

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**MONDAY
JANUARY 24, 2011
5:00 P.M.**

ACTION AGENDA

Location: City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point, California 92629

Next City Council Ordinance No. 11-01

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Schoeffel at 5:03 p.m. in the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point.

ROLL CALL OF CITY COUNCIL MEMBERS:

Scott Schoeffel, Mayor
Lara Anderson, Mayor Pro Tem
Lisa A. Bartlett, Council Member
William P. Brough, Council Member
Steven H. Weinberg, Council Member

CLOSED SESSION

City Attorney Munoz indicated that there was a need for a Closed Session as follows:

- A. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Government Code § 54956.9 (c), (1 case)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case)
 - 1. Name of Case: Russel Thompson vs. City of Dana Point; Orange County Case Number: 07CC04217
- C. 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

Mayor Schoeffel recessed the meeting into a Closed Session at 5:05 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Schoeffel reconvened the meeting at 6:01 p.m. All Council Members were present.

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; Lt. Mark Levy, Police Services; Kyle Butterwick, Director of Community Development; Brad Fowler, Director of Public Works/Engineering; Christy Teague, Economic Development Manager; Kevin Evan, Director of Community Services and Parks; Mark Sutton, Building Official; John Tilton, City Architect; Brian McClure, Parks Manager; Matthew Sinacori, City Engineer; Sherry Murphy, Recreation Specialist II; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Harold Kaufman.

INVOCATION

The Invocation was provided by Associate Pastor Sabrina Vasta from Gloria Dei Lutheran Church.

PRESENTATIONS AND PROCLAMATIONS

January Business of the Month – Danmans Music School & Academy
OCTA I-5 Widening Presentation
Proclamation to Angela Duzich – 20 Years of Service

CONSENT CALENDAR

Council Member Lisa Bartlett removed Items 9, 13, and 16 and Council Member William Brough removed Item 10 from the Consent Calendar.

IT WAS MOVED BY MAYOR PRO TEM LARA ANDERSON, SECONDED BY COUNCIL MEMBER LISA BARTLETT, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 9, 10, 13, AND 16.

The motion carried by the following vote:

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

NOES: None

ABSENT: 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, JANUARY 10, 2011

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, DECEMBER 20, 2010

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF JANUARY 17, 2011

RECEIVED AND FILED.

5. YOUTH BOARD MEETING MINUTES, JANUARY 6, 2011

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. COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2010

RECEIVED AND FILED THE COMPREHENSIVE ANNUAL FINANCIAL REPORT ("CAFR") FOR THE YEAR ENDED JUNE 30, 2010.

9. DOCTOR'S AMBULANCE TRANSFER AGREEMENT

This item was removed from the Consent Calendar by Council Member Lisa Bartlett.

IT WAS MOVED BY COUNCIL MEMBER LISA BARTLETT, SECONDED BY MAYOR PRO TEM LARA ANDERSON, THAT THE CITY COUNCIL APPROVE OF THE CONSENT TO TRANSFER AGREEMENT BETWEEN HERREN ENTERPRISES, INC., OPERATING AS DOCTOR'S AMBULANCE SERVICE AND AMERICAN MEDICAL RESPONSE AMBULANCE SERVICE, INC. FOR THE EXCLUSIVE OPERATING AREA #39 (DANA POINT) AND AUTHORIZE THE CITY MANAGER TO EXECUTE ALL ASSOCIATED TRANSFER DOCUMENTS.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

10. VAN SCOYOC ASSOCIATES CONTRACT EXTENSION FOR FEDERAL GOVERNMENT REPRESENTATION, ADVOCACY AND CONSULTING SERVICES

This item was removed from the Consent Calendar by Council Member William Brough.

IT WAS MOVED BY COUNCIL MEMBER WILLIAM BROUGH, SECONDED BY COUNCIL MEMBER LISA BARTLETT, THAT THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT EXTENSION WITH VAN SCOYOC ASSOCIATES WITH FIVE (5) ADDITIONAL ONE-YEAR RENEWAL OPTIONS.

The motion carried by the following vote:

AYES: Council Member Lisa Bartlett, Council Member William Brough, Council Member Steven Weinberg, and Mayor Scott Schoeffel

NOES: Mayor Pro Tem Lara Anderson

ABSENT: None

11. SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING CHAPTER 12.08.050 OF THE MUNICIPAL CODE TO ADDRESS PARKING OF COMMERCIAL AND RECREATIONAL VEHICLES ON PUBLIC STREETS IN THE CITY OF DANA POINT

HELD A SECOND READING AND ADOPTED **ORDINANCE 11-01** ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING CHAPTER 12.08.050 OF THE DANA POINT MUNICIPAL CODE TO ADDRESS PARKING OF COMMERCIAL AND RECREATIONAL VEHICLES ON PUBLIC STREETS.

12. OCTA INTERSTATE 5 (I-5) HIGH OCCUPANCY VEHICLE (HOV) LANE PROJECT BETWEEN AVENIDA PICO AND CAMINO CAPISTRANO/SAN JUAN CREEK ROAD

RECEIVED AND FILED THIS SUMMARY STAFF REPORT AND THE ASSOCIATED PRESENTATION THAT WAS MADE BY THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) FOR THE I-5 HOV LANE PROJECT (PROJECT).

13. APPROVAL OF A CONSULTANT SERVICES AGREEMENT WITH ULTRASYSTEMS FOR ENVIRONMENTAL SERVICES RELATED TO THE CONSTRUCTION OF THE DOHENY HOTEL

This item was removed from the Consent Calendar by Council Member Lisa Bartlett.

