

---

---

**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
SEPTEMBER 28, 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 Pro Tem Lisa A. Bartlett  
Council Member Lara Anderson  
Council Member Joel Bishop  
Council Member Scott Schoeffel

Absent: Mayor Pro Tem Steven Weinberg

**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), (5 cases) Name of Case(s):  
The Point Alternative Care - Case No. 30-2009-00298187  
Holistic Health - Case No. 30-2009-00298196  
Beach Cities Collective - Case No. 30-2009-00298208  
Dana Point Safe Harbor Collective - Case No. 30-2009-00298200  
Dana Point Beach Collective - Case No. 30-2009-00298206

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 6:04 p.m. All Council Members were present with the exception of Mayor Pro Tem Weinberg.

Staff Present: Douglas C. Chotkevys, City Manager; 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.

---

**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
SEPTEMBER 28, 2009**

---

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Munoz stated that he had no announcement.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by California State Assembly Member Diane Harkey.

**INVOCATION**

The Invocation was provided by Father Steve Sallot of St. Edwards Catholic Church.

**PRESENTATIONS AND PROCLAMATIONS**

Business of the Month - Smart & Final

Management Analyst Kelly provided a PowerPoint presentation. She reported that Smart & Final on Doheny Park Road had originally opened in 1989. She stated that they had recently remodeled their store creating a friendly atmosphere that also helps the customers get in and out of the store quickly. Mayor Bartlett presented store manager, Rick Morales, with a Certificate of Recognition in honor of Smart & Final being selected the Featured Business of the Month, September 2009.

Introduction of OCFA Chief Keith Richter

Council Member Bishop joined Mayor Bartlett to introduce Chief Richter to the City of Dana Point. They welcomed Chief Richter to Dana Point and Orange County.

OCFA Proclamation - Fire Prevention Week

Mayor Bartlett presented a Proclamation to Chief Richter declaring the week of October 3 through October 10, 2009 as Fire Prevention Week. She announced that OCFA headquarters would be conducting an open house on October 3, 2009 in Irvine as well as at several of their fire stations located through Orange County of October 10, 2009.

Introduction of Chief Executive Officer for the Orange County Transportation Authority

Will Kempton introduced himself to the City Council and to the City of Dana Point as the new Chief Executive Officer of OCTA.

Concours d'Elegance Presentation

Bruce Junor of the Concours d'Elegance unveiled a new poster that was created by Bruce Brown for the Dana Point Concours. He provided a slideshow of what they are doing in the community to advertise the upcoming event. He reminded everyone that the Concours was this Sunday at the St. Regis beginning at 10:00 a.m.

---

**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
SEPTEMBER 28, 2009**

---

**CONSENT CALENDAR**

Council Member Bishop abstained from voting on Item #3.

IT WAS MOVED BY MAYOR PRO TEM LISA A. BARTLETT, SECONDED BY COUNCIL MEMBER JOEL BISHOP, 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, and Mayor Pro Tem Lisa A. Bartlett

NOES: None

ABSENT: Mayor Pro Tem Steven Weinberg

**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, AUGUST 24, 2009**

APPROVED THE MINUTES.

**3. REGULAR MEETING MINUTES, SEPTEMBER 14, 2009**

APPROVED THE MINUTES.

**4. PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 9, 2009**

RECEIVED AND FILED.

**5. PLANNING COMMISSION ACTIONS, MEETING OF SEPTEMBER 21, 2009**

RECEIVED AND FILED.

**6. OCEAN WATER QUALITY SUBCOMMITTEE MEETING MINUTES, JULY 28, 2009**

RECEIVED AND FILED.

---

**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
SEPTEMBER 28, 2009**

---

**7. TRAFFIC IMPROVEMENT SUBCOMMITTEE MEETING MINUTES, AUGUST 19, 2009**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

**9. CITY TREASURER'S REPORT, JULY 2009**

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

**10. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**11. APPROVAL OF A CONSULTANT SERVICES AGREEMENT WITH KEETON KREITZER CONSULTING FOR ENVIRONMENTAL SERVICES RELATED TO STREET IMPROVEMENTS ON PACIFIC COAST HIGHWAY AND DEL PRADO BETWEEN BLUE LANTERN AND COPPER LANTERN**

APPROVED THE SUBJECT AGREEMENT AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT.

