
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JANUARY 11, 2010**

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Weinberg 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 Steven Weinberg
Mayor Pro Tem Scott Schoeffel
Council Member Lara Anderson
Council Member Lisa A. Bartlett
Council Member Joel Bishop

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 - EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case) Name of Case: Paul Douglas, Carl Grewe, Two Doheny LLC v. City of Dana Point Case No. 30-2009-00125363

Mayor Weinberg 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 Weinberg reconvened the meeting at 6:03p.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; Kevin Evans, Director of Community Services and Parks; John Tilton, City Architect; Christy Teague, Economic Development Manager; Lynn Kelly, Management Analyst; Jackie Littler, Executive

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Secretary; DyAnne Weamire, Administrative Secretary; and Windy Robles, City Clerk Specialist.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that he had no announcement.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Colonel Willard Buhl, Commanding Officer of the Fifth Marine Regiment.

INVOCATION

The Invocation was provided by Lt. Commander Michael Sneath.

PRESENTATIONS AND PROCLAMATIONS

Management Analyst Kelly provided a PowerPoint presentation on Business of the Year, Olamendi's Mexican Restaurant. She stated that Olamendi's has been serving authentic Mexican food in the community since 1973 and they have three locations in Dana Point.

Mayor Weinberg presented Jorge Olamendi and his family with a Certificate of Recognition for being named Dana Point's Business of the Year for 2010.

CONSENT CALENDAR

Council Member Bishop recused himself from Item Number 10 due to a potential conflict of interest.

IT WAS MOVED BY COUNCIL MEMBER LISA BARTLETT, SECONDED BY COUNCIL MEMBER LARA ANDERSON, ACCEPT THE RECOMMENDATIONS FOR 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 Lisa Bartlett, Mayor Pro Tem Scott Schoeffel, and Mayor Steven Weinberg

NOES: None

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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, DECEMBER 14, 2009

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, DECEMBER 7, 2009

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF DECEMBER 21, 2009

RECEIVED AND FILED.

5. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

6. CITY TREASURER'S REPORT, NOVEMBER 2009

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

7. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

8. REVISION OF COUNCIL POLICY 302 - APPOINTMENT OF PLANNING COMMISSIONERS AND YOUTH BOARD MEMBERS

ADOPTED THE REVISIONS TO CITY COUNCIL POLICY 302 - APPOINTMENT OF PLANNING COMMISSIONERS AND YOUTH BOARD MEMBERS.

9. HISTORIC PRESERVATION AGREEMENT (MILLS ACT) FOR THE PROPERTY LOCATED AT 26822 VISTA DEL MAR

AUTHORIZED THE MAYOR TO SIGN A HISTORIC PROPERTY PRESERVATION AGREEMENT WHICH WOULD ALLOW THE PROPERTY OWNERS, FRED AND KAREN SCUNCIO, OF THE HISTORIC STRUCTURE

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LOCATED AT 26822 VISTA DEL MAR, TO PARTICIPATE IN THE STATE'S MILLS ACT PROGRAM.

10. AMENDMENT OF AN ORDINANCE CHAPTER 13.04, PARKS AND RECREATIONAL FACILITIES REGULATIONS, OF THE MUNICIPAL CODE TO ADDRESS NEW PARKS AND FACILITIES IN THE CITY OF DANA POINT

INTRODUCED AND HELD FIRST READING OF AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 13.04, PARKS AND RECREATIONAL FACILITIES REGULATIONS, OF THE MUNICIPAL CODE TO ADDRESS THE CENTER FOR NATURAL LAND MANAGEMENT DANA POINT PRESERVE OWNED AND OPERATED BY THE CENTER FOR NATURAL LANDS MANAGEMENT.

11. PROPOSED SALE OF THE ORANGE COUNTY FAIRGROUNDS

ADOPTED RESOLUTION 10-01-11-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, IN OPPOSITION TO THE PROPOSED SALE OF THE ORANGE COUNTY FAIRGROUNDS.

PUBLIC COMMENTS

Wiley Hall, Junior Vice Commander and Service Officer of VFW Post 9934, thanked the City of Dana Point for supporting the VFW post in their efforts to support the Veterans, the active military, and the community. He stated that he looks forward to seeing members of the Council and staff at the January 16 banquet at the Double Tree Hotel.

Terah Glass, Health Educator with the National Council on Alcoholism and Drug Dependence Community Alliance Network, announced that they are hosting a town hall meeting to discuss underage drinking prevention in collaboration with Dana Hills High School PTSA. She stated that the meeting is scheduled for Tuesday, January 26, 6:30 p.m. - 8:00 p.m. at Dana Hills High School.

