
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
OCTOBER 26, 2009**

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: 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.

RECONVENE CITY COUNCIL MEETING - CALL TO ORDER

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

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Kathy M. Ward, City Clerk; Mike Rose, Director of Emergency Services; Mike Killebrew, Assistant City Manager; Lt. Mark Levy, Chief of 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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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, Chairwoman and Orange County Supervisor 5th District.

INVOCATION

The Invocation was provided by Bob Moore.

PRESENTATIONS AND PROCLAMATIONS

There were no Presentations or Proclamations.

CONSENT CALENDAR

IT WAS MOVED BY MAYOR PRO TEM STEVEN WEINBERG, SECONDED BY COUNCIL MEMBER LARA ANDERSON, 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 Bartlett

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.

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

PUBLIC COMMENTS

Bob Moore, Dana Point, reported that Dana Point lost Francis Eddy, a 35 year resident to natural causes at the age of 94 and Lance Corporal David R. Baker, 22 years old of the 5th Marine Regiment last week during active duty in Afghanistan.

Wiley Hall, Dana Point, thanked the City for their support of the car wash to raise money for the 5th Marine Regiment that was held a couple of weeks ago. He reported that the VFW would be handing out poppies at Trader Joe's in honor of Veteran's Day.

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Ingrid McGuire, Dana Point, reported that there have been some changes to the water conservation ordinance that the Water District had passed this year. She stated that beginning on November 1, 2009, outdoor watering was to be reduced to only one day per week. She added that District has decided to provide a grace period allowing outdoor watering to be allowed three days per week until February, 2010.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

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

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.

City Manager Chotkevys provided the staff report.

Mayor Bartlett opened the Public Comments.

Tommy Beadel, Dana Point, stated that he was in support of LSA Associates being selected as the consultant for the preparation of the EIR.

Mayor Bartlett closed the Public Comments.

Council Member Bishop asked how frequently the community will be able to comment on the EIR process.

City Attorney Munoz replied that there will be a number of opportunities for the public to comment on the project. He stated that a schedule was attached to the staff report.

Director Butterwick clarified that CEQA does provide a very formalized process to facilitate and engage the public. He stated that the process would begin with a scoping meeting.

Council Member Bishop asked about the correspondence that had been received and whether these comments would be included in the process.

Director Butterwick replied that yes, all of the public record will be provided to the consultant.

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Council Member Anderson asked if the issues brought up in the last correspondence received from Ms. Willinger would be addressed by the EIR consultant.

City Attorney Munoz replied yes.

Mayor Bartlett felt that there will be a very open and transparent process. She encouraged the public's involvement.

IT WAS MOVED BY COUNCIL MEMBER JOEL BISHOP, SECONDED BY COUNCIL MEMBER LARA ANDERSON, TO APPROVE OF 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 Bartlett

NOES: None

RECUSED: Mayor Pro Tem Steven Weinberg

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

NEW BUSINESS

11. DISASTER PREPAREDNESS BRIEFING

City Manager Chotkevys provided opening remarks and Director of Emergency Services Rose provided an overview of the Program.

Mayor Bartlett thanked the CERT volunteers and thanked Director of Emergency Services Rose for putting together a great program.

Mayor Pro Tem Weinberg asked what qualifications would an individual need to participate in CERT.

Director of Emergency Services Rose replied that a person only needs to be interested. He added that the physical activities of the Program were based upon the person's abilities.

Council Member Bishop recommended that for upcoming siren tests and events, that new media should be used, i.e. Twitter or a Facebook fan page to help share the information.

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PUBLIC COMMENTS

There were no additional Public Comments.

STAFF REPORTS

City Manager Chotkevys recognized Deputy Gardner's boys who were observing the Council meeting as part of their Government Service aspect of Scouting.

City Attorney Munoz wished City Manager Chotkevys a happy birthday.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Bishop stated that he had attended no meetings since the last Council meeting. He acknowledged an e-mail he had received from someone in Germany who had recently viewed a City Council meeting on the City's website.

Council Member Anderson reported that she had attended a Joint Powers Authority for Coastal Animal Services on October 21, 2009. She stated that the Orange County Grand Jury was accepting applications and that if anyone was interested to please contact the City Clerk for more information.

Mayor Pro Tem Weinberg reported that he had attended a Vector Control meeting.

Mayor Bartlett reported that on October 21, 2009, Christy Teague, the City's Economic Development Manager, Nichole Chambers, the Chamber of Commerce CEO and herself provided HGTV executives a tour of Dana Point to view points of interest for the new program on the HGTV channel that will feature small, interesting cities and home renovations projects. She stated that HGTV is in the process of selecting one lucky family in Dana Point to renovate their house. The City's show is the pilot show in a new television series and it will air between April and June, 2010.

She reported the following upcoming events:

10/29 - Artist by the Sea at the Ocean Institute at 7:30 p.m. Contact the Ocean Institute if you are interested.

10/30 - CR&R Material Recovery ribbon cutting for the new recycling facility in San Juan Capistrano.

11/2 - TCA lane opening ceremony for the new Fastrak lane on the 241 toll road.

11/7 - 12 noon at Ocean Institute is the big drawing for the million dollar house.

11/9 - Ribbon cutting ceremony at 12 noon at ABC Embroidery.

Everyone sang Happy Birthday to City Manager Chotkevys and Council Member Schoeffel.

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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 adjourned the meeting at 8:23 p.m. in memory of Lance Corporal David Baker and Frank Eddy who was a VFW. She stated that the City is truly saddened with the loss of both men and appreciate their great service to our country. She reported that Lance Corporal David Baker was only 22 years old and that while serving in Afghanistan had died while supporting combat operations for the 5th Marine Regiment. She added that Frank Eddy was 94, a Dana Point resident and a Veteran of World War II. He passed away on October 21st. She said that our condolences, thoughts, and prayers go out to the Baker and Eddy families.

She 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.

KATHY M. WARD
CITY CLERK

APPROVED AT THE MEETING OF NOVEMBER 9, 2009