
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
DECEMBER 14, 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 5:01 p.m. in the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point.

ROLL CALL OF CITY COUNCIL MEMBERS:

Present: Mayor Lisa A. Bartlett
Mayor Pro Tem Steven Weinberg
Council Member Lara Anderson
Council Member Joel Bishop
Council Member Scott Schoeffel

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), (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 Bartlett 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 Bartlett 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 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,

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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 reported that in the consolidated cases of The Point Alternative Care and other related cases which fall under Case No. 30-2009-00298187; the City Council has authorized the City Attorney's office to defend the appeal that has been filed in that matter.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Dana Hills High School Principal, Dr. Rob Nye.

INVOCATION

The Invocation was provided by Master of Divinity, Sabrina Vasta.

PRESENTATIONS AND PROCLAMATIONS

December Business of the Month - The Fountains at Sea Bluff

Management Analyst Kelly provided a PowerPoint presentation detailing the Fountains at Sea Bluffs community. Mayor Bartlett presented Executive Director Robert May and Lynn Christos with a Certificate of Recognition for the Fountains being named as Featured Business of the Month, December 2009.

Orange County Sheriff's Department Commendations

Mayor Bartlett asked Lt. Levy to join her in recognizing Deputy Brett Gardner, Deputy Steve Hoffman, and Diane Hollenbeck for their investigative work to catch a person who had been vandalizing different areas in the City.

Certificate of Recognition Irene Wirtz

Mayor Bartlett and Lt. Levy presented a plaque and Certificate of Recognition to Irene Wirtz recognizing her for her 18 years of service as a Volunteer In Police Services.

Certificate of Recognition Vijay Venkatesh

Mayor Bartlett and Dr. Rob Nye presented a Certificate of Recognition to Vijay Venkatesh a Dana Hills High School for his recent accomplishments as a concert pianist.

Recognition of Outstanding Academic DHHS Students

Mayor Bartlett and Dr. Rob Nye presented a Certificate of Recognition to Stephanie Cheng for scoring a perfect, 2400 score on the SAT.

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Mayor Bartlett and Dr. Rob Nye presented Certificates of Recognition to Elizabeth Chaddock, Nikil Grama, Lauren Shapiro and Brian Tolles for their accomplishments as National Honor Society Members, National Merit Scholarship semi-finalists, and participants in the California Scholarship Federation.

CONSENT CALENDAR

Council Member Bishop recused himself from Item Number 15 due to a potential conflict of interest.

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LARA ANDERSON, 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 Joel Bishop, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg and Mayor Lisa A. 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.

2. REGULAR MEETING MINUTES, NOVEMBER 9, 2009

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, NOVEMBER 2, 2009

RECEIVED AND FILED.

4. PLANNING COMMISSION MEETING MINUTES, NOVEMBER 16, 2009

RECEIVED AND FILED.

5. PLANNING COMMISSION ACTIONS, MEETING OF DECEMBER 7, 2009

RECEIVED AND FILED.

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6. YOUTH BOARD MEETING MINUTES, OCTOBER 15, 2009

RECEIVED AND FILED.

7. YOUTH BOARD MEETING MINUTES, NOVEMBER 5, 2009

RECEIVED AND FILED.

8. YOUTH BOARD MEETING MINUTES, NOVEMBER 19, 2009

RECEIVED AND FILED.

9. TRAFFIC IMPROVEMENT SUBCOMMITTEE MINUTES, OCTOBER 21, 2009

RECEIVED AND FILED.

10. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

11. CITY TREASURER'S REPORT, OCTOBER 2009

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

12. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

13. DISPOSITION OF NON-ESSENTIAL RECORDS

APPROVED THE 2009 DISPOSITION OF NON-ESSENTIAL CITY RECORDS IN ACCORDANCE WITH CALIFORNIA STATE LAW AND THE CITY'S APPROVED RECORDS RETENTION SCHEDULE AND ADOPTED RESOLUTION 9-12-14-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE DISPOSITION OF CERTAIN INACTIVE CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA

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14. SECOND READING AND ADOPTION OF WATER EFFICIENT LANDSCAPE ORDINANCE - ZONE TEXT AMENDMENT ZTA09-0001

HELD A SECOND READING AND ADOPTED ORDINANCE 09-08 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)

15. CONSIDERATION OF PROPOSAL TO ALLOW PUBLIC TO RIDE FUNICULAR FREE OF CHARGE

ADOPTED RESOLUTION 09-12-14-02 TO APPROVE AN AGREEMENT WITH THE HEADLANDS RESERVE LLC ("HEADLANDS") WHICH WOULD RESULT IN THE STRAND FUNICULAR BEING AVAILABLE TO THE PUBLIC FREE OF CHARGE ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING THE SECOND AMENDMENT TO ACQUISITION AGREEMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS NEEDED TO EFFECTUATE THE SECOND AMENDMENT TO ACQUISITION AGREEMENT; AND

APPROVED THE NECESSARY BUDGET ADJUSTMENT AS DESCRIBED IN THE FISCAL IMPACT SECTION.

