
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
NOVEMBER 9, 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: Lisa A. Bartlett, Mayor
Steven H. Weinberg, Mayor Pro Tem
Lara Anderson, Council Member (*arrived at 5:01 p.m.*)
Joel Bishop, Council Member
Scott Schoeffel, Council Member

CLOSED SESSION

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

- A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b1), (2 cases)

- B. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION, Government Code § 54956.9 (c), 1 Case: Petition to appeal San Diego Regional Water Quality Control Board NPDES Permit

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.

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Kathy M. Ward, City Clerk; Mike Killebrew, Assistant City Manager; Mike Rose, Director of Disaster Preparedness; Lt. mark Levy, Police Services; Kyle Butterwick, Director of Community Development; Brad Fowler, Director of Public Works; Lynn Kelly, Management Analyst; Kevin Evans, Director of Community Services and Parks; Brian MClure, Parks Manager; John Tilton, City Architect; Matthew Kunk, Associate Engineer; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
NOVEMBER 9, 2009**

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Eagle Scout David Santellan.

INVOCATION

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

PRESENTATIONS AND PROCLAMATIONS

Featured Business of the Month - Marinelli Fine Jewelry

Management Analyst Kelly provided a PowerPoint presentation. She reported that Marinelli Fine Jewelry opened their store in Dana Point in November, 2002. Mayor Bartlett presented a Certificate of Recognition to Marty Lungo and his wife Julie for Marinelli Fine Jewelry being named Featured Business of the Month, November 2009.

Eagle Scout Presentation

Mayor Bartlett presented David Santellan with a Certificate of Recognition for obtaining the rank of Eagle Scout. She reported that his Eagle Scout Service Project consisted of designing and building two specialized push/pull carts for The Capistrano Valley Boys and Girls Club.

CONSENT CALENDAR

A member of the public had pulled Item Number 18 from the Consent Calendar.

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LARA ANDERSON, APPROVE THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM NUMBER 18.

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 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.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
NOVEMBER 9, 2009**

2. REGULAR MEETING MINUTES, OCTOBER 26, 2009

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, OCTOBER 19, 2009

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF NOVEMBER 2, 2009

RECEIVED AND FILED.

5. OCEAN WATER QUALITY SUBCOMMITTEE MINUTES, SEPTEMBER 22, 2009

RECEIVED AND FILED.

6. TRAFFIC IMPROVEMENT SUBCOMMITTEE MINUTES, SEPTEMBER 16, 2009

RECEIVED AND FILED.

7. CHARITABLE GRANT SUBCOMMITTEE DRAFT ACTION MINUTES, OCTOBER 28, 2009

RECEIVED AND FILED.

8. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

9. CITY TREASURER'S REPORT, SEPTEMBER, 2009

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

10. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

11. APPROVE TOPOGRAPHIC SURVEY PROFESSIONAL SERVICE AGREEMENT IN PREPARATION FOR FY 10/11 ANNUAL ROADWAY RESURFACING PROJECT

APPROVED A PROFESSIONAL SERVICE AGREEMENT WITH HALL AND FOREMAN, INC. FOR TOPOGRAPHIC SURVEY SERVICES FOR FY 10/11

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
NOVEMBER 9, 2009**

ANNUAL RESIDENTIAL ROADWAY RESURFACING PROJECT (CIP #1231); AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT AT THE NOTED COST IN THE FISCAL IMPACT SECTION.

12. NOTICE OF INTENT TO CHANGE THE STREET NAME FROM VIA SUBIDA TO POINTE MONARCH DRIVE PURSUANT TO THE DANA POINT MUNICIPAL CODE

RECEIVED AND FILED NOTICE OF INTENT TO RENAME VIA SUBIDA TO POINTE MONARCH DRIVE; DIRECTED STAFF TO MOVE FORWARD WITH PROCESSING THE STREET NAME CHANGE PURSUANT TO THE LETTER RECEIVED FROM THE POINTE MONARCH COMMUNITY HOME OWNERS ASSOCIATION AND IN ACCORDANCE WITH THE CITY OF DANA POINT MUNICIPAL CODE (MUNICIPAL CODE) SECTION 14.01.490; AND DIRECTED STAFF TO NOTICE AND HOLD THE REQUIRED PUBLIC HEARING WITHIN 120 DAYS.

