
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
FEBRUARY 22, 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), (4 cases)

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 6:00 p.m. All Council Members were present.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that there was no announcement.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commander Robert Fowler from Veterans of Foreign Wars Post 9934.

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INVOCATION

The Invocation was provided by Bob Moore.

PRESENTATIONS AND PROCLAMATIONS

VFW Teacher of the Year

Mayor Weinberg invited Bob Fowler and Wiley Hall to join him in honoring VFW Teacher of the Year, Sharon Miller. Wiley Hall presented Ms. Miller with a plaque and a check on behalf of the VFW. Mayor Weinberg presented Ms. Miller with a Certificate of Recognition on behalf of the City.

Patriot Pen

Wiley Hall presented Lauren O'Connor with a Certificate of Merit for being selected the first place winner. Mayor Weinberg presented Ms. O'Connor with a Certificate of Recognition for her achievement. Wiley Hall acknowledged the second place winner, Page Wilson and third place winner, Kathryn Fulton.

Voice of Democracy Awards

Wiley Hall presented Kelly Gomez with a Voice of Democracy Certificate of Merit for her winning essay. Mayor Weinberg presented Ms. Gomez with a Certificate of Recognition for her achievement. Ms. Gomez read her essay for the audience.

CONSENT CALENDAR

A member of the Public pulled Item #9 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY COUNCIL MEMBER LISA BARTLETT, ACCEPT ALL ITEMS LISTED ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM #9.

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

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.

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2. REGULAR MEETING MINUTES, FEBRUARY 8, 2010

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, JANUARY 18, 2010

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF FEBRUARY 1, 2010

RECEIVED AND FILED.

**5. OCEAN WATER QUALITY SUBCOMMITTEE MEETING MINUTES,
OCTOBER 27, 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. STRAND VISTA PARK UTILITY BOX BEAUTIFICATION

APPROVED THE SUBJECT PROJECT.

**9. SECOND READING AND ADOPTION OF AN ORDINANCE PERTAINING TO
THE CALIFORNIA COASTAL COMMISSION SUGGESTED MODIFICATIONS
TO DANA POINT LOCAL COASTAL PROGRAM AMENDMENT 06-03 FOR
THE LAND USE COMPONENT OF THE DANA POINT HARBOR
REVITALIZATION PLAN AND DISTRICT REGULATIONS**

A member of the public pulled this item from the Consent Calendar.

City Manager Chotkevys provided a brief staff report.

Brad Gross, Dana Point, OC Dana Point Harbor, thanked staff and Council for the collaborative effort. He stated that he appreciated the hard work and that he was available for any questions.

Bruce Heyman, San Juan Capistrano, Boaters for Dana Point Harbor, spoke regarding the language in the Land Use Plan. He felt that the amendment with

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regard to building heights was not accurately implemented. He encouraged the City to review the Coastal Commission's deliberations on the matter.

Donna Kalez, San Clemente, Dana Wharf Sportsfishing, thanked the Council for their approval of the Land Use Plan.

Jim Miller, Dana Point, felt that the amendments do match what the Coastal Commission had approved. He thanked the City Council for their time and attention.

Council Member Bartlett felt that this was a good plan and to see it come to fruition was rewarding.

Council Member Anderson stated that she shares the concern with Mr. Heyman that the Coastal Commissioner's comments may not have been correctly interpreted. She asked if issues could be corrected during the Coastal Development Permit process.

City Manager Chotkevys clarified with City staff that basically the document is the Coastal Commission staff's interpretation of what was approved and that the City has worked with Coastal Commission staff to ensure that the language is as close to what happened at the meeting.

Council Member Bartlett stated that from what she recalls is the original plan that was presented to the Council had a 65 foot height requirement and that the City Council voted to lower the height to 60 feet. She added that was the plan that was submitted to the Coastal Commission and approved.

