
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
AUGUST 24, 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 5:01 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

STAFF PRESENT: Patrick Munoz, City Attorney; Kathy M. Ward, City Clerk; Michael Killebrew, Assistant City Manager; 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; Lynn Kelly, Management Analyst, Kevin Evans, Director of Community Services and Parks; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

CLOSED SESSION

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

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, Government Code § 54956.9 (a), (2 cases) Name of Case: South Orange County Wastewater Authority v. City of Dana Point Case No. 30-2009-00283523 Name of Case: Paul Douglas, Carl Grewe, Two Doheny LLC v. City of Dana Point Case No. 30-2009-00125363
- B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b1), (1 case - Niguel Shores/Headlands/County of Orange boundary issues)
- C. CONFERENCE WITH REAL LABOR NEGOTIATOR, Government Code § 54957.6 Agenda Designated Representatives: City Manager Unrepresented and Represented Employees: All positions in City

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Mayor Bartlett recessed the meeting into a Closed Session at 5:03 p.m. pursuant to Government Code Section 54956 et. seq.

RECONVENE CITY COUNCIL MEETING - CALL TO ORDER

Mayor Bartlett reconvened the meeting at 6:02 p.m. All Council Members were present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mark Mathews, President and COO of Toshiba America Business Solutions.

INVOCATION

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

PRESENTATIONS AND PROCLAMATIONS

August Business of the Month, Elaine Jung LaVine Insurance Agency, Inc.

Management Analyst Kelly provided a PowerPoint presentation. She stated that the Elaine Jung LaVine Insurance Agency had opened 20 years ago in Dana Point. She added that they were committed to the community and that they also support families of marines that have been deployed. Mayor Bartlett presented a Certificate of Recognition to Elaine Jung LaVine for her business being selected at the Featured Business of the Month, August 2009.

Proclamation to Toshiba America Business Solutions

Mayor Bartlett invited Mark Mathews, President and COO and Michael Torcaso, CFO of Toshiba American Business Solutions along with Dan Stetson, President and CEO of the Ocean Institute to join her. Mayor Bartlett presented a Proclamation to Toshiba in honor of their sponsorship of the Tallships Festival for the last thirteen years. Mayor Bartlett stated that this year was the 25th Anniversary of the Tallships Festival.

Proclamation to DAR for Constitution Week

Mayor Bartlett presented a Proclamation to Mary Lou Rodearmel and Fay Kristjanson, representatives of the Daughters of the Revolution recognizing the 222nd Anniversary of the drafting of the Constitution of the United States of America. She stated that the City would be recognizing Constitution Week, September 17 through September 23, 2009. She added that September 17th was significant because on September 17, 1787 the U.S. Constitution was signed by the 55 delegates to the Constitutional Convention in Philadelphia.

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Mayor Bartlett recessed the meeting at 6:18 p.m. to celebrate Council Member Joel Bishop and Assistant City Manager Mike Killebrew's birthdays. She invited the public to join her for cake. Mayor Bartlett reconvened the meeting at 6:33 p.m.

CONSENT CALENDAR

IT WAS MOVED BY COUNCIL MEMBER JOEL BISHOP, SECONDED BY COUNCIL MEMBER LARA ANDERSON, TO ACCEPT ALL ITEMS LISTED ON 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.

2. REGULAR MEETING MINUTES, JULY 27, 2009

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, JULY 20, 2009

RECEIVED AND FILED.

4. PLANNING COMMISSION MEETING MINUTES, AUGUST 3, 2009

RECEIVED AND FILED.

5. PLANNING COMMISSION ACTIONS, MEETING OF AUGUST 17, 2009

RECEIVED AND FILED.

6. INVESTMENT REVIEW COMMITTEE DRAFT MEETING MINUTES, JUNE 16, 2009

RECEIVED AND FILED.

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**7. TRAFFIC IMPROVEMENT SUBCOMMITTEE ACTION MINUTES,
JUNE 17, 2009**

RECEIVED AND FILED.

**8. OCEAN WATER QUALITY SUBCOMMITTEE ACTION MINUTES,
MAY 26, 2009**

RECEIVED AND FILED.

9. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

10. CITY TREASURER'S REPORT, JUNE 2009

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF JUNE 2009.

11. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

12. SECOND READING AND ADOPTION OF THE PROPOSED AMENDMENTS TO CHAPTER 1.10, ENTITLED "ADMINISTRATIVE CITATIONS" OF THE DANA POINT MUNICIPAL CODE RELATING TO THE ENFORCEMENT OF VIOLATIONS OF THE MUNICIPAL CODE

HELD SECOND READING AND ADOPTED **ORDINANCE 09-07** ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 1.10 ENTITLED "ADMINISTRATIVE CITATIONS" OF THE MUNICIPAL CODE RELATING TO THE ENFORCEMENT OF VIOLATIONS OF THE MUNICIPAL CODE.

