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**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
MAY 26, 2004**

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**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 5:00 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  
William L. Ossenmacher, Council Member  
Wayne Rayfield, Council Member

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), (2 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 (3 cases)
  - 1. Location: Pacific Coast Highway between the north City limit and the western edge of San Juan Creek, Dana Point, California
  - Agency Negotiator: Douglas Chotkevys, City Manager  
Patrick Munoz, City Attorney  
Larry Pierce, Interim Director of Public Works/  
City Engineering  
Matthew Sinacori, Deputy City Engineer
  - Negotiating Parties: City of Dana Point and California Department of Transportation

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Under Negotiation: Relinquishment of portion of Pacific Coast Highway, including both price and terms of payment

2. Property: 26351 and 26315 Via Canon, Dana Point, California  
City Negotiators: Douglas Chotkevys, City Manager  
Patrick Munoz, City Attorney  
Kyle Butterwick, Director of Community Development  
Negotiating Parties: City of Dana Point and Barratt American Inc. or other interested parties  
Under Negotiation: Price and terms of agreement relating to property

3. Property: 35009 Camino Capistrano, Capistrano Beach, California  
City Negotiators: Douglas Chotkevys, City Manager  
Patrick Munoz, City Attorney  
Kyle Butterwick, Director of Community Development  
Negotiating Parties: City of Dana Point and Pioneer Builders, Inc. or other interested parties  
Under Negotiation: Price and terms of agreement relating to property

- D. CONFERENCE WITH LEGAL COUNSEL – REGARDING POTENTIAL DISPUTE WITH COX COMMUNICATIONS, Government Code § 54956.9 (b1)

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 6:43 p.m. All Council Members were present.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance for the upcoming Memorial Day was led by Mr. Mitch Higginbotham, member of the Tuskegee Airmen.

**INVOCATION**

The Invocation was given by Mayor Snyder.

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Mayor Snyder announced he would move Presentations and Proclamations forward.

**PRESENTATIONS AND PROCLAMATIONS**

1. AQMD  
Mission Viejo Council Member and a Director of AQMD Mr. Bill Craycraft gave a PowerPoint presentation regarding air quality.
2. Featured Business of the Month – Ichibiri Restaurant  
City Manager Chotkevys introduced Management Analyst Shanna Wolf, who gave a slide presentation on Ichibiri Restaurant. Owner Mr. Yugi Yamada was present to receive a Certificate of Recognition from Mayor Snyder.
3. Commendation for Lifesaving  
Mayor Snyder presented a Certificate of Recognition to Cameron Sanchez for his efforts in saving a person from drowning.

Mayor Snyder recessed the meeting at 7:14 p.m.

The meeting was reconvened by Mayor Snyder at 7:24 p.m.

**CONSENT CALENDAR**

Item 14 was removed from the Consent Calendar by a member of the public.

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 ITEM 14.

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.

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**2. REGULAR MEETING MINUTES, MAY 12, 2004**

RECEIVED AND FILED.

**3. PLANNING COMMISSION MEETING MINUTES, APRIL 21, 2004 (0120-10)**

RECEIVED AND FILED.

**4. PLANNING COMMISSION MEETING MINUTES, MAY 5, 2004 (0120-10)**

RECEIVED AND FILED.

**5. PLANNING COMMISSION ACTIONS, MEETING OF MAY 19, 2004 (0120-10)**

RECEIVED AND FILED.

**6. YOUTH BOARD MEETING MINUTES, MARCH 18, 2004 (0120-40)**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

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

RECEIVED AND FILED.

**9. EMERGENCY AMBULANCE SERVICES CONTRACT EXTENSION  
[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL  
SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT  
CUSTOMER SERVICE AND COST-EFFECTIVENESS] (0400-10)**

APPROVED THE TERMS OF THE SECOND AMENDMENT TO THE AGREEMENT FOR THE PROVISION OF EMERGENCY MEDICAL TRANSPORTATION AND RELATED SERVICES BETWEEN THE CITY OF DANA POINT AND HERREN ENTERPRISES, INC. (DBA DOCTOR'S AMBULANCE SERVICE); AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT AMENDMENT.