PUBLIC HEARINGS

12. ANNUAL REVIEW OF THE GENERAL GOVERNMENT FACILITIES AND TRANSPORTATION FACILITIES DEVELOPMENT IMPACT FEES

City Manager Chotkevys provided a staff report.

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

Council Member Bishop stated that the City is not making a lot of money on the fees. He suggested that the City should eliminate the program. He felt that not having the program would encourage people to redevelop some of the vacant lots.

Council Member Anderson stated that after viewing the mid-year budget report, the City may need the little money that the program brings in.

Council Member Bartlett asked City Manager Chotkevys if the deferring of some of the development impact fees is on a project by project basis.

City Manager Chotkevys replied that the City has been approached by a number of distressed properties and have been working within the confines of the ordinance to find relief. He stated that the program is for new development and the fees are reasonable for services provided for development. He added that if the fees are reduced or eliminated, the general public would subsidize the development of their neighbors and the development within the community. He stated that the City tries to work on a case-by-case basis. He recalled at least one occasion when the City worked with a developer in a distressed situation. He added that at some point the public is asked to subsidize new development.

Council Member Bartlett stated that it is important to notify any developers that the City will work with them on a case-by-case basis with the Development Impact Fees. She added that the City would like to see developers come forth with new projects within Town Center or projects to fill the vacant lots.

IT WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY COUNCIL MEMBER LISA BARTLETT, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING AND ADOPT **RESOLUTION 10-01-11-02** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REAFFIRMING THE APPLICATION OF THE GENERAL GOVERNMENT FACILITIES AND TRANSPORTATION FACILITIES DEVELOPMENT IMPACT FEE PROGRAM FOR ALL NEW DEVELOPMENT LOCATED WITHIN THE CITY OF DANA POINT FOR THE 2008-2009 FISCAL YEAR.

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The motion carried by the following vote:

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

NOES: None

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

13. CITY COUNCIL APPOINTED REPRESENTATIVES AND CITY COMMISSIONS, COMMITTEES, SUBCOMMITTEES AND TASK FORCES

City Manager Chotkevys provided a Staff Report.

Mayor Weinberg proposed that the Council leave the appointments as presented.

Council Member Anderson stated that on the Ocean Institute Board of Directors there is an asterisk stating that it is historically Mayor and Mayor Pro Tem. She asked if Mayor Weinberg was proposing to change it back to Mayor and Mayor Pro Tem or leave it as is.

Mayor Weinberg replied that for tenure purposes he proposed to leave it with Council Member Bartlett and himself as alternate.

Council Member Anderson asked if Mayor Weinberg wanted to leave everything unchanged.

Mayor Weinberg replied that he would like to leave everything unchanged unless someone wants off of a Committee or someone has a desire to be on a Committee.

Council Member Anderson moved that the Council maintain the 2009 assignments.

Mayor Pro Tem Schoeffel asked Mayor Weinberg if he was personally happy with all of the Committees that he is on and if he would endorse his continued tenure.

Mayor Weinberg replied that he is happy with how things are but would discuss any changes if someone would like to be on a Committee that he is currently on.

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Council Member Bartlett stated that she would like to see Mayor Pro Tem Schoeffel become more involved on a regional basis. She suggested that he look at some of the Board assignments to see where he could work with some of the elected officials in other cities. She proposed the San Joaquin TCA Board. She added that he could also act as her back up on the Foothill Eastern.

Mayor Pro Tem Schoeffel replied that it is always nice to meet and work with new people. He stated that on the other hand he did not want to remove Mayor Weinberg from that board if he wished to continue his good efforts.

Council Member Anderson asked Council Member Bartlett if she had any of her regional appointments that she could recommend.

Council Member Bartlett replied that the active Boards are the TCA, the League of Cities, the Ocean Institute, SOCAM, Vector Control, and the Orange County Fire Authority. She stated that those Boards are active and hold regular meetings.

Council Member Anderson stated that she made the motion to leave as is. She asked if anyone wanted to second the motion or make a different motion.

Council Member Bartlett asked Mayor Weinberg what his preference was on the TCA and San Joaquin Boards.

Mayor Weinberg replied that his preference was to leave them as is. He stated that if someone had a desire to be on a Committee that he would not stand in the way of someone fulfilling that desire.

Mayor Pro Tem Schoeffel suggested he be the alternate on the Foothill Eastern. He asked Mayor Weinberg if he would be able to yield that position.

