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**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR ACTION AGENDA  
JANUARY 26, 2009**

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**CALL TO ORDER**

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

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

**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)**

City Attorney Munoz stated that an item needed to be added to the Closed Session discussion.

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LARA ANDERSON, TO ADD ANOTHER ITEM TO CLOSED SESSION; ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, GOVERNMENT CODE SECTION 54956.9 (B1), (3 CASES).

The motion carried by the following vote:

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

NOES: None

Mayor Bartlett 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 Bartlett reconvened the meeting at 6:06 p.m. All Council Members were present.

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STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Kathy M. Ward, City Clerk; Mike Rose, Emergency Services Manager; Michael Killebrew, Director of Administrative Services; Sgt. Jim Greenwood; Brad Fowler, Director of Public Works and Engineering; Kyle Butterwick, Director of Community Development; Lynn Kelly, Management Analyst; Christy Teague, Economic Development Manager; Kevin Evans, Director of Community Services and Parks; Jackie Littler, Executive Secretary; and Bobbi Ogan, Deputy City Clerk.

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Munoz stated that he had nothing to report. He added that the City Council would need to continue their Closed Session at the end of the meeting and move Item #11 to be heard after Closed Session.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Gene Burris.

**INVOCATION**

The Invocation was provided by Reverend Paul Peck.

**PRESENTATIONS AND PROCLAMATIONS**

Recognition of Dana Hills High School Football Team  
Business of the Year 2009 – CR&R Incorporated  
Non-Profit of the Year 2009 – Monarch Beach Sunrise Rotary Club  
Presentation to the City from Miocean  
SNAP to Dana Point Month Resolution

**CONSENT CALENDAR**

Staff removed Items #2 and #11; Mayor Pro Tem Weinberg removed Item #12 for a separate vote.

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LARA ANDERSON, TO APPROVE THE BALANCE OF THE CONSENT CALENDAR.

The motion carried by the following vote:

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

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, JANUARY 12, 2009**

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY MAYOR LISA A. BARTLETT, THAT THE CITY COUNCIL APPROVE THE MINUTES AS AMENDED.

The motion carried by the following vote:

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

NOES: None

**3. PLANNING COMMISSION MEETING MINUTES, DECEMBER 9, 2008**

RECEIVED AND FILED.

**4. PLANNING COMMISSION MEETING MINUTES, JANUARY 5, 2009**

RECEIVED AND FILED.

**5. PLANNING COMMISSION ACTIONS, MEETING OF JANUARY 19, 2009**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

**7. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

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**8. APPROVAL OF LICENSE AGREEMENTS WITH PAUL HENNESSEY FOR PROPERTIES LOCATED AT 34091 AND 34111 LA PLAZA**

APPROVED LICENSE AGREEMENTS FOR OUTDOOR PATIO AREAS AT THE TWO PROPERTIES IN QUESTION.

**9. LEGISLATIVE ADVOCACY AGREEMENT**

AUTHORIZED THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH DAVID B. NEISH, INC. FOR LEGISLATIVE ADVOCACY SERVICES RELATIVE TO THE CITY FOR THE DANA POINT HARBOR LOCAL COASTAL PROGRAM AMENDMENT PENDING BEFORE CALIFORNIA COASTAL COMMISSION.

**10. ADOPTION OF A RESOLUTION CODIFYING THE NEW STATE MANDATED FEE SUPPORTING THE CREATION OF BUILDING STANDARDS FOR GREEN BUILDING REGULATIONS AND ASSOCIATED ACTIVITIES**

ADOPTED **RESOLUTION 09-01-26-01** ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CODIFYING THE NEW STATE MANDATED FEE SUPPORTING THE CREATION OF BUILDING STANDARDS FOR GREEN BUILDING REGULATIONS AND ASSOCIATED ACTIVITIES*

**12. HISTORIC PRESERVATION AGREEMENT (MILLS ACT) FOR THE PROPERTY LOCATED AT 24721 EL CAMINO CAPISTRANO**

IT WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY MAYOR LISA A. BARTLETT, THAT THE CITY COUNCIL AUTHORIZE THE MAYOR TO SIGN A HISTORIC PROPERTY PRESERVATION AGREEMENT ALLOWING ROSS AND ELLENDEA TEASLEY, OWNERS OF THE LOCALLY DESIGNATED HISTORIC STRUCTURE LOCATED AT 24721 EL CAMINO CAPISTRANO, TO PARTICIPATE IN THE STATE'S MILLS ACT PROGRAM.

