
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JUNE 23, 2004**

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Snyder at 5:03 p.m. in the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point.

ROLL CALL

PRESENT: Joe Snyder, Mayor
James V. Lacy, Mayor Pro Tem
Russell Chilton, Council Member
Wayne Rayfield, Council Member

Council Member William L. Ossenmacher arrived at 5:20 p.m.

STAFF PRESENT: Douglas Chotkevys, City Manager; Patrick Munoz, City Attorney; Sharon Street, Director of Public Affairs/City Clerk; Cathy Catlett, Assistant City Clerk; Kyle Butterwick, Director of Community Development; Larry Pierce, Interim Director of Public Works and Engineering Services; Brenda Chase, Associate Planner; Matt Sinacori, Deputy City Engineer; and Mark Billings, Chief of Police Services.

CLOSED SESSION

City Attorney Munoz indicated 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)
- B. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Government Code § 54956.9 (c), (2 cases)
- C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Government Code § 54956.8 (1 case)
 - Property: Marinita Homeowners' Association
 - City Negotiators: Douglas Chotkevys, City Manager
Patrick Munoz, City Attorney
Kyle Butterwick, Director of Community Development
 - Negotiating Parties: City of Dana Point and Marinita Homeowners' Association or other interested parties
 - Under Negotiation: Price and terms of agreement relating to property

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Mayor Snyder recessed the meeting into a Closed Session at 5:05 p.m. pursuant to Government Code Section 54956 et. seq.

RECONVENE CITY COUNCIL MEETING

Mayor Snyder reconvened the meeting at 6:27 p.m. All Council Members were present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Earl Brown, local and distinguished Veteran of the Allies of WW II campaigns in Africa, Sicily and D-Day invasions.

INVOCATION

The Invocation was led by Pastor Ty Guy of South Shores Church.

PRESENTATIONS AND PROCLAMATIONS

1. Featured Business of the Month for the month of July – Olamendi's
 City Manager Chotkevys introduced Management Analyst Shanna Wolf, who gave a slide presentation of Olamendi's Restaurant. Owners Jorge and Maria Olamendi, with children Oscar, Esmeralda, Raquel, and Gloria, along with her husband John, were present to receive a Certificate of Recognition from Mayor Snyder.
2. Presentation to Reagan Library
 Mayor Snyder presented a Proclamation in honor of President Ronald Reagan, which will be sent to the Reagan Library .
3. Recognition of Outgoing Youth Board Members
 Mayor Snyder presented Certificates of Recognition to the outgoing members of the Dana Point Youth Board. Megan Castler, Vanna Hosanny, Alyssa Larson, Julian McCarty, Clinton Miyazono were present to receive their Certificates.

Mayor Snyder recessed the meeting at 6:45 p.m.

The meeting was reconvened by Mayor Snyder at 7:09 p.m.

CONSENT CALENDAR

Item 14 was removed from the Consent Calendar by Staff to be moved to Unfinished Business. Items 14, 25, and 27 were removed by the public. Items 16 and 32 were removed by Council Member Ossenmacher. Item 20 was removed by Council Member Chilton.

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Mayor Pro Tem Lacy registered his abstention on Items 22 and 23 due to being a Member of the Board of Directors of the Young America Foundation which owns the Reagan Ranch in Santa Barbara.

IT WAS MOVED BY COUNCIL MEMBER RAYFIELD, SECONDED BY COUNCIL MEMBER CHILTON, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 14, 16, 20, 25, 27, and 32.

The motion carried by the following vote:

AYES: Council Members Chilton, Ossenmacher, Rayfield, Mayor Pro Tem Lacy, and Mayor Snyder
NOES: None
ABSENT: None
ABSTAIN: 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.

MAYOR SNYDER REQUESTED THAT THE CITY CLERK READ TITLES OF THE ORDINANCES. CITY CLERK SHARON STREET READ THE TITLES OF ORDINANCES.

2. REGULAR MEETING MINUTES, MAY 26, 2004

RECEIVED AND FILED.

3. REGULAR MEETING MINUTES, APRIL 28, 2004

RECEIVED AND FILED.

4. PLANNING COMMISSION MEETING MINUTES, MAY 19, 2004 (0120-10)

RECEIVED AND FILED.