**12. HEALTH PLAN PROVISION FOR CALENDAR YEAR 2010**

ADOPTED RESOLUTION 09-09-28-01 ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, MODIFYING HEALTH BENEFIT PLAN ALLOWANCES FOR ALL ELIGIBLE REPRESENTED AND NON-REPRESENTED CLASSIFICATIONS.*

**13. 2009 RECOVERY ACT JUSTICE ASSISTANCE GRANT FUND DISTRIBUTION AGREEMENT - "JAG"**

AUTHORIZED THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ORANGE TO APPLY FOR, RECEIVE AND ACCEPT THE FY 2009 RECOVER ACT EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FOR THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAM, BUREAU OF JUSTICE ASSISTANCE (HEREIN REFERRED TO AS "JAG" AND ALLOCATED JAG FUNDS TO DANA POINT POLICE SERVICES TO PROVIDE FUNDING FOR NEIGHBORHOOD AND BUSINESS WATCH PROGRAMS, COMMUNITY AWARENESS AND OUTREACH VIA

---

**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
SEPTEMBER 28, 2009**

---

PUBLIC SERVICE ANNOUNCEMENTS, AND EDUCATION CAMPAIGNS (I.E. HIDE IT, LOCK IT, OR LOSE IT) TO INFORM OUR RESIDENTS OF CURRENT CRIME TRENDS AND CRIME PREVENTION TECHNIQUES.

**14. EXTENSION OF AUDIT SERVICES AGREEMENT**

EXTENDED THE CITY'S AUDIT SERVICES AGREEMENT WITH ROGER'S, ANDERSON, MALODY & SCOTT, LLP ("RAMS") FOR A PERIOD OF THREE YEARS, COVERING THE FISCAL YEARS ENDING JUNE 30, 2010, 2011 AND 2012, AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE EXTENSION ON BEHALF OF THE CITY.

**PUBLIC HEARINGS**

There were no Public Hearings.

**PUBLIC COMMENTS**

Assemblywoman Diane Harkey, Dana Point, spoke on behalf of Pete Hammer, President of the 5th Marine Support Group. She announced that on Saturday, October 3rd at South Shores Church from 9:00 a.m. to 3:00 p.m. there was a car wash scheduled where all donations would be used to defray the cost of the Marine Birthday Ball as well as send packages to the Troops over the holidays.

Todd Glenn, Dana Point, spoke regarding public noticing of projects within the City and asked the City to create an interest party notification list.

Director Butterwick responded to Mr. Glenn's comments regarding a notice list. He stated that there was a master mailing list for the church project.

Pat McCarol, Dana Point, spoke regarding the South Shores Church project.

Paul Baker, San Clemente, spoke regarding the Dana Point Harbor and Dana Point Jet Ski.

Tim Boyer, Lake Forest, spoke regarding the proposed downsizing of the Dana Point Shipyard and how it would impact his business, Dana Point Jet Ski. He explained how the property was utilized and how the reduction of space would affect them.

Rock Kendall, Dana Point, spoke regarding his concern for Dana Point Jet Ski's future if the Harbor Plan was realized.

Bruce Heyman, San Juan Capistrano, spoke regarding the Harbor Plan.

---

**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
SEPTEMBER 28, 2009**

---

Brad Gross, Harbor Director, replied that what he was hearing from the speakers was an issue between the shipyard and Dana Point Jet Ski. He stated that the County had no comment on how the shipyard does business.

Bob Fowler, Dana Point, Commander of VFW Post 9934, thanked the City for their cooperation and support in allowing them to hold their car wash.

Carol Allen, Laguna Niguel, spoke regarding Dana Point Jet Ski and their sponsorship of Girls Against Garbage. She stated that they have been supportive of their clean up efforts of the Harbor with allowing their group to use kayaks at no cost.

Karin Schnell, Dana Point, announced that the Dana Point Arts Festival was coming up on Sunday, October 11 from 11:00 a.m. to 4:00 p.m. in Lantern Bay Park. She stated that it was a great event, with wonderful entertainment.

### **PUBLIC HEARINGS**

There were no Public Hearings.

### **UNFINISHED BUSINESS**

#### **15. COMMUNITY OPINION SURVEY CONSULTANT PROFESSIONAL SERVICES AGREEMENT**

City Manager Chotkevys provided a staff report.

Assistant City Manager Killebrew provided the details of the RFP process.

Council Member Anderson stated that she was part of the committee who interviewed True North and that she had complete confidence in their abilities. She added that as a result of the interview it was determined that the City needs two surveys so Dana Point will be getting two for the price of one. She felt that True North was the best value for the City and a top notch company that we can have confidence in getting a truly accurate statistical survey result.

Mayor Bartlett agreed with Council Member Anderson. She stated that True North really stood out among the other consultants.

IT WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY MAYOR PRO TEM LISA A. BARTLETT, THAT THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH TRUE NORTH RESEARCH TO DEVELOP AND CONDUCT A STATISTICALLY VALID COMMUNITY OPINION SURVEY AND REVENUE MEASURE SURVEY.

