
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JANUARY 25, 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 Bartlett
Council Member Joel Bishop
Absent: None

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), (1 case)
- B. 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 Weinberg recessed the meeting into a Closed Session at 5:02 p.m. pursuant to Government Code Section 54956 et. seq.

RECONVENE CITY COUNCIL MEETING - CALL TO ORDER

Mayor Weinberg reconvened the meeting at 6:00 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

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JANUARY 25, 2010**

Preparedness; Sgt. Lynn Koehmstedt, Police Services; Kyle Butterwick, Director of Community Development; Matthew Sinacori, City Engineer; Kevin Evans, Director of Community Services and Parks; Christy Teague, Economic Development Manager; Lynn Kelly, Management Analyst; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that he had no announcement.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Orange County Fire Authority Battalion Chief Terry Scottt.

INVOCATION

The Invocation was provided by Orange County Fire Authority Chaplain Dave Keehn.

PRESENTATIONS AND PROCLAMATIONS

January Business of the Month - Mahe Restaurant

Management Analyst Kelly provided a PowerPoint presentation. Mayor Weinberg presented to Mahe owners, Toby Reece, Tony Andrews, and General Manager, Bill Senteno a Certificate of Recognition for Mahe being selected the Featured Business of the Month, January 2010.

CONSENT CALENDAR

Council Member Bartlett announced that she would have to abstain from voting on Item #14 due to a potential conflict of interest.

IT WAS MOVED BY COUNCIL MEMBER JOEL BISHOP, SECONDED BY COUNCIL MEMBER LISA BARTLETT, TO 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 Lisa Bartlett, Council Member Joel Bishop, Mayor Pro Tem Scott Schoeffel, and Mayor Steven Weinberg

NOES: None

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JANUARY 25, 2010**

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, JANUARY 11, 2010

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, DECEMBER 21, 2009

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF JANUARY 18, 2010

RECEIVED AND FILED.

5. YOUTH BOARD MEETING MINUTES, DECEMBER 3, 2009

RECEIVED AND FILED.

6. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

7. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

8. ANNUAL REVIEW OF INVESTMENT POLICY

APPROVED THE CITY'S STATEMENT OF SAFEKEEPING AND INVESTMENT OF PUBLIC FUNDS POLICY (INVESTMENT POLICY), AS PROPOSED BY THE CITY'S INVESTMENT REVIEW COMMITTEE.

9. COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2009

RECEIVED AND FILED THE COMPREHENSIVE ANNUAL FINANCIAL REPORT ("CAFR") FOR THE YEAR ENDED JUNE 30, 2009.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JANUARY 25, 2010**

10. CONSIDERATION OF AN AMENDMENT TO THE FRANCHISE AGREEMENT WITH CR&R, INC. FOR SOLID WASTE HANDLING SERVICES

APPROVED AND AUTHORIZED THE MAYOR TO EXECUTE THE PROPOSED CONTRACT AMENDMENT TO THE FRANCHISE AGREEMENT WITH CR&R, INC. WHICH WOULD RESULT IN THE REVISION OF THE ANNUAL RATE YEAR REVIEW PERIOD FROM THE CALENDAR YEAR BASIS (JANUARY 1 - DECEMBER 31) TO A FISCAL YEAR BASIS (JULY 1 - JUNE 30); AND CLARIFIED THAT FUTURE RATE ADJUSTMENTS WHICH ARE CONSISTENT WITH THE TERMS OF THE AGREEMENT DO NOT REQUIRE CONTRACT AMENDMENTS.

11. STONEHILL DRIVE PARKWAY TREE REPLACEMENT

APPROVED THE REPLACEMENT OF PARKWAY TREES ALONG THE NORTH SIDE OF STONEHILL DRIVE BETWEEN DEL OBISPO AND CREEKSIDE PARK.