IT WAS MOVED BY COUNCIL MEMBER LISA BARTLETT, SECONDED BY COUNCIL MEMBER LARA ANDERSON, THAT THE CITY COUNCIL APPROVE ULTRASYSTEMS AS THE ENVIRONMENTAL CONSULTANT FOR PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE DOHENY HOTEL PROJECT, AND AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ULTRASYSTEMS.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

14. AUTHORIZATION TO PROCEED WITH REMOVAL OF THE EASTERLY CROSSWALK ON PCH AT THE INTERSECTION OF PACIFIC COAST HIGHWAY AND SELVA ROAD PURSUANT TO SECTION 21950 OF THE CALIFORNIA VEHICLE CODE

ACCEPTED THE REMOVAL OF THE CROSSWALK ON PCH ON THE EASTERLY LEG OF THE INTERSECTION OF PACIFIC COAST HIGHWAY AND SELVA ROAD, PURSUANT TO CALIFORNIA VEHICLE CODE SECTION 21950; AND AUTHORIZED STAFF TO PROCEED WITH THE REMOVAL IN CONJUNCTION WITH OTHER WORK AT THE INTERSECTION.

15. A RESOLUTION ADDING TERMS OF SERVICE FOR THE TRAFFIC IMPROVEMENT SUBCOMMITTEE

ADOPTED **RESOLUTION 11-01-24-01** ADDING TERMS OF SERVICE FOR THE TRAFFIC IMPROVEMENT SUBCOMMITTEE ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADDING TERMS OF SERVICE FOR THE TRAFFIC IMPROVEMENT SUBCOMMITTEE.

16. AWARD OF CONTRACT FOR THE STAGE AND SOUND SYSTEM FOR THE 2011 CITY OF DANA POINT CALENDAR OF EVENTS

This item was removed from the Consent Calendar by Council Member Lisa Bartlett.

IT WAS MOVED BY COUNCIL MEMBER LISA BARTLETT, SECONDED BY COUNCIL MEMBER WILLIAM BROUGH, THAT THE CITY COUNCIL APPROVE THE CONTRACT WITH SOUTHERN CALIFORNIA SOUND, STAGE, AND LIGHTING CORPORATION, DBA STAR WAY PRODUCTIONS FOR STAGE AND SOUND FOR 15 SPECIAL EVENTS IN THE 2011 CITY OF DANA POINT CALENDAR OF EVENTS; AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

17. AWARD OF CONTRACTS FOR LANDSCAPE MAINTENANCE SERVICES FOR CITY PARKS AND RIGHTS-OF-WAY

AWARDED A CONTRACT TO SOTO COMPANY FOR LANDSCAPE MAINTENANCE SERVICES FOR CITY PARKS; AWARDED A CONTRACT TO PINNACLE LANDSCAPE FOR LANDSCAPE MAINTENANCE SERVICES FOR CITY RIGHTS-OF-WAY; AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE CONTRACTS.

PUBLIC COMMENTS

Steve Scislaw
Garrison Williams
David Deal

PUBLIC HEARINGS

18. ZONE TEXT AMENDMENT ZTA10-0002 - INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING CHAPTERS 9.35.050 AND 9.75.010 OF THE MUNICIPAL CODE TO ADDRESS VEHICULAR ACCESS TO PROPERTY

IT WAS MOVED BY COUNCIL MEMBER STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LISA BARTLETT, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING, AND INTRODUCE AND HOLD THE FIRST READING OF AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING CHAPTERS 9.35.050 AND 9.75.010 OF THE DANA POINT MUNICIPAL CODE TO ADDRESS VEHICULAR ACCESS TO PROPERTY.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

UNFINISHED BUSINESS

19. TOURISM BUSINESS IMPROVEMENT DISTRICT

IT WAS MOVED BY MAYOR PRO TEM LARA ANDERSON, SECONDED BY COUNCIL MEMBER STEVEN WEINBERG, THAT THE CITY COUNCIL APPOINT THE MAYOR AND THE MAYOR PRO TEM TO MEET WITH THE TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID) ADVISORY BOARD IN PREPARATION FOR DANA POINT BRAND LAUNCH.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

NEW BUSINESS

There were no New Business items.

PUBLIC COMMENTS (Continued)

There were no additional Public Comments received.

STAFF REPORTS

City Manager Chotkevys stated that Angela Duzich was one of the special people that made things happen in the community. He thanked her for her service to the City.

City Attorney Munoz stated that the City had received a number of requests for appeals of Building Official actions that have occurred in the last week or so involving the medical marijuana dispensaries in Dana Point. He added that the dispensaries were in violation of various Building Code issues. He stated that staff would like to suggest that the City Council meet on February 4, 2011 at 2:00 p.m. for the purpose of conducting those appeals. He added that if that date worked for everyone that the Mayor would need to adjourn tonight's meeting to February 4, 2011 at 2:00 p.m.

City Attorney Munoz indicated that there was a need for City Council to return to Closed Session as they had to complete their discussion of an item.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

CLOSED SESSION – CONTINUED

Mayor Schoeffel recessed the meeting into a Closed Session at 7:03 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Schoeffel reconvened the meeting at 7:17 p.m. All Council Members were present.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz announced that in connection with the litigation involving Holistic Health, Beach Cities Collective, and The Point Alternative Care that the City Council has concluded that the Legislative Subpoenas that were previously issued were no longer necessary. He stated that during the course of the litigation that the dispensaries were raising these subpoenas as a reason to try and delay various proceedings and staff felt that it is not an issue the City needs to deal with. He added that the City Council had voted unanimously to withdraw the Legislative Subpoenas that were issued and authorized the Mayor to take any actions necessary as well as to sign any documents that might be required.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Schoeffel declared the meeting adjourned at 7:18 p.m. and announced that the next Regular Adjourned Meeting of the City Council will be held on February 4, 2011, at 2:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.