

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**MONDAY
MARCH 28, 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. 11-03

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 5:02 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 – 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), 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 5:03 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Schoeffel reconvened the meeting at 6:07 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; Jeremy Kirchner, Emergency Services Coordinator; Sgt. Lynn Koehmstedt, Police Services; Kyle Butterwick, Director of Community Development; Brad Fowler, Director of Public Works/Engineering; Christy Teague, Economic Development Manager; 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 announced that the City Council authorized by unanimous vote on a motion made by Mayor Schoeffel and seconded by Council Member Bartlett, to pursue a petition against the State related to unfunded mandates with respect to the NPDES permitting process. He stated that in addition, the City Council voted unanimously on a motion by Mayor Schoeffel and seconded by Mayor Pro Tem Anderson, to ratify the settlement agreement that was signed by the City Manager a week or so ago in connection with Dr. Sales and Mr. Louch in the Beach Cities Collective litigation. He stated that along those lines the City Council also asked that he give a brief update on the status of the City's litigation involving the medical marijuana dispensaries. He reported that there are three (3) cases pending right now; in the Beach Cities Collective case, the City was granted summary judgment by the Court, the City has a signed order and staff is waiting for the formal judgment to be returned by the Court. He stated that the Court has awarded approximately \$2.5 million dollars in civil penalties against Beach Cities Collective and one of its two (2) owners, David Lambert. He added that in the case against The Point Alternative Care, the Court also granted a summary judgment motion and the City has a permanent injunction against the location to prevent them from operating any further. A hearing is pending on a motion for civil penalties and attorneys fees seeking similar amounts that were awarded in the Beach Cities case. He stated that in the third case against Holistic Health, the Court has also granted a summary judgment motion. The Court has asked for a special hearing and briefing on a motion for attorneys fees and for civil damages and the City will be asking for similar amounts that were awarded in The Beach Cities Collective case.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Lisa Bartlett.

INVOCATION

The Invocation was provided by Father Steve Sallot of St. Edwards Catholic Church.

PRESENTATIONS AND PROCLAMATIONS

March Business of the Month – Dana Wharf Sportfishing
Boys & Girls Clubs of Capistrano Valley Youth of the Year – Michael Velasco
Volunteer Recognition – Steve Inman

1. TRAFFIC IMPROVEMENT SUBCOMMITTEE INTERVIEWS

CONDUCTED INTERVIEWS AND CONSIDERED APPOINTMENTS TO FILL FIVE (5) STAGGERED TERMS ON THE TRAFFIC IMPROVEMENT SUBCOMMITTEE.

IT WAS MOVED BY COUNCIL MEMBER STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LISA BARTLETT, THAT THE CITY COUNCIL APPOINT THE FOLLOWING TO A FOUR (4) YEAR TERM ON THE TRAFFIC IMPROVEMENT SUBCOMMITTEE:

Bob Elders
Wayne Vega
Diana Orlando

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

IT WAS MOVED BY MAYOR PRO TEM LARA ANDERSON, SECONDED BY COUNCIL MEMBER LISA BARTLETT, THAT THE CITY COUNCIL APPOINT THE FOLLOWING TO A TWO (2) YEAR TERM ON THE TRAFFIC IMPROVEMENT SUBCOMMITTEE:

Michael Frost
John Schantz

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

CONSENT CALENDAR

IT WAS MOVED BY COUNCIL MEMBER LISA BARTLETT, SECONDED BY COUNCIL MEMBER STEVEN WEINBERG, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR.

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

2. 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.

3. REGULAR MEETING MINUTES, FEBRUARY 28, 2011

APPROVED THE MINUTES.

4. REGULAR MEETING MINUTES, MARCH 14, 2011

APPROVED THE MINUTES.

5. PLANNING COMMISSION MEETING MINUTES, FEBRUARY 7, 2011

RECEIVED AND FILED.

6. PLANNING COMMISSION MEETING MINUTES, MARCH 7, 2011

RECEIVED AND FILED.

7. PLANNING COMMISSION ACTIONS, MEETING OF MARCH 21, 2011

RECEIVED AND FILED.

8. YOUTH BOARD MEETING MINUTES, JANUARY 20, 2011

RECEIVED AND FILED.

9. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

10. CITY TREASURER'S REPORT, FEBRUARY 2011

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF FEBRUARY, 2011.

11. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

PUBLIC COMMENTS

Joe Snyder

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

There were no New Unfinished Business items.

NEW BUSINESS

There were no New Business items.

PUBLIC COMMENTS (Continued)

There were no additional Public Comments received.

STAFF REPORTS

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Schoeffel declared the meeting adjourned at 8:37 p.m. and announced that the next Regular Meeting of the City Council will be held on April 11, 2011, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.