12. AWARD OF A CONTRACT TO INTERNATIONAL PAVING SERVICES, INC. FOR THE CONSTRUCTION OF THE ARTERIAL ROADWAY REHABILITATION DEL PRADO (FROM COPPER LANTERN TO GOLDEN LANTERN) AND STONEHILL DRIVE (FROM SEASIDE DRIVE TO CITY LIMIT) - FY2009/10

APPROVED THE CONSTRUCTION CONTRACT DOCUMENTS REQUIRED FOR "THE ARTERIAL ROADWAY REHABILITATION DEL PRADO (FROM COPPER LANTERN TO GOLDEN LANTERN) AND STONEHILL DRIVE (FROM SEASIDE DRIVE TO CITY LIMIT) - FY 2009/10"; APPROVED AWARD OF A CONTRACT TO INTERNATIONAL PAVING SERVICE, INC. FOR CONSTRUCTION OF THE PROJECT; AND AUTHORIZED THE CITY MANAGER OR HIS DESIGNEE TO SIGN AND ADMINISTER SUBJECT CONTRACT AND APPROVE ADDITIONAL PAYMENT FOR CHANGE ORDERS, CONTINGENCIES, CONSTRUCTION MANAGEMENT SERVICES, SOILS AND MATERIAL TESTING, AND CONSTRUCTION DESIGN SUPPORT FOR THE PROJECT.

13. SECOND READING AND ADOPTION OF AN ORDINANCE CHANGING THE STARTING TIME OF REGULAR MEETINGS OF THE PLANNING COMMISSION

Held a second reading and adopted **Ordinance 10-01** entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING AN AMENDMENT TO MUNICIPAL CODE

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JANUARY 25, 2010**

*SECTION 2.07.011 OF THE DANA POINT MUNICIPAL CODE REGARDING
THE STARTING TIME OF REGULAR PLANNING COMMISSION MEETINGS.*

14. AMENDMENT TO EXTEND EXISTING APPROVED COOPERATIVE AGREEMENT WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY IN CONJUNCTION WITH THE RAIL HIGHWAY CROSSING ENHANCEMENT PROGRAM FOR BEACH ROAD

Council Member Lisa Bartlett announced that she would abstain from voting on this item due to a potential conflict of interest.

APPROVED THE AMENDMENT WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AMENDMENT, AND APPROVE ANY SUBSEQUENT AMENDMENTS.

The item was approved by the following vote:

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

ABSTAIN: Council Member Lisa Bartlett

15. APPROVAL OF A CONSULTANT SERVICES AGREEMENT WITH MICHAEL BRANDMAN ASSOCIATES FOR ENVIRONMENT SERVICES RELATED TO 11-UNIT SINGLE-FAMILY DEVELOPMENT PROJECT

APPROVED MICHAEL BRANDMAN ASSOCIATES (MBA) AS THE ENVIRONMENTAL CONSULTANT FOR PREPARATION OF A MITIGATED NEGATIVE DECLARATION (MND) FOR AN 11-UNIT SINGLE-FAMILY DEVELOPMENT PROJECT AND AUTHORIZED THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MICHAEL BRANDMAN ASSOCIATES.

PUBLIC COMMENTS

Ross Teasley, Dana Point, announced that they were implementing a new program called "Zero Trash Dana Point". He stated that Saturday, February 6, 2010 was the launch event for the program at Girl in the Curl on Pacific Coast Highway at 10:00 a.m. He added that they would be meeting the first Saturday of every month at different locations throughout the City. He stated that anyone who was interested in cleaning up the City was invited to come out. For more information go to www.zerotrashdanapoint.org.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JANUARY 25, 2010**

Ingrid McGuire, Dana Point, reminded the City that this week the Diemer Water Filtration plant that supplies the City with its potable water was being shut down for its yearly scheduled maintenance. She asked everyone to conserve water during this shut down.

Gene Burrus, Dana Point, thanked Kevin Evans and his staff at the Community Center for everything they do for the seniors of Dana Point. He announced the upcoming Valentine's Day Dance being held at the Community Center, Saturday, February 13th with dinner from 6:00 p.m. to 7:00 p.m.

Berenika Schmitz, Dana Point, stated that she was the artistic director for a new concert series in Dana Point. She stated that with the help of the City and Mayor Pro Tem Schoeffel, they will be bringing two chamber orchestras, a virtuoso violinist, and a virtuoso cellist to Dana Point. She announced that the first concert is scheduled for February 18th and that all of the concerts will take place at St. Edwards Church. She asked for the Council's help in promoting the concert series. She stated that tickets were \$12 per person, \$8 for children, seniors, and military personnel.

