

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**MONDAY  
NOVEMBER 22, 2010  
5:00 P.M.**

## **ACTION AGENDA**

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

Next City Council Ordinance No. 10-13

### **CALL TO ORDER**

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

Steven H. Weinberg, Mayor  
Scott Schoeffel, Mayor Pro Tem  
Lara Anderson, Council Member  
Lisa A. Bartlett, Council Member  
Joel Bishop, 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), (1 case)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), Name of cases: City of Dana Point v. Holistic Health - 30-201000352106; City of Dana Point v. Beach Cities Collective – 30-201000352103; City of Dana Point v. The Point Alternative Care - 30-201000352093

Mayor Weinberg 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 Weinberg reconvened the meeting at 6:02 p.m. All Council Members were present.

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Kathy Ward, City Clerk; Mike Killebrew, Assistant City Manager; Mike Rose, Director of Disaster Preparedness; Lt. Mark Levy, Police Services; Kyle Butterwick, Director of Community Development; Brad Fowler, Director of Public Works/Engineering; Christy Teague, Economic Development Manager; Brian McClure, Parks Manager Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

## **CLOSED SESSION ANNOUNCEMENT**

City Attorney Munoz stated that he had no announcement.

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Bob Fowler, Commander of VFW Post 9934.

## **INVOCATION**

The Invocation was provided by Father Steve Sallot of St. Edwards Catholic Church.

## **PRESENTATIONS AND PROCLAMATIONS**

California Ships to Reefs Presentation

## **CONSENT CALENDAR**

IT WAS MOVED BY COUNCIL MEMBER LISA BARTLETT, SECONDED BY MAYOR PRO TEM SCOTT SCHOEFFEL, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR.

The motion carried by the following vote:

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

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, NOVEMBER 8, 2010**

APPROVED THE MINUTES.

**3. PLANNING COMMISSION MEETING MINUTES, NOVEMBER 1, 2010**

RECEIVED AND FILED.

**4. PLANNING COMMISSION ACTIONS, MEETING OF NOVEMBER 15, 2010**

RECEIVED AND FILED.

**5. YOUTH BOARD MEETING MINUTES, OCTOBER 21, 2010**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

**7. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**8. RESOLUTION AUTHORIZING AND ORDERING JUDICIAL FORECLOSURE OF CURRENT AND FUTURE DELINQUENT SPECIAL TAXES IN COMMUNITY FACILITIES DISTRICT NO. 2006-1 PURSUANT TO THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982 AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH**

AUTHORIZED THE NECESSARY STEPS TO COMMENCE THE COLLECTION OF DELINQUENT SPECIAL TAXES AND ADOPTED **RESOLUTION 10-11-22-01** ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 2006-1 OF THE CITY OF DANA POINT, AUTHORIZING AND ORDERING JUDICIAL FORECLOSURE OF CURRENT AND FUTURE DELINQUENT SPECIAL TAXES IN SAID DISTRICT PURSUANT TO THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982 AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH; and*

AUTHORIZED CITY PERSONNEL, IN CONJUNCTION WITH CITY ATTORNEY AND OTHER CITY CONSULTANTS, PURSUANT TO GOVERNMENT CODE SECTION 53356.2: (A) TO RECORD NOTICES OF INTENT TO REMOVE THE DELINQUENT SPECIAL TAXES FROM THE TAX ROLLS, AND (B) TO AUTHORIZE THE APPLICABLE COUNTY OFFICIALS REMOVE CURRENT AND FUTURE DELINQUENT SPECIAL TAXES FROM THE TAX ROLLS; and

AUTHORIZED THE CITY ATTORNEY TO PROSECUTE A FORECLOSURE ACTION AND TO COLLECT, IN THE NAME OF THE CITY AND ON BEHALF OF THE OWNERS OF THE BONDS, ALL AMOUNTS DUE ON THE ACCOUNT OF THE DELINQUENT SPECIAL TAXES WITH RESPECT TO THE PROPERTY IDENTIFIED IN THE REFERENCED RESOLUTION.

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## PUBLIC COMMENTS

Howard Duhan  
Joe Snyder

## PUBLIC HEARINGS

### 9. DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT ANNUAL REPORT AND RENEWAL FOR 2011

IT WAS MOVED BY COUNCIL MEMBER LISA BARTLETT, SECONDED BY MAYOR PRO TEM SCOTT SCHOEFFEL, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING AND ADOPT **RESOLUTION 10-11-22-02** ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONTINUING THE PROGRAM AND ASSESSMENTS FOR THE 2011 CALENDAR YEAR FOR THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID).*

The motion carried by the following vote:

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

NOES: None

ABSENT: None

## UNFINISHED BUSINESS

There were no Unfinished Business items.

## NEW BUSINESS

### 10. PROPOSED ASSOCIATION OF CALIFORNIA CITIES – ORANGE COUNTY

IT WAS MOVED BY COUNCIL MEMBER LISA BARTLETT, SECONDED BY MAYOR PRO TEM SCOTT SCHOEFFEL, THAT THE CITY COUNCIL CONTINUE THEIR MEMBERSHIP WITH THE LEAGUE OF CALIFORNIA CITIES FOR ONE YEAR AND SUPPORT, JOIN, AND PAY MEMBERSHIP DUES TO THE NEW ASSOCIATION, IF ESTABLISHED.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

## **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 Weinberg declared the meeting adjourned at 7:08 p.m. and announced that the next Regular Meeting of the City Council will be held on December 13, 2010, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.