

EYE ON DP

LOCAL NEWS & IN-DEPTH REPORTING



City and Business Calendar

Saturday, March 5

Festival of Whales Parade

10 a.m. This year's theme: 40 Years of Magical Migration. The parade route runs south on Pacific Coast Highway from Selva Road to Golden Lantern. For more information see www.festivalofwhales.com.

Sunday, March 6

Festival of Whales Movie in the Park

6:30 p.m. A free showing of the movie *Shark Tale* (rated PG) will be presented at Baby Beach in the harbor. Free popcorn will be served and other refreshments will be available for purchase. Bring lawn chairs, blanket, picnic, etc.

Prior to the movie, the Dana Point Historical Society will show a trailer of their upcoming film *Dana Point: Your Destination*, featuring community activities and personal interviews promoting our five-star city. For more information, call 949.248.3530 or email smurphy@danapoint.org.

Rotary Club Diamond Dig and Whale of a BBQ

Diamond Dig runs noon-1 p.m. and BBQ noon-4 p.m. Join Monarch Beach Sunrise Rotary in a beach treasure hunt. For \$10 per shovel participants can dig for buried treasure at Baby Beach. Dress as a pirate and get a head start! After all that digging, whet your appetite with a delicious BBQ feast. All proceeds benefit children's

charities. For more information, log on to www.monarchbeachrotary.com.

Monday, March 7

Senior Bingo

12:15 p.m. Monday and Wednesday at the Dana Point Community/Senior Center, 34052 Del Obispo Street, 949.248.3536, www.danapoint.org

Thursday, March 10

Coastmasters

7 a.m. the Coastmasters of Dana Point (a Toastmasters affiliate) meets every Thursday at the Jolly Roger Restaurant, 34661 Golden Lantern, 949.496.9610, www.coastmasters.org

DANA POINT'S TOP 5 HOTTEST TOPICS

What's Up With...

1 ...Two Legal Victories for City in Marijuana Battles?

THE LATEST: The city of Dana Point has won two legal victories in Orange County Superior Court in nuisance lawsuits filed against medical marijuana dispensaries. In the lawsuits the city maintained the collectives have been operating outside of the California Compassionate Use Act laws and illegally selling pot for profit.

On February 24 Judge Jamoa Moberly ruled in favor of the city on a year-old lawsuit filed against the Point Alternative Care medical marijuana collective. On Tuesday, Judge William Monroe declared the city the winner in a suit it brought against Beach Cities Collective.

These decisions prohibit the collectives from re-opening and allow the city to sue for civil damages, including legal fees. A third suit against Holistic Health is pending.

Both cases were decided by summary judgment, meaning that the judge ruled without a trial.

The nuisance suit victories come on the heels of the city's closure of the three of six dispensaries remaining in Dana Point. All three were red-tagged and closed January 24 for municipal code violations. Beach Cities Collective and Holistic Health dispensaries were in the process of trying to correct code violations and reapply for certificates of occupancy following an unsuccessful attempt at appealing the closures.

Point Alternative Care chose not to participate in the appeal of the red-tag closures. Earlier that same week, Orange County Sheriff's Deputies served a search warrant on the collective as part of their own criminal investigation, said Munoz. Attempts to learn the details on the OCSA's findings during that raid have been unsuccessful.

WHAT'S NEXT: City Attorney Patrick Munoz said the city will seek \$2,500 per day for

each day the businesses operated illegally. That amounts to \$1.9 million in the case of Point Alternative Care and more than \$2 million in the case of Beach Cities Collective.

At the February 28 City Council meeting, Munoz said the city intends to aggressively pursue these damages to recoup the nearly \$400,000 in legal fees spent in the year-and-a-half battle between the city and the dispensaries.

Beach Cities Collective co-founder David Lambert called the nuisance cases, "ridiculous" and said he would appeal.

FIND OUT MORE: Log on to www.danapointtimes.com. —*Andrea Swayne*

2 ...More Solar Panels?

THE LATEST: The city decided to harness more solar power by adding a second, 4.9-kilowatt system at the Community Center for \$44,045.

The additional panels, approved at the council meeting February 28, are expected to increase energy output and save Dana Point in utility costs, according to the staff report. The project will be paid for with \$25,171 in energy rebates from nonprofit California Center for Sustainable Energy and \$22,028 in federal energy grant funds established in the 2009 stimulus package.

The city selected Candelaria Electric to perform the work. The San Clemente company completed the first phase of work at the Community Center and the Nature Interpretive Center.

WHAT'S NEXT: The project is slated for completion before the end of the fiscal year.

FIND OUT MORE: See the staff report at www.danapoint.org. —*Stacie N. Galang*

3 ...Higher Bed Limit for Homeless Shelter?

THE LATEST: At Monday night's City Council meeting, Calvary Chapel representatives, volunteers and members of Dana Point's homeless community asked the council to raise the city's 10-bed limit for homeless shelters operated by churches.

"We have a problem in this city," shelter volunteer and Dana Point resident Curtis Lund said, announcing the church has closed the shelter early this year due to the limitations the city's Housing Element imposes on emergency housing for homeless in Dana Point as well as increased police surveillance to ensure the limit not be exceeded.

Lund said the average night's numbers at the shelter during this year's winter were roughly 45 people per night. He said those numbers were far below the Laguna Beach shelter's 65.

The cold-weather emergency shelter is in its second year of operation and this year's closure comes a full month earlier than last year. The shelter was open from November through March.

WHAT'S NEXT: Shelter volunteers contacted the American Civil Liberties Union about the 10-person limit. Although the rule is approved by the state, the ACLU asked the city to stop enforcing it until they can meet with city officials to discuss the issue.

City Attorney Patrick Munoz said that the city will likely have a meeting with the American Civil Liberties Union to discuss the issue.

FIND OUT MORE: Stay tuned. —*AS*

4 ...Storm Damage Bills Top \$600,000?

THE LATEST: Dana Point will spend more

than \$600,000 in the wake of December's fierce rainstorms, which created more than 35 situations that needed cleanup or repair, according to city staff.

The City Council on Monday approved waiving normal bid requirements for the work, most of which was completed even as the rain continued to pound Dana Point. The incidents ranged from trees down—which cost about \$700 each to remove—to flooding and mud in the City Hall parking structure. The largest incidents involved roads and mudslides.

WHAT'S NEXT: The total for the damages was \$606,650. The city is applying to the Federal Emergency Management Agency and Federal Highway Administration in hopes of recovering an estimated \$300,000.

FIND OUT MORE: See the staff report, with a list of all of the incidents, at www.danapointtimes.com. —*Jonathan Volzke*

5 ...Boat Runs Aground at Doheny?

THE LATEST: High winds on Saturday pushed the 44-foot Sea Ray power boat *Kabuki* on to the sand at Doheny Beach. Doheny State Park Rangers and the Coast Guard responded.

Wind was most likely to blame for breaking the boat free and pushing it ashore. Reports had the wind clocked at a sustained 25 knots.

The boat's hull was not breached and there were no passengers aboard at the time.

WHAT'S NEXT: The owner hired a private service to tow the boat back out to sea—an operation that was supervised by the Coast Guard.

FIND OUT MORE: Log on to www.danapointtimes.com to see photos. —*AS*