

# CITY OF DANA POINT

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**CITY COUNCIL  
REGULAR  
MEETING**



**MONDAY  
APRIL 13, 2009  
5:00 P.M.**

## **ACTION AGENDA**

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

Next City Council Ordinance No. 09-04

### **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 6:00 p.m. in the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point.

### **ROLL CALL OF CITY COUNCIL MEMBERS:**

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

### **CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b1), (2 cases)

### **RECESS OF CITY COUNCIL MEETING UNTIL 6:00 P.M.**

### **RECONVENE CITY COUNCIL MEETING – CALL TO ORDER**

Mayor Bartlett reconvened the meeting at 6:00 p.m. All Council Members were present.

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Kathy M. Ward, City Clerk; Mike Killebrew, Director of Administrative Services; Lt. Mark Levy, Chief of Police Services; Kyle Butterwick, Director of Community Development; Brad Fowler, Director of Public Works; Lynn Kelly, Management Analyst; Christy Teague, Economic Development Manager; Kevin Evans, Director of Community Services and Parks; John Tilton, City Architect, Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

## **CLOSED SESSION ANNOUNCEMENT**

City Attorney Munoz stated that there was no announcement.

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Lt. Colonel Robert McCarthy.

## **INVOCATION**

The Invocation was provided by Associate Pastor Derick Zeulner of South Shores Church.

## **PRESENTATIONS AND PROCLAMATIONS**

April Business of the Month – Estrella Pet Grooming  
Certificate of Recognition for Eagle Scout Harris Ian Smith  
Certificate of Recognition for Battalion Chief Marc Hawkins

## **SPECIAL PRESENTATION**

### **USMC LT. COLONEL BOB McCARTHY PRESENTATION**

RECEIVED AN ORAL REPORT PROVIDED BY LT. COLONEL BOB MCCARTHY ON HIS LAST TOUR IN IRAQ.

## **CONSENT CALENDAR**

City Manager Chotkevys removed Item #14 from Council consideration.

IT WAS MOVED BY MAYOR PRO TEM WEINBERG, SECONDED BY COUNCIL MEMBER BISHOP, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM NUMBER 14.

The motion carried by the following vote:

AYES: Council Member Anderson, Council Member Bishop, Council Member Schoeffel, Mayor Pro Tem Weinberg, Mayor Bartlett  
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, MARCH 9, 2009**

APPROVED THE MINUTES.

**3. PLANNING COMMISSION MEETING MINUTES, MARCH 2, 2009**

RECEIVED AND FILED.

**4. PLANNING COMMISSION ACTIONS, MEETING OF MARCH 16, 2009**

RECEIVED AND FILED.

**5. PLANNING COMMISSION ACTIONS, MEETING OF APRIL 6, 2009**

RECEIVED AND FILED.

**6. YOUTH BOARD MEETING MINUTES, MARCH 5, 2009**

RECEIVED AND FILED.

**7. YOUTH BOARD MEETING MINUTES, MARCH 19, 2009**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

**9. CITY TREASURER'S REPORT, FEBRUARY 2009**

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of February.

**10. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**11. TICKET DISTRIBUTION POLICY**

ADOPTED RESOLUTION 09-04-13-01 ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA,  
APPROVING CITY COUNCIL POLICY NO. 223, TICKET DISTRIBUTION POLICY*

**12. ROAD AND STORM DRAIN MAINTENANCE SERVICES AGREEMENT WITH THE COUNTY OF ORANGE**

APPROVED THE AGREEMENT BETWEEN THE CITY OF DANA POINT AND THE COUNTY OF ORANGE FOR ROAD AND STORM DRAIN MAINTENANCE SERVICES AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT.

**13. ADOPTION OF A RESOLUTION APPROVING AN AGREEMENT WITH SOUTH COAST WATER DISTRICT TO OPERATE A NEW STORM DRAIN DIVERSION AT STRAND BEACH**

ADOPTED **RESOLUTION 09-04-13-02** ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING AN AGREEMENT BETWEEN THE CITY OF DANA POINT AND THE SOUTH COAST WATER DISTRICT FOR THE INTERIM USE OF FACILITIES TO DIVERT URBAN RUNOFF FROM THE DIVERSION FACILITY CONSTRUCTED AT STRANDS BEACH.*

**14. INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 13.04, PARKS AND RECREATIONAL FACILITIES REGULATIONS, OF THE MUNIICIPAL CODE TO ADDRESS NEW PARKS AND FACILITIES IN THE CITY**

THIS ITEM WAS REMOVED FROM COUNCIL CONSIDERATION.

