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**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
SEPTEMBER 27, 2010**

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**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 - EXISTING LITIGATION, Government Code § 54956.9 (a), Name of cases: City of Dana Point v. Holistic Health - 30-201000352106; City of Dana Point v. Beach Cities Collective - 30-201000352103; City of Dana Point v. The Point Alternative Care - 30-201000352093
  
- B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Government Code § 54956.8 Location: Lot 3 in Block Q of Tract 573, as per map recorded in Book 20, page 29, of miscellaneous maps, in the office of the Orange County Recorder Agency Negotiators: City Manager, City Attorney Under Negotiation: Price and other terms relating to property

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.

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**STAFF PRESENT**

Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Kathy Ward, City Clerk; Mike Killebrew, Assistant City Manager; Mike Rose, Director of Disaster Preparedness; Sergeant Lynn Koehmstedt, Police Services; Kyle Butterwick, Director of Community Development; Brad Fowler, Director of Public Works/Engineering; Kevin Evans, Director of Community Services and Parks; 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 Bob Fowler, Commander of VFW Post 9934.

**INVOCATION**

The Invocation was provided by Sheriff Chaplain Kevin Torrance.

**PRESENTATIONS AND PROCLAMATIONS**

September Business of the Month - Hobie Sports

Management Analyst Kelly provided a PowerPoint presentation. She reported that Hobie Alter had opened southern California's first surf shop in Dana Point in 1954. She stated that there are six (6) Hobie stores and that Hobie Dana Point employs twenty (20) people. Mayor Weinberg presented a Certificate of Recognition to Manager Mandy Calkins and Assistant Manager Marissa Berry for Hobie Sports being selected as the September Business of the Month, September 2010.

Proclamation for 20th Anniversary of Blue Lantern Inn

Mayor Weinberg presented a Proclamation to Manager, Lynn McMahon from the Blue Lantern Inn in celebration of the Inn's 20th anniversary.

Proclamation for Fire Prevention Week

Mayor Weinberg presented Orange County Fire Authority Chief Richter with a Proclamation in support of Fire Prevention Week. Chief Richter announced that the Fire Authority would be holding an Open House at their local stations on Saturday, October 2nd and at the main headquarters on Saturday, October 9th. He invited everyone to come out from 9:00 a.m. to 4:00 p.m.

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VFW Proclamation

Mayor Weinberg presented a Proclamation in honor of VFW Post 9934's accomplishments and the work that they do on behalf of the veterans. Commander Fowler stated that Post 9934 has been recognized as the number one post in the nation. He added that they could not have attained this achievement without the support of the City Council and the residents of Dana Point.

Proclamation for Red Ribbon Week

Mayor Weinberg presented a Proclamation to Lt. Mark Levy in recognition of Red Ribbon Week. Lt. Levy stated that Red Ribbon Week will be celebrated October 25 through October 31.

Presentation to Deputy Edgar Oliva

Mayor Weinberg and Lt. Mark Levy presented a City Tile and a Proclamation to Deputy Oliva in honor of his nine (9) years of service to Dana Point and its residents.

SDG&E Smart Meter Outreach Program

Duane Cave, Public Affairs Manager for the Gas Company representing SDG&E, provided a PowerPoint presentation detailing the outreach for the Smart Meter Program. He stated that the installations of Smart Meters will begin in January, 2011 and conclude in April, 2011.

**CONSENT CALENDAR**

A member of the Public had removed Item #15 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 #15.

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, JULY 26, 2010**

APPROVED THE MINUTES.

**3. PLANNING COMMISSION MEETING MINUTES, JULY 19, 2010**

RECEIVED AND FILED.

**4. PLANNING COMMISSION MEETING MINUTES, AUGUST 16, 2010**

RECEIVED AND FILED.

**5. PLANNING COMMISSION ACTIONS, MEETING OF SEPTEMBER 20, 2010**

RECEIVED AND FILED.

**6. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR**

RECEIVED AND FILED.

**7. CITY TREASURER'S REPORT, JULY AND AUGUST, 2010**

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF JULY AND AUGUST, 2010.

**8. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**9. AUTHORIZE STAFF TO ESTABLISH A TRIAL PERIOD TO TEST THE QUALIFICATIONS OF THE THREE LOWEST PROPOSERS FOR THE LANDSCAPE MAINTENANCE OF THE PARKS AND MEDIANS**

AUTHORIZED STAFF TO ESTABLISH A THREE MONTH TRIAL PERIOD TO TEST THE QUALIFICATIONS OF THE THREE LOWEST PROPOSERS FOR LANDSCAPE MAINTENANCE OF THE CITY'S PARKS AND MEDIANS.

**10. SAN DIEGO GAS & ELECTRIC (SDG&E) SMART METER INSTALLATION PROJECT**

RECEIVED AND FILED THE PRESENTATION REGARDING THE SMART METER INSTALLATION PROJECT.

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**11. DANA POINT POLICE SERVICES REPORT FOR JUNE, 2010**

RECEIVED AND FILED THE DANA POINT POLICES SERVICES REPORT FOR JUNE, 2010.