13. NOTICE OF INTENT TO VACATE A PORTION OF AN EASEMENT FOR PUBLIC STREET OR ALLEY PURPOSES ADJOINING THE SOUTHERLY (REAR) PROPERTY LINE AT 25812 LAS VEGAS AVENUE (ASSESSOR PARCEL NUMBER 668-342-11)

ADOPTED RESOLUTION 09-11-09-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DECLARING ITS INTENT TO VACATE A PORTION OF AN EASEMENT FOR PUBLIC STREET OR ALLEY PURPOSES ADJOINING THE SOUTHERLY (REAR) PROPERTY LINE AT 25812 LAS VEGAS AVENUE (ASSESSOR PARCEL NUMBER 668-342-11) AS DEDICATED ON TRACT MAP NUMBER 692.

14. REVISED ORANGE COUNTY TAXI ADMINISTRATION PROGRAM (OCTAP) REGULATIONS

ADOPTED RESOLUTION 09-11-09-02 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING REVISED ORANGE COUNTY TAXI ADMINISTRATION PROGRAM REGULATIONS.

15. PUBLIC RIGHT-OF-WAY LANDSCAPE IMPROVEMENTS, PACIFIC COAST HIGHWAY IN FRONT OF MONARCH BAY

AUTHORIZED THE CITY'S PARTICIPATION IN A JOINT LANDSCAPE IMPROVEMENT PROJECT WITH THE MONARCH BAY HOMEOWNERS

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
NOVEMBER 9, 2009**

ASSOCIATION ON CITY PUBLIC RIGHT-OF-WAY SUBJECT TO FUNDING AS OUTLINED IN THE FISCAL SECTION.

16. APPROVAL OF TELECOMMUNICATIONS RIGHT-OF-WAY USE AGREEMENT WITH NEXTG NETWORKS

APPROVED SUBJECT AGREEMENT AND AUTHORIZED THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE SUBJECT AGREEMENT.

17. REINSTALLATION OF PARK AMENITIES IN SEA CANYON PARK

RECEIVED AND FILED THIS REPORT ON THE REINSTALLATION OF PUBLIC AMENITIES IN SEA CANYON PARK.

18. SPONSORSHIP OF 2010 ITALIAN OPERA FESTIVAL IN DANA POINT

A member of the public had removed this item from the Consent Calendar.

City Manager Chotkevys provided a staff report.

Mayor Bartlett opened the Public Comments.

Claudio Ferri, Viterbo, Italy, thanked the City for the support of the Opera Festival. He stated that the reason they had chosen Dana Point for the opera was because the City does not have a well known festival. He felt that the opera would become well known and be financially beneficial for the City. He added that the opera will also have some benefit for The Boys and Girls Club of America as well as for Italy.

Mayor Bartlett closed the Public Comments.

Council Member Anderson asked about the scheduling of the festival due to the overlapping of dates with the Tall Ships Festival. She stated that she was concerned about the lack of parking.

City Manager Chotkevys replied that a traffic parking management plan will be created similar to what is used for the Doheny Blues Festival.

Council Member Anderson asked why this particular weekend was chosen.

City Manager Chotkevys replied that the event takes place after Labor Day and that it was a lull period for the hotels.

Mayor Bartlett clarified that many factors were taken into consideration when choosing the dates. She added that the festival would take place after the concerts in the park, the weather was still good after Labor Day, and the hotels would have availability for visitors. She felt that this event represents a significant opportunity for Dana Point. She stated that this will be an international

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
NOVEMBER 9, 2009**

marketing opportunity for everyone involved and that there was a lot of support for the success of this festival.

IT WAS MOVED BY COUNCIL MEMBER JOEL BISHOP, SECONDED BY MAYOR LISA A. BARTLETT, TO APPROVE A \$50,000 PLEDGE TO THE DANA POINT ITALIAN OPERA EVENT SCHEDULE FOR SEPTEMBER 2010.

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 Bartlett

NOES: None

ABSENT: None

19. PROGRESS UPDATE FOR DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT

RECEIVED AND FILED THE FIRST ANNUAL REPORT ON THE STATUS OF THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT ("TBID"), AND APPROVE THE PROPOSED BUDGET FOR CALENDAR YEAR 2010.

PUBLIC COMMENTS

Carole Weling, Capistrano Beach, spoke regarding the public areas of Capistrano Beach and how she felt that the areas were becoming run down.

