

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**MONDAY  
JUNE 13, 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 Manager Chotkevys indicated that there was a need for a Closed Session as follows:

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case)

Name of Case: City of Dana Point v. California Coastal Commission, San Diego County Superior Court Case No. 37-2010-00099827 (Consolidated with San Diego County Superior Court Case No. 37-2010-00099878)

- B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957

Title: City Manager

Mayor Schoeffel recessed the meeting into a Closed Session at 5:04 p.m. pursuant to Government Code Section 54956 et seq.

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## **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; Mike Rose, Director of Disaster Preparedness; Lt. Mark Levy, Police Services; Kyle Butterwick, Director of Community Development; Brad Fowler, Director of Public Works/Engineering; Kelly Straine, Assistant Director of the Dana Point Chamber of Commerce; John Tilton, City Architect; Jennifer Anderson, Senior Management Analyst; Kevin Evans, Director of Community Services and Parks; Brian McClure, Parks Manager; Jeremy Kirchner, Emergency Services Coordinator; 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. He added that one item had come up since the Agenda had been posted that requires immediate consideration by the Council before their next meeting. He stated that staff has prepared a staff report relating to a discussion over the proposed re-districting for State Assembly and State Senate seats. He added that staff was requesting that the item be added to the Agenda to allow the City Council to discuss the issue.

IT WAS MOVED BY COUNCIL MEMBER BARTLETT, SECONDED BY COUNCIL MEMBER BROUGH, TO APPROVE THE ADDITION OF THIS ITEM TO THE REGULAR AGENDA THIS EVENING.

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

Mayor Schoeffel clarified that the item would be Item 19 and would be discussed under New Business.

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Brough.

## **INVOCATION**

The Invocation was provided by Orange County Sheriff Department, Chaplain Kevin Torrance.

## **PRESENTATIONS AND PROCLAMATIONS**

June Business of the Month – Wind & Sea Restaurant  
Recognition of Dana Hills High School Principal Dr. Robert Nye  
Recognition of Youth Board Members

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Recognition of Charitable Grant Subcommittee Members  
Recognition of Colby Gardner, Deputy Brett Gardner and Jeremy Kirchner  
Dana Point Police Services Quarterly Commendations  
Measure M Completion Presentation  
VFW Post 9934 Presentation

## **CONSENT CALENDAR**

Council Member Steven Weinberg removed Item 12 and Mayor Scott Schoeffel removed Item 17 from the 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 WITH THE EXCEPTION OF ITEMS 12 AND 17.

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, MAY 23, 2011**

APPROVED THE MINUTES.

**3. PLANNING COMMISSION MEETING MINUTES, MAY 16, 2011**

RECEIVED AND FILED.

**4. PLANNING COMMISSION ACTIONS, MEETING OF JUNE 6, 2011**

RECEIVED AND FILED.

**5. YOUTH BOARD MEETING MINUTES, APRIL 20, 2011**

RECEIVED AND FILED.

**6. YOUTH BOARD MEETING MINUTES, MAY 19, 2011**

RECEIVED AND FILED.

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**7. CHARITABLE GRANT SUBCOMMITTEE DRAFT ACTION MINUTES, MAY 19, 2011**

RECEIVED AND FILED.

**8. TRAFFIC IMPROVEMENT SUBCOMMITTEE ACTION MINUTES, APRIL 20, 2011**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

**10. CITY TREASURER'S REPORT, APRIL 2011**

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

**11. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**12. SUPPORT FOR CALIFORNIA STATE ASSEMBLY BILL AB 741 WASTEWATER INFRASTRUCTURE REPLACEMENT FINANCING**

Council Member Steven Weinberg removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER STEVEN WEINBERG, SECONDED BY MAYOR PRO TEM LARA ANDERSON, THAT THE CITY COUNCIL AUTHORIZE A LETTER OF SUPPORT FOR AB 741 AS THE ASSEMBLY BILL AS WRITTEN. SHOULD THE ASSEMBLY BILL BE MODIFIED, THE ENDORSEMENT OF THE CITY WOULD BE RECONSIDERED BY THE CITY COUNCIL.

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

**13. APPROVAL OF AMENDMENT NO. 1 TO EXTEND THE JOINT COOPERATIVE AGREEMENT FOR THE PILOT COMMERCIAL FOOD WASTE DIVERSION PROGRAM**

APPROVED AND AUTHORIZED THE MAYOR OR HIS DESIGNEE TO EXECUTE AMENDMENT NO. 1 TO EXTEND THE EXISTING JOINT COOPERATIVE AGREEMENT BETWEEN THE CITIES OF SAN CLEMENTE, ALISO VIEJO, DANA POINT, LAGUNA HILLS, LAGUNA NIGUEL, RANCHO SANTA MARGARITA, SAN JUAN CAPISTRANO AND TUSTIN FOR THE PILOT COMMERCIAL FOOD WASTE DIVERSION PROGRAM.