The motion carried by the following vote:

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

NOES: None

**PUBLIC COMMENTS**

Nick Tarantino

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**PUBLIC HEARINGS**

There were no Public Hearings.

**UNFINISHED BUSINESS**

There was no Unfinished Business.

**NEW BUSINESS**

**13. AUTHORIZATION TO PROCEED WITH CROSSWALK REMOVAL AND STRIPING ADJUSTMENTS ON PALISADES DRIVE AT THE INTERSECTION OF COAST HIGHWAY, PURSUANT TO SECTION 21950 OF THE CALIFORNIA VEHICLE CODE**

Mayor Bartlett recused herself from this item due to a potential conflict of interest and left the Council Chambers at 6:55 p.m.

IT WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY COUNCIL MEMBER JOEL BISHOP, THAT THE CITY COUNCIL 1) ACCEPT THE REMOVAL OF THE CROSSWALK CONNECTING THE BLUFF SIDE CORNERS OF PALISADES DRIVE AT COAST HIGHWAY, PURSUANT TO CALIFORNIA VEHICLE CODE SECTION 21950 AND 2) AUTHORIZE STAFF TO PROCEED WITH THE REMOVAL.

The motion carried by the following vote:

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

NOES: None

ABSENT: Mayor Lisa A. Bartlett

Mayor Bartlett returned to the meeting at 6:58 p.m.

**PUBLIC COMMENTS**

There were no additional Public Comments.

**STAFF REPORTS**

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

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**CLOSED SESSION - CONTINUATION**

Mayor Bartlett adjourned the meeting into Closed Session at 7:04 p.m.

**RECONVENE CITY COUNCIL MEETING - CALL TO ORDER**

Mayor Bartlett called the meeting back to order at 7:55 p.m. All Council Members were present.

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Munoz stated that he had nothing to report from Closed Session.

**11. MUNICIPAL CODE AMENDMENT REVISING REGULATIONS APPLICABLE TO THE PLANNING COMMISSION AND TRAFFIC IMPROVEMENT SUBCOMMITTEE AND ADOPTION OF A RESOLUTION ESTABLISHING THE TRAFFIC IMPROVEMENT SUBCOMMITTEE**

IT WAS MOVED BY COUNCIL MEMBER LARA ANDERSON, SECONDED BY COUNCIL MEMBER JOEL BISHOP, THAT THE CITY COUNCIL 1) ADOPT **RESOLUTION 09-01-26-02** ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING THE DANA POINT TRAFFIC IMPROVEMENT COMMITTEE;*

2) INTRODUCE AND HOLD FIRST READING OF AN ORDINANCE WITH AMENDMENT ENTITLED:

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING VARIOUS PROVISIONS OF THE DANA POINT MUNICIPAL CODE APPLICABLE TO THE PLANNING COMMISSION AND THE TRAFFIC IMPROVEMENT SUBCOMMITTEE; and*

3) DIRECT THE CITY ATTORNEY TO RETURN WITH A NEW ORDINANCE FOR A FIRST READING AT THE NEXT CITY COUNCIL MEETING WHICH WOULD INCLUDE OPTIONS FOR AMENDING THE LANGUAGE IN SECTION 2.06.075 OF THE MUNICIPAL CODE.

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The motion carried by the following vote:

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

NOES: None

**ADJOURNMENT**

There being no further business before the City Council at this session, Mayor Bartlett declared the meeting adjourned at 8:32 p.m.