PUBLIC COMMENTS

Nancy Jenkins, Dana Point, thanked the City for everything they have done with the concerts in the park. She stated that the upcoming concert was very important as the 5th Marine Regiment Support Group would be selling food as a fundraiser to help Marines attend the Marine Corps Birthday celebration. She added that all of the profits would go towards this effort. She announced that at 2:30 p.m. a band comprised of Marines would be playing and that the lead singer would be deploying for Afghanistan the following week. She encouraged everyone to come out and support the Marines.

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Council Member Anderson clarified that this is the last concert in the park and that it will be a special one with a lot of entertainment. She stated that the music will start at 1:30 p.m. with Chris Lozano's band will playing at 2:30 p.m. She reported that there will be pulled pork sandwiches, chips, and lemonade for sale. She stated that there will also be a 50/50 raffle and that parking will be offered at the Marriott for a reduced fee of \$5.00.

Gwen Drenick, Dana Point, spoke regarding the grant funding that the Community Alliance Network had received from the City to help educate the community about underage drinking. She introduced Tara Glass and stated that she would be providing the details of their program.

Tara Glass, representative of the Community Alliance Network, provided details regarding the program which strives to prevent and reduce underage drinking in the City of Dana Point.

Bob Moore, Dana Point, reported the VFW will on September 26, 2009, be holding a water-less car wash at South Shores Church from 9:00 a.m. to 3:00 p.m. He stated that the VFW is made up of Veterans from many different wars and conflicts. He added that if anyone is eligible to join the VFW that they were always looking for more members.

Patti Short, Dana Point, announced that this Saturday, August 29th that the Capistrano Valley Symphony would be celebrating their 25th Anniversary with a concert and a silent auction fundraiser. She presented 10 tickets to the City for their use. She stated that the Symphony appreciates the City's support.

Bruce Heyman, San Juan Capistrano, Dana Point Harbor boater, compared the recently approved City of Redondo Beach's Harbor Revitalization LCPA with the City of Dana Point's LCPA for the Dana Point Harbor.

PUBLIC HEARINGS

13. RE-APPROPRIATION OF CITIZENS OPTION FOR PUBLIC SAFETY (COPS) PROGRAM FUNDS FROM FY 2008/2009 - (AB 1913)

Chief of Police Services Lt. Levy provided a staff report.

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

Mayor Bartlett felt that these were essential programs for the City to improve the public safety.

IT WAS MOVED BY MAYOR LISA A. BARTLETT, SECONDED BY MAYOR PRO TEM STEVEN WEINBERG, TO CONDUCT A PUBLIC HEARING AND

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ADJUST THE FY 2008/09 BUDGET WITH THE RE-APPROPRIATION OF \$117,408.85 UN-ENCUMBERED CITIZENS OPTION FOR PUBLIC SAFETY (COPS) PROGRAM UNSPENT MONIES REMAINING FROM THE FY 2008/09 BUDGET, TO THE SUPPLEMENTAL LAW ENFORCEMENT SERVICE FUND (SLESF) ACCOUNT, AND APPROPRIATE FUNDS FROM THE SLESF TO IMPLEMENT THE FOLLOWING PROGRAMS:

* APPROVE FUNDING FOR THE SCHOOL RESOURCE OFFICER POSITION FOR THIS SCHOOL YEAR.

* APPROVE FUNDING FOR PROJECT STOP (STOP TRASHING OUR PARKS).

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

14. SISTER CITY COMMITTEE

Assistant City Manager Killebrew provided a staff report.

Mayor Bartlett volunteered to serve on the committee and asked for another volunteer. She stated that she is very excited about the Sister City possibilities. She added that she will be leaving soon to Italy to meet with the Mayor of Viterbo and to see what their City has to offer. She stated that there has been a lot of interest from the community in the possibility of an Italian/American Opera Festival in Dana Point.

Council Member Schoeffel volunteered to be on the committee.

Council Member Bishop felt that it was important for the public to know that the Mayor was paying for her own trip to Italy and that the City is not funding her trip in any way.

Mayor Bartlett stated that she did not want to pass up the opportunity to get this started for the Opera Festival in Dana Point. She felt that the trip was an investment in Dana Point and she was happy to do it.

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY MAYOR LISA A. BARTLETT, FORM A SISTER CITY ADVISORY COMMITTEE

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OF DANA POINT CITIZENS AND BUSINESS REPRESENTATIVES TO SUPPORT SISTER CITY ACTIVITIES; IDENTIFIED MAYOR BARTLETT AND COUNCIL MEMBER SCHOEFFEL TO ACT AS EX-OFFICIO REPRESENTATIVES TO THE SISTER CITY COMMITTEE; AND AUTHORIZED STAFF TO EFFECT THE FORMATION OF A NON-PROFIT ORGANIZATION TO ALLOW FUNDRAISING TO SUPPORT SISTER CITY ACTIVITIES, INCLUDING THE POTENTIAL ITALIAN OPERA FESTIVAL IN DANA POINT.