---

**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
SEPTEMBER 28, 2009**

---

The motion carried by the following vote:

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

NOES: None

ABSENT: Mayor Pro Tem Steven Weinberg

### **NEW BUSINESS**

There was no New Business.

### **PUBLIC COMMENTS**

There were no additional Public Comments.

### **STAFF REPORTS**

There were no Staff Reports.

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

Council Member Bishop reported that he had submitted his meetings attended to the City Clerk. He stated that the Concours d'Elegance as an awesome event and he encouraged people to come out and attend.

Council Member Schoeffel reported that the Sister City Subcommittee had met with the general manager, Claudio Ferri of the Italian Opera at the St. Regis Hotel. He encouraged residents to be judicious when using electric and water as the month was turning out to be a warm one.

Council Member Anderson stated that the Coastal Commission would be hearing the Harbor Plan on October 8th in Oceanside and she encouraged comments to be directed to the Coastal Commission. She announced that she had attended the Lantern Village Taco Fest on September 22nd and the Chamber of Commerce State of the County luncheon on September 24th. She stated that she was concerned about the budget cuts the Sheriffs Department will have to make. She announced the Pet Project Foundation Tail of Two Cities event was going to be held Saturday, October 3rd at Talega Golf Club. For more information go to [www.petprojectfoundation.org](http://www.petprojectfoundation.org). She added that on October 17th the Dana Point Women's Club would be holding a barbecue fundraiser with food being donated by Hennessey's and music by Ugly Paint. She stated that tickets would be sold for \$20 per person, with those 8 years old and younger being free. For more information contact 949-481-8991.

---

**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
SEPTEMBER 28, 2009**

---

Mayor Bartlett stated that she will turn in her meetings attended to the City Clerk. She reported that she had attended following:

September 15-18 - California League of Cities Annual Conference in San Jose  
September 23 - OC League of Cities Strategic Planning Workshop/Team Building meeting

September 24 - South Orange County Association of Mayors breakfast meeting and the State of the County address with Pat Bates as the speaker. Also in the evening, met with Claudio Ferri who was in town to work on our Italian American Opera Festival.

September 25 - Provided the welcome remarks at the Sand Dollar Guild Chopper Drop at the St. Regis Resort

September 27 - Docent for the Dana Point Historical Society Home Tour and also attended the Historical Society's luau in the afternoon at Doheny State Beach.

She announced the following upcoming events:

October 3 - Ocean Institute was hosting the Wyland Foundation Endless Summer event from 4:00 p.m. to 8:00 p.m., contact the Ocean Institute for details and tickets.

October 7 - Dana Point Chamber of Commerce ribbon cutting ceremony for a new Dana Point business; EZ Green Bikes at noon.

October 21 - Deadline for purchasing tickets for the Ocean Institute Million Dollar Home Raffle. Contact the Ocean Institute for details and tickets.

She stated that she had been contacted by a producer for a film company that does shows for HGTV. She added that they are interested in our City and would like to highlight our activities and events. In addition they would like to find a family in Dana Point that is in the middle of a renovation project. If you are interested, send your information and photos to [casting@triconfilms.com](mailto:casting@triconfilms.com).

## **ADJOURNMENT**

There being no further business before the City Council at this session, Mayor Bartlett declared the meeting adjourned at 7:10 p.m. and announced that the next Adjourned Regular Meeting of the City Council will be held on October 6, 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 OCTOBER 12, 2009



---

**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
SEPTEMBER 28, 2009**

---

Meetings Attended Since the Last City Council Meeting:

**Mayor Lisa Bartlett**

Met with several individuals during her regular office hours.

9/15/09 – 9/18/09 California League of Cities Annual Conference  
09/22/09 SCAG New Member Orientation for her position on the Energy and Environment Policy Committee  
09/23/09 OC League of Cities Strategic Planning Workshop/Team Building meeting  
09/24/09 South Orange County Association of Mayors breakfast meeting and the State of the County address by Supervisor Pat Bates. In the evening the City of Dana Point hosted Claudio Ferri who was in town to work on our Italian American Opera Festival  
09/25/09 Attended and gave welcome remarks at the Sand Dollar Guild Chopper Drop at the St. Regis Resort  
09/27/09 Docent for the Dana Point Historical Society Home Tour and also attended the Dana Point Historical Society luau in the afternoon at Doheny State Beach and gave welcome remarks

**Council Member Joel Bishop**

09/22/09 Ocean Water Subcommittee  
09/23/09 Opera Dinner  
09/24/09 State of the County Chamber Luncheon