; Shelley Velez, Personnel Analyst; Bill Beattie, Code Enforcement Officer; Andy Glass, Accounting Manager; Pat Mitchell, Secretary; and Sue Steinriede, Administrative Aide.

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CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that there was no announcement.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Chamber of Commerce Citizen of the Year, Rodney Howorth.

INVOCATION

The Invocation was provided by Seminary Intern Sabrina Vasta of Gloria Dei Lutheran Church.

PRESENTATIONS AND PROCLAMATIONS

January Business of the Month - Casanova Ristorante
Certificate of Recognition for Michelle Brough
20th Anniversary Presentation by Dana Point Historical Society and Recognition of 20 Year Employees
Orange County Human Relations Commission Report - Bill Woods

CONSENT CALENDAR

Council Member Anderson removed Item No. 2 from the Consent Calendar; Staff removed Item No. 9 from consideration, and removed Item No. 10 for discussion.

IT WAS MOVED BY COUNCIL MEMBER JOEL BISHOP, SECONDED BY COUNCIL MEMBER LARA ANDERSON 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

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.

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2. REGULAR MEETING MINUTES, JANUARY 26, 2009

IT WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY MAYOR PRO TEM STEVEN WEINBERG, THAT THE CITY COUNCIL APPROVE THE CORRECTED MINUTES.

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

3. PLANNING COMMISSION MEETING MINUTES, JANUARY 19, 2009

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF FEBRUARY 2, 2009

RECEIVED AND FILED.

5. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

6. CITY TREASURER'S REPORT, DECEMBER 2008

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

7. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

8. COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2008

RECEIVED AND FILED THE COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR THE YEAR ENDED JUNE 30, 2008.

9. EXCLUSIVE NEGOTIATING AGREEMENT (ENA) - DANA POINT HOTEL

THIS ITEM HAD BEEN REMOVED FROM THE AGENDA AND WAS NOT CONSIDERED BY THE CITY COUNCIL.

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10. SPONSORSHIP OF THE CONCOURS d'ELEGANCE CAR SHOW

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

1. APPROVE THE USE OF SEA TERRACE PARK FOR SUNDAY, SEPTEMBER 27, 2009 IN KEEPING WITH EASEMENT, RIGHT OF ENTRY AGREEMENT FOR SEA TERRACE PARK;
2. APPROVE A SPONSORSHIP AGREEMENT WITH THE PROMOTER FOR THE 2009 EVENT AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND
3. AUTHORIZE THE CITY MANAGER TO NEGOTIATE A SUBSEQUENT MULTI-YEAR AGREEMENT WITH THE PROMOTER AT SUCH TIME AN AUTO AUCTION IS PLANNED TO BE ADDED TO THE EVENT.

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

PUBLIC COMMENTS

Robert Neal
Richard Dietmeier
Carole Welling

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

11. DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT

IT WAS MOVED BY COUNCIL MEMBER JOEL BISHOP, SECONDED BY MAYOR LISA A. BARTLETT, THAT THE CITY COUNCIL ADOPT **RESOLUTION 09-02-09-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DECLARING THE INTENTION OF THE CITY COUNCIL TO

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ESTABLISH THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT AND FIXING THE TIME AND PLACE OF A PUBLIC HEARING; and

SET THE DATE FOR PUBLIC HEARING TO ESTABLISH THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT ON MARCH 9, 2009.

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

12. SECOND READING AND ADOPTION OF A MUNICIPAL CODE AMENDMENT REVISING REGULATIONS APPLICABLE TO THE PLANNING COMMISSION AND TRAFFIC IMPROVEMENT SUBCOMMITTEE

IT WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY COUNCIL MEMBER JOEL BISHOP, THAT THE CITY COUNCIL HOLD SECOND READING AND ADOPT **ORDINANCE 09-01** WITH THE AMENDED LANGUAGE ADDED TO SECTION 2.06.075. THE ORDINANCE IS ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING VARIOUS PROVISION OF THE DANA POINT MUNICIPAL CODE APPLICABLE TO THE PLANNING COMMISSION AND THE TRAFFIC IMPROVEMENT SUBCOMMITTEE.

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

13. PROPOSED AMENDMENT TO DANA POINT MUNICIPAL CODE SECTION 2.06.075 RELATING TO VACANCIES OF CITY BOARD AND COMMISSION SEATS

IT WAS MOVED BY COUNCIL MEMBER JOEL BISHOP, SECONDED BY MAYOR PRO TEM STEVEN WEINBERG, THAT THE CITY COUNCIL INTRODUCE AND HOLD FIRST READING OF AN ORDINANCE WITH THE FOLLOWING LANGUAGE INCLUDED AS EXHIBIT A; "WHENEVER A MEMBER OF ANY CITY COMMISSION IS APPOINTED OR ELECTED TO AN OFFICE OF ANOTHER GOVERNMENTAL AGENCY AND IT IS DETERMINED

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THAT SUCH APPOINTMENT OR ELECTION CREATES A VIOLATION OF THE INCOMPATIBILITY OF OFFICE DOCTRINE UNDER APPLICABLE LAW, THE OFFICE HELD BY SAID MEMBER SHALL BE IMMEDIATELY AND AUTOMATICALLY BE RENDERED VACANT". THE ORDINANCE IS ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING SECTION 2.06.075 OF THE DANA POINT MUNICIPAL CODE RELATING TO VACANCIES CREATED ON CITY BOARDS AND COMMISSIONS .

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

14. VACATED PLANNING COMMISSION SEAT (MICHELLE BROUGH)

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY MAYOR LISA A. BARTLETT, THAT THE CITY COUNCIL APPOINT MICHAEL DEC TO FILL THE VACANT PLANNING COMMISSION SEAT OF MICHELLE BROUGH AND SERVE THE REMAINING TERM THROUGH MARCH 31, 2011.

The motion carried by the following vote:

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

NOES: Council Member Lara Anderson

NEW BUSINESS

There was no New Business.

PUBLIC COMMENTS

There were no additional Public Comments received.

STAFF REPORTS

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

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ADJOURNMENT

There being no further business before the City Council at this session, Mayor Bartlett declared the meeting adjourned at 7:34 p.m. and announced that the next Regular Meeting of the City Council will be held on February 23, 2009, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.