
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
April 27, 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
Absent: None

CLOSED SESSION

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

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957 Title: City Manager

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; Mike Rose, Emergency Services Manager; 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; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

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PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Nichole Chambers, President/CEO of the Dana Point Chamber of Commerce.

INVOCATION

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

PRESENTATIONS AND PROCLAMATIONS

Certificate of Recognition for Festival of Whales Award Winners

Mayor Bartlett presented a plaque to the following award winners:

Magical Migration Award for Best Group Spirit: Metropolitan Club of California. George Mocabee, Ed McAllistern, John and Janice Dawson and John and Anita Fildes accepted the award.

City Award for Best Youth Group: Palisades Elementary. Melissa Murray, Principal and a group of the students accepted the award.

Festival of Whales Award for Best Local Entry: National Charity League. Joni Allen-Ooms, Natlie Riiska, and Sue Riley accepted the award.

Mayor's Award for Best Display of Parade Theme: RH Dana Elementary School. Christina Portillo, Principal, members of the PTA, and students accepted the award.

Certificate of Recognition for Shelby Kwait of Dana Hills High School Make A Wish Foundation

Mayor Bartlett presented a Certificate of Recognition to Shelby Kwait, President of the Dana Hills High School Make A Wish Club recognizing her for her fundraising efforts, leadership and service to the community.

Proclamation for Arson Awareness Week

Mayor Bartlett presented a Proclamation to Battalion Chief Devon Leonard from the Orange County Fire Authority proclaiming May 3 - May 9, 2009 as Arson Awareness Week.

California Senate Resolution from Senator Tom Harman's Office for City's 20th Anniversary

Mayor Bartlett accepted a Resolution from Emanuel Patrascu of Senator Tom Harman's Office congratulating the City for its 20th anniversary of incorporation.

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CONSENT CALENDAR

Council Member Bishop stated that he would have to recuse himself from voting on Item 14 due to a potential conflict of interest.

IT WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY MAYOR LISA A. BARTLETT, ACCEPT ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 14.

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.

2. ADJOURNED REGULAR MEETING MINUTES, MARCH 31, 2009

APPROVED THE MINUTES.

3. ADJOURNED REGULAR MEETING MINUTES, APRIL 7, 2009

APPROVED THE MINUTES.

4. REGULAR MEETING MINUTES, APRIL 13, 2009

APPROVED THE MINUTES.

5. PLANNING COMMISSION MEETING MINUTES, MARCH 16, 2009

RECEIVED AND FILED.

6. PLANNING COMMISSION MEETING MINUTES, APRIL 6, 2009

RECEIVED AND FILED.

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7. PLANNING COMMISSION ACTIONS, MEETING OF APRIL 20, 2009

RECEIVED AND FILED.

8. YOUTH BOARD MEETING MINUTES, APRIL 2, 2009

RECEIVED AND FILED.

9. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

10. CITY TREASURER'S REPORT, MARCH 2009

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

11. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

12. COUNTY OF ORANGE PROPOSITION 42 CITY AID PROGRAM FUNDING AGREEMENT FOR FY2010

AUTHORIZED THE MAYOR TO EXECUTE THE PROPOSITION 42 CITY AID PROGRAM (CAP) FUNDING AGREEMENT.

13. STATUS REPORT ON THE SUNDAY EXTENDED OPERATING HOURS AT THE DANA POINT LIBRARY

RECEIVED AND FILED THE UPDATE REPORT FOR THE USAGE DURING THE EXTENDED HOURS OF OPERATION AT THE DANA POINT LIBRARY.

14. INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 13.04, PARKS AND RECREATIONAL FACILITIES REGULATIONS, OF THE MUNICIPAL CODE TO ADDRESS NEW PARKS AND FACILITIES IN THE CITY

Council Member Bishop stated that he had to recuse himself from voting of this item due to a potential conflict of interest.

IT WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY MAYOR LISA A. BARTLETT, TO INTRODUCE AND HOLD FIRST READING OF AN ORDINANCE ENTITLED:

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING CHAPTER 13.04, PARKS AND RECREATIONAL FACILITIES REGULATIONS, OF THE MUNICIPAL CODE TO ADDRESS THE NEW PARKS AND FACILITIES IN THE CITY.