5. PLANNING COMMISSION MEETING MINUTES, JUNE 2, 2004 (0120-10)

RECEIVED AND FILED.

6. PLANNING COMMISSION ACTIONS, MEETING OF JUNE 2, 2004 (0120-10)

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RECEIVED AND FILED.

7. **PLANNING COMMISSION ACTIONS, MEETING OF JUNE 16, 2004 (0120-10)**

RECEIVED AND FILED.

8. **MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR
(0100-10)**

RECEIVED AND FILED.

9. **CITY TREASURER'S REPORT**

RECEIVED AND FILED.

10. **CLAIMS AND DEMANDS (0300-30)**

RECEIVED AND FILED.

11. **ADOPTION OF AMBULANCE SERVICE ORDINANCE [STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]**

ADOPTED **ORDINANCE NO. 04-02** ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING IN ITS ENTIRETY CHAPTER 5.24 OF THE DANA POINT MUNICIPAL CODE AND ESTABLISHING NEW GENERAL OPERATING PROCEDURES AND STANDARDS FOR AMBULANCE TRANSPORTATION AND SERVICES WITHIN THE CITY

12. **ADOPTION OF CLASS SPECIFICATION FOR EXISTING PARKS SUPERVISOR POSITION [STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]**

ADOPTED **RESOLUTION NO. 04-06-23-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING A CLASS SPECIFICATION FOR THE BUDGETED POSITION OF PARKS SUPERVISOR

13. **ADOPTION OF A RESOLUTION ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2005 [STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY**

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ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]

ADOPTED RESOLUTION NO. 04-06-23-02 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2005

14. CITYWIDE IMPLEMENTATION OF AUTOMATED GREEN WASTE COLLECTION AND MULTI-FAMILY RESIDENTIAL WASTE PROCESSING

THIS ITEM WAS REMOVED FROM THE CONSENT CALENDAR BY STAFF AND MOVED TO **UNFINISHED BUSINESS**.

15. APPROVAL OF CHANGE ORDER NUMBER ONE FOR THE STREET SWEEPING MAINTENANCE CONTRACT FOR FISCAL YEAR 2004-05
[STRATEGIC PLAN: RESTORE AND MAINTAIN THE INTEGRITY OF OUR OCEAN WATERS AND BEACHES]

(1) APPROVED CONTRACT CHANGE ORDER NUMBER ONE TO CLEANSTREET FOR STREET SWEEPING MAINTENANCE SERVICES TO EXTEND THE CONTRACT FOR FISCAL YEAR 2004/2005; AND (2) INCREASED THE CONTRACT FUNDING.

16. APPROVAL OF AGREEMENT FOR THE ANNUAL TREE MAINTENANCE PROGRAM
[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

This Item was removed from the Consent Calendar by Council Member Ossenmacher.

City Manager Chotkevys gave a staff report.

Council discussion ensued. Discussion included questions regarding the contract and proper disposal of green waste.

Mayor Snyder opened the meeting for Public Comments.

Richard Gardener, Capistrano Beach, stated he had no objection on this item, and complimented Mr. McClure on the work he has done in the City. He reported some concerns regarding problems that can occur with trimming palm trees.

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IT WAS MOVED BY COUNCIL MEMBER RAYFIELD, SECONDED BY COUNCIL MEMBER OSSENMACHER, THAT THE CITY COUNCIL (1) APPROVE AN AGREEMENT WITH WEST COAST ARBORISTS, INC. FOR TREE MAINTENANCE SERVICES; AND (2) AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT, SUBJECT TO THE PROVISION THAT A CLAUSE BE ADDED TO THE CONTRACT THAT TO THE FULLEST EXTENT POSSIBLE, ALL THE RESIDUE FROM THE TREE TRIMMING IS RECYCLED THROUGH THE APPROPRIATE FACILITY.

