

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
JANUARY 17, 2012
5:00 P.M.**

ACTION AGENDA

Location: City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point, California 92629

Next City Council Ordinance No. 12-01

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Anderson 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:

Lara Anderson, Mayor
Steven Weinberg, Mayor Pro Tem
Lisa A. Bartlett, Council Member
William P. Brough, Council Member (*arrived at 5:02 p.m.*)
J. Scott Schoeffel, 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), (5 cases)
- B. 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)

Mayor Anderson recessed the meeting into a Closed Session at 5:01 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Anderson reconvened the meeting at 6:12 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; Lynn Kelly, Management Analyst; Christy Teague, Economic Development Manager; Kevin Evans, Director of Community Services and Parks; Mark Sutton, Building Official; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that he no announcement.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by former Dana Point Council Member and Mayor, Bill Bamattre.

INVOCATION

The Invocation was provided by Orange County Sheriff's Department chaplain Kevin Torrence.

PRESENTATIONS AND PROCLAMATIONS

Recognition of Lt. Lynn Koehmstedt
Deputy of the Year 2011 – Frank Smith
Volunteer of the Month – Sue Walshe, President, Pet Project Foundation

CONSENT CALENDAR

Council Member William Brough removed Item 12 from the Consent Calendar.

IT WAS MOVED BY MAYOR STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LISA BARTLETT, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 12.

The motion carried by the following vote:

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

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, DECEMBER 12, 2011

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, DECEMBER 19, 2011

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF JANUARY 9, 2012

RECEIVED AND FILED.

5. YOUTH BOARD MEETING MINUTES, DECEMBER 1, 2011

RECEIVED AND FILED.

6. YOUTH BOARD MEETING MINUTES, DECEMBER 15, 2011

RECEIVED AND FILED.

7. DANA POINT DESTINY COMMITTEE MINUTES, OCTOBER 12, 2011

RECEIVED AND FILED.

8. ARTS AND CULTURE COMMISSION MINUTES, NOVEMBER 16, 2011

RECEIVED AND FILED.

9. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

10. CITY TREASURER'S REPORT, DECEMBER 2011

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

11. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

12. 2012 DANA POINT SUMMER CONCERT SERIES

Council Member William Brough removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER LISA BARTLETT, SECONDED BY MAYOR PRO TEM STEVEN WEINBERG, THAT THE CITY COUNCIL APPROVE THE RECOMMENDATION TO CONDUCT THE 2012 DANA POINT SUMMER CONCERT SERIES AT HERITAGE, LANTERN BAY, AND SEA TERRACE PARKS AS PROPOSED BY STAFF.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

13. INTRODUCTION AND FIRST READING OF TWO ORDINANCES AMENDING TITLE 10 ANIMAL CONTROL, WELFARE AND LICENSING REQUIREMENTS OF THE DANA POINT MUNICIPAL CODE

INTRODUCED AND HELD FIRST READING OF AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADDING A NEW SECTION 10.09.200, RELATING TO THE REDEMPTION OF UNALTERED ANIMALS TO THE DANA POINT MUNICIPAL CODE AND AMENDING SECTION 10.01.010 OF THE DANA POINT MUNICIPAL CODE RELATING TO ANIMAL CONTROL, WELFARE AND LICENSING REQUIREMENTS; and

INTRODUCED AND HELD FIRST READING OF AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADDING SECTION 10.10.140 TO THE DANA POINT MUNICIPAL CODE AND AMENDING SECTIONS 9.75.270, 10.01.010, 10.03.070, 10.08.060, 10.10.010 AND 10.10.130 OF THE DANA POINT MUNICIPAL CODE RELATING TO THE PROHIBITION OF RETAIL SALE OF DOGS AND CATS IN COMMERCIAL ANIMAL ESTABLISHMENTS.

PUBLIC COMMENTS

Pam Tappan

PUBLIC HEARINGS

14. APPEAL OF PLANNING COMMISSION APPROVAL OF COASTAL DEVELOPMENT PERMIT CDP11-0003 AND ENVIRONMENTAL IMPACT REPORT (SCH #2010041056) FOR PACIFIC COAST HIGHWAY/DEL PRADO PHASE I STREETScape IMPROVEMENTS PROJECT

IT WAS MOVED BY COUNCIL MEMBER SCOTT SCHOEFFEL, SECONDED BY MAYOR PRO TEM STEVEN WEINBERG, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING, DENY THE APPEAL, AND ADOPT A RESOLUTION UPHOLDING THE PLANNING COMMISSION APPROVAL OF COASTAL DEVELOPMENT PERMIT CDP11-0003, AND CERTIFICATION OF THE FINAL PROJECT ENVIRONMENTAL IMPACT REPORT NO. 2010041056 AND ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM (MMRP).

The motion carried by the following vote:

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

NOES: None

ABSENT: None

15. ANNUAL REVIEW OF THE GENERAL GOVERNMENT IMPACT FACILITIES AND TRANSPORTATION FACILITIES DEVELOPMENT IMPACT FEES

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER SCOTT SCHOEFFEL, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING AND ADOPT **RESOLUTION 12-01-17-02** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REAFFIRMING THE APPLICATION OF THE GENERAL GOVERNMENT FACILITIES AND TRANSPORTATION FACILITIES DEVELOPMENT IMPACT FEE PROGRAM FOR ALL NEW DEVELOPMENT LOCATED WITHIN THE CITY OF DANA POINT FOR THE 2010-2011 FISCAL YEAR.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

There were no New Business items.

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 Anderson declared the meeting adjourned at 7:13 p.m. She announced that the City Council would next be meeting with the Planning Commission for a Joint Meeting to be held on January 31, 2012 at 5:00 p.m. in the Dana Point Community Center located at 34052 Del Obispo, Dana Point, California.