
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 12, 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 5:00 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 - ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b1), (1 case)
- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case)
 - 1. 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)
- C. CONFERENCE WITH LABOR NEGOTIATOR, Government Code § 54957.6
Agency Designated Representatives: City Manager Unrepresented and Represented Employees: All positions in City
- D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957 Title: City Manager

Mayor Schoeffel recessed the meeting into a Closed Session at 5:02 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING - CALL TO ORDER

Mayor Schoeffel reconvened the meeting at 6:14 p.m. All Council Members were present.

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CLOSED SESSION ANNOUNCEMENT

Assistant City Attorney Farrell stated that she had nothing to report.

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Jennifer Farrell, Assistant 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; John Tilton, City Architect; Kelly Straine, Assistant Director of the Dana Point Chamber of Commerce; Christy Teague, Economic Development Manager; Kevin Evans, Director of community Services and Parks; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Hayley Perrault.

PRESENTATIONS AND PROCLAMATIONS

August Business of the Month - Killer Dana Surf Shop

Kelly Straine, Assistant Director of the Dana Point Chamber of Commerce provided a PowerPoint presentation. She stated that Killer Dana had celebrated its 20th anniversary in June and in the past ten years the business has expanded to offering items on line. She added that Killer Dana has recently partnered with the Ecology Center in San Juan Capistrano as part of the Community Give Back program. She stated that Killer Dana has a team of local surfers and co-sponsors multiple events with non-profit organizations such as the Ocean Institute, Surf for the Cause, and Doheny Longboards Association. Mayor Schoeffel presented Chris Andrews with a Certificate of Recognition for Killer Dana being selected the Featured Business of the Month.

DAR Constitution Week Proclamation

Mayor Schoeffel presented a Proclamation to Peg Coggins and Ginger Adams representing the Daughters of the American Revolution (DAR) for Constitution Week recognizing the 224th anniversary of the drafting of the Constitution of the United States of America.

Presentation to Deputy Lollie Elmore

Mayor Schoeffel asked Lt. Levy to join him in recognizing Deputy Elmore. Lt. Levy stated that Deputy Elmore had served in Dana Point since 2007 and was recently re-assigned in July to other duties. Lt. Levy presented a plaque to Deputy Elmore and Mayor Schoeffel presented her with a City tile plaque in honor of her service.

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CONSENT CALENDAR

IT WAS MOVED BY COUNCIL MEMBER STEVEN WEINBERG, SECONDED BY MAYOR PRO TEM LARA ANDERSON, ACCEPT 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

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, JULY 25, 2011

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, JULY 18, 2011

RECEIVED AND FILED.

4. PLANNING COMMISSION MEETING MINUTES, AUGUST 1, 2011

RECEIVED AND FILED.

5. OCEAN WATER QUALITY SUBCOMMITTEE ACTION MINUTES, MEETING OF JANUARY 25, 2011

RECEIVED AND FILED.

6. OCEAN WATER QUALITY SUBCOMMITTEE ACTION MINUTES, MEETING OF MAY 24, 2011

RECEIVED AND FILED.

7. DANA POINT DESTINY AD HOC COMMITTEE ACTION MINUTES, MEETING OF JULY 28, 2011

RECEIVED AND FILED.

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8. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

9. CITY TREASURER'S REPORT, MAY, JUNE AND JULY 2011

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTHS OF MAY, JUNE AND JULY 2011.

10. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

11. SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING CHAPTER 2.06 OF THE DANA POINT MUNICIPAL CODE REGARDING TERMS OF COMMISSIONS

HELD A SECOND READING AND ADOPTED **ORDINANCE 11-04** ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 2.06 BOARDS AND COMMISSIONS FOR TERMS OF COMMISSIONS OTHER THAN THE PLANNING COMMISSION AND YOUTH BOARD.

12. SECOND READING AND ADOPTION OF AN ORDINANCE ESTABLISHING A REVISED SPEED LIMIT ON SELVA ROAD BETWEEN PACIFIC COAST HIGHWAY AND DANA STRAND/OCEAN FRONT LANE

HELD A SECOND READING AND ADOPTED **ORDINANCE 11-05** ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING A REVISED SPEED LIMIT ON SELVA ROAD BETWEEN PACIFIC COAST HIGHWAY AND DANA STRAND ROAD/OCEAN FRONT LANE.

