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**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
FEBRUARY 23, 2009**

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**CALL TO ORDER**

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by City Clerk Ward at 5:00 p.m. in the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point. City Clerk Ward announced that the meeting was adjourned to 6:00 p.m. due to a lack of quorum.

**RECONVENE CITY COUNCIL MEETING - 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 6:00 p.m. at 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

Absent: None

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Kathy M. Ward, City Clerk; Mike Rose, Emergency Services Manager; 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; Lynn Kelly, Management Analyst; Christy Teague, Economic Development Manager; Kevin Evans, Director of Community Services and Parks; Sea Shelton, Senior Management Analyst; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

**CLOSED SESSION**

There were no Closed Session items.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by James Littlejohn, Executive Director of the Boys and Girls Clubs of Capistrano Valley.

**INVOCATION**

The Invocation was provided by Bishop Kirk Lindahl of the Capistrano 1<sup>st</sup> Ward of the Church of Jesus Christ of Latter Day Saints.

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**PRESENTATIONS AND PROCLAMATIONS**

February Business of the Month - Dana Point Physical Therapy

Management Analyst Kelly provided a PowerPoint presentation. She reported that Dana Point Physical Therapy opened their doors in April, 2000 specializing in sports medicine and orthopedic rehabilitation. They employ nine (9) staff members and serve 60 clients per week. She stated that Dana Point Physical Therapy are supporters of Dana Hills High School sports programs. Mayor Bartlett presented a Certificate of Recognition to Jordan Turner for Dana Point Physical Therapy being selected the Business of the Month for February 2009.

Certificate of Recognition for Wayne Rayfield

Mayor Bartlett presented a Certificate of Recognition to Wayne Rayfield and thanked him for his time serving on the Orange County Vector Control Board on behalf of the City.

Recognition of the 2008 Deputy of the Year - Deputy Steven J. Hoffman

Mayor Bartlett asked Lt. Levy to join her in recognizing Deputy Steven Hoffman. She stated that this was the second time that Deputy Hoffman was being recognized as the Deputy of the Year in the last eight (8) years. Lt. Levy added that the Deputy of the Year is chosen by their peers. He stated that over the past eight (8) years, Deputy Hoffman has worked as a field training officer, member of a special enforcement team for the City, and has been awarded the Mothers Against Drunk Driving (MADD) Deuce Award for the past three years in a row. Lt. Levy presented Deputy Hoffman with a plaque and Mayor Bartlett presented a Certificate of Recognition to Deputy Hoffman on behalf of the City of Dana Point.

MADD Presentation

Mary Beth Griffin, representative from Orange County Chapter of Mothers Against Drunk Driving (MADD), recognized Deputy Jonathan Daruvala for his 29 DUI arrests and Deputy Brett Gardner for his 31 DUI arrests between July 2008 and December 2008.

Mayor Bartlett recessed the meeting for refreshments in honor of the Deputy of the Year at 6:21 p.m. and reconvened the meeting at 6:34 p.m.

**CONSENT CALENDAR**

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY MAYOR LISA A. BARTLETT, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR.

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The motion carried by the following vote:

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

**2. REGULAR MEETING MINUTES, FEBRUARY 9, 2009**

APPROVED THE MINUTES.

**3. YOUTH BOARD MEETING MINUTES, JANUARY 15, 2009**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

**5. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**6. LANTERN BAY PARK LANDSCAPE IMPROVEMENTS**

AUTHORIZED STAFF TO NEGOTIATE A CHANGE ORDER WITH VALLEY CREST LANDSCAPE, INC. FOR THE REHABILITATION AND IMPROVEMENT OF LANDSCAPING AT LANTERN BAY PARK AND AUTHORIZED BUDGETED EXPENDITURES FOR THIS WORK AS NOTED IN THE FISCAL IMPACT SECTION.

**7. 2009 DANA POINT SUMMER CONCERT SERIES**

APPROVED THE RELOCATION OF THE DANA POINT SUMMER CONCERT SERIES FROM PINES PARK TO LANTERN BAY PARK.