IT WAS MOVED BY COUNCIL MEMBER LISA BARTLETT, SECONDED BY COUNCIL MEMBER JOEL BISHOP, CONDUCT A SECOND READING AND ADOPT **ORDINANCE 10-02** OF THE CITY OF DANA POINT ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING THE LOCAL COASTAL PROGRAM AMENDMENT LCPA06-03 FOR THE DANA POINT HARBOR REVITALIZATION PLAN AND DISTRICT REGULATIONS, THAT ALSO AMENDS THE DANA POINT SPECIFIC PLAN AND ZONING CODE, FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

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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

PUBLIC COMMENTS

Dr. Debra Ferber, Dana Point, OC Fairground Preservation Society, thanked the City Council for approval of the Resolution in opposition of the sale of the fairgrounds. She reported that the sale of the facility was much below the market value of what the property is worth. She asked the City Council to continue their efforts to help the City of Costa Mesa.

Karin Schnell, Dana Point, President of Dana Point Coastal Arts, thanked the City for helping to bring world class music to Dana Point. She thanked everyone who had attended the concert last Thursday. She reported that the next concert will be held on Thursday, March 11 at St. Edwards Church.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

10. COMMUNITY OPINION SURVEY: RESIDENT SATISFACTION FINAL REPORT

City Manager Chotkevys invited Dr. Timothy McLarney to the podium to provide a brief summary of his findings.

Dr. McLarney provided a PowerPoint presentation.

City Manager Chotkevys stated that this report comes as no surprise to him and that it speaks to the job that the City Council has been doing.

Mayor Weinberg stated that during the planning of the Town Center Plan, the people were not interested in a "Big Box Store". He asked why do 34% of the respondents say they want such a store in Dana Point.

Dr. McLarney replied that the survey included random individuals and did not hit on people who were motivated to attend a specific workshop. He stated that the attendees at workshops do not represent the entire community.

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City Manager Chotkevys clarified that in Town Center there was no place for a big box store, but maybe in Doheny Village.

Mayor Weinberg opened the public comments.

Judy Smith, Dana Point, Sea Terrace Park Subcommittee, stated that she was pleased to see the library on the list of improvements in the survey. She invited the City Council to the library on Thursdays when the Librarian holds her children's program so they can see how there isn't any parking available.

Mayor Weinberg closed the public comments.

Council Member Anderson stated that this is only part one of our survey, there will be a follow up survey to find out what the City should spend money on and how to pay whether it be bonding measures or taxes. She added that she was pleased with the results of the survey. She stated that she would support the creation of a City newsletter. She added that with the overwhelming number of people that would like to ban smoking in the parks, that the City should look into it.

Council Member Bartlett stated that the City Council does set the agenda, but it is the City staff that carries it out. She felt that the satisfaction survey is reflective of the great work that the staff does.

Mayor Pro Tem Schoeffel thanked Council Members Anderson and Bartlett for their hard work on the survey. He stated that it has been a pleasure talking about these issues with the Council Members and that he would like to move forward and focus on the recommendations.

RECEIVED AND FILED THE FINAL REPORT OF THE FIRST OF TWO COMMUNITY OPINION SURVEYS BY TRUE NORTH RESEARCH.

NEW BUSINESS

11. FISCAL YEAR 2009-10 BUDGET STATUS REPORT

City Manager Chotkevys introduced the item and Assistant City Manager Killebrew provided the staff report.

City Manager Chotkevys stated that one of his challenges for the future is to work with the City Council and staff to find ways of enhancing the City's sales tax revenue.

IT WAS MOVED BY COUNCIL MEMBER JOEL BISHOP, SECONDED BY COUNCIL MEMBER LISA BARTLETT, RECEIVE AND FILE THE FISCAL YEAR

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2009-10 BUDGET STATUS REPORT AND AUTHORIZE THE BUDGET AMENDMENTS DETAILED WITHIN THIS REPORT.

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

PUBLIC COMMENTS

There were no additional Public Comments.

STAFF REPORTS

City Manager Chotkevys spoke of the unexpected passing of Mike Eggers. He stated that Mike had played an important role in the formation of this City and that he will be missed.

