
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
OCTOBER 12, 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 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. 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 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, Assistant City Manager; Sgt. Lynn Koehmstedt, Police Services; Kyle Butterwick, Director of Community Development; Brad Fowler, Director of Public Works; Lynn Kelly, Management Analyst; Christy Teague, Economic Development Manager; Kevin Evans, Director of Community Services and Parks; Brian McClure, Parks Manager, Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

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CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that he had no announcement.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Carlos Olvera, President of the Dana Point Historical Society.

INVOCATION

The Invocation was provided by Reverend Paul Peck.

PRESENTATIONS AND PROCLAMATIONS

Business of the Month - Anthony's Shoe Repair

Management Analyst Kelly provided a PowerPoint presentation. She reported that the business is family owned and run. Mayor Bartlett presented Jesse Hernandez a Certificate of Recognition for their business, Anthony's Show Repair being selected at the Featured Business of the Month, October 2009.

Certificate of Recognition for Mai Louise Griffith

Mayor Bartlett invited Teri Rifkin, Pete Hammer, Colonel Buell, and Lt. Colonel Vivian to join her in presenting a Proclamation to Mai Griffith for her contribution to the 5th Marine Regiment. She stated that on October 3rd at the 5th Marine Regiment car wash, Mai had donated her proceeds from a lemonade stand. She added that Mai donated \$46 dollars to the Marines in addition to another \$30 she had found on the ground at the car wash.

Capistrano Valley Assistance League Presentation

Cheryl Tyson, past president of the Capistrano Valley Assistance League provided a summary of what the league had been able to accomplish this past year and thanked the City Council for their charitable grant.

CONSENT CALENDAR

STAFF PULLED ITEM NUMBER 8 AND ASKED THAT THE ITEM BE CONTINUED TO THE NEXT MEETING. MAYOR PRO TEM WEINBERG ABSTAINED FROM VOTING ON ITEM NUMBER 2 AND ITEM NUMBER 8. IT WAS MOVED BY MAYOR LISA BARTLETT, SECONDED BY COUNCIL MEMBER LARA ANDERSON, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON CONSENT CALENDAR WITH THE EXCEPTION OF ITEM NUMBER 8.

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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, SEPTEMBER 28, 2009

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 21, 2009

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF OCTOBER 5, 2009

RECEIVED AND FILED.

5. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

6. CITY TREASURER'S REPORT, AUGUST 2009

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

7. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

8. APPROVAL OF A CONSULTANT SERVICES AGREEMENT WITH MICHAEL BRANDMAN ASSOCIATES FOR ENVIRONMENTAL SERVICES RELATED TO THE EXPANSION OF SOUTH SHORES CHURCH

IT WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY COUNCIL MEMBER SCOTT SCHOEFFEL, THAT THE CITY COUNCIL

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CONTINUE THIS ITEM TO THE NEXT REGULAR MEETING OF OCTOBER 26, 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

ABSTAIN: Mayor Pro Tem Steven Weinberg

9. HISTORIC PRESERVATION AGREEMENT (MILLS ACT) FOR THE PROPERTY LOCATED AT 34021 AMBER LANTERN

AUTHORIZED THE MAYOR TO SIGN A HISTORIC PROPERTY PRESERVATION AGREEMENT WHICH WOULD ALLOW THE PROPERTY OWNERS, ROBERT AND BONNIE BEEBY, OF THE HISTORIC STRUCTURE LOCATED AT 34021 AMBER LANTERN, TO PARTICIPATE IN THE STATE'S MILLS ACT PROGRAM.

10. HISTORIC PRESERVATION AGREEMENT (MILLS ACT) FOR THE PROPERTY LOCATED AT 33857 VIOLET LANTERN

AUTHORIZED THE MAYOR TO SIGN A HISTORIC PROPERTY PRESERVATION AGREEMENT WHICH WOULD ALLOW THE PROPERTY OWNER, MEADE GRESALFI, OF THE HISTORIC STRUCTURE LOCATED AT 33857 VIOLET LANTERN, TO PARTICIPATE IN THE STATE'S MILLS ACT PROGRAM.

11. APPROVAL OF A CONSULTANT SERVICES AGREEMENT WITH DONAHUE, HAWRAN & MALM, LLC FOR PROPERTY APPRAISAL SERVICES FOR STREET IMPROVEMENTS ON PACIFIC COAST HIGHWAY AND DEL PRADO BETWEEN BLUE LANTERN AND COPPER LANTERN

APPROVED SUBJECT AGREEMENT, APPROVED FUNDING FROM THE UNDESIGNATED CIP RESERVE AS DESCRIBED IN THE FISCAL SECTION, AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT.