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**8. AWARD OF CONTRACT FOR THE 2009 4TH OF JULY AERIAL FIREWORKS DISPLAY AND BARGE CONTRACT**

APPROVED THE FOLLOWING FOR THE 2009 FOURTH OF JULY AERIAL FIREWORKS DISPLAY:

1. CONTRACT WITH PYRO-SPECTACULARS, INC. FOR THE AERIAL DISPLAY;
2. CONTRACT WITH PACIFIC TUGBOAT SERVICE TO PROVIDE A TUG AND BARGE TO BE USED AS THE STAGING AREA FOR THE FIREWORKS DISPLAY; AND
3. AUTHORIZED THE CITY MANAGER TO EXECUTE THE CONTRACTS.

**9. SECOND READING AND ADOPTION OF A MUNICIPAL CODE AMENDMENT REVISING SECTION 2.06.075 RELATING TO VACANCIES OF CITY COMMISSION SEATS**

HELD SECOND READING AND ADOPTED **ORDINANCE 09-02** 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 COMMISSIONS*

**PUBLIC COMMENTS**

Dr. Bill Sears, Capistrano Beach, stated that he was representing the Rail Safety First For Capistrano Beach. He spoke regarding the concerns that the group has regarding the railroad crossing at Beach Road. He provided his comments to the City Clerk for the public record.

Mary Panish, Dana Point, reported that the League of Women Voters of Capistrano Bay was presenting a Healthcare Crisis Program to be held on Saturday, March 28, 2009 from 9:45 a.m. to 12 noon at the Mission Hospital Conference Center located at 26726 Crown Valley Parkway, Mission Viejo. She stated that the guest speakers will be former State Senator Joe Dunn, J.D., Julie Schoen, J.D. and Bill Honigman, M.D. She encouraged all to attend and mentioned that admission was free.

Ingrid McGuire, Dana Point, reported that the South Coast Water District Board will be discussing a water conservation and water supply shortage ordinance at their next meeting on Thursday. She stated that the Board meeting will be held here at City Hall beginning at 6:00 p.m. She invited residents to attend and participate in the discussion or watch the meeting on Channel 30.

Carole Weling, Capistrano Beach, read James Weling's statement regarding the railroad crossing at Palisades/Beach Road as he could not attend the meeting. Mr. Weling's comments were provided to the City Clerk for the public record.

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**PUBLIC HEARINGS**

**10. FIRST READING OF AN ORDINANCE ADDING A CHAPTER TO THE MUNICIPAL CODE REGULATING FALSE ALARMS**

City Manager Chotkevys provided an introduction of the item and Director of Administrative Services Killebrew provided a staff report.

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

Mayor Bartlett stated that this is more than a 50% increase in the fee but felt that it was warranted due to the monthly average of 56 false alarms being reported and the time it takes for the Deputies to respond. She hoped that the increase in fee would discourage the reporting of false alarms.

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER SCOTT SCHOEFFEL, TO CONDUCT A PUBLIC HEARING AND INTRODUCE AND HOLD A FIRST READING OF AN ORDINANCE ENTITLED:

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADDING CHAPTER 11.60 "ALARM SYSTEMS, FALSE ALARMS," TO THE DANA POINT MUNICIPAL CODE TO REGULATE SECURITY SYSTEM ALARMS AND AUTHORIZING THE CHARGING OF CERTAIN FEES FOR RESPONSE TO FALSE ALARMS.*

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

**UNFINISHED BUSINESS**

There was no Unfinished Business.

**NEW BUSINESS**

There was no New Business.

**PUBLIC COMMENTS**

There were no additional Public Comments.

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**STAFF REPORTS**

City Manager Chotkevys reported that the City Council will start to notice Festival of Whales advertisements on the OCTA buses "Ride with us to Dana Point". He commended Christy Teague and Mike Killebrew for their work with the Festival of Whales Committee. He stated that he would like the City to work with OCTA to get this type of sponsorship for the City's other events. He mentioned that the City would be meeting with OCTA and the Southern California Regional Rail Authority this Thursday.

**COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED**

Council Member Anderson reported that she had attended a JPA meeting with CASA on February 10<sup>th</sup>. She stated that canvassing for licensing has been discussed. She added that the reason for canvassing was a public safety issue to ensure that all dogs had current Rabies vaccinations, not as a revenue generator. She stated that the Board was reviewing the options and costs to determine whether the canvassing would be feasible. She announced that dates have been confirmed for the Surfing Heritage Museum Town Hall meetings. She stated that the first meeting will be held at the Ocean Institute and the second meeting will be held at the Community Center. She added that the dates will be announced soon. She encouraged everyone interested to attend the meetings to receive accurate information.