16. JOINT COOPERATIVE AGREEMENT FOR A PILOT COMMERCIAL FOOD WASTE DIVERSION GRANT PROGRAM

APPROVED THE JOINT COOPERATIVE AGREEMENT WITH THE CITIES OF SAN CLEMENTE, ALISO VIEJO, LAGUNA HILLS, LAGUNA NIGUEL, RANCHO SANTA MARGARITA, SAN JUAN CAPISTRANO AND TUSTIN FOR THE PILOT COMMERCIAL FOOD WASTE DIVERSION PROGRAM AND AUTHORIZED THE MAYOR OR DESIGNEE TO EXECUTE THE JOINT COOPERATIVE AGREEMENT.

PUBLIC COMMENTS

Lanci Wall, Dana Point, Chairwoman for the Dana Hills Grad Night Committee, thanked the City Council for the donation that they have given for Grad Night. She invited the City Council to the Taste of Dana on February 25th.

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Todd Glen, Dana Point, complimented City staff in trying to assist him with his records search on the history of the South Shores Church. He spoke of electronic imaging of the City's files for easier searches for the public.

Roger Von Butow, Laguna Beach, spoke regarding a meeting that was held regarding the South Shores Church.

Ingrid McGuire, Dana Point, reported on the reorganization of the Water District. She announced that Richard Gardner was elected as Vice President with Wayne Rayfield being elected as President.

Thomas Wall, Dana Point, felt that the public should be charged for riding the funicular. He reported that four of the lights on the steps that lead to the beach have burnt out. He stated that Dana Point should have three lanes going through town.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

There were no New Business items.

PUBLIC COMMENTS

There were no additional Public Comments.

CITY COUNCIL REORGANIZATION

Mayor Bartlett stated that it has been an honor and a privilege to serve as Mayor and to continue to lead this City in a positive direction. She reported that the year had begun with 20th anniversary celebration of cityhood, successful Festival of Whales parade, and progressed with the dedication of the pedestrian gateway bridge and implementation of the two-year budget, concerts and plays and the new movies in the park, the City had also started a sister city relationship with Viterbo, Italy and staff is working on an Italian Opera Festival for next year. She stated that our award winning Sea Terrace Park continues to receive rave reviews and in the future, we all look forward to the development of Town Center and the revitalization of the Dana Point Harbor.

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A. COUNCIL REORGANIZATION

Mayor Bartlett nominated Steven Weinberg to serve as Mayor.

IT WAS MOVED BY MAYOR LISA A. BARTLETT, SECONDED BY COUNCIL MEMBER JOEL BISHOP, OF STEVEN WEINBERG TO SERVE AS MAYOR FOR 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 A. Bartlett

NOES: None

Mayor Weinberg asked for nominations for Mayor Pro Tem.

Council Member Anderson nominated Scott Schoeffel to serve as Mayor Pro Tem.

IT WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY COUNCIL MEMBER JOEL BISHOP, OF SCOTT SCHOEFFEL TO SERVE AS MAYOR PRO TEM FOR 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 A. Bartlett

NOES: None

B. RECOGNITION OF OUTGOING MAYOR

Mayor Weinberg felt that Council Member Bartlett had done a spectacular job this past year.

Council Member Bishop thanked Council Member Bartlett for her dedication to the City.

Mayor Weinberg presented Council Member Bartlett with a plaque and a gavel thanking her for her hard work.

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PRESENTATIONS AND PROCLAMATIONS - CONTINUED

Mayor Bartlett presented a Certificate of Recognition to Ryan Lindeborg for his accomplishments in the National Finals at this year's Seimens Science Competition, earning him and his teammate a \$10,000 college scholarship.

STAFF REPORTS

City Manager Chotkevys thanked Mayor Bartlett for her year of service as our Mayor. He congratulated Mayor Weinberg and wished him every success. He also congratulated Mayor Pro Tem Schoeffel. He wished everyone best holiday wishes.

City Attorney Munoz thanked former Mayor Bartlett for her service and stated that it had been a pleasure working with her last year.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Bishop congratulated both Mayor Weinberg and Mayor Pro Tem Schoeffel. He stated that he had no meetings to report. He added that he had enjoyed the tree lighting at La Plaza. He wished everyone a wonderful holiday season and stated that he looks forward to next year.

