
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JUNE 13, 2011**

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), (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 Closed Session at 5:04 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; 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

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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 which requires a four-fifths vote of the Council.

IT WAS MOVED BY COUNCIL MEMBER LISA BARTLETT, SECONDED BY COUNCIL MEMBER WILLIAM BROUGH, THE ADDITION OF THIS ITEM TO THE 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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member William Brough.

INVOCATION

The Invocation was provided by OCSD Chaplain Kevin Torrance.

PRESENTATIONS AND PROCLAMATIONS

June Business of the Month - Wind & Sea Restaurant

Kelly Straine, Assistant Director of the Dana Point Chamber of Commerce provided a PowerPoint presentation detailing the Wind & Sea Restaurant. She stated that the restaurant opened in 1972 and that the Wind & Sea is a supporter of numerous events including Grad Nite at Dana Hills High School. Mayor Schoeffel presented Bob Mardian with a Certificate of Recognition in honor of the Wind & Sea Restaurant being named the Featured Business of the Month, June 2011.

Recognition of Dana Hills High School Principal Dr. Robert Nye

Mayor Schoeffel invited James Littlejohn and Russell Kerr to join him in recognizing Dr. Robert Nye. Russell Kerr presented a certificate of recognition on behalf of the Dana

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Point Chamber of Commerce. Mayor Schoeffel presented a Proclamation to Dr. Nye in honor of his service at Dana Hills High School.

Recognition of Youth Board Members

Mayor Schoeffel presented Certificates of Recognition to Zane Rice and Jared Schoeffel for their service on the Youth Board. Sam Fitzmaurice was not able to attend.

Recognition of Charitable Grant Subcommittee Members

Mayor Schoeffel presented a Certificate of Recognition to Gwen Drenick for her service on the Charitable Grant Subcommittee. Catherine Richardson and Beverly Sels were not able to attend.

Recognition of Colby Gardner, Deputy Brett Gardner and Jeremy Kirchner

Mayor Schoeffel invited Lt. Levy to join him in recognizing Colby Gardner, Brett Gardner, and Jeremy Kirchner for the work on an Eagle Scout project at Dana Hills High School. Mayor Schoeffel presented Proclamations to each in honor of their efforts in numbering the buildings at Dana Hills High School for easy identification from the air and on the ground.

Dana Point Police Services Quarterly Commendations

Lt. Levy recognized Deputies Edwards and Agolia and stated that the Deputies were recognized for their efforts to save a 16 year old woman's life. Lt. Levy then recognized Deputies Edwards and Hilliard and stated that the Deputies were recognized for their actions in assisting an unresponsive 19 year old woman. Lt. Levy recognized Deputies Contreras, Pereyra and Padilla for their actions taken on March 29, 2011 after a traffic collision. He stated that quick response and efforts by the Deputies kept the driver from sustaining even worse injuries.

Measure M Completion Presentation

Peter Herzog, OCTA Director presented a Proclamation to Mayor Schoeffel for the completion of various Measure M projects in the City.

VFW Post 9934 Presentation

VFW Commander Robert Fowler, Steve Ward and Joe Snyder presented each Council Member and key City staff member with a shadow box containing an American Flag which had been displayed at the Traveling Vietnam Memorial Wall.

Mayor Schoeffel recessed the meeting at 7:14 p.m. and reconvened at 7:26 p.m.

CONSENT CALENDAR

Council Member Weinberg removed Item 12 and Mayor Schoeffel removed Item 17 from the Consent Calendar.

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IT WAS MOVED BY COUNCIL MEMBER LISA BARTLETT, SECONDED BY COUNCIL MEMBER STEVEN WEINBERG, TO APPROVE ALL ITEMS WITH THE EXCEPTION OF 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

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.

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

RECEIVED AND FILED.

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**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 Weinberg had removed this item from the Consent Calendar.

City Manager Chotkevys provided a staff report.

Council Member Weinberg stated that he wanted to ensure that if the City does endorse the Assembly Bill that it not be changed and that if the Bill is modified, the City's endorsement would be withdrawn.

IT WAS MOVED BY COUNCIL MEMBER STEVEN WEINBERG, SECONDED BY MAYOR PRO TEM LARA ANDERSON, AUTHORIZE A LETTER OF SUPPORT FOR AB 741 AS WRITTEN. IF CHANGES ARE MADE TO THE BILL THAT THE ENDORSEMENT BE WITHDRAWN.

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

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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.

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.

17. ESTABLISHMENT OF AN ARTS AND CULTURE COMMISSION

Mayor Schoeffel had removed this item from the Consent Calendar.