She announced the following:

Wednesday, the Dana Point Historical Society will be presenting their February program at the Dana Point Tennis Center. The Program will be on preserving historical homes and will include a special guest with the social beginning at 6:30 p.m. and the Program at 7:00 p.m. More information can be found at [www.danapointhistorical.org](http://www.danapointhistorical.org).

Thursday, the Dana Point Lighthouse Society will be meeting at 6:00 p.m. at the Ocean Institute. The guest speaker will be Captain Dave of Dave's Dolphin Safaris out of the Harbor. He will be providing a video presentation about "Wild Dolphins & Whales of Southern California".

Council Members will be in the Festival of Whales Parade next Saturday.

Council Member Bishop stated that he had turned in his meetings attended to the City Clerk. He added that he has observed that the boats from the Harbor have been packed with people going out to observe the marine life. He announced that the day after the Festival of Whales Parade, we will be changing back to daylight savings time.

Mayor Pro Tem Weinberg stated that he had turned in his meetings attended to the City Clerk. He added that he would be happy to ride in the parade as long as his car will be able to make it the entire route this year.

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Mayor Bartlett reported that she had attended the following:

Several TCA meetings and met with residents during her designated office hours.

February 10 - Attended the Orange County Business Council annual dinner and event speaker gave a very motivational speech regarding creating a vision.

February 12 - Attended the OC League of Cities dinner where attendees received the latest news on the state budget from state legislative staff.

February 13 - Attended the one (1) year anniversary celebration and ribbon cutting ceremony for the Dana Point Times.

February 16 - Attended and presented a Proclamation for the grand re-opening of Proud Mary's in the Harbor which is now open and serving the public.

February 17 - Gave a presentation to the Niguel Shores Men's Club which covered the 20 year highlights, present and potential future projects for the City and also attended the League of Cities Policy Committee update which covered potential legislation to protect and reduce cities from unnecessary liability and adverse environmental impacts.

February 18 - Attended and provided welcoming remarks for the Dana Point Relay for Life. The event is scheduled for May 2<sup>nd</sup> and 3<sup>rd</sup> and recommended that everyone put their teams together to participate. She stated that over 30 teams were expected this year.

February 20 - Attended the UC Irvine Chancellor's breakfast meeting where Chancellor Michael Drake discussed the challenging times ahead for universities and colleges.

She stated that she will continue with her regular office hours at City Hall on Friday afternoons from 1:30 - 4:30 p.m. She added that she has availability beginning in March. Contact Jackie Littler at City Hall to make an appointment. Jackie can be reached at 949-248-3513.

She announced the following upcoming events: March 6, 7, 13, and 14 - Festival of Whales. The parade is on March 7th. There will be festivities in La Plaza and in the Harbor. She encouraged everyone to bring their families and join in the fun.

February 10 - Welcome home dinner for the 5<sup>th</sup> Marines at Cannon's Restaurant. Contact the restaurant to join the event.

March 14 - 11:30 a.m. - St. Patty's luncheon for the seniors at the Community Center and at 4:00 p.m. the Boys and Girls Club Teen Center will be hosting their grand opening.

She reported that the City of Dana Point will be teaming up with CR&R to host a Bulky Item Drop-Off Event on Saturday, February 28, 2009 from 7:30 a.m. - 2:30 p.m. at Dana Hills High School and Palisades Elementary School. She stated that bulky items such as large appliances, furniture, televisions, computers, printers, fax machines, copiers, green waste, and other large items will be accepted for free by the City's waste hauler CR&R. She added that over fifty percent of the items collected at these events are recycled, so do your part and bring those items that have been taking up too much space in your garage and yard. For more information, contact the City at 949-248-3571.

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**ADJOURNMENT**

There being no further business before the City Council at this session, Mayor Bartlett declared the meeting adjourned at 7:00 p.m. and announced that the next Regular City Council meeting of the City Council will be held on March 9, 2009, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

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Meetings Attended Since the Last City Council Meeting:

**Mayor Pro Tem Steven Weinberg**

02/11/09      OCFA Budget and Finance Committee Meeting  
02/12/09      TCA San Joaquin Hills Board Meeting  
02/13/09      Dana Point Times Ribbon Cutting Ceremony  
02/19/09      Vector Control Board Meeting  
02/19/09      Dana Point Chamber Mixer

**Council Member Joel Bishop**

02/12/09      The Federal Economic Stimulus Package