Council Member Anderson reported that she had attended a JPA board meeting for Coastal Animal Services on November 23 and November 30. She stated that they had been searching for a new General Manager and that they have found a very qualified candidate which they hope to appoint soon. She stated that the Pet Project Foundation was working to expand the cat room and that if you would like to know more about this go to www.ppfcatroom.org. She added that the new City calendars were now available at City Hall and the Community Center. She stated that she had attended the winter festival and thanked staff for everything. She added that she had attended the memorial service for Phil Bordeaux held at Sea Terrace Park. She stated that she was very surprised and honored to be the recipient of the Pat Pepler Award given out by the Historical Society. She wished everyone a happy holiday season.

Council Member Bartlett congratulated Brad Fowler and the Public Works staff for receiving the Project of the Year Award for Sea Terrace Park. She stated that she will turn in her meetings attended to the City Clerk. She reported the following upcoming events:

- January 8 - the 2nd annual Dana Hills High School Make a Wish event at El Adobe Restaurant. For more information call 949-249-5622
- January 14 - Dana Point Chamber of Commerce Installation of Officers Dinner at the Marriott
- January 16 - VFW Recognition Banquet at the Doubletree

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January 19 – She invited all who were interested to attend the Sister City Committee meeting from 4-6 p.m. or the Italian Opera Committee meeting from 6-8 p.m. Both meetings will be held at City Hall. She gave the reminder that to be involved with either committee that you must be a Dana Point resident

January 29 and January 30 - Ocean Institute's annual Jazz in January event. Contact the Ocean Institute for tickets if you are interested

She wished everyone in our Dana Point Community a very happy, healthy and safe holiday season. She also thanked her colleagues on the City Council, the Planning Commission, VIPS, City staff and all of the individuals who serve on our many Dana Point boards, Commissions, and Committees for their dedication and continued commitment to excellence and for their outstanding work and achievements during the past year. She stated that she looks forward to working with everyone again in the New Year.

Mayor Pro Tem Schoeffel congratulated Mayor Weinberg. He recognized Lisa Bartlett for her efforts over the past year. He thanked the Council for nominating him as Pro Tem. He encouraged everyone to get out and see the performances of the high school students. He wished everyone Happy Holidays.

Mayor Weinberg stated that he had turned in his meetings attended to the City Clerk. He added that he knows he has large shoes to fill and he hopes that he can do as wonderful of a job as Lisa had done. He wished everyone Happy Holidays.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Weinberg declared the meeting adjourned at 7:05 p.m. and announced that the next Regular Meeting of the City Council will be January 11, 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 11, 2010

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Meetings Attended Since the Last City Council Meeting:

Mayor Steven Weinberg

November 11	OCFA Budget and Finance Meeting Marine Ball
November 12	TCASJ Board Meeting
November 17	Turkey Trot VIP Kickoff Party "Run with the Stars"
November 18	Monarch Beach Sunrise Rotary annual career day. SDR Board Hearing
November 19	Vector Control BOD meeting OCFA BOD meeting
December 4	Christmas Tree Decorating Ribbon Cutting, Caliente Coastal Cantina
December 10	TCA SJ BOD meeting APWA Project of the Year Awards VIPS Holiday/Appreciation Dinner

Council Member Lisa Bartlett

Met with several individuals during her regular office hours

Attended several TCA Board of Directors meetings

November 11	Veteran's Day event at The Fountains at Sea Bluffs and provided comments during the program. In the evening she attended the Marine Birthday Ball at the Laguna Cliffs Marriott
November 16-28	South Orange County Mayor's Breakfast
November 21	Served the seniors at the Senior Thanksgiving luncheon at the Dana Point Community Center. In the evening she attended the Italian American Opera Festival event at the St. Regis
November 24	Luncheon meeting in Rancho Palos Verdes with Mayor Larry Clark and city Manager Carolyn Lehr to discuss items of interest to both cities
November 26	Provided welcome remarks at the Dana Point Turkey Trot
December 2	MHET Breakfast at the Westin in South Coast Plaza
December 3	SCAG Regional Council meeting and Energy and Environment meeting

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December 4	Provided comments at the RH Dana Tree Decorating Ceremony in La Plaza. In the evening she attended the St. Annes Holiday Event
December 8	Dana Point Historical Society Open House
December 10	Provided comments at the Dana Point VIPs Annual Appreciation Dinner
December 11	Dana Point Boat Parade

Upcoming Events:

January 8	The 2 nd annual Dana Hills High School Make A Wish event at El Adobe Restaurant. For information call (949) 249-5622
January 14	Dana Point Chamber of Commerce Installation of Officers Dinner at the Marriott
January 16	VFW Recognition Banquet at the Doubletree
January 19	4-6 p.m. Sister City Committee 6-8 p.m. Italian Opera Committee
January 29-30	Ocean Institute's annual Jazz In January event. Contact the Ocean Institute for tickets and information

Council Member Joel Bishop

There were no meetings to report.