
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
OCTOBER 25, 2010**

REDEDICATION OF HARRY OTSUBO COMMUNITY GARDENS

In lieu of Closed Session, the City hosted a rededication ceremony at Harry Otsubo Community Gardens (24800 Stonehill Drive) at 5:00 p.m.

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Weinberg at 6:02 p.m. in the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point.

ROLL CALL OF CITY COUNCIL MEMBERS:

Present: Mayor Steven Weinberg
Mayor Pro Tem Scott Schoeffel
Council Member Lara Anderson
Council Member Lisa Bartlett
Council Member Joel Bishop

Absent: None

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; Kevin Evans, Director of Community Services and Parks; Christy Teague, Economic Development Manager; John Tilton, City Architect; Mark Sutton, Building Official; Lisa Zawaski, Senior Water Quality Engineer; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Terry Rifkin, Board Member from the 5th Marine Regiment Support Group.

INVOCATION

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

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
OCTOBER 25, 2010**

PRESENTATIONS AND PROCLAMATIONS

October Business of the Month - The UPS Store

Management Analyst Kelly provided a PowerPoint presentation detailing the UPS Store's accomplishments including being consistently ranked as one of the top 5 stores in Orange County out of 220. Mayor Weinberg presented a Certificate of Recognition to Mike Lockett, his wife Jane, and other family members for the UPS Store being selected as the Featured Business of the Month for October, 2010.

Dana Point Relay for Life

Kathy Martino presented Mayor Weinberg with a Certificate of Appreciation for the City's support of the Dana Point Relay For Life. Bill Jonas presented City Attorney Munoz and Lt. Levy with rubber ducks and Chief Robinson received a Certificate of Appreciation for their participation in the popular dunk tank which was an ancillary fund raiser for the Relay For Life.

Harry Otsubo Community Gardens Presentation

Mayor Weinberg presented Harry Otsubo with a Proclamation in honor of his work in developing the community gardens.

CONSENT CALENDAR

IT WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY COUNCIL MEMBER LISA BARTLETT, ACCEPT ALL RECOMMENDATIONS FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR.

The motion carried by the following vote:

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

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, SEPTEMBER 27, 2010

APPROVED THE MINUTES.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
OCTOBER 25, 2010**

3. PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 20, 2010

RECEIVED AND FILED.

4. PLANNING COMMISSION MEETING MINUTES, OCTOBER 4, 2010

RECEIVED AND FILED.

5. PLANNING COMMISSION ACTIONS, MEETING OF OCTOBER 18, 2010

RECEIVED AND FILED.

6. YOUTH BOARD MEETING MINUTES, SEPTEMBER 16, 2010

RECEIVED AND FILED.

7. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

8. OCEAN WATER QUALITY SUBCOMMITTEE MEETING MINUTES, JUNE 22, 2010

RECEIVED AND FILED.

9. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

10. SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 8.01 OF THE MUNICIPAL CODE (GRADING AND EXCAVATION CONTROL) TO ADDRESS WATER QUALITY REGULATION CHANGES AND OTHER MISCELLANEOUS ITEMS

HELD A SECOND READING AND ADOPTED **ORDINANCE 10-09** ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 8.01 OF THE MUNICIPAL CODE (GRADING AND EXCAVATION CONTROL) TO ADDRESS WATER QUALITY REGULATION CHANGES AND OTHER MISCELLANEOUS ITEMS.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
OCTOBER 25, 2010**

11. ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, ADOPTING A LOCAL SIGNAL SYNCHRONIZATION PLAN FOR THE CITY OF DANA POINT

ADOPTED **RESOLUTION 10-10-25-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING A LOCAL SIGNAL SYNCHRONIZATION PLAN FOR THE CITY OF DANA POINT; and

AUTHORIZED THE MAYOR TO SIGN THE RESOLUTION ON BEHALF OF THE CITY; AND DIRECTED THE CITY ENGINEER TO SUBMIT THE ADOPTED LOCAL SIGNAL SYNCHRONIZATION PLAN FOR THE CITY OF DANA POINT AND ALL THE ASSOCIATED PAPERWORK TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY.

12. DANA POINT YOUTH BOARD TERM LIMITS

HELD A SECOND READING AND ADOPTED **ORDINANCE 10-10** ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING SECTION 2.06.060 "BOARDS AND COMMISSIONS - GENERAL PROVISIONS" TO INCLUDE LANGUAGE TO LIMIT THE NUMBER OF CONSECUTIVE TERMS EACH YOUTH BOARD MEMBER MAY SERVE TO NO MORE THAN TWO (2) FULL CONSECUTIVE TERMS.

