
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
MARCH 10, 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 5:02 p.m. in the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point.

ROLL CALL

PRESENT: Joe Snyder, Mayor
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; Sheryl Lindsey, Director of Administrative Services; Kyle Butterwick, Director of Community Development; Larry Pierce, Interim Director of Public Works and Engineering Services; Matt Sinacori, Deputy City Engineer; Brenda Chase, Associate Planner, 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

Location: 26351 and 26315 Via Canon, Dana Point, California
Agency Negotiator: 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

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- D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION,
Government Code § 54956.9(a), (1 case)

Name of Case: Headlands Reserve LLC and M. H. Sherman Co. v. the
City of Dana Point, et al, Orange County Superior
Court Case No. 798758, Court of Appeals Case No.
G024366

- E. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Government Code
§ 54957.6

Title: City Manager

Mayor Snyder recessed the meeting into a Closed Session at 5:04 p.m. pursuant to Government Code Section 54956 et. seq.

RECONVENE CITY COUNCIL MEETING

Mayor Snyder reconvened the meeting at 6:36 p.m. All Council Members were present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was presented by Dana Point Junior Girl Scout Troop 1508, led by Mrs. Susan Chotkevys.

INVOCATION

The Invocation was given by Father John Bradley of San Felipe de Jesus in Capistrano Beach.

Mayor Snyder at this time announced that Item 19, the Public Hearing, was being requested to continue to the April 28, 2004 City Council Regular Meeting.

IT WAS MOVED BY COUNCIL MEMBER OSSENMACHER, SECONDED BY COUNCIL MEMBER RAYFIELD, THAT THE PUBLIC HEARING BE CONTINUED TO THE APRIL 28, 2004 CITY 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

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CONSENT CALENDAR

At the direction of Mayor Snyder, the City Clerk gave a second reading of the title of the ordinance listed.

Staff removed from the Consent Calendar Item 15 to be moved to a later date. Council Member Rayfield removed Item 11. Item 12 was removed by the public. Council Member Ossenmacher registered an abstention on Item 16.

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 11, 12, AND 15.

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.

2. **REGULAR MEETING MINUTES, FEBRUARY 11, 2004**

RECEIVED AND FILED

3. **REGULAR MEETING MINUTES, FEBRUARY 25, 2004**

RECEIVED AND FILED

4. **PLANNING COMMISSION MEETING MINUTES, FEBRUARY 18, 2004
(0120-10)**

RECEIVED AND FILED.

5. **PLANNING COMMISSION ACTIONS, MEETING OF MARCH 3, 2004
(0120-10)**

RECEIVED AND FILED.

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6. **YOUTH BOARD MEETING MINUTES, FEBRUARY 5, 2004 (0120-40)**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

8. **CITY TREASURER'S REPORT, JANUARY 2004**

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

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

10. **AUTHORIZATION TO ISSUE REQUEST FOR PROPOSAL FOR AUDITING SERVICES** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

AUTHORIZED STAFF TO ISSUE A REQUEST FOR PROPOSAL (RFP) FOR AUDITING SERVICES.

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

This Item was removed by Council Member Rayfield.

Council Member Rayfield stated that he supported the project, and suggested having a consultant review policies, procedures and systems that support records retention.

IT WAS MOVED BY COUNCIL MEMBER RAYFIELD, SECONDED BY COUNCIL MEMBER CHILTON, TO APPROVE AN ALLOCATION FROM THE RESERVE FOR SERVICE ENHANCEMENTS ACCOUNT FOR THE DEVELOPMENT OF A LONG TERM FILE AND ARCHIVE FACILITY FOR THE OFFICIAL CITY RECORDS.

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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

12. **FISCAL YEAR 2003-04 MID-YEAR BUDGET REPORT** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

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

City Manager Chotkevys gave a Staff Report.

Mayor Snyder opened Public Comments.

Terry Walsh, Dana Point, spoke regarding his desire to see more code enforcement in the Lantern Village.

Rod Howorth, Dana Point, president of the Lantern Village Association, stated he would like to have another Code Enforcement Officer in Dana Point.

City Manager Chotkevys gave a report regarding code enforcement and asked City Attorney Munoz to comment.

City Attorney Munoz commented on enforcement and follow-up of code violations.

Mayor Snyder recessed the meeting at 7:16 p.m.

Mayor Snyder reconvened the meeting at 7:27 p.m.