Bob Moore, Dana Point, thanked the City for the support of the Veterans of Foreign War Post 9934 and the support of all Veterans. He reminded everyone that Wednesday, November 11th was Veteran's Day.

Brad Gross, Dana Point, thanked the City Council and staff for their hard work and effort to help ensure the successful hearing with Coastal Commission last month. He felt that it was a great collaborative effort and that the County looks forward to the continued work with the City.

Mayor Bartlett replied that the City Council would also like to thank Brad Gross for all of his work. She agreed that this was a collaborative effort and that he had worked very hard over the past two years to get the Harbor Plan approved. She stated that the City had received a unanimous approval from the Coastal Commission for our Harbor Revitalization Plan.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
NOVEMBER 9, 2009**

PUBLIC HEARINGS

**20. WATER EFFICIENT LANDSCAPE ORDINANCE - ZONE TEXT AMENDMENT
ZTA09-0001**

City Manager Chotkevys provided an introduction of the item and Director Butterwick provided a staff report.

Mayor Bartlett opened the Public Hearing.

Yvonne English, Dana Point, thanked the City Council and staff for putting this Ordinance together. She felt that the most important points were incorporated and that she was supportive. She stated that there was no definition of landscape architect and added that she would like to see that included in the document.

Mayor Bartlett closed the Public Hearing.

Council Member Anderson asked if this Ordinance only applies to new landscaping for single family homes. She also asked if Ms. English's points be included into the Ordinance.

Director Butterwick replied that this Ordinance only applies to new landscaping. He stated that the pre-requisite requirements are clear on who is qualified to prepare the documents. He added that the requirements are in the form of guidelines so that if there is a need to modify a technical requirement, it would be an easier process as opposed to coming back to the Council for a formal amendment of the Ordinance.

Mayor Pro Tem Weinberg asked about the old sections of town with slopes; under what condition would those landscaped areas have to meet these guidelines.

Director Butterwick replied that the Code would not apply to an existing improved parcel, only new construction over 5,000 square feet.

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY MAYOR LISA A. BARTLETT, TO CONDUCT A PUBLIC HEARING AND INTRODUCE FOR FIRST READING AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA09-0001, AMENDING THE CITY OF DANA POINT ZONING ORDINANCE, CHAPTER 9.55 FOR THE PURPOSE OF UPDATING THE LANDSCAPING STANDARDS OF THE CITY TO INCLUDE LOCAL WATER EFFICIENT LANDSCAPE PROVISIONS IN ACCORDANCE WITH THE WATER CONSERVATION IN LANDSCAPING ACT OF 2006 (AB1881).

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
NOVEMBER 9, 2009**

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 Bartlett

NOES: None

ABSENT: None

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

21. H1N1 PANDEMIC INFLUENZA UPDATE

City Manager Chotkevys provided an introduction of the item.

Keith Olenlager (Pandemic Planning Manager - OC Health Care Agency) provided an overview of what the Agency was doing to prepare and manage the pandemic.

Council Member Schoeffel asked how the County knew that their efforts were mitigating the pandemic and what follow up was in place.

Keith Olenlager replied that once the vaccine was made available to everyone that they will be able to see what the preventative measures along with the vaccine were able to accomplish.

22. INTRODUCTION OF COMMUNITY SERVICES UNIT PERSONNEL AND AUTHORIZATION TO IMPLEMENT THE "HIDE IT, LOCK IT, OR LOSE IT" THEFT PREVENTION PROGRAM

City Manager Chotkevys provided an introduction of the item.

Lt. Mark Levy described the Community Service Unit (CSU) and how community orientated policing was being implemented in the City. He introduced each of the CSU members. Sergeant Greenwood provided a PowerPoint presentation detailing the "Hide It, Lock It, or Lose It" program and the reason that it was needed in Dana Point. Sergeant Greenwood introduced Ron Leiland who has worked with the Sheriff's Department to develop the program. Ron Leiland described the campaign and stated that the campaign will include a dedicated website for the program.

Council Member Bishop asked how much of a risk was not putting up a convertible roof on a car.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
NOVEMBER 9, 2009**

Lt. Levy replied that as long as your property is secured and out of sight, even with the roof down, the vehicle should be safe.

Council Member Anderson asked if a local number as opposed to the dispatch number could be used on the information.

Lt. Levy replied that there is a specific telephone number that will be used for this Program which will roll into the Community Service Unit. He stated that if someone calls and leaves a message, they will get a return call within 24 hours.