12. RENOVATION OF HARRY OTSUBO COMMUNITY GARDENS

AUTHORIZED STAFF TO COMMENCE A REHABILITATION PROJECT AT THE HARRY OTSUBO COMMUNITY GARDENS TO ADDRESS DEFERRED MAINTENANCE ISSUES IN THE SURROUNDING LANDSCAPING, INCLUDING THE BUDGET AS DESCRIBED IN THE FISCAL IMPACT SECTION OF THIS REPORT.

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PUBLIC COMMENTS

There were no additional Public Comments.

PUBLIC COMMENTS

City Attorney Munoz stated that speakers could if they wished, make comments on Agenda Item Number 8 since that item had been pulled from Council's consideration.

Jennifer Gonzalez, SDG&E, introduced herself to the City Council as the new representative to the City.

Ingrid McGuire, Dana Point, spoke regarding the City's monument signs leading into the City. The monument sign in Monarch Beach has been damaged. She recommended that the new sign should state the same language as the damaged sign "Welcome to Monarch Beach, City of Dana Point".

Patricia McCarroll, Dana Point, spoke regarding the City staff recommendation on the EIR consultant for the proposed South Shores Church expansion.

Roxanne Willinger, Dana Point, spoke regarding the choice of Michael Brandman to produce an EIR for the proposed South Shores Church expansion.

Thomas Beadel, Dana Point, spoke regarding the choice of Michael Brandman as the City's selection to prepare the EIR for the proposed South Shores Church expansion.

Bob Sopks, Dana Point, spoke regarding the Voices of Monarch Beach group and how they want the project done right.

Robert Saint-Aubn, Dana Point, stated that he was speaking on behalf of the homeowners of Corniche. He spoke regarding not being able to meet with members of South Shores Church.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

There were no Unfinished Business items.

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NEW BUSINESS

13. MARINE LIFE PROTECTION ACT BRIEF

City Manager Chotkevys provided a staff report.

Director of Public Works Fowler provided a PowerPoint presentation detailing the Marine Life Protection Act.

Mayor Bartlett opened public comments.

Don Hansen, San Clemente, stated that he serves on the Pacific Fishery Management Council and they provide a report to Congress each year on the stocks of fishery. He added that they had closed 4,500 miles of ocean to protect a certain species. He felt that there were adequate regulations in place to protect over-fishing.

Norris Tapp, Newport Beach, stated that he was a member of the regional stakeholders group. He spoke regarding the mandate of the Blue Ribbon Task Force. He asked for the Council to support proposal number 2.

Joe Exline, Vista, stated that he was the secretary of the Oceanside Anglers Club, provided a PowerPoint presentation detailing the MLPA proposals.

Kim Tilly, Laguna Niguel, urged the City Council to support proposal 2 of the MLPA as she felt it was a fair compromise between the important issues of conservation and sustainability of our local coast and the economic and recreational realities of our community.

Donna Kalez, San Clemente, stated that any of the maps will have a negative impact on Dana Point but feels that map 2 would be the right choice for Dana Point.

Monique Berry, San Clemente, provided a PowerPoint presentation which detailed the donations that Dana Wharf Sportfishing provides to the community. She felt that the opportunity to fish would be lost to many children if the wrong proposal was approved. She urged support of map 2.

Kelly Farlow, Dana Point, stated that she supports proposal 2.

David Moses, Dana Point, asked the City Council to support proposal 2.

Chris Pica, Murrieta, asked the City Council to support proposal 2 as he felt that the other proposals would have a negative impact on Dana Wharf and the merchants of Dana Point.

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Josh Fisher, Fullerton, stated that he was a regional stakeholder member. He spoke on behalf of the lobster fisherman of Dana Point. He asked the City Council to support proposal 2.

Wendy Tochiara, Huntington Beach, stated that she was a regional stakeholder member. She added that the closures affect everyone. She provided a CD and other documents to the City Clerk for the City Council to review.

Jim Miller, Dana Point, asked for the City Council to support of proposal number 2. He felt that proposal 2 was a good compromise of the studies and many groups involved.

Ann Kelly, San Clemente, spoke regarding the enjoyment that fishing brings to children.

Dave Connell, Laguna Beach, spoke regarding the economic impact that closures would have on Dana Point businesses. He urged the Council to support proposal 2.

Mayor Bartlett closed the public comments.

Council Member Schoeffel stated that if this was a receive and file item but the speakers were asking for an endorsement, was that even part of the Council's jurisdiction to take a position on this subject. He added that if the Council took a position, what would be the consequences.

City Manager Chotkevys replied that staff brought this item to the City Council so that they could be briefed as well as receive public comments. He stated that the City Council is not required to take a position. He added that the Council could send a letter to the appropriate agency indicating that you are encouraging a compromise.