Mayor Weinberg replied that he would give up that position.

Mayor Pro Tem Schoeffel asked if there was another regional committee outside of the TCA that he could serve on.

Council Member Bartlett stated that to serve as an alternate on just one Board, such as the Foothill Eastern, does not make any sense. She stated that it should be consistent between the two individuals, the designated Board member and the alternate. She added that it takes awhile to get up to speed on the Boards and that it is a good idea to have two people involved serving as alternates for one another.

Council Member Bishop felt that it is important to get out and work regionally. He stated that when he became Mayor, he gave up the Orange County Fire Authority for Mayor Weinberg. He added that it is good to share the wealth.

Council Member Bartlett stated that as Mayor, there will be additional Boards and

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Committees that Mayor Weinberg will need to sit on. She added that he will be very busy this year and she feels that Mayor Pro Tem Schoeffel should take on one of the other Board assignments.

Mayor Weinberg stated that if the TCA was one of the Boards that Mayor Pro Tem Schoeffel wanted, then he would be more than happy to let him have it.

Council Member Bartlett stated that the San Joaquin Board was a 17 member board so there are a number of elected officials from other cities that Mayor Pro Tem Schoeffel would be interfacing with. She added that there is a monthly meeting which is not overwhelming. She stated that it would give him exposure to a different board and allow him to meet elected officials from other cities and to participate on a regional basis.

Mayor Pro Tem Schoeffel stated that with the Mayor's consent, he would accept that role.

Council Member Anderson felt that if Mayor Weinberg did not want to give up his position on the TCA, he should not feel pressured to do so.

Mayor Weinberg stated that he has enough to do and he enjoys the two Boards that he is on. He stated that he enjoys the TCA and the only reason to stay on is because of the Committees. He stated that he is currently on the Marketing Committee and he will lose that seat. He felt that people should be allowed to build up tenure on a Committee to have some power at the table. He stated that on a lot of the Boards there are City Councils that do not have term limits; therefore, some member's have been on the Board for 20 years.

Council Member Anderson stated that Dana Point is a small city and she agrees that tenure is important. She stated that with the Orange County Library Advisory Board she was just elected as Vice Chair which is an honor, being from one of the smaller cities at the table. She agreed with Mayor Weinberg that they should not make any changes if they can help it. She stated that the Board meets during the day and that Mayor Pro Tem Schoeffel works full time.

Council Member Bartlett stated that it is nice to have alternates and she added that she would be Mayor Pro Tem Schoeffel's alternate. She felt that it would be a great opportunity for Mayor Pro Tem Schoeffel to get involved on a regional basis.

Mayor Pro Tem Schoeffel stated that he is excited about the opportunity and he would be happy to serve. He stated that he has the same concern as Council Member Anderson has expressed regarding tenure. He added that if Mayor Weinberg is alright with the change, then he would be happy to accept.

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Council Member Bartlett asked that Mayor Pro Tem Schoeffel be the alternate on the Transportation Corridor System (TCS) as well. She stated that the TCS is a part of the TCA.

IT WAS MOVED BY COUNCIL MEMBER JOEL BISHOP, SECONDED BY COUNCIL MEMBER LISA BARTLETT, TO APPROVE ALL PREVIOUS ASSIGNMENTS WITH THE EXCEPTION OF THE TCA BOARDS AS FOLLOWS:

1. MAYOR PRO TEM SCHOEFFEL TO SERVE AS ALTERNATE ON THE FOOTHILL/EASTERN TRANSPORTATION CORRIDOR AGENCY WITH COUNCIL MEMBER LISA BARTLETT; and
2. MAYOR PRO TEM SCHOEFFEL TO SERVE ON THE SAN JOAQUIN TRANSPORTATION CORRIDOR AGENCY WITH COUNCIL MEMBER LISA BARTLETT SERVING AS ALTERNATE; and
3. MAYOR PRO TEM SCHOEFFEL TO SERVE AS ALTERNATE ON THE TRANSPORTATION CORRIDOR SYSTEM WITH COUNCIL MEMBER BARTLETT.

The motion carried by the following vote:

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

NOES: None

14. CHANGING THE STARTING TIME OF REGULAR MEETINGS OF THE PLANNING COMMISSION

City Manager Chotkevys provided a Staff Report.

Council Member Bishop asked if the starting time mattered significantly with the building committee or whoever is being dealt with.

Mayor Weinberg replied that it did not.

Mayor Pro Tem Schoeffel stated that he did not know why the Planning Commission meetings did not coincide with the City Council meetings an hour earlier.