The motion carried by the following vote:

AYES: Council Members Ossenmacher, Rayfield, Mayor Pro Tem Lacy, and Mayor Snyder
NOES: None
ABSENT: None
ABSTAIN: None

17. **GENERAL MUNICIPAL ELECTION TO BE CONSOLIDATED WITH THE NOVEMBER 2, 2004 STATEWIDE GENERAL ELECTION** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

ADOPTED RESOLUTION NO. 04-06-23-03:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CALLING AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2004 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

ADOPTED RESOLUTION NO. 04-06-23-04:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2004 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE

ADOPTED RESOLUTION NO. 04-06-23-05:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES' STATEMENTS

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*SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON
TUESDAY, NOVEMBER 2, 2004*

18. **APPOINTMENTS TO THE DANA POINT YOUTH BOARD** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

APPROVED THE APPOINTMENTS OF MARIA ABRAMSON, MARGEUX KİYOKO AKAZAWA, ZACH CAMPBELL, BROOKS DE PEYSTER, JOSEPH GAUDREAU, GARRETT GOSSETT, KELLY LOCKWOOD-LARSON, ALEXANDRIA MONTES, LAURA PETERSEN, CRISTINE ROBINSON, AND RACHEL MARIE STRADY TO THE BOARD OF THE DANA POINT YOUTH BOARD, AND

APPROVED THE APPOINTMENTS OF JESSE BALMER, EILEEN CHOU, SPENCER KORNHABER, MOLLY MCCARTY, CARISSA SANCHEZ, JOSHUA TRAVERS, ALLISON WILTSE, AND CLAIRE WILTSE TO BE MEMBERS AT-LARGE OF THE DANA POINT YOUTH BOARD, TO SERVE A PERIOD OF ONE YEAR EFFECTIVE SEPTEMBER 1, 2004.

19. **AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) AND THE CITY OF DANA POINT** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS] (0400-10)*

ADOPTED **RESOLUTION NO. 04-06-23-06**, ENTITLED:

A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY OF DANA POINT

INTRODUCED AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF DANA POINT AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

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20. **2004-2005 LAW ENFORCEMENT SERVICES AGREEMENT** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS] (0400-10)*

Council Member Chilton recused himself and left Council Chambers due to his employment with the Sheriff's Department.

IT WAS MOVED BY COUNCIL MEMBER OSSENMACHER, SECONDED BY COUNCIL MEMBER RAYFIELD, THAT THE CITY COUNCIL APPROVE THE LAW ENFORCEMENT SERVICES AGREEMENT WITH THE COUNTY OF ORANGE FOR LAW ENFORCEMENT SERVICES FOR THE 2004-2005 FISCAL YEAR.

The motion carried by the following vote:

AYES: Council Members Ossenmacher, Rayfield, Mayor Pro Tem Lacy, and Mayor Snyder
NOES: None
ABSENT: Council Member Chilton
ABSTAIN: None

21. **FUNDING SUPPORT FOR THE DANA POINT SUMMER TROLLEY** *[STRATEGIC PLAN: INITIATE AND PROMOTE BUSINESS DEVELOPMENT]*

AUTHORIZED THE ALLOCATION OF FUNDS FROM THE CITY'S AB2766 FUNDS TO SUPPORT THE OPERATION OF THE DANA POINT SUMMER TROLLEY.

22. **CITY COUNCIL GRANT RECOMMENDATIONS (CHILTON AND RAYFIELD)** *[STRATEGIC PLAN: PROMOTE CULTURAL ARTS AND HUMAN SERVICES]*

Mayor Pro Tem Lacy registered an abstention on this item due to being a Director on the Board of the Reagan Ranch.

APPROVED THE RECOMMENDED GRANT FUNDING BY COUNCIL MEMBERS CHILTON AND RAYFIELD AS LISTED WITHIN THE STAFF REPORT PER CITY COUNCIL POLICY 116.

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23. **CITY COUNCIL GRANT RECOMMENDATIONS (OSSENMACHER)**
[STRATEGIC PLAN: PROMOTE CULTURAL ARTS AND HUMAN SERVICES]

Mayor Pro Tem Lacy registered an abstention on this item due to being a Director on the Board of the Reagan Ranch.

APPROVED THE RECOMMENDED GRANT FUNDING BY COUNCIL MEMBER OSSENMACHER AS LISTED WITHIN THE STAFF REPORT PER CITY COUNCIL POLICY 116.