Mayor Pro Tem Weinberg asked about college students selling magazines in the neighborhood and how should this be handled.

Lt. Levy replied that the Community Service Unit will be able to alleviate quite a few of those types of calls that would normally be directed to dispatch.

Mayor Pro Tem Weinberg felt that an alternate telephone number needs to be provided as opposed to having to call the dispatch telephone number.

Lt. Levy replied that he agreed that an alternate number needs to be generated.

Mayor Bartlett felt that this was a wonderful and innovative Program and will be a nice addition to the Neighborhood Watch Program.

IT WAS MOVED BY MAYOR LISA A. BARTLETT, SECONDED BY MAYOR PRO TEM STEVEN WEINBERG, TO AUTHORIZE THE IMPLEMENTATION OF THE "HIDE IT, LOCK IT, OR LOSE IT" PROGRAM.

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 Bartlett

NOES: None

ABSENT: None

PUBLIC COMMENTS

There were no additional Public Comments.

STAFF REPORTS

City Manager Chotkevys stated that he is continually proud of the staff and proud to be associated with the men and women who provide police services to our community.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
NOVEMBER 9, 2009**

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Schoeffel stated that he had no meetings to report. He congratulated the Eagle Scout and felt that he was a great example for others. He encouraged the community to call the Sheriff's department if there were issues that they needed to have resolved.

Council Member Bishop reported that SCAG met and discussed SB 375 which became law this year. He stated that the Senate Bill will have a huge impact on all cities which requires the reduction of green house gases. He added that the High Speed Rail was also discussed and 2025 is the year that the rail is to go live even with the \$17 Billion in funding. He reported on how many different people from all over the world have visited our City's website. He wished Mayor Bartlett a happy birthday and thanked her for her year of dedication.

Mayor Pro Tem Weinberg stated that he had turned in his list of meetings attended to the City Clerk. He wished everyone a Happy Thanksgiving. He asked that the community take a moment of silence on Wednesday to remember the Veterans.

Mayor Bartlett reported that she had attended the SCAG meeting with Council Member Bishop and on November 7th the Ocean Institute Million Dollar Home Raffle. She announced the following upcoming events:

November 17 - Turkey Trot kickoff at the Ocean Institute at 6:30 p.m.
November 26 - Dana Point Turkey Trot in the Dana Point Harbor. Contact the Dana Point Chamber of Commerce to sign up.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Bartlett declared the meeting adjourned at 8:01 p.m. in memory of Philip Bordeaux. She stated that there was a memorial planned for Philip on Wednesday, November 18, 2009 at Sea Terrace Park at 2:00 p.m.

It was the consensus of the City Council to cancel the next Regular Meeting of November 23, 2009 due to the Thanksgiving Holiday.

She announced that the next Regular Meeting of the City Council will be December 14, 2009, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
NOVEMBER 9, 2009**

Meetings Attended Since the Last City Council Meeting:

Mayor Lisa Bartlett

Met with several individuals during my regular office hours.

Several TCA Board of Directors meetings.

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| October 28 | Military dinner event for the 5 th Marines at Jack's Restaurant |
| October 29 | Artist by the Sea program at the Ocean Institute |
| October 30 | CR&R Material Recovery ribbon cutting ceremony |
| November 2 | Dana Point Coastal Arts annual meeting |
| November 5 | SCAG Energy and Environment Committee meeting |
| November 7 | Ocean Institute Million Dollar Home Raffle |
| November 9 | ABC Embroidery ribbon cutting ceremony |

Upcoming events:

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| November 11 | Veterans Day Ceremony in Pines Park. The Marine Birthday Ball is in the evening at the Marriott. |
| November 17 | Turkey Trot kickoff at the Ocean Institute, 6:30 p.m. |
| November 26 | Dana Point Turkey Trot at Dana Point Harbor. Contact the Dana Point Chamber of Commerce to sign up. |
| November 21 | Italian American Opera Foundation Founders' Gala Event at the St. Regis; 6 p.m. cocktails, 7:30 p.m. dinner. This is the kickoff event to raise funds for our Italian American Opera Festival in Dana Point scheduled for September 2010. Go to www.IAOF.org for more information and tickets. |

Mayor Pro Tem Steven Weinberg

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| November 4 | OCFA Budget meeting |
| November 9 | ABC Embroidery Signs & Graphics Shop Grand Opening |