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10. **UPDATE OF AMBULANCE SERVICE ORDINANCE** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS] (0250-20)*

INTRODUCED AN ORDINANCE 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*

11. **APPROVAL OF AN EXPENDITURE FOR COMPLETED EMERGENCY STORM DRAIN AND ROADWAY REPAIRS ON TESORO DRIVE JUST SOUTH OF ARMADA DRIVE** *[STRATEGIC PLAN: MAINTAIN, MODERIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

(1) AUTHORIZED THE TRANSFER OF FUNDS FROM THE CAPITAL IMPROVEMENT PROGRAM RESERVE FUND TO FUND THE EMERGENCY STORM DRAIN AND ROADWAY REPAIRS ON TESORO DRIVE; (2) APPROVED AN EXPENDITURE FROM THE ANNUAL ROADWAY RESURFACING PROJECT, FISCAL YEAR 2003/2004 FOR EMERGENCY STORM DRAIN AND ROADWAY REPAIRS ON TESORO DRIVE; AND (3) AUTHORIZED STAFF TO PAY GCI CONSTRUCTION, INCORPORATED FOR THE EMERGENCY ROADWAY REPAIRS BASED ON ACTUAL QUANTITIES AND COSTS FOR THE EMERGENCY WORK.

12. **REQUEST FUND SUPPORT TO UNDERWRITE THE COST OF THE SHUTTLE SERVICE OPERATION DURING THE 4<sup>th</sup> OF JULY FIREWORKS EVENT** *[STRATEGIC PLAN: PROMOTE CULTURAL ARTS AND HUMAN SERVICES] (0330-25)*

APPROVED THE REQUEST FROM THE DANA POINT HARBOR ASSOCIATION TO PROVIDE FUNDING TO PROVIDE ADDITIONAL SHUTTLE SERVICE FOR THE 2004 FOURTH OF JULY FIREWORKS EVENT.

13. **AMENDMENT OF WASTE DISPOSAL AGREEMENT WITH THE COUNTY OF ORANGE** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS] (0400-10)*

APPROVED AN AMENDMENT TO THE WASTE DISPOSAL AGREEMENT BETWEEN THE CITY OF DANA POINT AND THE COUNTY OF ORANGE AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AMENDMENT.

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14. **APPROVAL OF AGREEMENT FOR CITY TO PURCHASE 35009 CAMINO CAPISTRANO AND AUTHORIZATION OF CITY MANAGER TO EXECUTE CERTIFICATE OF ACCEPTANCE** *[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]*  
(0400-10)

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

City Manager Chotkevys gave a staff report. Council had no questions of staff. Mayor Snyder opened for Public Comments.

Cheri Johnson, Capistrano Beach, spoke in favor of the proposed agreement.

William Johnson, Capistrano Beach, spoke in favor of the proposed agreement.

Mary Fullenwider, Dana Point, spoke in favor of the proposed agreement.

John Cederquist, Capistrano Beach, spoke in favor of the proposed agreement.

Suzanne Cederquist, Capistrano Beach, spoke in favor of the proposed agreement.

Bill Agee, Capistrano Beach, spoke in favor of the proposed agreement.

Jill Rolapp, Capistrano Beach, spoke in favor of the proposed agreement.

Glenn Brumage, Capistrano Beach, spoke in favor of the proposed agreement.

Robin Hall, Capistrano Beach, spoke in favor of the proposed agreement.

Larry Rolapp Capistrano Beach, spoke in favor of the proposed agreement.

Council discussion ensued.

IT WAS MOVED BY COUNCIL MEMBER RAYFIELD, SECONDED BY COUNCIL MEMBER CHILTON, THAT THE CITY COUNCIL ADOPT **RESOLUTION NO. 04-05-26-01:**

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A PURCHASE AND SALE AGREEMENT BETWEEN THE CITY OF DANA POINT AND PIONEER BUILDERS, INC. FOR THE PURCHASE OF CERTAIN REAL PROPERTY COMMONLY KNOWN AS 35009 CAMINO CAPISTRANO AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CERTIFICATE OF ACCEPTANCE AND RELATED DOCUMENTS TO EFFECTUATE THE SALE OF THE PROPERTY;*

AND MADE THE DETERMINATION THAT THE PURCHASE OF THE PROPERTY SATISFIES THE REQUIREMENTS OF 14 CAL. CODE OF REGS. § 15325, AND IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACTT DUE TO THE PURCHASE OF THE PROPERTY TO PRESERVE OPEN SPACE.