The motion carried by the following vote:

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

NOES: None

RECUSE: Council Member Joel Bishop

PUBLIC COMMENTS

John Chaffetz, Dana Point, congratulated and thanked everyone who had helped organize the Dana Point Grand Prix over the weekend. He suggested that because the 4 year old and under race was so cute, that the race should be held once a month.

Joe Snyder, Capistrano Beach, introduced Board Members Michele Brough and Robert Ming. They presented a replica of a Veteran's Memorial to Mayor Bartlett in appreciation for the City's contribution towards the Memorial which is being built at Saddleback College. He stated that the entire funding for the Memorial has come from private donations and the cities in Orange County. He added that there were still opportunities for people to contribute to the Memorial.

Mayor Bartlett stated that it was a pleasure for the City to participate in this project and she encouraged everyone in the community to get involved to help get the Memorial completed.

Harold Kaufman, Dana Point, spoke regarding the City Council supporting community events. He commended Mayor Pro Tem Weinberg for getting the Grand Prix race started. He felt that the Grand Prix was a great function and the right type of thing to do here in Dana Point.

PUBLIC HEARINGS

15. ESTABLISHMENT OF DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT

City Manager Chotkevys provided a staff report.

Mayor Bartlett stated that she remains a fiscal conservative but because of the challenging times, she felt that cities need to think outside of the box to assist local businesses until the economy rebounds. She added that the TBID program will allow the City's four major hotels to collect a small fee on a tax free basis to

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market Dana Point as a world-class destination. She stated that this program gives the hotels that extra financial boost they need right now because of the downturn in the economy and provides them the opportunity to draw in groups and hotel guests from around the world. She added that this program will be reviewed by the City Council on an annual basis so there are checks and balances in place to review the overall marketing plan. She stated that she would rather give the hotels this opportunity to increase revenues rather than see them fall short on TOT revenues with no TBID program in place and have the City faced with the need to reduce such things as City projects, staff and services as other cities are currently contemplating.

Council Member Anderson asked for clarification. She stated that she understood that the assessment wouldn't be collected until January of next year so there wouldn't be any money or advertising until 2011.

City Manager Chotkevys replied that after the City Council takes the action to form the TBID, City staff would then work with the hotel general managers to develop a marketing plan that would return to the Council and start collecting the assessment effective January 1, 2010. He stated that conceivably as soon as the first dollar is collected, that the City could have a marketing program approved and that the brand marketing of Dana Point could begin as early as Spring of 2010.

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LARA ANDERSON, TO HOLD A SECOND READING AND ADOPT **ORDINANCE 09-04** ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID).

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

There being no requests to speak, Mayor Bartlett opened and closed Public Hearing.

Council Member Anderson stated that she had voted against this item previously and that to stay consistent, she would be voting against it tonight. She felt that the timing was not right.

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Council Member Bishop stated that he travels frequently and felt that this type of fee is expected by the traveler.

Mayor Bartlett stated that the TBID program will help Dana Point become more competitive with the other cities.

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY MAYOR LISA BARTLETT TO ADOPT **RESOLUTION 09-04-27-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE INTENTION OF THE CITY COUNCIL TO LEVY ASSESSMENTS FOR THE 2010 CALENDAR YEAR FOR THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID).

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

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

There was no New Business.

PUBLIC COMMENTS

There were no additional Public Comments.

STAFF REPORTS

City Manager Chotkevys stated that the Dana Point Grand Prix was a credit to the City Staff, community and the City Council. He added that it was important to point out that this was only our third year of hosting this event and that there were over 700 riders pre-registered and over 800 participants.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Bishop thanked Mayor Pro Tem Weinberg for the bike race. He stated that he had turned in his list of meetings attended to the City Clerk.

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Council Member Schoeffel reported that he had attended the State of the City luncheon and two (2) VIP receptions in connection with the Grand Prix. He thanked Mayor Pro Tem Weinberg for his efforts with the bike race.

Council Member Anderson stated that she had turned in her list of meetings attended to the City Clerk. She felt that Staff has been doing a great job of marketing the City with the different events. She encouraged people to stay home this summer and enjoy the events that are planned.

