
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
OCTOBER 24, 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 5:06 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)
 - 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)
- B. CONFERENCE WITH LABOR NEGOTIATOR, Government Code § 54957.6
Agency Designated Representatives: City Manager Unrepresented and Represented Employees: All positions in City

Mayor Schoeffel recessed the meeting into a Closed Session at 5:07 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING

Mayor Schoeffel reconvened the meeting at 6:07 p.m. All Council Members were present.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that he had no announcement.

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PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Zachary Moore, a student from Palisades Elementary School.

INVOCATION

The Invocation was provided by OCFA Chaplain Jeff Hetschel.

PRESENTATIONS AND PROCLAMATIONS

October Businesses of the Month - Da Vine Food & Wine/Golden Galleon/The Upstairs Store

Management Analyst Kelly provided a PowerPoint presentation providing details of the Golden Galleon and The Upstairs Store as well as Da Vine Food & Wine. She reported that customer service was the priority of business owner Maria Balmuth and that Marla was active in many business groups. Mayor Schoeffel presented a Certificate of Recognition to Marla Balmuth for her businesses being selected the Featured Businesses of the Month for October, 2011.

Fire Prevention Week Proclamation

Chief Richter stated that OCFA had another successful open house at headquarters and various stations around the county. He added that with a little bit of luck and some hard work on fire prevention that we have avoided any really major incidents this fire season. Mayor Schoeffel presented a Proclamation to Chief Richter recognizing fire prevention week.

CONSENT CALENDAR

IT WAS MOVED BY COUNCIL MEMBER STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LISA BARTLETT, 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

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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, SEPTEMBER 26, 2011

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 19, 2011

RECEIVED AND FILED.

4. PLANNING COMMISSION MEETING MINUTES, OCTOBER 3, 2011

RECEIVED AND FILED.

5. PLANNING COMMISSION ACTIONS, MEETING OF OCTOBER 17, 2011

RECEIVED AND FILED.

6. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

7. CITY TREASURER'S REPORT, AUGUST 2011

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

8. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

9. ULTRASYSTEMS ENVIRONMENTAL, INC. CONTRACT EXTENSION FOR ENVIRONMENTAL SERVICES RELATED TO THE CONSTRUCTION OF THE DOHENY HOTEL PROJECT

AUTHORIZED THE CITY MANAGER TO EXECUTE AN EXTENSION TO THE CONSULTANT SERVICES AGREEMENT WITH ULTRASYSTEMS.

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10. AUTHORIZATION OF CITY OFFICERS TO DEPOSIT OR WITHDRAW CITY MONIES IN THE LOCAL AGENCY INVESTMENT FUND

ADOPTED RESOLUTION 11-10-24-01 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND.

11. CITY COUNCIL AND PLANNING COMMISSION MEETING DATES

Introduced and held the first reading of an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING SECTIONS 2.04.010 AND 2.07.011 OF THE DANA POINT MUNICIPAL CODE REGARDING THE DATE OF REGULAR MEETINGS FOR THE CITY COUNCIL AND PLANNING COMMISSION.

12. HISTORIC PRESERVATION AGREEMENT (MILLS ACT) FOR THE PROPERTY LOCATED AT 33771 BLUE LANTERN

AUTHORIZED THE MAYOR TO SIGN A HISTORIC PROPERTY PRESERVATION AGREEMENT WHICH WOULD ALLOW THE PROPERTY OWNERS OF THE HISTORIC STRUCTURE LOCATED AT 33771 BLUE LANTERN, TO PARTICIPATE IN THE STATE'S MILLS ACT PROGRAM.

13. HISTORIC PRESERVATION AGREEMENT (MILLS ACT) FOR THE PROPERTY LOCATED AT 34051 BLUE LANTERN

AUTHORIZED THE MAYOR TO SIGN A HISTORIC PROPERTY PRESERVATION AGREEMENT WHICH WOULD ALLOW THE PROPERTY OWNERS OF THE HISTORIC STRUCTURE LOCATED AT 34051 BLUE LANTERN, TO PARTICIPATE IN THE STATE'S MILLS ACT PROGRAM.

14. HISTORIC PRESERVATION AGREEMENT (MILLS ACT) FOR THE PROPERTY LOCATED AT 33942 CHULA VISTA

AUTHORIZED THE MAYOR TO SIGN A HISTORIC PROPERTY PRESERVATION AGREEMENT WHICH WOULD ALLOW THE PROPERTY OWNERS OF THE HISTORIC STRUCTURE LOCATED AT 33942 CHULA VISTA, TO PARTICIPATE IN THE STATE'S MILLS ACT PROGRAM.

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15. HISTORIC PRESERVATION AGREEMENT (MILLS ACT) FOR THE PROPERTY LOCATED AT 33792 BLUE LANTERN

AUTHORIZED THE MAYOR TO SIGN A HISTORIC PROPERTY PRESERVATION AGREEMENT WHICH WOULD ALLOW THE PROPERTY OWNERS OF THE HISTORIC STRUCTURE LOCATED AT 33792 BLUE LANTERN, TO PARTICIPATE IN THE STATE'S MILLS ACT PROGRAM.

16. OCTA TRANSIT SYSTEM STUDY RECOMMENDATIONS

AUTHORIZED THE SUBMITTAL OF A LETTER TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) BOARD REQUESTING THEY DIRECT OCTA STAFF TO INCLUDE IN THE IMPLEMENTATION PLAN A PROJECT TO JOINTLY FUND AND IMPLEMENT A PILOT PROJECT FOR A DANA POINT SUMMER TROLLEY/SHUTTLE SERVICE.