13. MAINTENANCE AGREEMENT AND PROPERTY EXCHANGE WITH THE COUNTY OF ORANGE FOR MAINTENANCE OF THE NORTH STRAND BEACH ACCESS STAIRS AND ASSOCIATED FACILITIES

APPROVED A MAINTENANCE AGREEMENT WITH THE COUNTY OF ORANGE FOR MAINTENANCE OF THE NORTH STRAND BEACH ACCESS STAIRS; AUTHORIZED THE CITY MANAGER TO EXECUTE THE MAINTENANCE AGREEMENT AND APPROVE ANY MINOR ADMINISTRATIVE MODIFICATIONS; APPROVED THE QUITCLAIM DEED AND GRANT DEED FOR TWO PARCELS IN THE HEADLANDS STRAND VISTA PARK AREA TO CLARIFY PROPERTY OWNERSHIP, AND AUTHORIZE THE CITY ENGINEER TO EXECUTE THE DOCUMENTS; AND AUTHORIZED THE CITY ENGINEER TO ACCEPT AND SIGN VARIOUS GRANT DEEDS AND EASEMENTS TO CLARIFY PROPERTY OWNERSHIP IN THE HEADLANDS STRAND VISTA PARK AREA AT THE HEADLANDS.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
OCTOBER 25, 2010**

PUBLIC COMMENTS

Ingrid McGuire, Dana Point, she spoke regarding the hate mail that had been sent to residents regarding Lisa Bartlett and Richard Dietmeier and felt that the material demeans the election. She wished both candidates luck in the election.

Richard Dietmeier, Dana Point, spoke about the mailer that was sent out to the residents. He stated that the information was deceptive and much of it a lie. He added that the information that was not a lie was incomplete, and failed to accurately reflect the history of what the District has done in ten years.

PUBLIC HEARINGS

- 14. ADOPTION BY REFERENCE THE CALIFORNIA CODES OF REGULATIONS TITLE 24, PARTS 1-12, KNOWN AND DESIGNATED AS THE 2010 EDITION OF THE CALIFORNIA BUILDING CODE, 2010 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, 2010 EDITION OF THE CALIFORNIA ELECTRICAL CODE, 2010 EDITION OF THE CALIFORNIA PLUMBING CODE, 2010 EDITION OF THE CALIFORNIA MECHANICAL CODE, 2010 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2010 EDITION OF THE CALIFORNIA REFERENCE STANDARDS CODE, 2010 EDITION OF THE CALIFORNIA ENERGY CODE, 2010 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2010 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2010 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2010 EDITION OF THE CALIFORNIA FIRE CODE, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS**

City Manager Chotkevys provided an introduction of the item. Building Official Sutton played a video and presented a staff report.

There being no requests to speak, Mayor Weinberg opened and closed the Public Hearing.

Mayor Weinberg stated that the investment of installing fire sprinklers would alleviate some of the damage that is incurred during the extinguishing of a fire.

IT WAS MOVED BY COUNCIL MEMBER JOEL BISHOP, SECONDED BY COUNCIL MEMBER LISA BARTLETT, CONDUCT A PUBLIC HEARING AND INTRODUCE A FIRST READING OF AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTERS 8.02, 8.12, 8.14, 8.16, 8.20, 8.24, 8.26, 8.28, 8.30, 8.32, 8.34, 8.36, 8.38 AND ADDING CHAPTERS 8.03 AND 8.11 OF TITLE 8 OF THE DANA POINT MUNICIPAL CODE ADOPTING BY REFERENCE THE CALIFORNIA CODES OF REGULATIONS TITLE 24, PARTS

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
OCTOBER 25, 2010**

1-12, KNOWN AND DESIGNATED AS THE 2010 EDITION OF THE CALIFORNIA BUILDING CODE, 2010 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, 2010 EDITION OF THE CALIFORNIA ELECTRICAL CODE, 2010 EDITION OF THE CALIFORNIA PLUMBING CODE, 2010 EDITION OF THE CALIFORNIA MECHANICAL CODE, 2010 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2010 EDITION OF THE CALIFORNIA REFERENCE STANDARDS CODE, 2010 EDITION OF THE CALIFORNIA ENERGY CODE, 2010 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2010 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2010 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2010 EDITION OF THE CALIFORNIA FIRE CODE, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS; and

ADOPT RESOLUTION 10-10-25-02 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, SETTING FORTH FINDINGS WITH RESPECT TO LOCAL CONDITIONS WITHIN THE CITY OF DANA POINT WHICH MAKE CERTAIN MODIFICATIONS AND CHANGES TO THE CALIFORNIA BUILDING CODE, CALIFORNIA RESIDENTIAL CODE, THE CALIFORNIA PLUMBING CODE, THE CALIFORNIA MECHANICAL CODE, THE CALIFORNIA ELECTRICAL CODE, CALIFORNIA GREEN BUILDING STANDARDS CODE AND THE CALIFORNIA FIRE CODE AND FIRE CODE STANDARDS REASONABLY NECESSARY FOR DIFFERENT OCCUPANCIES; and

INSTRUCT THE BUILDING OFFICIAL TO FILE THE RESOLUTION WITH THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND THE CALIFORNIA BUILDING STANDARDS COMMISSION.