**12. DANA POINT POLICE SERVICES REPORT FOR JULY, 2010**

RECEIVED AND FILED THE DANA POINT POLICES SERVICES REPORT FOR JULY, 2010.

**13. ORANGE COUNTY HEALTH CARE AGENCY GRANT FUNDING FOR EMERGENCY PLANNING**

ACCEPTED A GRANT FROM THE ORANGE COUNTY HEALTH CARE AGENCY TO REIMBURSE THE CITY FOR HEALTH RELATED EMERGENCY PLANNING EXPENSES, AND; AUTHORIZED THE CITY MANAGER TO EXECUTE THE PERTINENT GRANT DOCUMENTS.

**14. DANA POINT YOUTH BOARD TERM LIMITS**

INTRODUCED AND HELD FIRST READING OF AN ORDINANCE ENTITLED:

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING SECTION 2.06.060 "BOARDS AND COMMISSIONS - GENERAL PROVISIONS" TO INCLUDE LANGUAGE TO LIMIT THE NUMBER OF CONSECUTIVE TERMS EACH YOUTH BOARD MEMBER MAY SERVE TO NO MORE THAN TWO (2) FULL CONSECUTIVE TERMS.*

**15. SECOND READING OF AN ORDINANCE PERTAINING TO A REVISION OF THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS TO DANA POINT LOCAL COASTAL PLAN AMENDMENT 06-03 FOR THE LAND USE COMPONENT OF THE DANA POINT HARBOR REVITALIZATION PLAN**

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

City Manager Chotkevys provided a staff report.

Mayor Weinberg stated that the City Council has two choices; yes or no.

City Manager Chotkevys clarified that the City Council could approve what has been approved by the California Coastal Commissioners and move on with the continuation of the project or if the Council chooses not to pass this tonight, the City can go back and start it all over at square one. He felt that it was the sentiment of the community to move forward and

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continue the coordination with the Coastal Commission staff and Commissioners.

Council Member Anderson asked why there was no room for discussion.

City Manager Chotkevys replied that there has been discussion and that this project has been vetted before the Commission at public hearings for the last 3-4 years. He felt that we were now at a point that the Commission staff, City staff, and the Commissioners agree that this is the document that reflects the culmination of input to the Commissioners and their final action.

Mayor Weinberg opened the Public Comments.

Bruce Heyman, San Juan Capistrano, spoke regarding the building height language. He did not agree that if the City were to ask for the two sentences regarding building heights to be removed from the Land Use Plan that it would require the processing of the LCP to start over.

Ted Olsen, Mission Viejo, spoke regarding building heights and the character of the Harbor. He inquired if the City had asked the Coastal Commission staff if changing the height language would cause a delay in processing the plan.

Jim Miller, Dana Point, encouraged the City Council to adopt the language to move the plan forward.

Mayor Weinberg closed the Public Comments.

City Manager Chotkevys clarified that the City was not blaming anyone, that it has taken the Coastal Commission two meetings to agree on this language. He stated that now that the Coastal Commission has agreed on the language the City was just trying to move the plan forward.

IT WAS MOVED BY COUNCIL MEMBER JOEL BISHOP, SECONDED BY COUNCIL MEMBER LISA BARTLETT, HOLD A SECOND READING AND ADOPT **ORDINANCE 10-08** ENTITLED:

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A REVISION TO 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.*

The motion carried by the following vote:

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

NOES: None

**16. INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING CHAPTER 8.01 OF THE MUNICIPAL CODE (GRADING AND EXCAVATION CODE) TO ADDRESS WATER QUALITY REGULATION CHANGES AND OTHER MISCELLANEOUS ITEMS**

Introduced and held a first reading of an Ordinance entitled:

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 8.01 OF THE MUNICIPAL CODE (GRADING AND EXCAVATION CODE) TO ADDRESS WATER QUALITY REGULATION CHANGES AND OTHER MISCELLANEOUS ITEMS.*

**17. COMMUNITY NEWSLETTER IN RESPONSE TO COMMUNITY SURVEY RESULTS**

RECEIVED AND FILED NOTIFICATION THAT STAFF WILL BEGIN PRODUCTION OF A QUARTERLY COMMUNITY NEWSLETTER IN RESPONSE TO THE RECENT RESULTS OF COMMUNITY OPINION SURVEY CONDUCTED BY TRUE NORTH RESEARCH.

**18. ADOPTION OF A RESOLUTION OF THE CITY COUNCIL AUTHORIZING APPLICATION FOR FUNDS FOR THE TRANSPORTATION ENHANCEMENT ACTIVITY (TEA) PROGRAM UNDER THE 2005 SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT, TRANSPORTATION ACT-LEGACY FOR USERS FOR THE PACIFIC COAST HIGHWAY MEDIANS PHASE III PROJECT**

ADOPTED RESOLUTION 10-09-27-01 ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AUTHORIZING APPLICATION FOR FUNDS FOR THE TRANSPORTATION ENHANCEMENT ACTIVITY (TEA) PROGRAM UNDER THE 2005 SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT, TRANSPORTATION ACT-LEGACY FOR USERS FOR THE PACIFIC COAST HIGHWAY LANDSCAPED MEDIANS PHASE III PROJECT; and*

AUTHORIZED THE MAYOR TO SIGN THE RESOLUTION ON BEHALF OF THE CITY.