Mayor Pro Tem Weinberg stated that he had turned in his list of meetings attended to the City Clerk. He thanked the Mayor for the State of the City report; he had received many positive comments. He thanked the residents who live in the neighborhood where the bike race was held and stated that without their help, the race would not have happened. He added that he hopes that they are gracious enough to let the City use their neighborhood again next year. He stated that the City has received more press out of this event than we could have imagined and that it made the front page of the Orange County Register. He thanked Ross Teasley for his great coffee in the morning. He spoke of Roger Worthington and how he was there from 7:00 a.m. to 5:00 p.m. announcing the races.

Mayor Bartlett stated that the City did have picture perfect weather this weekend and a very successful Wag-A-Thon and Dana Point Grand Prix. She reported that she will turn in her list of meetings attended to the City Clerk. She thanked Nichole Chambers of the Dana Point Chamber of Commerce, Jim Samuels and his Marriott Staff, and City Staff for putting together and executing an outstanding State of the City address. She stated that everything was flawless and that it was well received. She announced that the City of Dana Point will be teaming up with CR&R to host a bulky item drop off event on Saturday, May 2nd, from 7:30 a.m. to 2:30 p.m. at Dana Hills High School and Palisades Elementary school. She stated that items such as large appliances, furniture, televisions, computers, printers, fax machines, green waste, and other large items will be accepted for free by the City's waste hauler CR&R. She added that CR&R will also collect fluorescent light tubes and household batteries at the event. She added that locked containers for paper shredding will also be on site and that the Goodwill Industries will be available to accept donated items. She stated that household hazardous wastes such as paint, motor oil, and fertilizers will not be accepted. For more information, please call Shanna Collins at 949-248-3571.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Bartlett declared the meeting adjourned at 6:50 p.m. and announced that the next Regular Meeting of the City Council will be held on May 11, 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 Lisa Bartlett

Attended numerous TCA meetings and met with residents during office hours.

- 04/15/09 Artist by the Sea program at the Ocean Institute where big wave surfers were the keynote speakers.
- 04/18/09 Earth Ocean Day in La Plaza as well as the 5th Marines send off event for one of our local female Marines.
- 04/23/09 Keynote speaker at the annual Mayor's State of the City Address at the Marriott.
- 04/25/09 Surfrider Clean Up Day at Doheny State Park in the morning and Wag-a-thon in the Dana Point Harbor in the afternoon. Also attended the kick off event for our Dana Point Grand Prix in the evening.
- 04/26/09 Dana Point Grand Prix. This year we had almost 750 participants and many more spectators and activities during the day.
- 04/27/09 District Attorney's first annual Peace Officers March where we honored survivors who were victims of crime.

Upcoming Events:

- 04/28/09 Col. Pat Malay from the 5th Marines will be giving a debriefing at the Ocean Institute at 7:00 p.m. and will discuss the work and accomplishments of the 5th Marines in Iraq.
- 05/02 and 05/03/09 Dana Point Relay for Life. I encourage everyone to sign up with a team and participate in this event which begins at 10:00 a.m. on Saturday.
- 05/09/09 Two Fundraisers: Monarch Beach Sunrise Rotary fundraiser for children's charities at the Doubletree Hotel and also the Boys and Girls Clubs fundraiser at the Community Center in San Juan Capistrano. Call the respective groups for tickets and additional information.

Mayor Pro Tem Steven Weinberg

- 04/15/09 Ocean Institute Artist by the Sea
- 04/16/09 Vector Control Budget Meeting
- 04/16/09 Vector Control Board of Directors
- 04/16/09 DP Chamber Mixer
- 04/17/09 DP Friday Morning
- 04/22/09 Library Subcommittee
- 04/26/09 Dana Point Grand Prix

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Council Member Joel Bishop

04/23/09 State of the City Address
04/25/09 Dana Point Grand Prix

Council Member Lara Anderson

04/20/09 Coastal Animal Services Joint Powers Authority
04/22/09 Dana Point Library Subcommittee
04/23/09 Chamber of Commerce State of the City Lunch