**PUBLIC COMMENTS**

Carlos Olvera  
Allen Wickstrom

**PUBLIC HEARINGS**

**15. ADOPTION OF A RESOLUTION TO VACATE AN EASEMENT FOR PUBLIC STREET OR ALLEY PURPOSES ADJOINING THE SOUTHERLY (REAR) PROPERTY LINE AT 25826 LAS VEGAS AVENUE (ASSESSOR PARCEL NUMBER 668-342-03)**

IT WAS MOVED BY MAYOR PRO TEM WEINBERG, SECONDED BY COUNCIL MEMBER SCHOEFFEL TO CONDUCT A PUBLIC HEARING AND ADOPT REVISED **RESOLUTION 09-04-13-03** ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT ORDERING THE VACATION OF AN EASEMENT FOR PUBLIC STREET OR ALLEY PURPOSES ADJOINING THE SOUTHERLY (REAR) PROPERTY LINE AT 25826 LAS VEGAS AVENUE (ASSESSOR PARCEL NUMBER 668-342-03).*

AYES: Council Member Anderson, Council Member Bishop, Council Member Schoeffel, Mayor Pro Tem Weinberg, Mayor Bartlett  
NOES: None  
ABSENT: None

## UNFINISHED BUSINESS

Mayor Bartlett recused herself from this item due to a potential conflict of interest and left the Council Chambers at 6:37 p.m.

### 16. CONSTRUCTION AND MAINTENANCE AGREEMENT WITH SCRRRA AND OCTA FOR RAILROAD-RELATED SAFETY ENHANCEMENTS, AND POTENTIAL “QUIET ZONE” AT THE BEACH ROAD CROSSING

IT WAS MOVED BY COUNCIL MEMBER BISHOP, SECONDED BY MAYOR PRO TEM WEINBERG, TO APPROVE THE CONSTRUCTION AND MAINTENANCE AGREEMENT WITH THE SOUTHERN CALIFORNIA REGIONAL RAILROAD AUTHORITY, AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT, AUTHORIZE A BUDGETED 12% MATCHING FUND PAYMENT REQUIRED BY THE OCTA FOR PROJECT CONSTRUCTION ADMINISTRATION CURRENTLY ESTIMATED AT \$162,415 PLUS A 25% CONTINGENCY, AND AUTHORIZE A 12% PROJECT BUDGET ADJUSTMENT TO \$203,019 THROUGH A TRANSFER OF \$53,019 FROM CAPITAL IMPROVEMENT PROJECT #1206 PROJECT SAVINGS TO COVER THE LATEST BUDGET ESTIMATE

AYES: Council Member Anderson, Council Member Bishop, Council Member Schoeffel, and Mayor Pro Tem Weinberg  
NOES: None  
ABSENT: Mayor Bartlett

Mayor Bartlett returned to the Council Chambers at 7:55 p.m.

### 17. 2009 WEED ABATEMENT PROGRAM

IT WAS MOVED BY COUNCIL MEMBER BISHOP, SECONDED BY MAYOR PRO TEM WEINBERG, HEARING NO OBJECTIONS REGARDING WEED ABATEMENT TO ADOPT **RESOLUTION 09-04-13-04** ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, HEARING NO OBJECTIONS AND PROCEEDING WITH WEED ABATEMENT.*

AYES: Council Member Anderson, Council Member Bishop, Council Member Schoeffel, Mayor Pro Tem Weinberg, Mayor Bartlett  
NOES: None  
ABSENT: None

## NEW BUSINESS

There were no New Business items.

## **PUBLIC COMMENTS (Continued)**

There were no additional Public Comments.

## **STAFF REPORTS**

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

## **ADJOURNMENT**

There being no further business before the City Council at this session, Mayor Bartlett declared the meeting adjourned at 8:10 p.m. and announced that the next Regular Meeting of the City Council will be April 27, 2009, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.