Council Member Anderson asked how far do the red zones extend out into the ocean and would fishing would be prohibited in the red zone.

Director Fowler replied that most of the red zones extend out three miles and fishing would be prohibited.

Mayor Pro Tem Weinberg stated that the City has an economic interest in this and felt that the Council should take a position. He added that he would support proposal 2 as long as the scientific evidence supports the plan.

Council Member Bishop asked if any of this impact the ability for groups to place artificial reefs in those closure areas.

Director Fowler replied that staff is unsure.

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Council Member Bishop stated that one of the speakers had mentioned that the final plan would not be proposal one, two or three, but a combination, is that true.

Director Fowler replied that was a possibility. He stated that the Blue Ribbon Task Force may take pieces of each to create a separate proposal. He added that was why staff would recommend the Council to send a letter detailing their concerns rather than support one specific proposal.

Council Member Bishop stated that the letter could state that the Council supports the economic benefits of fishing in the Harbor.

City Manager Chotkevys clarified that the City has tried to balance issues in the coastal zone. He stated that staff can't quantify the economic benefit of option 1 versus option 2.

Mayor Bartlett stated that she was not sure she was in a position to recommend any proposal until she has more time to review the proposals and the information that has been provided.

City Manager Chotkevys stated that staff would like to get the concerns of the City Council, do more research and see what happens at the meeting scheduled for October 20. He asked staff when the final proposal will be selected.

Director Fowler replied that the intent tonight was to get into the decision making process which will be held on October 20-22. He stated that the final recommendation will be debated at that meeting, but whether or not they select a final proposal is not certain.

Council Member Anderson felt that the City Council should take a position on this subject. She stated that so much of Dana Point revolves around fishing. She added that that Fish & Game is already doing a good job of regulating and that she would make the motion to support proposal 2.

Mayor Pro Tem Weinberg stated that he would second the motion if there is scientific evidence to support proposal 2.

Council Member Bishop asked Mayor Pro Tem Weinberg what kind of scientific evidence was he looking for.

Mayor Pro Tem Weinberg replied that the proposal that is selected will go before a scientific review committee, he asked if he was correct or did he mis-read the staff report.

Director Fowler replied that the science advisory team has been providing evidence all along during the process.

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Natural Resource Protection Officer Rosaler clarified that the science advisory team last supplied evaluation on all three proposals on October 6.

Director Fowler added that the scientific advisory team is supporting proposal 3 at this time.

Council Member Schoeffel felt that proposal 2 seemed to be the compromise of the three proposals. He proposed an amendment to the motion to support proposal 2 provided that all record information that was presented to the City Council by stakeholders and others supporting map 2 approval proves to be accurate in all material respects, the City Council will endorse the Blue Ribbon Task Force's selection of map 2 as the preferred alternative.

Council Member Anderson and Mayor Pro Tem Weinberg agreed to that amendment.

Council Member Bishop asked if once a proposal was approved, could Fish & Game would the have the opportunity to adjust the borders of the reserve.

Director Fowler replied yes.

IT WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY COUNCIL MEMBER SCOTT SCHOEFFEL, THAT THE CITY COUNCIL REVIEW THE REPORT AND PROVIDED DIRECTION TO STAFF TO SUPPORT MAP 2.

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. ADOPTION OF A RESOLUTION TO MODIFY THE STREET SWEEPING SCHEDULE AND RESTRICT PARKING IN THE DOHENY VILLAGE AREA, IN THE UPPER BLUE LANTERN AREA, AND ON SEVERAL ARTERIAL STREETS

City Manager Chotkevys provided a staff report.

Director Fowler provided a PowerPoint presentation detailing the background of expanding the posted streets in Dana Point for street sweeping.

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Mayor Pro Tem Weinberg asked if on page 10 of the staff report if it should not read 10 a.m. to 12 p.m. He also asked if the schedule could be split for Alta Vista and Blue Lantern to allow people who work to have an opportunity to move their cars.

City Engineer Sinacori replied that staff had coordinated with the street sweeper to find times that would not adversely affect the current schedule and force the need for an additional sweeper.

Council Member Anderson stated that she would like to be consistent with different sides of the streets being swept on different days if at all possible. She added that she was concerned about sweeping areas near Dana Strand and felt that it should be modified to a mid week day as opposed to a Friday.

Director Fowler replied that issue was discussed and that Friday was found to be the best time to schedule that street to balance the needs of the residents and the needs of the beach goers.

Mayor Bartlett opened the Public Comments.

Renee Whitman, Capistrano Beach, stated that she was in favor of street signage and would appreciate more signage on Camino Capistrano.

Mayor Bartlett closed the Public Comments.