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**PUBLIC COMMENTS**

Eileen Smith, Monrovia, spoke regarding property that she had purchased and the difficulties she was experiencing in adding a second electric meter for a separate unit.

Todd Glen, Monarch Beach, spoke regarding an article in the City's Recreation Guide that provides guidelines if residents choose to wash their car in front of their home. He inquired about the car wash that was held recently and the runoff from that car wash.

Harold Kaufman, Dana Point, spoke regarding the events and services that the City has been responsible for. He mentioned the free concert that took place in Heritage Park recently and stated that the Council had his full support to continue providing these events for the residents.

Gene Burrus, Dana Point, thanked Pat Mitchell for her twenty-five years of service to the community. He congratulated her on her retirement.

Kevin Danzig, San Clemente, played guitar and sang a song he had written about Dana Point.

**PUBLIC HEARINGS**

There were no Public Hearings.

**UNFINISHED BUSINESS**

**19. CALIFORNIA SUSTAINABLE COMMUNITIES PLANNING GRANT FOR DOHENY VILLAGE PLAN**

City Manager Chotkevys provided a staff report.

Council Member Bishop asked what the success rate was for the award of grants.

Director Fowler replied that the success rate was high. He stated that staff only applies to grants that they know the City will be competitive in.

IT WAS MOVED BY MAYOR PRO TEM SCOTT SCHOEFFEL, SECONDED BY COUNCIL MEMBER LISA BARTLETT, ADOPT **RESOLUTION 10-09-27-02** ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE SUSTAINABLE COMMUNITIES PLANNING GRANT AND INCENTIVE PROGRAM UNDER THE SAFE DRINKING WATER, WATER QUALITY AND*



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*SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND  
ACT OF 2006 (PROPOSITION 84).*

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

**NEW BUSINESS**

There was no New Business.

**PUBLIC COMMENTS**

There were no additional Public Comments received.

**STAFF REPORTS**

City Manager Chotkevys extended his personal thanks to Pat Mitchell for her years of service to this community.

City Attorney Munoz reminded everyone that the Relay For Life was this weekend.

**COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED**

Council Member Anderson announced that the City was hosting a blood drive at City Hall tomorrow from noon to 6:00 p.m. She stated that there would be prizes and everyone who donates blood would be automatically entered into a drawing. She reported that on September 8th she had attended a Coastal Animal Services Joint Powers Authority meeting. She stated that on October 3rd the Historical Society was holding its 11th Annual Garden Home Tour and classic car show. She added that tickets could be purchased through the Chamber of Commerce or on the day of the event. She asked if the City was conducting any outreach regarding the washing of cars at home.

Director Fowler replied that washing your car in the driveway is not specifically prohibited; but if you are introducing pollutants into the gutter then that issue could be addressed.

Council Member Bishop stated that he had turned in his list of meetings attended to the City Clerk. He commented that it has been a great summer.

Council Member Bartlett announced that she had attended the following:  
Several TCA and Orange County League of Cities meetings

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Tall Ship Festival  
California League of Cities Conference in San Diego  
State of the County Address at the Doubletree

She stated that it was not too late for people to purchase Ocean Institute raffle tickets. She added that the Relay For Life and the Historical Society's home tour were being held this weekend. She announced that performing at the Vue Lounge at the Marriott every Sunday from 6-9 p.m. was musical artist Jimmy Hopper.

She hoped that everyone has had an enjoyable and safe summer. The short break for the City Council in August was very nice and we are now looking forward to the multitude of Council duties and the events and activities in coming months.

Mayor Weinberg congratulated Pat Mitchell on her retirement and wished her the best. He stated that it has been an enjoyable summer and felt that the concerts in the park were awe-inspiring. He added that he had turned in his list of meetings attended to the City Clerk.

**ADJOURNMENT**

There being no further business before the City Council at this session, Mayor Weinberg adjourned the meeting at 7:26 p.m. in the memory of Craig Brandmeier. He announced that the next Regular Meeting of the City Council will be October 25, 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**

August 26	Vector Control Board Meeting
August 27	OCFA Executive Meeting
August 28	Emergency Services Expo
September 8	OCFA Budget and Finance Meeting
September 23	So. Orange County Mayors- Ritz Calton DP Chamber Hosting State of the County OCFA Board Meeting
September 25	Marine Car Wash
September 26	Concert in the Park
September 27	Meeting on Doheny Village Plan

**Council Member Lisa Bartlett**

Attended several TCA and OC League of Cities meetings.

August 19	Aegis Senior Living Home 10 year anniversary
September 11	Tall Ships Festival at the Ocean Institute.
September 15-17	CA League of Cities Annual Conference in San Diego.
September 23	State of the County Address at the Doubletree Hotel.

**Council Member Joel Bishop**

September 1	SCAG
September 9	OCFA
September 15-17	League of California Cities SDO