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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

15. **CITY COUNCIL GRANT RECOMMENDATIONS (LACY AND SNYDER)**  
*[STRATEGIC PLAN: PROMOTE CULTURAL ARTS AND HUMAN SERVICES]*

APPROVED THE RECOMMENDED GRANT FUNDING BY MAYOR SNYDER AND MAYOR PRO TEM LACY AS LISTED WITHIN THE STAFF REPORT PER CITY COUNCIL POLICY 116.

Mayor Snyder recessed the meeting at 8:24 p.m.

Mayor Snyder reconvened the meeting at 8:35 p.m.

**ORAL REPORTS**

THERE WERE NO ORAL REPORTS.

**PUBLIC COMMENTS**

Mayor Snyder opened Public Comments.

Nancy Jenkins, Dana Point, spoke regarding the upcoming Home Tour by the Dana Point Historical Society.

**PUBLIC HEARINGS**

Mayor Snyder opened the Public Hearing.

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16. **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 APRIL 28, 2004)*

IT WAS MOVED BY COUNCIL MEMBER RAYFIELD, SECONDED BY COUNCIL MEMBER CHILTON, THAT THE CITY COUNCIL TO CONTINUE THE ITEM TO THE JUNE 23, 2004 COUNCIL MEETING.

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

**UNFINISHED BUSINESS**

THERE WAS NO UNFINISHED BUSINESS.

**NEW BUSINESS**

17. **HISTORIC PRESERVATION AGREEMENT (MILLS ACT) FOR THE PROPERTY LOCATED AT 33941 COPPER LANTERN** *[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]* *(0400-10)*

CITY MANAGER CHOTKEVYS GAVE A STAFF REPORT AND INTRODUCED ASSOCIATE PLANNER BRENDA CHASE, WHO GAVE A SLIDE PRESENTATION.

IT WAS MOVED BY COUNCIL MEMBER OSSENMACHER, SECONDED BY COUNCIL MEMBER RAYFIELD, THAT THE CITY COUNCIL AUTHORIZE THE MAYOR TO SIGN A HISTORIC PROPERTY PRESERVATION AGREEMENT WHICH WOULD ALLOW THE PROPERTY OWNERS, JAMES AND REGINA BARNES, OF THE HISTORIC



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STRUCTURE LOCATED AT 33941 COPPER LANTERN, TO PARTICIPATE IN THE STATE'S MILLS ACT PROGRAM.

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

**STAFF REPORTS**

THERE WERE NO STAFF REPORTS.

**COUNCIL REPORTS**

Council Member Rayfield

- (1) reported on the importance of removing standing water around residences and businesses to assist the Orange County Vector Control Board in controlling mosquitoes and the threat of West Nile virus;
- (2) wished everyone a happy Memorial Day weekend, and that they remember those in harm's way; and
- (3) reminded everyone of the Dana Point Harbor Boat Show the first weekend in June.

Council Member Ossenmacher

- (1) wished everyone a happy Memorial Day Weekend and reported that the Memorial Day service sponsored by the Headlands staff would this year be held near the Selva parking lot;
- (2) noted that there was a front page story in the Orange County Register today regarding the Town Center Plan; and
- (3) thanked Mayor Snyder for his service to the community.

Mayor Snyder expressed his appreciation to Lieutenant Mark Billings and Police Services staff for the orderly crowd and traffic control at the Blues Festival.

Mayor Pro Tem Lacy

- (1) reported he is looking forward to the Memorial Day service; and
- (2) reported that Saturday is his birthday;

Council Member Chilton reported that he will be attending the Memorial Day service, and wished everyone a happy and safe weekend.

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**ADJOURNMENT**

There being no further business before the City Council at this session, Mayor Snyder declared the meeting adjourned at 8:56 p.m.

The next Regular Meeting of the City Council will be July 14, 2004 at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

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SHARON STREET  
DIRECTOR OF PUBLIC AFFAIRS/CITY CLERK

APPROVED AT MEETING OF JUNE 23, 2004