

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**MONDAY  
DECEMBER 12, 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. 11-07

### **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 5:05 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 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), (2 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (2 cases)

Name of case: City of Dana Point v. Holistic Health - 30-201000352106;

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)

Mayor Schoeffel recessed the meeting into a Closed Session at 5:06 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 6:09 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; John Tilton, City Architect; Lynn Kelly, Management Analyst; 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.

## **CLOSED SESSION ANNOUNCEMENT**

City Attorney Munoz stated that he had two items to report out of Closed Session. He reported that the first was that the City Council had approved of a settlement agreement with Developers Surety and Indemnity Company relating to improvements to be made in connection with the Del Rey Subdivision as a result of a bond default by the developer on that project. He stated that secondly, the City Council considered and rejected a settlement proposal from Holistic Health relating to that dispensary litigation. He added that the settlement proposal was the City waive the two and one half million dollar judgment that it has and the City Council did not find that acceptable.

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Cambria Grisham, a 5<sup>th</sup> grade student of the RH Dana Exceptional Needs Facility.

## **INVOCATION**

The Invocation was provided by Associate Pastor Sabrina Vasta of Gloria Dei Lutheran Church.

## **PRESENTATIONS AND PROCLAMATIONS**

December Business of the Month – Estrella Veterinary Hospital  
Recognition of Doheny State Beach Supervising Ranger Jim Serpa

## **CONSENT CALENDAR**

IT WAS MOVED BY COUNCIL MEMBER STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LISA BARTLETT, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR.

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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, NOVEMBER 14, 2011**

APPROVED THE MINUTES.

**3. REGULAR MEETING MINUTES, NOVEMBER 28, 2011**

APPROVED THE MINUTES.

**4. PLANNING COMMISSION MEETING MINUTES, NOVEMBER 7, 2011**

RECEIVED AND FILED.

**5. PLANNING COMMISSION ACTIONS, MEETING OF DECEMBER 5, 2012**

RECEIVED AND FILED.

**6. YOUTH BOARD MEETING MINUTES, MEETING OF NOVEMBER 3, 2011**

RECEIVED AND FILED.

**7. YOUTH BOARD MEETING MINUTES, MEETING OF NOVEMBER 17, 2011**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

**9. CITY TREASURER'S REPORT, NOVEMBER, 2011**

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

**10. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**11. APPROVE FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT FOR TOPOGRAPHIC SURVEY SERVICES**

APPROVED THE FIRST AMENDMENT TO A PROFESSIONAL SERVICE AGREEMENT WITH HALL AND FOREMAN, INCORPORATED FOR TOPOGRAPHIC SURVEY SERVICES FOR THE ANNUAL RESIDENTIAL ROADWAY RESURFACING PROJECT; AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT.

**PUBLIC COMMENTS**

Robert Fowler  
Rick Erkeneff  
Barbara Merriman

**PUBLIC HEARINGS**

**12. DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT ANNUAL REPORT AND RENEWAL FOR 2012**

IT WAS MOVED BY COUNCIL MEMBER STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LISA BARTLETT, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING AND ADOPT **RESOLUTION 11-12-12-01** ENTITLED:

*A RESOLUTION OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE 2012 ANNUAL REPORT AND DECLARING THE INTENTION OF THE CITY COUNCIL TO CONTINUE THE PROGRAM AND ASSESSMENTS FOR THE 2012 CALENDAR YEAR FOR THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID).*

The motion carried by the following vote:

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

NOES: Council Member William Brough

ABSENT: None

**UNFINISHED BUSINESS**

**13. AWARD OF CONTRACT FOR MARKETING SERVICES FOR DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT**

IT WAS MOVED BY MAYOR SCOTT SCHOEFFEL, SECONDED BY COUNCIL MEMBER STEVEN WEINBERG, THAT THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT WITH AGENCY 51 FOR MARKETING SERVICES ON BEHALF OF THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID).