The motion carried by the following vote:

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

NOES: None

UNFINISHED BUSINESS

There were no Unfinished Business items.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
OCTOBER 25, 2010**

NEW BUSINESS

15. INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING CHAPTER 15.10 OF THE MUNICIPAL CODE (STORM WATER/SURFACE RUNOFF WATER QUALITY PROTECTION ORDINANCE) TO ADDRESS WATER QUALITY REGULATION CHANGES REQUIRED IN THE NEW SAN DIEGO REGIONAL WATER QUALITY BOARD NPDES PERMIT

City Manager Chotkevys provided a staff report.

Director Fowler provided a summary of the details of the water quality regulation changes and the amendment to Chapter 15.10.

There being no requests to speak, Mayor Weinberg opened and closed the public comments.

Council Member Anderson asked if this amendment has changed whether residents could wash their car at home.

Director Fowler replied that the amendment to the Code does not prohibit car washing, but prohibits introducing pollutants into the storm drain system.

Council Member Bishop thanked staff for their work on this item. He asked if there was any way to know if a car wash complies with the regulations and would they be fined if they were not in compliance.

Director Fowler replied that establishments can be fined if they are not meeting current requirements. He stated that South Coast Water District had implemented a plan that requires all car washes to establish a system that will ensure that there is no pollution coming from the car wash in the future.

IT WAS MOVED BY COUNCIL MEMBER LISA BARTLETT, SECONDED BY MAYOR PRO TEM SCOTT SCHOEFFEL, INTRODUCE AND HOLD THE FIRST READING OF AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 15.10 OF THE MUNICIPAL CODE (STORM WATER/SURFACE RUNOFF WATER QUALITY PROTECTION ORDINANCE) TO ADDRESS SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD (SDRWQCB) WATER QUALITY REGULATION CHANGES.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
OCTOBER 25, 2010**

The motion carried by the following vote:

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

NOES: None

PUBLIC COMMENTS

There were no additional Public Comments.

STAFF REPORTS

City Manager Chotkevys reported that the City was working with the Steinreide family to commemorate Bill's work on our water quality program. He stated that a memorial was being planned and would be held at the North Creek diversion.

He complimented Lt. Levy and his staff for the Community Services Unit being recognized at the International Association of Chief of Police conference taking place in Orlando Florida as one of the top 25 programs for their creative and innovative way of implementing community-based policing in the City.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Anderson announced that the Pet Project Foundation was holding their annual event entitled "It's Raining Cats and Dogs". She stated that the event is scheduled for Saturday, November 6th beginning at 4:00 p.m. and tickets are \$100. She added that for more information go to www.petprojectfoundation.org. She stated that a group has gotten together to form a "clean the oceans for Lily The Whale website". She added that the website is www.lilythewhale.org and that they will be holding a fundraiser. She stated that their first funds will be used to design and install a tile at Baby Beach in memory of Lily. She announced that the 36th Annual Parade of Lights was coming. She stated that theme this year is Jingle Bell Rock and that the boat parade will be held on December 10 and 11, 17 and 18 at 7:30 p.m. She reminded everyone to vote on Tuesday, November 2nd.

Council Member Bishop reported that he had attended a Southern California Association of Government meeting.

Council Member Bartlett reported that she had attended the following:

Several TCA, SCAG, and OC League of Cities meetings
October 2 - Dana Point Relay for Life event in Lantern Bay Park

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
OCTOBER 25, 2010**

October 3 - Volunteered as a docent for the Dana Point Historical Society Home Tour

She stated that the Ocean Institutes Million Dollar Home Raffle would take place on November 6th and added that it was not too late to purchase tickets. She encouraged everyone to sign up for the Turkey trot to be held on Thanksgiving.

She thanked Mike Killebrew and Christy Teague for submitting a grant application for a new program being offered by the Southern California Association of Governments. She stated that she had given staff the information the day of the deadline and that she appreciated staff being able to get the City's application completed in time to be considered.

Mayor Pro Tem Schoeffel stated that on November 7th at noon, Mark Wood would be bringing his electrifier string troupe to play with members of SOCSA at Lantern Bay Park. He felt that the concert would be a very compelling start to the holiday season and an opportunity to see our talented young musicians from the area.

Mayor Weinberg stated that he had turned in his meetings attended to the City Clerk. He asked residents to survey their yards for containers that might be holding water and asked them to dump the water to keep mosquitoes from breeding.

Mayor Weinberg led everyone in singing Happy Birthday to Mayor Pro Tem Scott Schoeffel.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Weinberg declared the meeting adjourned at 7:26 p.m. and announced that the next Regular Meeting of the City Council will be November 8, 2010, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
OCTOBER 25, 2010**

Meetings Attended Since the Last City Council Meeting:

Mayor Steven Weinberg

October 6	Meeting with City Auditors
October 16	City Baseball Challenge
October 21	Vector Control Board Meeting
	DP Chamber Mixer
October 25	Harry Otsubo Garden Rededication

Council Member Lisa Bartlett

Attended several TCA and OC League of Cities meetings.

October 2	Dana Point Relay for Life event in Lantern Bay Park
October 3	Docent for the Dana Point Historical Society Home Tour

Future events:

Performing at the Vue Lounge at the newly remodeled Laguna Cliffs Marriott is musical artist Jimmy Hopper. This Sunday from 6-9 p.m. will be his last appearance.