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

15. APPOINTMENT TO PLANNING COMMISSION DUE TO VACANCY

Mayor Bartlett reported that Commissioner Dec has resigned due to business reasons.

Council Member Anderson suggested that because the City Council had just conducted interviews for the Planning Commission in April, that the City Council accept Mr. Dec's resignation as of August 28th and appoint Robert Nichols to complete his remaining term. She felt that this would save time and expense.

Assistant City Manager Killebrew provided a staff report.

IT WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY MAYOR LISA A. BARTLETT, TO ACCEPT MICHAEL DEC'S RESIGNATION.

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

Mayor Bartlett felt that to be fair and transparent, that the recruitment should be open to all residents. She stated that there may be some residents that were not available to serve before, but circumstances have changed and they are available now.

Council Member Anderson stated that she opposes holding interviews again because of the time and expense for a new recruitment.

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Council Member Bishop felt that there wasn't a compelling reason to rush into appointing anyone.

Mayor Pro Tem Weinberg asked the Director of Community Development if there were any projects coming up that would preclude some of the Commissioners to vote.

Director of Community Development Butterwick replied that there will be the short term rental recommendations beginning in early September and he felt the more Commissioners participating, the better.

Council Member Schoeffel suggested a relatively brief recruitment. He stated that his goal is to be consistent with the Council's prior decision regarding alternates.

Mayor Bartlett felt that an expedited process was a good idea. She stated that this would not preclude anyone who had applied before, to apply again.

Mayor Pro Tem Weinberg asked how long does the City have to advertise.

City Attorney Munoz replied that there was no time limit for advertisement.

Council Member Schoeffel stated that since there was no legal circumstance to prevent an expedited process that he would suggest 14 to 21 day recruitment.

Council Member Anderson suggested that unless there are changes to their application that anyone who had applied in April be allowed to use their previous application.

IT WAS MOVED BY MAYOR LISA A. BARTLETT, SECONDED BY MAYOR PRO TEM STEVEN WEINBERG, THE RECRUITMENT OF THE VACANT PLANNING COMMISSION SEAT TO ALL RESIDENTS.

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

There was no New Business.

PUBLIC COMMENTS

There were no additional Public Comments.

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STAFF REPORTS

There were no Staff Reports.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Bishop asked the Council to consider televising the Planning Commission. He felt that the City Council needs to revise their candidate forum policy to allow the City to have political forums here in the Chamber and allow them to be televised. He announced that he had married Christy Bishop two weeks ago and he introduced her to the audience.

Council Member Schoeffel congratulated Council Member Bishop and his new bride. He stated that it has been a great summer. He urged everyone to get out to see the last concert of the summer and thanked senior management staff for putting on these terrific events. He encouraged everyone to support the Marines.

Council Member Anderson reported that she had attended a Coastal Animal Services Authority meeting on August 3rd. She stated that staff is looking at revising our barking dog ordinance and vicious dog ordinance to be consistent with San Clemente. She added that the fall recreation guide was out. She stated that if the City was going to televise the interviews that we need to let the applicants know. She added that she had received an e-mail regarding Dana Point having an official song. She stated that Kevin Danzig has written a song for Dana Point and she asked if the Council was interested in adopting a City song. She suggested a contest to choose an official song.

Mayor Pro Tem Weinberg stated that he had turned in his meetings attended to the City Clerk. He congratulated Council Member Bishop and his bride. He reported that this Saturday is the Emergency Preparedness Expo at Dana Hills High School and he encouraged everyone to visit.

Mayor Bartlett congratulated Council Member Bishop and Christy. She stated that effective September, 2009, OCTA will be implementing a service change program on its bus routes. She added that there will be a reduction of frequency and elimination of some routes. She stated that the City Clerk will have a copy of the service change program or those who are interested can access OCTA's website at www.octa.net. She reported that the Council has received the City's Q1 Sales Tax Update and as expected to the economic downturn, our revenues for the restaurants and hotels are down \$150,000 or 17.7% as compared to the same quarter last year. She stated that in California, the overall sales tax revenues continue on a trend downward for the 7th consecutive quarter. She added that the Sand Dollar Guild Chopper Drop was scheduled for September 25th at the St. Regis where all of the proceeds will benefit the Ocean Institute. She stated that on September 27th the Dana Point Historical Society would be holding a home tour and a bar-b-que. She added that the 25th Annual Coastal Clean Up event has been scheduled for September 19th. She stated that there

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are three clean up sites in Dana Point. She announced that supplies will be provided and the event is sponsored by the City's Youth Board.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Bartlett declared the meeting adjourned at 7:17 p.m. She announced that the next Regular Meeting of the City Council will be held on September 28, 2009, 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 SEPTEMBER 28, 2009

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Meetings Attended Since the Last City Council Meeting:

Mayor Pro Tem Steven Weinberg

August 5 - OCFA Chief Pinning
August 11 - DPCF Board Meeting
August 12 - OCFA Budget & Finance Committee meeting
August 20 - Vector Control Board Meeting

Council Member Joel Bishop

There were no meetings to report.