City Attorney Munoz stated that this item will create a Commission. He added that there is old language in the Municipal Code regarding two year staggered terms. He stated that Staff was suggesting that the language be changed in the Code to match with the Council's action tonight. He suggested four year terms as opposed to two year terms to stay consistent with the terms of the Planning Commission.

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Opened the public comments.

Janie Raub, Dana Point, stated that she supports the creation of a Culture Commission.

Mayor Schoeffel closed the Public Comments.

Council Member Weinberg asked for clarification on what was being asked of the Council.

City Attorney Munoz replied that if Staff is provided with direction that the terms should be four year terms, then a new Ordinance would be drafted for adoption amending the terms in the Municipal Code.

Council Member Brough felt that there should be consistency between the Subcommittees and Commissions.

Mayor Schoeffel stated that his preference would be for a four year term, staggered, three for 4 years and two for 2 years. He stated that he would like to direct staff to revise the Resolution and return to Council. He thanked staff for moving so quickly and efficiently on this item. He commended Berenika Schmitz for her contribution to the City in helping get our Arts and Culture off the ground.

IT WAS MOVED BY MAYOR SCOTT SCHOEFFEL, SECONDED BY COUNCIL MEMBER STEVEN WEINBERG, 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

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PUBLIC COMMENTS

Bob Fowler, Dana Point, announced that VFW Post 9934 has achieved being named the number one post in the nation for a second consecutive year. He reported that as of June 20, 2011, Joe Snyder has been named the new Post Commander.

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 AMENDMENT 06-03

City Manager Chotkevys provided an introduction of the item.

Community Development Director Butterwick provided details the process taken to receive approval of the implementation plan by the California Coastal Commission.

Mayor Pro Tem Anderson asked for clarification on building heights.

City Manager Chotkevys replied that the City Council will have flexibility in their review of proposed buildings.

Community Development Director Butterwick clarified that the building heights would be addressed as part of the Coastal Development Permit process.

Mayor Schoeffel opened the Public Hearing.

Bruce Heyman, San Juan Capistrano, stated that he was happy that the Plan has done much more to preserve resources for recreational boating.

Dan Clifford, San Juan Capistrano, stated that he was against the Plan as written.

Ted Olsen, Mission Viejo, felt that the Harbor was designed for families to enjoy boating.

Steve Carpenter, Dana Point, spoke in favor of the suggested amendments as proposed by the California Coastal Commission.

Harriett Proctor, Dana Point, spoke regarding the potential loss of view from their home with the improvements that will be made by the building heights and parking structure. She asked for story poles to be erected before construction begins so they know what the impacts will be.

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Mayor Schoeffel closed the Public Hearing.

Council Member Brough stated that it was important to note that the Plan was only for the land side and that the Coastal Commission has jurisdiction over the water. He added that it has been a long process and commended Brad Gross.

Council Member Bartlett stated that she was supportive of the project. She added that this was for the land side only and that the City will be able to review each project that comes forward.

Council Member Weinberg stated that the City Council has very little latitude in the decision. He added that he supports the item and offered a second to the motion.

Mayor Schoeffel stated that he would support the item.

IT WAS MOVED BY COUNCIL MEMBER WILLIAM BROUGH, SECONDED BY COUNCIL MEMBER STEVEN WEINBERG, 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:

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

NOES: None

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

19. STATE REDISTRICTING

City Manager Chotkevys provided a staff report.

Mayor Pro Tem Anderson stated that in addition to splitting the City, that there would be more campaign signs, additional senators and assembly persons. She stated that she supports staff's recommendation.

Council Member Bartlett agreed that to have split representation for a City that has 34,000 residents is not the best thing to do for Dana Point and its residents. She stated that she was supportive of staff's recommendation.

Council Member Weinberg stated that he would made a motion that would include that Dana Point not be aligned with the south and not pushed to the north.

City Manager Chotkevys replied that the Resolution does state that Dana Point does not want to compromise the south Orange County concept.

IT WAS MOVED BY COUNCIL MEMBER STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER WILLIAM BROUGH, ADOPT A RESOLUTION OPPOSING THE CURRENT DRAFT REDISTRICTING MAP.

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

PUBLIC COMMENTS

There were no additional Public Comments received.

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STAFF REPORTS

There were no Staff Reports.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Brough reported that he had attended the following:

May 23 - Historical Society's Founders Day at the Community House
May 26 - Relay For Life at RJ's Café
May 30 - VFW Services at Pines Park
June 1 - Headlands Beach Club opening
June 2 - Harbor Boat Show party at the Ocean Institute
June 3 - Rite Aid expansion in the Ralphs' shopping center.