City Attorney Munoz reported that he had received an e-mail update regarding plastic bags. He stated that about two years ago, the City of Manhattan Beach passed a ban on plastic bags and that they were challenged by the Grocer's Association on the basis that they could not use a categorical exemption under CEQA to ban the use of the plastic bags. He added that the case had gone through the Trial Court and the Court of Appeal and so far the City has been losing, that the Court has stated that the City needs to create an environmental impact report regarding the regulation. He stated that the case has been appealed to the Supreme Court and that he will keep the Council apprised for possible future participation as a Friends of the Court amicus basis.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Bartlett stated that she will turn in her list of meetings attended to the City Clerk. She highlighted the following:

Several TCA meetings
OC League of Cities
Iva Bloom Ribbon Cutting Ceremony for a new flower shop

She announced the following upcoming events:

Strand Vista Park dedication ceremony at 11:30 a.m.
State of the City address for San Juan Capistrano was scheduled for February 24th at 7:30 a.m. at the El Adobe Restaurant.

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March 5th Festival of Whales Kickoff event from 6-8:00 p.m. at the Ritz Carlton
March 6th Festival of Whales Parade with day long events in La Plaza and the Harbor

Council Member Bishop stated that after attending the Strand Vista Park dedication he would encourage everyone to go down the trail on the north end to the beach to see the man from Capistrano Beach who is creating rock sculptures.

Council Member Anderson reported that the VFW charitable golf tournament was scheduled for Monday, March 22nd at Shorecliffs Golf Course at 10:00 a.m. If you are interested please contact VFW Post 9934 at www.vfwpost9934.org or call Wiley Hall. She announced that the Dana Point Woman's Club annual spring lunch and fashion show is scheduled for Saturday, April 17th at Cannon's Restaurant at 11:00 a.m. RSVP's are required by April 7th.

Mayor Pro Tem Schoeffel stated that his thoughts go out to Mike Eggers and his family. He thanked Karin Schnell, her board, and her staff for putting on the concert series at St. Edwards Church. He felt that the first concert was a great inaugural event.

Mayor Weinberg encouraged everyone to complete their census form when it is received, as the City receives tax dollars for each resident. He reported that on February 27th, the City of Dana Point was teaming up with CR&R for the recycling event from 7:30 a.m. to 2:30 p.m. at Dana Hills High School and Palisades Elementary School. He stated that there will be secure containers for personal information and a certified shredding company will shred them for you. He added that no hazardous materials will be accepted but you can always drop items off at the landfill. He felt that the Dana Point website was a great resource for residents and he encouraged everyone to utilize it.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Weinberg adjourned at 7:33 p.m. in the memory of Mike Eggers. He announced that the next Regular Meeting of the City Council will be March 8, 2010, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

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Meetings Attended Since the Last City Council Meeting:

Mayor Steven Weinberg

February 11 - League of Cities
February 16 - CUSD meeting with their consultant
February 18 - BOD, Vector Control
Chamber Mixer
Dana Point Concert Series

Council Member Lisa Bartlett

Attended several TCA meetings and OC League of Cities meetings
February 11 – Iva Bloom Ribbon Cutting Ceremony
February 18 – Dana Point Coastal Arts Concert Series event featuring Cellist Laszlo Mezo and Pianist Steven Vanhauwaert. The concert was the first in a series of 4 and was fabulous.

Future Events:

February 23 – Strand Vista Park dedication ceremony – 11:30 a.m.
February 24 – San Juan Capistrano State of the City Address, 7:30 a.m. at El Adobe Restaurant. Mayor Lon Uso will be providing remarks about the future of the City.
February 28 – SOCSA fundraising event at a private residence in Ritz Cove. Funds will go towards the capital campaign for a proposed new performing arts center at Dana Hills High School.
March 5 – Festival of Whales Kickoff event, 6-8:00 p.m., at the Ritz Carlton.
March 6 – Festival of Whales parade. A whole date of fun for the whole family beginning with the parade and day long events and activities in La Plaza and the Harbor.