24. **APPROVAL OF A SEVEN YEAR CAPITAL IMPROVEMENT PROGRAM AND AUTHORIZATION TO FORWARD THE SEVEN YEAR CAPITAL IMPROVEMENT PROGRAM TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA)** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

ADOPTED THE SEVEN YEAR CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FISCAL YEARS 2004-2005 THROUGH 2010 – 2011 AND AUTHORIZED THE INTERIM DIRECTOR OF PUBLIC WORKS AND ENGINEERING SERVICES TO FORWARD THE SEVEN YEAR CIP DOCUMENT TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA)

25. **AUTHORIZATION TO ADVERTISE FOR CONSTRUCTION BIDS FOR THE ARTERIAL HIGHWAY REHABILITATION PROJECT PHASE III FOR FY 03/04 ON DEL OBISPO STREET BETWEEN STONEHILL DRIVE AND THE NORTHERLY CITY LIMIT** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

This item was removed from the Consent Calendar by the public.

City Manager Chotkevys gave a staff report.

Mayor Snyder opened the meeting for public comments.

There were no public comments.

IT WAS MOVED BY COUNCIL MEMBER LACY, SECONDED BY COUNCIL MEMBER OSSENMACHER, THAT THE CITY COUNCIL (1) AUTHORIZE ADVERTISEMENT FOR CONSTRUCTION BIDS FOR THE ARTERIAL ROADWAY RESURFACING PROJECT PHASE III, FISCAL YEAR 2003/2004 ON DEL OBISPO STREET BETWEEN STONEHILL DRIVE AND THE NORTHERLY CITY LIMIT; AND (2) ACKNOWLEDGE THAT CITY STAFF WILL CONSTRUCT THE NEW TRAFFIC SIGNAL AT BLUE SAIL AND DEL OBISPO STREET, PREVIOUSLY APPROVED BY THE CITY COUNCIL, WITH THIS PROJECT.

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The motion carried by the following vote:

AYES:	Council Members Chilton, Ossenmacher, Rayfield, Mayor Pro Tem Lacy, and Mayor Snyder
NOES:	None
ABSENT:	None
ABSTAIN:	None

26. **AUTHORIZATION TO ADVERTISE FOR CONSTRUCTION BIDS FOR THE CONSTRUCTION OF THE HISTORICAL CONCRETE REPAIR AND REPLACEMENT PROJECT, FY 03-04** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

(1) AUTHORIZED ADVERTISEMENT FOR CONSTRUCTION BIDS FOR THE HISTORICAL CONCRETE REPAIR AND REPLACEMENT PROJECT FY 03/04; AND (2) AUTHORIZED THE TRANSFER OF FUNDS FROM THE CAPITAL IMPROVEMENT PROGRAM RESERVES TO THE CONCRETE REPAIR AND REPLACEMENT PROJECT, FY 03/04

27. **DETERMINATION OF THE PROCESS FOR SELECTING PUBLIC ART FOR FIRE STATION #29** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

This item was removed from the Consent Calendar by the public.

City Manager Chotkevys gave a staff report.

Mayor Snyder opened the meeting for public comments.

Karin Schnell, Dana Point, President of Dana Point Coastal Arts, thanked Council and Staff for doing a wonderful job regarding public art in the city. She read a letter from Colleen Schwann also thanking Council.

Mayor Pro Tem Lacy spoke regarding his being a Representative to the Orange County Fire Authority, and gave a brief background regarding the Fire Station #29, and its need for expansion.

IT WAS MOVED BY MAYOR PRO TEM LACY, SECONDED BY COUNCIL MEMBER RAYFIELD, THAT THE CITY COUNCIL AUTHORIZE THE IMPLEMENTATION OF CERTAIN APPLICATION PROCEDURES AND CRITERIA FOR SELECTING PUBLIC ART FOR FIRE STATION #29.

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The motion carried by the following vote:

AYES: Council Members Chilton, Ossenmacher, Rayfield, Mayor Pro Tem Lacy, and Mayor Snyder
NOES: None
ABSENT: None
ABSTAIN: None

28. AMENDMENT TO HOGLE-IRELAND CONTRACT AND CITY STAFFING ADJUSTMENT

(1) REDUCED THE HOGLE-IRELAND CONTRACTED STAFF BY ONE SENIOR ASSOCIATE PROJECT MANAGER; AND (2) RECLASSIFIED THE CITY'S EXISTING ASSOCIATE PLANNER POSITION TO THE CLASSIFICATION OF SENIOR PLANNER, CREATING A SECOND SENIOR PLANNER POSITION.

29. ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, FOR THE ESTABLISHMENT OF THE NAME OF THE OPEN SPACE IMPROVEMENTS AT THE CITY-OWNED LOT AT LA CRESTA AND VIOLET LANTERN *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

ADOPTED **RESOLUTION NO. 04-06-23-07**, ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, FOR THE ESTABLISHMENT OF THE NAME OF THE OPEN SPACE IMPROVEMENTS AT THE CITY-OWNED VACANT LOT AT 24611 LA CRESTA DRIVE

ESTABLISHED THAT THE NAME IS "LANTERN VILLAGE COMMUNITY PARK."

30. APPROVE AMENDMENT NO. 9 TO CONTRACT AGREEMENT NO. C-8-0370 WITH ORANGE COUNTY TRANSIT AUTHORITY TO PROVIDE SENIOR TRANSPORTATION SERVICES TO THE DEL OBISPO COMMUNITY/SENIOR CENTER THROUGH JUNE 30, 2005 *[STRATEGIC PLAN: PROMOTE CULTURAL ARTS AND HUMAN SERVICES] (0400-10)*

APPROVED AMENDMENT NO. 9 TO EXISTING CONTRACT NO. C-8-0370 WITH ORANGE COUNTY TRANSIT AUTHORITY (OCTA) FOR SEMOPR TRANSPORTATION TO THE DEL OBISPO COMMUNITY/SENIOR CENTER THROUGH JUNE 30, 2005 AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT.

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31. **FIRST READING OF ORDINANCE AMENDING DANA POINT MUNICIPAL CODE SECTIONS 2.05.068 AND 2.05.070** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

INTRODUCED AN **ORDINANCE** ENTITLED:

AN ORDINANCE AMENDING DANA POINT MUNICIPAL CODE SECTIONS 2.05.068 AND 2.05.070

32. **ADOPTION OF RESOLUTION APPROVING A NOTICE OF COMPLETION FOR CONSTRUCTION OF THE SYCAMORE CREEK TRAIL PROJECT** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

This item was removed from the Consent Calendar by Council Member Ossenmacher.

City Manager Chotkevys gave a staff report.

Council discussion ensued. Discussion included drainage, turf and landscape materials, and whether a Notice of Completion should be approved prior to completion of these issues.

IT WAS MOVED BY COUNCIL MEMBER CHILTON, SECONDED BY COUNCIL MEMBER RAYFIELD, THAT THE CITY COUNCIL ADOPT **RESOLUTION NO. 04-06-23-08** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE SYCAMORE CREEK TRAIL PROJECT

- and -

AND (2) DIRECT STAFF TO TRANSFER ALL PROJECT SAVING TO THE CAPITAL IMPROVEMENT PROGRAM RESERVES.

The motion carried by the following vote:

AYES:	Council Members Chilton, Ossenmacher, Rayfield, Mayor Pro Tem Lacy, and Mayor Snyder
NOES:	None
ABSENT:	None
ABSTAIN:	None

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Mayor Snyder called a Recess at 7:47 p.m.

The meeting was reconvened at 8:00 p.m.

PUBLIC COMMENTS

Mayor Snyder opened Public Comments.

Glenn Brumage, Capistrano Beach, of the Capistrano Beach Community Association, informed that Home Depot had leased the Kmart building on Camino De Estrella, and expressed concern regarding traffic and lighting.

Liz Fitzgerald, Dana Point, expressed thanks to the Fire Fighters who worked so hard to save homes during the fire in the ravine near the high school, and noted that they are doing a wonderful job with fire prevention.

Bob Moore, Dana Point, encouraged members of the public to attend South Coast Water District's Public Forum regarding rate structure study.

Paula Becker, Dana Point, from Animal Rescue Foundation, reported on the spay/neuter program.

Diane Harkey, Dana Point, expressed concerns regarding traffic from the proposed Home Depot.

Nancy Jenkins, Dana Point, spoke on behalf of the Dana Point Historical Society, and announced a fund-raising picnic to raise money for scholarships.

Lynn Smith, Capistrano Beach, asked the Council to include the Capistrano Beach area of Doheny Village in the design study being done by ROMA Group. She also noted the proximity of residences to the proposed Home Depot.

Bob Theel, Dana Point, complimented the Community Development team, and noted that if outside contractors were to stay longer the business at the counter could be more consistent.