IT WAS MOVED BY COUNCIL MEMBER RAYFIELD, SECONDED BY COUNCIL MEMBER CHILTON, TO AMEND THE GENERAL FUND OPERATING BUDGET EXPENDITURES AS DETAILED WITH THE REPORT, [WITH THE ADDITION OF FUNDING TO FILL 2 VACANT POSITIONS OF POLICE OFFICER AND CODE ENFORCEMENT OFFICER](#)

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

13. **AUTHORIZE PRE-QUALIFICATION OF CONTRACTORS FOR THE CONSTRUCTION OF THE STORM DRAIN MASTER PLAN IMPROVEMENTS – PHASE II PROJECT** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY’S INFRASTRUCTURE AND NEIGHBORHOODS]*

AUTHORIZED STAFF TO PRE-QUALIFY CONTRACTORS FOR THE CONSTRUCTION OF THE STORM DRAIN MASTER PLAN IMPROVEMENTS – PHASE II PROJECT, PER THE CITY’S APPROVED PRE-QUALIFICATION PROCEDURE FOR A SINGLE PROJECT; AND AUTHORIZED THE EXPENDITURE OF FUNDS FOR PREQUALIFICATION OF CONTRACTORS.

14. **SECOND READING AND ADOPTION OF SIGN CODE AMENDMENT AND SIGN GUIDELINES** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY’S INFRASTRUCTURE AND NEIGHBORHOODS]*

ADOPTED ORDINANCE **NO. 04-01**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A ZONE TEST AMENDMENT AND LOCAL COASTAL PROGRAM AMENDMENT REVISING THE CITY OF DANA POINT SIGN CODE AND ADOPTING SIGN GUIDELINES

15. **CITY MANAGER EMPLOYMENT AGREEMENT** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

This item was removed by staff to be brought forward at a later date.

16. **PUBLIC ART FUNDING FOR FIRE STATION NO. 29** *[STRATEGIC PLAN: PROMOTE CULTURAL ARTS AND HUMAN SERVICES]*

APPROVED AN ALLOCATION OF FUNDS FROM THE CITY’S ART IN PUBLIC PLACES “IN-LIEU” FUND TO FACILITATE THE INCORPORATION OF DECORATIVE ART PIECES ON THE NEW FIRE STATION BUILDING AT 26111 VICTORIA DRIVE (STATION NO. 29).

Council Member Ossenmacher had registered an abstention on this item.

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17. **2004 WEED ABATEMENT PROGRAM** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

ADOPTED RESOLUTION **NO. 04-03-10-01**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DECLARING WEEDS A PUBLIC NUISANCE AND INITIATING ABATEMENT PROCEEDINGS

18. **EXECUTIVE RECRUITMENT - DIRECTOR OF PUBLIC WORKS** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

(1) AUTHORIZED THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH MAXIMUS FOR EXECUTIVE RECRUITMENT SERVICES; AND (2) APPROVED THE TRANSFER OF FUNDS FROM RESERVE FOR SERVICE ENHANCEMENT ACCOUNT TO THE CITY COUNCIL BUDGET FOR PROFESSIONAL SERVICES

PRESENTATIONS AND PROCLAMATIONS

1. Featured Business of the Month – Top Brass

Director of Administrative Services Lindsey narrated a photo presentation depicting Top Brass, the April 2004 Featured Business of the Month. Mayor Snyder presented an official certificate recognizing Top Brass to owner Jennifer Leech.

ORAL REPORTS

There were no Oral Reports.

PUBLIC COMMENTS

Joe Soto, Mayor of San Juan Capistrano, acknowledged the contribution to the scholarship fund named for John Gelff, and invited the Council Members to the Festival of Las Golondrinas in San Juan Capistrano.

Wayne Quint, Jr., works in Santa Ana and is with the Association of Orange County Deputy Sheriffs, spoke regarding Proposition 172 funding allocations.

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PUBLIC HEARINGS

19. **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 (CONTINUED FROM THE FEBRUARY 11, 2004 MEETING) [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]**

Previously in the meeting, this item was continued to the April 28, 2004 City Council Meeting.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

STAFF REPORTS

There were no Staff reports.

COUNCIL REPORTS

Mayor Pro Tem Lacy commented regarding Proposition 172 revenue allocations.

Council Member Rayfield thanked Staff and the Dana Point Youth Board for their work on making the Festival of Whales Parade a success, and reminded all that Sunday is Ocean Awareness Day.

Council Member Chilton thanked Staff, Police Services, and the Dana Point Youth Board for their work on making the Festival of Whales Parade a success.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Snyder declared the meeting adjourned at 8:10 p.m.

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The next Regular Meeting of the City Council will be March 24, 2004 at 6:00 p.m. at the Laguna Cliffs Marriott, 25135 Park Lantern, Dana Point, California, 92629.

SHARON STREET
DIRECTOR OF PUBLIC AFFAIRS/CITY CLERK

APPROVED AT MEETING OF APRIL 28, 2004