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**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
APRIL 25, 2011**

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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 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:**

Present: Mayor Scott Schoeffel  
Mayor Pro Tem Lara Anderson  
Council Member Lisa Bartlett  
Council Member William Brough  
Council Member Steven Weinberg  
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; Holistic Health v. City of Dana Point - 30-2011 00445008; Beach Cities Collective v. City of Dana Point - 30-2011 00444134.

Mayor Schoeffel recessed the meeting into 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 6:03 p.m. All Council Members were present.

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Bobbi Ogan, Deputy 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; John Tilton, City Architect; Christy Teague, Economic Development Manager; Lynn Kelly, Management Analyst; Kevin Evans, Director of Community Services and Parks; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; Werner Abrajano, Associate Engineer; Matthew Sinacori, City

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Engineer; Archie Rempher, Construction Manager; Mark Sutton, Building Official; and Windy Robles, City Clerk Specialist.

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Munoz announced that in regards to the City's cases against Beach Cities Collective, The Point Alternative Care, and Holistic Health the City has prevailed on summary judgment motions with respect to all three marijuana dispensaries. He stated that the City Attorney's office is in the process of preparing motions for collecting attorneys' fees that were incurred in those lawsuits. He stated that the City needs to present the legal billings to the court for that purpose. He reported that in Closed Session the Council voted to waive the attorney-client privilege with respect to the legal bills for the limited purpose of allowing them to bring those motions with the exception of certain attorney-client privilege materials within the bills that will be redacted. He stated the he would like the record to be clear that it is not a whole-sale waiver of the attorney-client privilege; it is merely with respect to those records for the purpose of the attorney fee motions only.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Lt. Mark Levy.

**INVOCATION**

The Invocation was provided by South Coast Water District Director Bob Moore.

**PRESENTATIONS AND PROCLAMATIONS**

Donate Life Month

Mayor Schoeffel welcomed Dick Veale with Donate Life. Mr. Veale spoke in regards to the heart and liver transplant that he received in 2007 thanks to a young man who passed away in South Dakota. He stated that he was very thankful to the young man for having registered as an organ donor. He urged the public to list themselves as donors through the Department of Motor Vehicles (DMV). Mr. Veale introduced Pat Martin from the DMV who spoke in regards to a new law that goes into effect in July that requires staff to ask everyone if they would like to be a donor. Mayor Schoeffel presented Dick Veale with a Proclamation recognizing April as Donate Life Month.

California Department of Transportation 2010 Excellence in Transportation Award

Mayor Schoeffel welcomed Cindy Quon from the California Department of Transportation. Ms. Quon presented the 2010 Excellence in Transportation Award to the City of Dana Point for the Pacific Coast Highway Pedestrian Bridge in the category of Major Structures. She also honored and recognized with Certificates of Recognition the project team which included Matt Sinacori, Werner Abrajano, Brad Fowler, John

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Tilton, Archie Rempher, Pieter Goedhart, Gary Antonucci, Mark Verrengia, Anissa Voyiatzes, Jim Wilson, and Carrie Wilde for all of their hard work.

**CONSENT CALENDAR**

IT WAS MOVED BY COUNCIL MEMBER LISA BARTLETT, SECONDED BY COUNCIL MEMBER STEVEN WEINBERG, ACCEPT ALL ITEMS ON THE CONSENT CALENDAR.

The motion carried by the following vote:

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

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, APRIL 11, 2011**

APPROVED THE MINUTES.

**3. PLANNING COMMISSION MEETING MINUTES, APRIL 4, 2011**

RECEIVED AND FILED.

**4. PLANNING COMMISSION ACTIONS, MEETING OF APRIL 18, 2011**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

**6. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

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**7. PARTICIPATION IN ORANGE COUNTY SMALL CITY URBAN COUNTY PROGRAM**

ADOPTED RESOLUTION 11-04-25-01 ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, TO PARTICIPATE IN THE SMALL CITY URBAN COUNTY PROGRAM THROUGH THE COUNTY OF ORANGE; and AUTHORIZED THE CITY MANAGER TO SIGN THE COOPERATIVE AGREEMENT.

**8. PROFESSIONAL SERVICES AGREEMENT FOR SUPPLEMENTAL DEVELOPMENT COUNTER SERVICES**

AUTHORIZED THE CITY MANAGER TO CONTINUE THE PROFESSIONAL SERVICES AGREEMENT WITH MELAD AND ASSOCIATES.

**9. PROFESSIONAL SERVICES AGREEMENT - ECONOMIC DEVELOPMENT STAFF SUPPORT PROVIDED BY THE DANA POINT CHAMBER OF COMMERCE**

AUTHORIZED THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH THE DANA POINT CHAMBER OF COMMERCE TO PROVIDE STAFF SUPPORT AND SERVICES TO THE CITY IN SUPPORT OF THE DEVELOPMENT AND IMPLEMENTATION OF ENHANCED ECONOMIC DEVELOPMENT ACTIVITIES.

**10. APPROVAL OF CONTRACT TO HOST A KANSAS CITY BARBEQUE SOCIETY BARBEQUE CHAMPIONSHIP CONTEST**

AUTHORIZED THE CITY MANAGER TO NEGOTIATE AND EXECUTE A ONE YEAR AGREEMENT WITH ARLIE BRAGG TO COORDINATE PROMOTION AND EXECUTION OF A KANSAS CITY BARBEQUE SOCIETY SANCTIONED EVENT IN SEA TERRACE PARK ON SEPTEMBER 23RD AND 24TH, 2011.