PUBLIC COMMENTS

Frank Ritenour, announced that the book "Dana Point - Harboring the Good Life" has been completed and that the books will be distributed tomorrow night at the photographic art club meeting held at the Wind and Sea Restaurant. He stated that the book can also be purchased on line at the Dana Point Coastal website; www.dpcoastalarts.org.

Joni August Brice, Dana Point, spoke regarding Dana Strands Beach and mid Strand access gates. She stated that she did not support removing the gates and encouraged the City Council to challenge the Coastal Commission and the Surfrider Foundation on the need for the beach goers to wander the streets of the community after dark.

Mary Jeffries, Dana Point, spoke regarding the old mobile home park on Del Obispo. She stated that she does not support the Local Coastal Program Amendment for the property as she felt that the proposed development would be too dense. She added that the amendment would change other properties as well.

Robert Fowler, Dana Point, thanked the City Council and staff for the Vietnam Memorial Wall dedication.

Joe Snyder, Capistrano Beach, thanked the City Council and staff for the honoring of the wall at Sea Terrace Park. He announced this Wednesday in Capistrano Beach at the basketball courts they will be performing the proper disposal ceremony of American flags at 6:00 p.m. He encouraged everyone to come out.

Hal Brice, Dana Point, thanked the City Council for their support of the lawsuit with the Surfriders. He stated that there has never been better access provided to the beach.

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Dave Norman, Dana Point, spoke regarding the lack of restroom facilities at Sea Terrace Park. He felt that the City should provide portable restrooms until Phase II of the park is completed.

PUBLIC HEARINGS

There were no Public Hearing items.

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

17. TWO YEAR STATUS REPORT ON THE NATURE INTERPRETIVE CENTER AND SURROUNDING HEADLANDS OPEN SPACE

City Manager Chotkevys provided an introduction and Director of Public Works and Engineering Fowler provided a staff report and PowerPoint presentation.

Jeff Rosaler provided details of the activities of the Nature Interpretative Center.

The Mayor recessed the meeting at 7:00 p.m. and reconvened the meeting at 7:12 p.m.

18. APPOINTMENTS TO ARTS AND CULTURE COMMISSION

City Manager Chotkevys provided a staff report.

City Attorney Munoz provided a summary of the conflict of interest reporting that is required of the potential Commissioners. He stated that the Commission will be affected by two conflict of interest laws; one is the Political Reform Act (PRA). He added that the PRA states that if you have a financial interest in a decision that you would not be able to participate in making that decision. He stated that the other conflict of interest law that would apply is Government Code 1090. He clarified that code is very similar to the PRA but it focuses on contracts so if the City were considering purchasing a piece of art from an artist who was on the Commission, and the Commission had the authority to spend money, that person's artwork would not be able to be considered at all.

The City Council conducted fourteen (14) interviews to fill five seats on the Arts and Culture Commission with the following applicants:

James Johnson
Alan Wickstrom

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Alicia Erlinger
Alice Anderson
Jim Ettinger
Judith Nowland
Nancy Jenkins
Barbara Johannes
Cynthia Kugler
Karin Schnell
Richard Wieth
Karen Smith (teleconference)
Matthew Miller
Janie Raub (teleconference)

IT WAS MOVED BY MAYOR SCOTT SCHOEFFEL, SECONDED BY COUNCIL MEMBER STEVEN WEINBERG, APPOINT THE FOLLOWING TO A TERM OF TWO YEARS ENDING JUNE 30, 2013:

MATTHEW MILLER
JUDITH NOWLAND

AND TO APPOINT THE FOLLOWING TO SERVE FOR A TERM OF FOUR YEARS ENDING JUNE 30, 2015:

NANCY JENKINS
KARIN SCHNELL
ALAN WICKSTROM

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

There were no Staff Reports.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

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

Council Member Bartlett reported that she had attended the following:

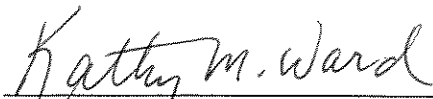
Transportation Corridor Agency meeting
Association of Southern California meeting
Association of California Cities - Orange County meeting
10/15 - Taste of Brews
10/24 - Vietnam Veteran War Memorial Wall dedication in Sea Terrace Park

Council Member Brough reported that he had turned in his list of meetings attended to the City Clerk.

Mayor Pro Tem Anderson stated that there were a lot of events planned for this weekend for Halloween and reminded everyone to be mindful of children crossing the streets at night.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Schoeffel declared the meeting adjourned at 9:33 p.m. and announced that the next Regular Meeting of the City Council will be held on November 14, 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 NOVEMBER 14, 2011

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Meetings attended since the October 10, 2011 City Council meeting:

Council Member William Brough

October 14	Harbor Coffee Chat
October 20	Association of California Cities Orange County Division Legislative Reception
October 24	Vietnam Veterans Memorial Dedication at Sea Terrace Park

Council Member Steven Weinberg

September 27	Ocean Water Quality Subcommittee meeting Ribbon Cutting for Grand Opening of Suterre Properties
September 29	OCFA Claims meeting OCFA Executive Board OCFA Board of Directors
October 10	OCFA Budget and Finance Meeting
October 20	Vector Control Board of Directors
October 24	Vietnam Memorial Wall Plaque Dedication