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

14. **ADOPTION OF NEGATIVE DECLARATION FOR PROHIBITING THE DISTRIBUTION OF EXPANDED POLYSTYRENE (STYROFOAM) FOOD SERVICE WARE AT LOCAL FOOD VENDORS, CITY FACILITIES, AND CITY-SPONSORED EVENTS AND INTRODUCTION AND FIRST READING OF AN ORDINANCE ADDING A NEW CHAPTER 6.46 "EXPANDED POLYSTYRENE FOOD SERVICE WARE" TO TITLE 6 OF THE DANA POINT MUNICIPAL CODE PROHIBITING THE DISTRIBUTION OF EXPANDED POLYSTYRENE (STYROFOAM) FOOD SERVICE WARE AT LOCAL FOOD VENDORS, CITY FACILITIES, AND CITY SPONSORED EVENTS**

**Due to the amount of communications received on this item, staff will carry over this item into early 2012.**

RECOMMENDED ACTION: That the City Council 1) adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION FOR PROHIBITING THE DISTRIBUTION OF EXPANDED POLYSTYRENE (STYROFOAM) FOOD SERVICE WARE AT LOCAL FOOD VENDORS, CITY FACILITIES, AND CITY SPONSORED EVENTS; and

2) conduct a public meeting and introduce for first reading an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADDING A NEW CHAPTER 6.46 "EXPANDED POLYSTYRENE FOOD SERVICE WARE" TO TITLE 6 OF THE DANA POINT MUNICIPAL CODE PROHIBITING THE DISTRIBUTION OF EXPANDED POLYSTYRENE (STYROFOAM) FOOD SERVICE WARE AT LOCAL FOOD VENDORS, CITY FACILITIES, AND CITY SPONSORED EVENTS.

15. **ADOPTION OF NEGATIVE DECLARATION FOR PROHIBITING THE DISTRIBUTION OF SINGLE USE PLASTIC CARRYOUT BAGS AT THE POINT-OF-SALE AT LOCAL RETAIL ESTABLISHMENTS AND INTRODUCTION AND FIRST READING OF AN ORDINANCE ADDING A NEW CHAPTER 6.47 "PLASTIC CARRY-OUT BAGS" TO TITLE 6 OF THE DANA POINT MUNICIPAL CODE PROHIBITING THE DISTRIBUTION OF SINGLE-USE PLASTIC CARRY-OUT BAGS AT THE POINT-OF-SALE AT LOCAL RETAIL ESTABLISHMENTS**

**Due to the amount of communications received on this item, staff will carry over this item into early 2012.**

RECOMMENDED ACTION: That the City Council 1) adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION FOR PROHIBITING THE DISTRIBUTION OF

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SINGLE USE PLASTIC CARRYOUT BAGS AT THE POINT-OF-SALE AT LOCAL RETAIL ESTABLISHMENTS; and

2) conduct a public meeting and introduce for first reading an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADDING A NEW CHAPTER 6.47 "PLASTIC CARRY-OUT BAGS" TO TITLE 6 OF THE DANA POINT MUNICIPAL CODE PROHIBITING THE DISTRIBUTION OF SINGLE-USE PLASTIC CARRY-OUT BAGS AT THE POINT-OF-SALE AT LOCAL RETAIL ESTABLISHMENTS.

## **NEW BUSINESS**

There were no New Business items.

## **PUBLIC COMMENTS (Continued)**

There were no additional Public Comments received.

## **CITY COUNCIL REORGANIZATION**

### **A. COUNCIL REORGANIZATION**

The new Mayor is Lara Anderson; the Mayor Pro Tem is Steven Weinberg.

### **B. RECOGNITION OF OUTGOING MAYOR**

## **STAFF REPORTS**

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

## **RECEPTION**

REFRESHMENTS WILL BE SERVED – THE PUBLIC IS INVITED.

## **ADJOURNMENT**

There being no further business before the City Council at this session, Mayor Lara Anderson declared the meeting adjourned at 7:50 p.m. and announced that the next Regular Meeting of the City Council will be held on January 17, 2012, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.