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**14. PROFESSIONAL SERVICES CONTRACT WITH ROSENOW SPEVACEK GROUP INC. FOR AN ECONOMIC DEVELOPMENT STRATEGY PLAN AND UPDATE OF ECONOMIC DEVELOPMENT ELEMENT OF THE GENERAL PLAN**

AUTHORIZED THE CITY MANAGER TO SIGN A PROFESSIONAL SERVICES CONTRACT WITH ROSENOW SPEVACEK GROUP INC. FOR DEVELOPMENT OF AN ECONOMIC DEVELOPMENT STRATEGY PLAN AND UPDATE OF THE 1991 ECONOMIC DEVELOPMENT ELEMENT OF THE CITY'S GENERAL PLAN.

**15. PROFESSIONAL SERVICES CONTRACT FOR BUSINESS CRIME PREVENTION OUTREACH MARKETING PROGRAM**

AUTHORIZED THE CITY MANAGER TO SIGN A CONTRACT WITH BOLT PUBLIC RELATIONS FOR BUSINESS CRIME PREVENTION OUTREACH MARKETING SERVICES.

**16. SPECIAL EVENT PERMIT 11-0002 "TASTE OF BREWS" AT LANTERN BAY PARK**

RECEIVED AND FILED THIS REPORT ON THE ISSUANCE OF A PERMIT FOR THE TASTE OF BREWS EVENT FOR LIFESTYLE PROMOTIONS.

**17. ESTABLISHMENT OF AN ARTS AND CULTURE COMMISSION**

Mayor Schoeffel removed this item from the Consent Calendar.

IT WAS MOVED BY MAYOR SCOTT SCHOEFFEL, SECONDED BY COUNCIL MEMBER STEVEN WEINBERG, THAT THE CITY COUNCIL DIRECT STAFF TO REVISE THE RESOLUTION ESTABLISHING AN ARTS AND CULTURE COMMISSION TO INCLUDE FOUR YEAR STAGGERED TERMS, INITIALLY THREE COMMISSIONERS WOULD SERVE FOR FOUR YEARS AND TWO COMMISSIONERS WOULD SERVE FOR TWO YEARS. THE REVISED RESOLUTION IS TO RETURN TO THE CITY COUNCIL FOR ADOPTION ON THE CONSENT CALENDAR AT THE NEXT MEETING.

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

**PUBLIC COMMENTS**

Bob Fowler

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## PUBLIC HEARINGS

**18. CALIFORNIA COASTAL COMMISSION SUGGESTED MODIFICATIONS AFFECTING THE IMPLEMENTATION PLAN OF THE DANA POINT HARBOR REVITALIZATION PLAN AND DISTRICT REGULATIONS FOR DANA POINT LOCAL COASTAL PROGRAM AMEMDMENT 06-03**

IT WAS MOVED BY COUNCIL MEMBER WILLIAM BROUGH, SECONDED BY COUNCIL MEMBER STEVEN WEINBERG, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING AND ADOPT THE SUGGESTED MODIFICATIONS APPROVED BY THE CALIFORNIA COASTAL COMMISSION IN ITS CERTIFICATION OF THE IMPLEMENTATION PLAN FOR THE LOCAL COASTAL PROGRAM AMENDMENT LCPA06-03 FOR THE DANA POINT HARBOR REVITALIZATION PLAN AND DISTRICT REGULATIONS AND DANA POINT SPECIFIC PLAN AMENDMENT FOR THE DANA POINT HARBOR BY INTRODUCING AN ORDINANCE ENTITLED:

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADOPTING THE LOCAL COASTAL PROGRAM AMENDMENT LCPA06-03 AFFECTING THE IMPLEMENTATION PLAN 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; and*

FORWARD THE ADOPTED MODIFICATIONS TO THE COASTAL COMMISSION FOR FINAL CERTIFICATION BY ADOPTING **RESOLUTION 11-06-13-01** ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING THE COASTAL COMMISSION'S MODIFICATIONS TO THE IMPLEMENTATION PLAN FOR LOCAL COASTAL PROGRAM AMENDMENT LCPA06-03 AND REQUESTING CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.*

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

There were no Unfinished Business items.

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## **NEW BUSINESS**

### **19. STATE REDISTRICTING**

IT WAS MOVED BY COUNCIL MEMBER STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER WILLIAM BROUGH, THAT THE CITY COUNCIL ADOPT **RESOLUTION 11-06-13-02** ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, OPPOSING ANY PROPOSED REDISTRICTING PLAN THAT SPLITS THE CITY AND/OR PLACES THE CITY OUTSIDE OF THE DISTRICT INCLUDING OTHER SOUTH ORANGE COUNTY CITIES.*

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

## **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 8:23 p.m. and announced that the next Regular Meeting of the City Council will be held on July 25, 2011, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.