IT WAS MOVED BY COUNCIL MEMBER JOEL BISHOP, SECONDED BY COUNCIL MEMBER LISA BARTLETT, THAT THE CITY COUNCIL INTRODUCE FOR FIRST READING AN ORDINANCE ENTITLED:

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING AN AMENDMENT TO MUNICIPAL CODE SECTION 2.07.011 OF THE DANA POINT MUNICIPAL CODE REGARDING THE STARTING TIME OF REGULAR PLANNING COMMISSION MEETINGS; and

ADOPT RESOLUTION 10-01-11-03 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING THE REGULAR MEETING TIME OF THE PLANNING COMMISSION.

The motion carried by the following vote:

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

NOES: None

PUBLIC COMMENTS

There were no additional Public Comments.

STAFF REPORTS

City Manager Chotkevys thanked Andrea Swayne from the Dana Point Times and Vik Jolly from the Orange County Register for their coverage of the opening of the amenities at the Headlands. He added that the City is educating the public as to the do's and don'ts of the trails. He stated that the trails are designated as environmentally sensitive habitat areas by the California Coastal Commission. He asked that pets be kept on a leash in the designated areas. He also thanked the City Council, the staff, and the community for the expressions of sympathy and support on the passing of his mother-in-law.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Anderson stated that she had turned in her meetings attended to the City Clerk.

She reported that Rick Gilliland, General Manager of the San Clemente/Dana Point Animal Shelter had retired and an interim General Manager, Terry Matz, has been hired. She stated that Mr. Matz recently retired from the City of Brea as the Assistant City Manager and was previously the City Manager in the City of Stanton. She added that Mr. Matz has 36 years of management and municipal experience. She also wanted to let the public know that the Friends of the Library bookstore is located at the Dana

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Point Library. She added that there is a need for more people to join the Dana Point Library Foundation. She stated that if anyone is interested, to contact Kevin Evans at City Hall.

Council Member Bartlett reported that she attended several TCA Board meetings and she stated that she had the pleasure of sitting in on the Dana Point Boat Parade. She announced the following upcoming events:

January 13 - Cell phone tower opening on the 241 toll road. She stated that the cell towers will be up and running later in the month.

January 14 - Dana Point Chamber of Commerce Annual Installation dinner at the Marriott.

January 16 - VFW banquet event at the Double Tree Hotel.

January 29 and 30 - Jazz in January at the Ocean Institute. She stated that tickets should be available up until the day of the event.

Council Member Bishop stated that everyone loves the Strand Vista Park. He added that the park is a very social and very well received amenity. He also stated that there are four access points down to the beach. He reported that he went whale watching out of Dana Wharf on Sunday.

Mayor Pro Tem Schoeffel wished everyone a Happy New Year and he stated that the Strand Vista Park has a spectacular set of amenities. He reported that he was a judge at the Dana Point Boat Parade along with Council Member Bartlett and that he was able to present some of the awards the following day.

He announced the following event:

January 14 - The NAMM Show at the Anaheim Convention Center. He stated that he will be sitting on a panel with Yoko Ono and Quincy Jones. He stated that it is a supportmusic.com webcast and they are there to speak about music education advocacy. He added that he was asked to speak in his capacity as a musician as well as a local government official.

He also congratulated Mayor Weinberg on his first meeting as Mayor.

Mayor Weinberg stated that he had turned in his meetings attended to the City Clerk. He read an announcement from the South Coast Water District stating that the water districts have advised that the Metropolitan Water District's supply will be restricted due to maintenance of the Diemer Filtration Plant, January 22 - February 2. He stated that people should look for specific information from their local water district to help conserve water during this period. He added that as more specific information is received, it will be added to the City's website. He also wished everyone a healthy and prosperous New Year.

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ADJOURNMENT

There being no further business before the City Council at this session, Mayor Weinberg declared the meeting adjourned at 6:49 p.m. in memory of Planning Commissioner Norman Denton's son, Lee Denton and Susan Chotkey's mother, Karen Gaber. He announced that the next Regular Meeting of the City Council will be January 25, 2010, 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 JANUARY 25, 2010

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Meetings Attended Since the Last City Council Meeting:

Mayor Steven Weinberg

December 16	Dana Point City Holiday Party
December 17	Vector Control Budget and Finance meeting Vector Control BOD meeting OCFA BOD meeting
January 6	TCA Joint Marketing Committee

Council Member Lara Anderson

December 16	City Holiday Luncheon
December 16	CASA Board meeting
December 17	Library Advisory Board