**PUBLIC COMMENTS**

Bob Becker, Dana Point, provided details of the Pet Project Foundation's 18th Annual Wag-A-Thon which is scheduled for Saturday, April 30th.

Alan Wickstrom, Dana Point, reported that the 5th Marine Regiment Support Group would be holding their car wash fundraiser on May 7th and that on June 13th they would be holding a Combat Golf Tournament. He stated that the Monarch Beach Sunrise Rotary Club would be holding their 2nd Annual Lobster Fest on June 25th at Doheny State Beach from 4-9:00 p.m. He added tickets could be purchased on line at [www.danapointlobsterfest.org](http://www.danapointlobsterfest.org) for \$75 per person.

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**PUBLIC HEARINGS**

There were no Public Hearing items.

**UNFINISHED BUSINESS**

There were no Unfinished Business items.

**NEW BUSINESS**

**11. AFTER-ACTION REPORT ON FEMA GRADED EXERCISE AT SAN ONOFRE NUCLEAR GENERATING STATION (SONGS)**

City Manager Chotkevys provided a brief presentation on the FEMA Graded Exercise at San Onofre Nuclear Generating Station (SONGS).

**PUBLIC COMMENTS**

There were no additional Public Comments received.

**STAFF REPORTS**

There were no Staff Reports.

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

Council Member Brough reported that on April 15, 16, and 17th he had gone on a trip with Brett Barbre Director of the Metropolitan Water District and toured the waste treatment facilities in Yorba Linda, Diamond Valley Lake in Hemet and Havasu. He stated on Monday, May 2, the VFW would be holding a fundraiser at Olamendi's and that tickets could be purchased on [www.vfwpost9934.org](http://www.vfwpost9934.org). He added that this fundraiser was to benefit the Traveling Vietnam Wall coming to Dana Point from May 11-16.

Council Member Weinberg spoke about the upcoming weekend. He stated that there will be a number of events on Saturday including the Wag-A-Thon in the Harbor at 8:30 a.m., the Wine Festival at 1:00 p.m., a charity event at the Dana Point Yacht Club hosted by the Cycling Foundation, and on Sunday, the Dana Point Grand Prix will begin at 7:00 a.m. and the last race will be at 4:30 p.m. He stated that in between there will be a kids race and at 3:00 p.m. a cancer walk for survivors.

Council Member Bartlett reported that she had attended the following:

Several TCA and ACC-OC meetings  
April 15 - South Orange County Regional Chamber Ball  
April 21 - State of the City Luncheon

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She congratulated staff for the award on the pedestrian bridge. She also congratulated the Laguna Cliffs Marriott Resort & Spa for being voted as the #1 Marriott Resort in the United States in a recent customer satisfaction survey and to the General Manager Jim Samuels for being named #1 General Manager within the resort chain.

She reported the following upcoming events:

April 28 - Ribbon Cutting Ceremony for Get College Funding  
May 13 - Ribbon Cutting Ceremony for Pacific Waves Chiropractic  
May 30 - Memorial Day Services in Pines Park

Mayor Pro Tem Anderson reported that she had attended the following:

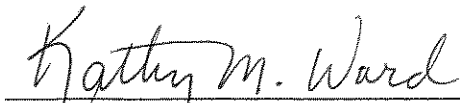
April 13 - Tourism Business Improvement District meeting at the Marriott  
April 18 - Coastal Animal Services Authority JPA meeting  
April 21 - State of the City  
April 23 - Egg Hunt Sea Canyon

She mentioned that the Doheny Blues Festival will be held on May 21 and 22. She stated that she would be at the Wag-A-Thon on Saturday. She spoke about the new Yappy Hour being held at the Ritz Carlton for pets and their owners.

Mayor Schoeffel thanked everyone in the City, Council Members, Jim Samuels, and the staff at the Laguna Cliffs Marriott for pulling together the State of the City event. He stated that he had presented the Mayors Trophy at the Doheny Woodies Show. He encouraged everyone to attend the event next year.

## **ADJOURNMENT**

There being no further business before the City Council at this session, Mayor Schoeffel declared the meeting adjourned at 6:48 p.m. and announced that the next Regular Meeting of the City Council will be held on May 9, 2011, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.



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KATHY M. WARD  
CITY CLERK

APPROVED AT THE MEETING OF MAY 23, 2011

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Meetings Attended Since the March 28, 2011 City Council Meeting:

**Mayor Scott Schoeffel**

- April 13 - Attended lunch meeting with Dana Point TBID members, Mayor Pro Tem Anderson, and others at the Laguna Cliffs Marriott Resort and Spa.
- April 14 - Attend San Joaquin Hills TCA Board meeting. Attend and perform in Dana Point Coastal Arts Concert at St. Edward's Church.
- April 21 - Delivered State of the City address at Chamber of Commerce lunch at the Laguna Cliffs Marriott Resort and Spa.
- April 23 - Attended and served as starter for City of Dana Point Egg Hunt at Sea Canyon Park.

**Council Member Lisa Bartlett**

Attended several TCA and ACC-OC meetings.

- April 15 - Attended the South Orange County Regional Chamber Ball.
- April 21 - Attended the Dana Point State of City Luncheon.