13. AGREEMENT WITH THE ORANGE COUNTY HEALTH CARE AGENCY FOR THE TRANSFER OF EQUIPMENT AND EXERCISE SERVICES RELATED TO THE PUBLIC HEALTH EMERGENCY STOCKPILE

APPROVED THE AGREEMENT FOR PROVISION OF POINT OF DISPENSING SITE EQUIPMENT SERVICES AND AGREEMENT FOR EXERCISE SERVICES BETWEEN COUNTY OF ORANGE AND CITY OF DANA POINT JULY 1, 2010 THROUGH JUNE 30, 2015, AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENTS.

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14. AMENDMENT TO THE CITY'S CONFLICT OF INTEREST CODE

ADOPTED RESOLUTION 11-09-12-01 ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT,
CALIFORNIA, AMENDING THE CONFLICT OF INTEREST CODE*

PUBLIC COMMENTS

Ingrid McGuire, Dana Point, spoke regarding the power outage of last Thursday. She stated that she had learned that the City has back up batteries in almost every stop signal in the City. She thanked the City Council for having the foresight to do this and felt that it made driving much safer for the residents. She reported that the Water District has generators at each of the lift stations for use during power outages to ensure that there are no backups.

City Manager Chotkevys thanked South Coast Water District for working with the City so closely during the outage.

Bob Fowler, Dana Point, spoke regarding the assistance with claims and benefits that the VFW was providing to veterans, active military, among others on the first Tuesday of each month at the Community Center.

Mary Norman, Dana Point, spoke regarding Strands Beach. She felt that the Strands was inaccessible to those with handicaps. She stated that Federal law required accessibility when new development was constructed. She felt that not operating the funicular during the winter months was against the law.

Vonne Barnes, San Clemente, spoke regarding the mid Strands access and Strands Beach. She stated that the revetment that was built to protect the new homes was 52,000 square feet which could have been sandy beach for people to enjoy. She displayed photos that she claimed showed beach erosion.

Lori Magnoski, Capistrano Beach, thanked the City Council for their support of the Boys and Girls Club of Capistrano Valley.

Kathy Smith, Dana Point, spoke regarding the Boys and Girls Club. She felt that it was a safe, affordable place for children to go.

James Littlejohn, Executive Director of the Boys & Girls Club, thanked the City Council for their continued support of the Boys & Girls Club. He stated that last year they began a before-school program with 477 members; 82 of the members being Dana Point residents.

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PUBLIC HEARINGS

15. RE-APPROPRIATION OF CITIZENS OPTION FOR PUBLIC SAFETY (COPS) PROGRAM FUNDS FROM FY 2010/2011 - (AB 1913)

City Manager Chotkevys provided a staff report.

Council Member Weinberg asked how the \$12,000 additional monies will be allocated.

City Manager Chotkevys replied that the money will be prorated across the four programs.

There being no requests to speak on this item, Mayor Schoeffel opened and closed the Public Hearing.

IT WAS MOVED BY COUNCIL MEMBER STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LISA BARTLETT, TO CONDUCT A PUBLIC HEARING AND ADJUST THE FY 2011/12 BUDGET WITH THE RE-APPROPRIATION OF UNENCUMBERED CITIZENS OPTION FOR PUBLIC SAFETY (COPS) PROGRAM UNSPENT MONIES REMAINING FROM THE FY 2010/11 BUDGET, TO THE SUPPLEMENT LAW ENFORCEMENT SERVICE FUND (SLESF) ACCOUNT, AND; APPROPRIATE FUNDS FROM THE SLESF TO IMPLEMENT AND MAINTAIN THE FOLLOWING PROGRAMS:

- * APPROVE FUNDING FOR THE SCHOOL RESOURCE OFFICER POSITION FOR THIS SCHOOL YEAR.
- * APPROVE FUNDING FOR PROJECT STOP (STOP TRASHING OUR PARKS).
- * APPROVE FUNDING FOR PROJECT HIDE IT, LOCK IT, OR LOSE IT.
- * APPROVE FUNDING FOR PROJECT IT'S YOUR BUSINESS.