Richard Gardner, Capistrano Beach, spoke regarding the 30 acre property owned by the South Coast Water District, and expressed his desire that the City begin to participate in the design and use of the property.

Mayor Snyder closed Public Comments.

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PUBLIC HEARINGS

33. **APPEAL OF PLANNING COMMISSION DECISION APPROVING COASTAL DEVELOPMENT PERMIT CDP94-01(I) TO ALLOW THE CONSTRUCTION OF A NEW APPROXIMATE 7,835 SQUARE FOOT, SINGLE-FAMILY RESIDENCE ON A 34,630 SQUARE FOOT BLUFF-TOP LOT WITH A SITE DEVELOPMENT PERMIT SDP03-09 TO ALLOW A GARAGE AND TWO (2) STORY CONFIGURATION AND RETAINING WALLS AS HIGH AS 6.5 FEET IN HEIGHT AND VARIANCE V03-10 TO EXCEED THE MAXIMUM HEIGHT LIMIT BY 11 FEET THREE (3) INCHES, AND FOR THE REQUIREMENTS FOR DEVELOPMENT ADJACENT TO COASTAL BLUFFS LOCATED AT 35009 CAMINO CAPISTRANO** *[STRATEGIC PLAN: EVALUATE LAND USE ISSUES TO ENSURE THAT THE GOALS, POLICIES AND PROGRAMS OF THE GENERAL PLAN REFLECT THE COMMUNITY'S VISION AND MISSION]*
(CONTINUED FROM THE MEETING OF MAY 26, 2004)

Mayor Snyder opened the Public Hearing.

Mayor Snyder gave a background report on the issue, and noted that this was the first time in the history of the City that the City bought land in order to preserve it as open space, and noted that it is a beautiful addition to Pines Park.

IT WAS MOVED BY COUNCIL MEMBER RAYFIELD, SECONDED BY COUNCIL MEMBER CHILTON, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING AND ACCEPT THE APPELLANT'S REQUEST TO WITHDRAW THE APPEAL OF THE PLANNING COMMISSION'S APPROVAL AND CONSIDER THE MATTER FINAL.

The motion carried by the following vote:

AYES:	Council Members Chilton, Ossenmacher, Rayfield, Mayor Pro Tem Lacy, and Mayor Snyder
NOES:	None
ABSENT:	None
ABSTAIN:	None

34. **ZONE TEXT AMENDMENT (ZTA04-01) AND LOCAL COASTAL PROGRAM AMENDMENT (LCPA04-01) TO ESTABLISH REGULATIONS PERTAINING TO FRACTIONAL OWNERSHIP DEVELOPMENT** *[STRATEGIC PLAN: EVALUATE LAND USE ISSUES TO ENSURE THAT THE GOALS OF THE GENERAL PLAN REFLECT THE COMMUNITY'S VISION]*

This item was removed from the Consent Calendar by a member of the public.

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City Manager Chotkevys gave a staff report, and introduced Kyle Butterwick, Director of Community Development. Mr. Butterwick gave a staff report and introduced Brenda Chase, Associate Planner, who gave a slide presentation regarding fractional ownership.

Council Member Rayfield requested clarification of the map showing proposed areas to be utilized for fractional ownership.

Mayor Snyder opened for Public Comments.

Tom Mathews, Laguna Beach, spoke in favor of the proposal.

Beth Dudas, Dana Point, owner of the Hotel Bellmare, spoke in favor of the proposal.

Paul Dudas, Dana Point, owner of the Hotel Bellmare, spoke in favor of the proposal.

Carol Hoffman, Newport Beach, representative of the owner at the Villas at Monarch Beach, spoke in favor of the proposal.

Diane Harkey, Dana Point, expressed some concerns with fractional ownership on the Capistrano Beach strip along Pacific Coast Highway. She expressed concerns regarding traffic, safety of pedestrians, and manner of marketing.

Bob Theel, Dana Point, expressed his desire that this be deferred until the Town Center Design is completed.

Council discussion ensued.

Mayor Snyder recessed the meeting at 8:49 p.m.

Mayor Snyder reconvened the meeting at 9:06 p.m.

Council discussion continued. Discussion included quality of development in new facilities, and quality and maintenance in existing facilities.