He stated that he would still like to garner support from his colleagues to discuss the County sex offender ordinance.

Council Member Weinberg stated that he had turned in his list of meetings attended to the City Clerk. He thanked and commended the three unions of the Orange County Fire Authority that had been able to help balance the budget with their concessions. He felt it was a good example of unions and management working together.

Council Member Bartlett reported that she had attended several TCA, ACC-OC, and SCAG meetings and the Memorial Day event at Pines Park. She stated that the City had many future events coming up including Movies in the Park, concerts beginning at the end of June, Concours D'Elegance at the St. Regis; June 24-26. She added that the Taste of Dana Point will be held on June 30 in Monarch Bay Plaza and the City's fireworks show on July 4th. She stated that if you are looking for a place to put your kids for a day or a week this summer that the Ocean Institute is offering some great summer camps.

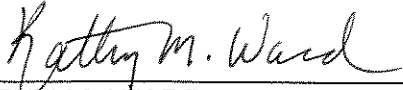
Mayor Pro Tem Anderson reported that a canine licensing and vaccination clinic will be held on Wednesday, June 15 from 5-7:00 p.m. at the shelter in San Clemente. She stated that the Dana Point Library is starting their summer reading programs on Thursdays at 11:00 a.m. beginning June 30th.

Mayor Schoeffel stated that he had turned in his list of meetings to the City Clerk.

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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.



KATHY M. WARD
CITY CLERK

APPROVED AT THE MEETING OF JULY 25, 2011

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Meetings Attended Since the May 23, 2011 City Council Meeting:

Mayor Scott Schoeffel

- 05-25-11 San Joaquin Hills TCA Federal Lobbying Procurement Ad Hoc Committee meeting to interview federal lobbyist candidates.
- 05-27-11 Orange County Government Leaders Prayer Breakfast in Irvine.
- 05-30-11 Spoke at VFW Memorial Day Service at Pines Park.
- 05-31-11 San Joaquin Hills TCA Board Operations and Finance Committee meeting.
Dana Hills High School Senior Awards Night and presented SIMA Scholarships.
- 06-01-11 San Joaquin Hills TCA Federal Lobbying Procurement Ad Hoc Committee meeting.
- 06-02-11 Spoke at the Boat Show and Green Expo VIP Reception at the Ocean Institute.
- 06-03-11 Spoke at the Chamber of Commerce ribbon cutting for Rite-Aid Pharmacy.
- 06-04-11 Spoke at Opening Ceremonies for the "Fish for Life" fishing trip for special needs children sponsored by local ministries and hosted by Dana Wharf Sportfishing.
- 06-05-11 Performed at the "Concert for Japan" fundraiser in San Juan Capistrano for the benefit of victims of the Japan earthquake and tsunami.
- 06-09-11 San Joaquin TCA Boarding meeting.
- 06-11-11 Participated in Mayor's Walk at Poche Beach with San Clemente Mayor Lori Donchak.
Porche Club of America – Orange County Region Concours in Lantern Bay Park.
- 06-12-11 Boat Show and Green Expo in the Dana Point Harbor.
Spoke at the Opening Ceremonies for the "Ride for Life 2011" cross-country cycling trip held at Doheny State Beach.
SOCSA Showcase at Dana Hills High School and presented SIMA Scholarships to graduating seniors.

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Mayor Pro Tem Lara Anderson

- 05-23-11 Dana Point Historical Society Founders Day Meeting
- 05-26-11 OC Public Library Advisory Board meeting
- 05-30-11 Memorial Day Ceremony in Pines Park
- 06-01-11 Strands Beach Club Grand Opening
- 06-02-11 OC DP Harbor/Boat Show VIP Party
- 06-03-11 Rite Aid Grand Opening Ribbon Cutting

Council Member Lisa Bartlett

Several TCA, ACC-OC and SCAG meetings

- 05-30-11 Memorial Day event in Pines Park
- 06-02-11 Dana Point Harbor VIP event for the Dana Point Boat Show
- 06-11-11 Dedication ceremony for the Maddie James Seaside Learning Center at the Ocean Institute

Council Member Steven Weinberg

- 05-24-11 OWQ Subcommittee
- 05-26-11 OCFA Executive Committee
OCFA Board
- 05-30-11 Memorial Service, Pines Park
- 06-01-11 Headlands Clubhouse Grand opening.
- 06-02-11 Boat Show, VIP night