
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
OCTOBER 6, 2009**

CALL TO ORDER

The Regular Adjourned Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Bartlett at 5:05 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: Douglas C. Chotkevys, City Manager; Mike Killebrew, Assistant City Manager; Patrick Munoz, City Attorney; Jennifer Farrell, Deputy City Attorney; Kathy M. Ward, City Clerk; Kyle Butterwick, Director of Community Development; and Bobbi Ogan, Deputy City Clerk.

CLOSED SESSION

There were no Closed Session items.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pro Tem Steven Weinberg.

PUBLIC COMMENTS

Jack Roper, Dana Point, provided information to the City Council regarding a Planning Commission applicant.

Barbara Merriman, Dana Point, spoke regarding Planning Commission candidate John Chaffetz.

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NEW BUSINESS

1. OPPOSITION TO SB 679 (WOLK) AND SB 372 (KEHOE)

Council Member Bishop recused himself from this item as he may have a potential conflict of interest and left the Council Chambers at 5:10 p.m.

City Manager Chotkevys provided a staff report.

Council Member Schoeffel asked if it was staff's opinion that the point of this legislation was to add an extra layer of legislative approval to the types of decisions which are described in these Senate Bills.

City Attorney Munoz replied that yes these Senate Bills would add a layer of legislation in addition to that which would have to occur for final approval with recommendations as set forth in the various Bills.

Council Member Schoeffel asked if the existing procedures are either projects within the meaning of CEQA or have an exempt project status.

City Attorney Munoz replied that he has confirmed that the CEQA process would apply.

City Manager Chotkevys clarified that this has to do with the disposition of state owned property. He stated that there are processes in place that are compliant with CEQA and that these Senate Bills just add another layer of government.

Council Member Anderson asked why the City Council was being asked to take a position on these Bills.

City Manager Chotkevys replied that Doheny State Beach was within our jurisdictional limits and that there are adequate methods in place but the concern is that the intention of these Senate Bills are not very clear.

Mayor Bartlett felt that this was a political move and that it was just adding another layer of bureaucracy. She stated that these Bills jeopardize necessary infrastructure projects. She added that there needs to be a regional approach, to think broader and not just about Dana Point.

Mayor Pro Tem Weinberg stated that he does not understand the reason for opposing these Senate Bills.

Mayor Bartlett replied that it was important for elected officials to weigh in on issues. She stated that these Bills will affect any infrastructure on State park land and provide an unnecessary layer of government.

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Council Member Schoeffel stated that he could support a letter being sent to the Governor regarding our State park and our concern for surplus disposal processes.

Mayor Bartlett replied that said that she would be willing to do that. She felt that these two Bills would need to be addressed in the context of the State already has enough legislation in place and there is no need for any additional.

Council Member Schoeffel stated that the letter would need to omit reference to any specific project.

Council Member Anderson stated that the recommendation was to approve or opposing these Bills.

Mayor Bartlett clarified that her motion was to send a letter that was not project specific.

Council Member Schoeffel proposed a slight amendment to the motion. He stated that the letter should be a general opposition to Bills that have this type of impact and site these Bills as an example.

Council Member Anderson stated that she would like to see the letter first before Council votes on it.

Mayor Pro Tem Weinberg stated that if the City Attorney or the City Manager write the letter with the Council's guidance, he would support it.

City Manager Chotkevys clarified that the Council was asking for a generic letter regarding additional layers of bureaucracy that supersede established policies and practices already in place and reference these Bills as examples and include our concern with the nexus of Doheny State Beach with the City of Dana Point.

IT WAS MOVED BY COUNCIL MEMBER SCOTT SCHOEFFEL, SECONDED BY MAYOR LISA A. BARTLETT, DIRECT STAFF TO COMPOSE A LETTER TO GOVERNOR SCHWARZENEGGER IN OPPOSITION OF SENATE BILLS WHICH SUPERSEDE ESTABLISHED POLICIES AND PRACTICES.

The motion carried by the following vote:

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

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Council Member Bishop returned to the Council Chambers.

2. PLANNING COMMISSION INTERVIEWS

The City Council conducted interviews in ten minute intervals to fill one expiring term and one vacant seat on the Dana Point Planning Commission with the following applicants:

Ed Stevenson
Richard Anderson
Greg Hickman
Gary Newkirk
Joseph Orsini
Robert Driessen
John Chaffetz
David Lowe

IT WAS MOVED BY MAYOR LISA A. BARTLETT, SECONDED BY COUNCIL MEMBER JOEL BISHOP, TO APPOINT GARY NEWKIRK TO FILL ONE VACANCY ON THE DANA POINT PLANNING COMMISSION.

The motion carried by the following vote:

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

NOES: Mayor Pro Tem Steven Weinberg

PUBLIC COMMENTS

There were no additional Public Comments.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Bartlett declared the meeting adjourned at 7:13 p.m. and announced that the next Regular Meeting of the City Council will be October 12, 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