PUBLIC HEARINGS

16. ADOPTION OF A RESOLUTION APPROVING A REQUESTED STREET NAME CHANGE FROM VIA SUBIDA TO POINTE MONARCH DRIVE PURSUANT TO THE DANA POINT MUNICIPAL CODE

City Manager Chotkevys provided a staff report.

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

Council Member Bartlett stated that she agreed with the name change.

IT WAS MOVED BY MAYOR PRO TEM SCOTT SCHOEFFEL, SECONDED BY COUNCIL MEMBER LISA BARTLETT, TO CONDUCT A PUBLIC HEARING; ADOPT RESOLUTION 10-01-25-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA APPROVING A REQUESTED STREET NAME CHANGE FROM VIA SUBIDA TO POINTE MONARCH DRIVE; and

DIRECTED STAFF TO IMPLEMENT THE STREET NAME CHANGE IN CONJUNCTION WITH THE POINTE MONARCH COMMUNITY HOME OWNERS ASSOCIATION AND OTHER AFFECTED PARTIES.

The motion carried by the following vote:

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JANUARY 25, 2010**

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

NOES: None

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

There was no New Business.

PUBLIC COMMENTS

There were no additional Public Comments.

STAFF REPORTS

City Manager Chotkevys stated that he was proud to be a part of this staff. He reported that he had staff members who stayed at City Hall when the rains began last week and didn't go home until they were over. He stated that these people run towards disaster as opposed to away from it. He added that they should be commended for how they dealt with every call for service and there had been over 100 calls received.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Bartlett reported the following:

January 16 - She and Mayor Weinberg had the pleasure of attending the VFW Banquet at the Doubletree Hotel where they both spoke and provided remarks on behalf of the City

January 18 - Attended and spoke at the 5th Marine Welcome Home Event at Jack's Restaurant

January 20 - Attended the Tri-City Trolley meeting with Council Member Anderson to discuss the next steps for the program. January 21 - Attended the League of Cities Environmental Policy Committee meeting in Sacramento

She reported the following future event:

January 29-30 - Jazz in January at the Ocean Institute. If you are interested in the event, please go to the Ocean Institute's website to purchase your tickets.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JANUARY 25, 2010**

Council Member Bishop stated that he had turned in his list of meetings attended to the City Clerk. He thanked staff for their diligence during the storms.

Council Member Anderson reported that she had attended the following:

January 14th - Chamber installation dinner held at the Marriott
January 20th - Tri-City Trolley meeting

She announced that the Dana Point Woman's Club would be holding a new member tea on January 31st at 2:00 p.m. at the Dana Point Community House on San Juan Street. She stated that the Dana Point Woman's Club was open to all women of all ages in our community. She added that if you would like more information to go to www.danapointwomensclub.com or call Mitzi Riley at 949-489-1603.

Mayor Pro Tem Schoeffel thanked staff for their support during the rains last week. He stated that he had called in to report a tree that was leaning over and that a City crew was out within 20 minutes to secure the tree. He reported that on January 14th he was a guest of NAMM at their international webcast. He stated that he shared the panel with Yoko Ono and Quincy Jones where they spent an hour talking to people from all over the world about how important it was and how to support music education advocacy. He encouraged everyone to attend the upcoming concert series being held at St. Edwards Church.

Mayor Weinberg stated that he had turned in his list of meetings attended to the City Clerk. He stated that he had ridden along with the City Manager twice last week during the storms. He added that he had received only positive comments from the residents regarding the support that staff had provided. He read an e-mail he had received from a resident. He felt that City staff went beyond the call of duty. He also commended the CERT volunteers for their support; Kevin O'Connor, Michael Harrison, Gary MacRides, Mark Forster, and Jason Penkethman. He thanked everyone who was involved.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Weinberg declared the meeting adjourned at 6:37 p.m. and announced that the next Regular Meeting of the City Council will be February 8, 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 FEBRUARY 8, 2010

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JANUARY 25, 2010**

Meetings Attended Since the Last City Council Meeting:

Mayor Steven Weinberg

January 13	OCFA Budget & Finance
January 14	Chamber of Commerce Installation Dinner
January 16	VFW District 2 Conference Dinner

Council Member Joel Bishop

January 22	League of California Cities - Sacramento
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