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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UNFINISHED BUSINESS

16. DANA POINT ARTS AND CULTURE COMMISSION MEMBER SELECTION

City Manager Chotkevys provided a staff report.

Mayor Schoeffel stated he was pleased that the City had received so many applications.

Mayor Pro Tem Anderson suggested that the Mayor be one of the members and Council Member Brough be the other to review the applications.

IT WAS MOVED BY MAYOR PRO TEM LARA ANDERSON, SECONDED BY COUNCIL MEMBER STEVEN WEINBERG, APPOINT MAYOR SCHOEFFEL AND COUNCIL MEMBER BROUGHT TO SERVE ON THE SUBCOMMITTEE TO REVIEW, SCREEN, AND INTERVIEW THE APPLICANTS FOR THE DANA POINT ARTS AND CULTURE SUBCOMMITTEE AND TO MAKE RECOMMENDATIONS TO THE FULL 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

CLOSED SESSION - CONTINUED

Mayor Schoeffel recessed the meeting into Closed Session at 7:08 p.m.

Council Member Weinberg thanked Kelly Straine for her involvement in the Dana Point Chamber of Commerce. He stated that Kelly was leaving her position in Dana Point for another in Riverside.

RECONVENE CITY COUNCIL MEETING - CALL TO ORDER

Mayor Schoeffel reconvened the meeting at 7:27 p.m.

CLOSED SESSION ANNOUNCEMENT

Assistant City Attorney Farrell stated that she had no announcement.

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NEW BUSINESS

17. DANA POINT YOUTH BOARD INTERVIEWS

City Manager Chotkevys provided a staff report.

The City Council interviewed the following:

Luke Alcantara
Amanda Anderson
Chris Kwok
Jordan Hall
Matthew Lim
Nate Magee
Sarah Martino
Audrey Derbonne
Calin Clifford
Hugh Fitzmaurice
Kelly Krieger
Lauren O'Connor
Sam O'Melveny
Jessica Pop
Morgan Tolles
Alina Powers Davis
Ellie Gogichaeva
Katie McAndrews
Fabiana Munoz

Mayor Schoeffel recessed the meeting at 9:05 p.m. and reconvened the meeting at 9:17 p.m.

IT WAS MOVED BY COUNCIL MEMBER STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LISA BARTLETT, APPOINT THE FOLLOWING TO SERVE ON THE YOUTH BOARD:

AMANDA ANDERSON
CALIN CLIFFORD
HUGH FITZMAURICE
JORDAN HALL
CHRIS KWOK
MATTHEW LIM
NATE MAGEE
SARAH MARTINO
FABIANA MUNOZ
LAUREN O'CONNOR
MORGAN TOLLES

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APPOINTED AS MEMBERS AT LARGE:

LUKE ALCANTARA
ALENA POWERS DAVIS
AUDREY DERBONNE
MEGAN GEYER
ELLIE GOGICHAEVA
KELLY KRIEGER
KATIE MCANDREWS
SAM O'MELVENY
JESSICA POP

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.

STAFF REPORTS

City Manager Chotkevys stated that he had nothing to report.

Assistant City Attorney Farrell stated that she had nothing to report.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Weinberg stated that he had turned in his meetings attended to the City Clerk.

Council Member Brough reported that he had attended the following:

August 2 - Whale Tail License Plate press conference in the Harbor
August 20 - Presented a Proclamation on behalf of the Mayor and City Council to Staff Sergeant Matthew Blain who had completed two tours in Afghanistan for which he received the Soldiers Medal
Attended the Tall Ships Festival
September 11 - Orange County Fire Authority Station 39 September 11 Ceremony
Doheny Days Music Festival
September 12 - The Pet Project Foundation Cat Room ground breaking

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Mayor Pro Tem Anderson stated that she had turned in her meetings attended to the City Clerk. She reported that the \$9 for 9 Lives program sponsored by the Pet Project Foundation has been extended through September. She added that on Thursday, September 15th from 5:00-7:00 p.m. the shelter was hosting a canine licensing and vaccination clinic and for more information, call 492-1617. She stated that on Tuesday, the Pet Project Foundation was hosting a fundraiser at Selma's Chicago Pizzeria in San Clemente; bring in the flyer to have 20% of your total bill go to the Pet Project Foundation. She stated that this week is the Orange County Public Library Overdue Fines Amnesty Week where the fines will be waived for late books.

