

# CITY OF DANA POINT

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**CITY COUNCIL  
REGULAR  
MEETING**



**MONDAY  
OCTOBER 26, 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. 09-08

### **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, 33828 Golden Lantern, Suite 210, Dana Point.

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

Present: Lisa A. Bartlett, Mayor  
Steven H. Weinberg, Mayor Pro Tem  
Lara Anderson, Council Member  
Joel Bishop, Council Member  
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), (3 cases)

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

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

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

Mayor Bartlett reconvened the meeting at 6:05 p.m. All Council Members were present.

## **CLOSED SESSION ANNOUNCEMENT**

City Attorney Munoz reported that there are a number of properties in the general area of the canyon west of Dana Hills High School where staff recently discovered that the property owners have encroached on public open space. He stated that in Closed Session this evening, the City Council authorized staff and the City Attorney's Office to work with the property owners in an attempt to resolve any litigation as a result of the encroachments by issuing encroachment permits as appropriate pursuant to the policy that the Council had reviewed and adopted regarding resolving this matter. He added that if staff is unable to resolve the encroachment issues, Council has authorized staff to pursue compliance through Code Enforcement activities. He stated that the action was approved with a 5-0 vote with the motion being made by Council Member Bishop and seconded by Council Member Schoeffel.

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Honorable Pat Bates, Orange County Supervisor 5<sup>th</sup> District.

## **INVOCATION**

The Invocation was provided by Bob Moore.

## **PRESENTATIONS AND PROCLAMATIONS**

There were no Presentations and Proclamations.

## **CONSENT CALENDAR**

IT WAS MOVED BY MAYOR PRO TEM WEINBERG, SECONDED BY COUNCIL MEMBER ANDERSON THAT THE CITY COUNCIL APPROVE 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 A. 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 ADJOURNED MEETING MINUTES, OCTOBER 6, 2009**

APPROVED THE MINUTES.

**3. REGULAR MEETING MINUTES, OCTOBER 12, 2009**

APPROVED THE MINUTES.

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

RECEIVED AND FILED.

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

RECEIVED AND FILED.

**6. YOUTH BOARD MEETING MINUTES, SEPTEMBER 17, 2009**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

**8. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**9. PROP 1A SECURITIZATION OF PROPERTY TAX REVENUE**

RECEIVED THE REPORT AND DECLINED TO PARTICIPATE IN THE PROPOSITION 1A SECURITIZATION PROGRAM SPONSORED BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY.

**PUBLIC COMMENTS**

Bob Moore  
Wiley Hall  
Ingrid McGuire

**PUBLIC HEARINGS**

There were no Public Hearings.

**UNFINISHED BUSINESS**

Mayor Pro Tem Weinberg recused himself from this item due to a potential conflict of interest and left the Council Chamber at 6:21 p.m.

**10. APPROVAL OF A CONSULTANT SERVICES AGREEMENT WITH LSA ASSOCIATES FOR ENVIRONMENTAL SERVICES RELATED TO THE EXPANSION OF SOUTH SHORES CHURCH**

IT WAS MOVED BY COUNCIL MEMBER BISHOP, SECONDED BY COUNCIL MEMBER ANDERSON, THAT THE CITY COUNCIL APPROVE LSA ASSOCIATES AS THE ENVIRONMENTAL CONSULTANT FOR PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE SOUTH SHORES CHURCH EXPANSION PROJECT AND AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH LSA ASSOCIATES.

The motion carried by the following vote:

AYES: Council Member Lara Anderson, Council Member Joel Bishop, Council Member Scott Schoeffel, and Mayor Lisa A. Bartlett

NOES: None

ABSENT: None

RECUSE: Mayor Pro Tem Weinberg

Mayor Pro Tem Weinberg returned to the Council Chamber at 6:29 p.m.

**NEW BUSINESS**

**11. DISASTER PREPAREDNESS BRIEFING**

RECEIVED AND FILED THE REPORT ON THE STATUS OF THE DISASTER PREPAREDNESS PROGRAM.

**PUBLIC COMMENTS (Continued)**

There were no additional Public Comments.

**STAFF REPORTS**

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

**CLOSED SESSION - CONTINUATION**

City Attorney Munoz indicated that there was a need to return to Closed Session. Mayor Bartlett recessed the meeting into a Closed Session at 6:55 p.m. pursuant to Government code Section 54956 et. seq.

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

Mayor Bartlett called the meeting back to order at 8:22 p.m. All Council Members were present.

## **CLOSED SESSION ANNOUNCEMENT**

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

## **ADJOURNMENT**

There being no further business before the City Council at this session, Mayor Bartlett declared the meeting adjourned at 8:23 p.m. and announced that the next Regular Meeting of the City Council will be November 9, 2009, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.