IT WAS MOVED BY MAYOR PRO TEM LACY, SECONDED BY COUNCIL MEMBER CHILTON, THAT THE CITY COUNCIL ADOPT **RESOLUTION NO. 04-06-23-09** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NEGATIVE DECLARATION FOR ZONE TEXT AMENDMENT ZTA04-01 AND LOCAL COASTAL PROGRAM AMENDMENT LCPA04-01 ESTABLISHING FRACTIONAL OWNERSHIP DEVELOPMENT STANDARDS

-and-

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JUNE 23, 2004**

INTRODUCE AN **ORDINANCE** ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A ZONE TEXT AMENDMENT ZTA04-01 AND LOCAL COASTAL PROGRAM AMENDMENT LCPA04-01 ESTABLISHING FRACTIONAL OWNERSHIP DEVELOPMENT STANDARDS

to establish regulations pertaining to fractional ownership development.

The motion carried by the following vote:

AYES:	Council Members Chilton, Rayfield, Mayor Pro Tem Lacy, and Mayor Snyder
NOES:	Council Member Ossenmacher
ABSENT:	None
ABSTAIN:	None

ORAL REPORTS

City Manager Chotkevys introduced Deputy City Engineer Matthew Sinacori, who gave a slide presentation of the Sycamore Creek Trail Project.

UNFINISHED BUSINESS

THIS ITEM HAD BEEN REMOVED FROM THE CONSENT CALENDAR BY STAFF AND MOVED TO **UNFINISHED BUSINESS**.

14. **CITYWIDE IMPLEMENTATION OF AUTOMATED GREEN WASTE COLLECTION AND MULTI-FAMILY RESIDENTIAL WASTE PROCESSING**
[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]

City Manager Chotkevys gave a staff report.

There were no Council questions.

Mayor Snyder called for public comments.

David Fahrion, President of the Solid Waste Division of CR & R gave a report explaining the green waste program and spoke in support of the program.

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Council discussion ensued.

IT WAS MOVED BY MAYOR PRO TEM LACY, SECONDED BY COUNCIL MEMBER CHILTON, THAT THE CITY COUNCIL APPROVE IMPLEMENTATION CITYWIDE OF THE AUTOMATED GREEN WASTE COLLECTION PROGRAM AND MULTI-FAMILY RESIDENTIAL WASTE PROCESSING PROGRAM.

The motion carried by the following vote:

AYES:	Council Members Chilton, Rayfield, Mayor Pro Tem Lacy, and Mayor Snyder
NOES:	Council Member Ossenmacher
ABSENT:	None
ABSTAIN:	None

NEW BUSINESS

THERE WAS NO NEW BUSINESS.

STAFF REPORTS

City Manager Chotkevys announced that it would be the Larry Pierce's last week as Interim Director of Public Works/City Engineer, and wished him well.

COUNCIL REPORTS

Council Member Rayfield wished to remind everyone that Sunday, June 27th, is the start of the Concerts in the Park, which will be held at 4:30 p.m. on Sundays in Heritage Park. He wished everyone a Happy Fourth of July. He also announced the First Annual Production of "Shakespeare in the Park."

Council Member Ossenmacher followed up on City Manager Chotkevys' remarks, and noted that Larry Pierce had been a great member of the team and had helped to implement the Council's vision for the City. He noted that the Tipu trees throughout the Town Center are now in bloom and are quite attractive. He reported that he is on the Great Park Conservancy Advisory Council.

Mayor Pro Tem Lacy noted that Dana Point at this time does not require business licenses for most businesses.

Council Member Chilton wished everyone a safe and happy Fourth of July and to remember that the Fireworks Display would be in Dana Point Harbor.

Mayor Snyder noted the Fireworks Display and asked that everyone remember why we celebrate.

**CITY OF DANA POINT, CALIFORNIA
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ADJOURNMENT

There being no further business before the City Council at this session, Mayor Snyder declared the meeting adjourned at 10:44 p.m.

The July 14, 2004 Regular Meeting of the City Council would not be held to accommodate vacation schedules.

The next Regular Meeting of the City Council would be July 28, 2004 at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

SHARON STREET
DIRECTOR OF PUBLIC AFFAIRS/CITY CLERK

APPROVED AT MEETING OF JULY 28, 2004