Council Member Bartlett reported that she had attended the following:

Several TCA and ACC-OC meetings
August 24 - 5th Marine event of the movie screening
August 27 - Dana Point Emergency Expo
September 11 - Doheny Days Music Festival

She reported the following upcoming events:

September 14 - Surterre Ribbon Cutting ceremony
September 23-24 - Dana Point World Class BBQ Championship in Sea Terrace Park
September 30 - DaVine Ribbon Cutting ceremony

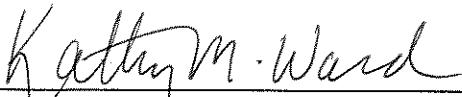
She stated that summer was over but that Dana Point has many great activities, events, and educational classes planned for the fall and winter this year. She encouraged everyone to check out the Dana Point Recreation Guide for details.

Mayor Schoeffel thanked staff and the City Council for the outstanding summer concert series. He reminded everyone that he had issued a challenge to all California Mayors to promote as many of these license plate purchases as possible, and that he had predicted that Dana Point would win. He encouraged everyone to purchase a license plate before the 17th. He reported that Ocean Cleanup Day would be held on September 17th from 9:00-12:00 noon. He added that there are five locations in Dana Point to participate. He stated that you can preregister to help, but that it was not necessary.

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ADJOURNMENT

There being no further business before the City Council at this session, Mayor Schoeffel declared the meeting adjourned at 9:40 p.m. and announced that the next Regular Meeting of the City Council will be held on September 26, 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 SEPTEMBER 26, 2011

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Meetings Attended Since the July 25, 2011 City Council Meeting:

Mayor Pro Tem Lara Anderson

Several Concerts in the Park

- 08-15-11 CASA JPA meeting
- 08-24-11 CASA JPA meeting
- 08-27-11 Emergency Expo
- 09-10-11 Tall Ships Festival
- 09-11-11 Doheny Days
- 09-12-11 Groundbreaking ceremony for the SC-DP Animal Shelter Cat Room Expansion

Council Member Lisa Bartlett

Several TCA and ACC-OC meetings

- July/August Several of the Summer Concerts in the Park
- 08-20-11 Taste of Brews event in Long Beach. This event is coming to Dana Point on October 15th in Lantern Bay Park
- 08-24-11 5th Marines event at the Ocean Institute and movie screening
- 08-27-11 Dana Point Emergency Expo at Dana Hills High School
- 09-06-11 Filming of Oliver Stone movie "Savages" which was partially filmed in Dana Point
- 09-11-11 Doheny Days Music Festival at Doheny State Beach

Council Member William Brough

- 08-02-11 Whale Tail license plate press conference in the Harbor
- 08-20-11 Sgt. Matthew Blain ceremony
- 09-10/09-11 Tall Ships Festival
- 09-11-11 Orange County Fire Authority Station 30 9/11 Ceremony
- 09-11-11 Doheny Days Music Festival
- 09-12-11 Pet Project Foundation Cat Center Groundbreaking

Council Member Steven Weinberg

- 06-15-11 Ribbon Cutting for Quench Bar & Bistro
- 07-21-11 Vector Control Budget and Finance
Vector Control Board of Directors
- 07-26-11 OWQ Subcommittee
- 07-28-11 OCFA Executive Committee
OCFA Board of Directors
- 08-10-11 OCFA Budget and Finance
- 08-24-11 5th Marine Regiment Support Group Sponsored Movie "Patrol Base Jaker"

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08-25-11 OCFA Executive Committee
09-10/11 Doheny Days