Mayor Pro Tem Weinberg asked if there would be any additional street sweeping costs with this proposal.

Director Fowler replied that there would be no additional costs to the street sweeping contract. He stated that the sweeper travels those streets; they just can't get to the curb and gutter because of the parked cars.

Council Member Bishop stated that he is very supportive of street sweeping for water quality and aesthetic issues. He added that the problem areas are in the high density areas and asked if staff has looked at any alternate parking areas for these residents.

Director Fowler replied that when staff has reviewed what other cities have done and we have found that they are looking at the higher density, they appear to be using this same methodology.

Mayor Bartlett asked regarding the areas that are red on the map; if they have they been red all along or is it caused by the areas around them being posted and people parking there or is it repeat offenders.

Director Fowler replied that those areas have had issues with repeat offenders.

Council Member Anderson stated that she supports this modification. She added that in the Lantern Village that it made a difference when the sweeper alternated

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the sides of the streets. She asked if staff could provide density maps to council on a regular basis to monitor the situation.

Mayor Bartlett stated that she agreed that this was a cost effective way to start addressing the problem areas of the city with the greatest need for compliance.

IT WAS MOVED BY COUNCIL MEMBER JOEL BISHOP, SECONDED BY COUNCIL MEMBER LARA ANDERSON, THAT THE CITY COUNCIL APPROVE THE RECOMMENDATION FROM THE TRAFFIC IMPROVEMENT SUBCOMMITTEE TO MODIFY THE STREET SWEEPING SCHEDULE AND ADD PARKING RESTRICTION IN THE DOHENY VILLAGE AREA, THE UPPER BLUE LANTERN AREA, AND SEVERAL ARTERIAL STREETS; APPROVE NECESSARY FUNDING AS NOTED IN THE AGENDA FISCAL SECTION, ADOPT **RESOLUTION 09-10-12-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, PROHIBITING PARKING DURING SPECIFIED HOURS ON DESIGNATED STREETS FOR STREET SWEEPING PURPOSES AND RESCINDING RESOLUTION NUMBERS 06-11-20-03, 01-01-23-04, AND 91-03-12-7; and

PROVIDED ADDITIONAL DIRECTION TO THE CITY'S TRAFFIC IMPROVEMENT SUBCOMMITTEE REGARDING FURTHER STUDY OF STREET SWEEPING SCHEDULES.

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

STAFF REPORTS

There were no staff reports.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Anderson reported that she had attended a JPA meeting for the Coastal Animal Services Authority on October 6 and the Dana Point Arts Festival on October 11. She encouraged residents to check the community calendar because of all of the events coming up.

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Council Member Schoeffel reported that he had attended the Dana Point Arts Festival on Sunday. He stated that there was fine art and music.

Council Member Bishop stated that he had not attended any meetings since the last Council Meeting. He added that the Concours d'Elegance was a great event.

Mayor Pro Tem Weinberg stated that he had turned in his meetings attended to the City Clerk.

Mayor Bartlett reported the following:

October 6 - City Council had selected a new Planning Commissioner, Gary Newkirk.
October 8 - Coastal Commission hearing in Oceanside where the Dana Point Harbor Revitalization Plan was unanimously approved by the Coastal Commission with some amendment.

October 11 - Dana Point Coastal Arts event in Lantern Bay Park. She felt that there needs to be more advertisement of the event for next year.

She announced the following upcoming events:

October 21 - Deadline for purchasing tickets for the Ocean Institute Million Dollar Home Raffle. The big drawing will be held on November 7th at 12 noon at the Ocean Institute. Next week HGTV will be in town doing some filming and interviewing the final candidates for the home renovation program.

October 29 - Artist by the Sea event at the Ocean Institute. If you are interested, contact the Ocean Institute.

The City will be teaming up with CR&R to host a Bulky Item Drop-off Event on Saturday, October 24, 2009 from 7:30 a.m. to 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 CR&R will also be collecting fluorescent light bulbs and household batteries at the event. She stated that locked containers for paper shredding will also be on-site. The Goodwill Industries will be available to accept donated items. She added that household hazardous waste such as paint, motor oil, and fertilizers will not be accepted. For more information, contact Jennifer Anderson 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 8:33 p.m. and announced that the next Regular Meeting of the City Council will be October 26, 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 26, 2009

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Meetings Attended Since the Last City Council Meeting:

Mayor Pro Tem Steven Weinberg

September 23	OCFA Dinner with Claudio Ferri from Viterbo
September 24	State of the County Vector Control BOD OCFA Board Meeting
October 4	Concours D'Elegance
October 6	Water/Sewer Advisory Committee Meeting

Council Member Joel Bishop

There were no meetings to report.