

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING/JOINT MEETING WITH THE PLANNING
COMMISSION MINUTES
MARCH 24, 2004**

CALL TO ORDER

The City Council Regular Meeting/Joint Meeting with the Planning Commission of the City of Dana Point, California, was called to order by Mayor Snyder at 6:33 p.m. at the Marriott Laguna Cliffs Resort, 25135 Street of the Park lantern, Dana Point, CA 92629.

ROLL CALL OF CITY COUNCIL MEMBERS

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

PLANNING COMMISSIONERS PRESENT:
Greg Powers, Commissioner
J. Scott Schoeffel, Commissioner
Steven Weinberg, Commissioner
April O'Conner, Vice-Chair
Norman Denton, Chair

STAFF PRESENT: Douglas Chotkevys, City Manager; Patrick Munoz, City Attorney; Todd Litfin, Assistant 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.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was presented by Mayor Pro Tem James V. Lacy.

INVOCATION

The Invocation was given by Mayor Joe Snyder.

CONSENT CALENDAR

Items 6 and 7 were removed by 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 ITEMS 6 and 7.

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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

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

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

2. **ADOPTION OF RESOLUTION APPROVING A NOTICE OF COMPLETION FOR CONSTRUCTION OF THE ARTERIAL ROADWAY RESURFACING PROJECT, PHASE I, FISCAL YEAR 2003-2004 [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS] (0400-10)**

ADOPTED RESOLUTION NO. **04-03-24-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE ARTERIAL ROADWAY RESURFACING PROJECT PHASE I, FISCAL YEAR 2003-2004

AND DIRECTED STAFF TO TRANSFER ALL PROJECT SAVINGS TO THE CAPITAL IMPROVEMENT PROGRAM RESERVES.

3. **ADOPTION OF RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE CONCRETE REPAIR AND REPLACEMENT PROJECT, FY 02/03 [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS] (0400-10)**

ADOPTED RESOLUTION NO. **04-03-24-02** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE CONCRETE REPAIR AND REPLACEMENT PROJECT, FY 02/03

AND DIRECTED STAFF TO TRANSFER ALL PROJECT SAVINGS TO THE CAPITAL IMPROVEMENT PROGRAM RESERVES.

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4. **ADOPTION OF RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF SIDEWALK IMPROVEMENTS ON CROWN VALLEY PARKWAY BETWEEN PACIFIC COAST HIGHWAY AND CAMINO DEL AVION** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS] (0400-10)*

ADOPTED **RESOLUTION NO. 04-03-24-03** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF SIDEWALK IMPROVEMENTS ON CROWN VALLEY PARKWAY BETWEEN PACIFIC COAST HIGHWAY AND CAMINO DEL AVION

AND DIRECTED STAFF TO TRANSFER ALL PROJECT SAVINGS TO THE CAPITAL IMPROVEMENT PROGRAM RESERVES.

5. **EMERGENCY OPERATIONS CENTER PROJECT** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS] (0220-05)*

APPROVED THE ALLOCATION OF FUNDS FROM THE RESERVE FOR SERVICE ENHANCEMENTS ACCOUNT FOR THE DEVELOPMENT OF A NEW EMERGENCY OPERATIONS CENTER.

6. **ADOPTION OF RESOLUTION APPROVING FINAL TRACT MAP FOR TRACT NO. 16197** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS] (0810-55)*

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

City Manager Chotkevys gave a Staff Report.

Mayor Snyder opened Public Comments regarding this item.

Robert Theel, Dana Point, spoke in favor of the approval.

Terry Hirschag, San Clemente, owner/developer, spoke in favor of the approval.

Michele Pellissier, Capistrano Beach, representative of the Marbella Racquet Club HOA, spoke in favor of the approval.

Pam Tappan, Capistrano Beach, spoke against the approval.

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City Attorney Munoz gave a report.

IT WAS MOVED BY COUNCIL MEMBER CHILTON, SECONDED BY MAYOR PRO TEM LACY, TO ADOPT **RESOLUTION NO. 04-03-24-04** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING FINAL TRACT MAP FOR TRACT NO. 16197

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

7. **DESIGNATION OF THE CITY MANAGER AS THE AUTHORIZED REPRESENTATIVE FOR THE RELINQUISHMENT OF PACIFIC COAST HIGHWAY FROM THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS] (0490-70/0400-10)*

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

Mayor Snyder opened Public Comments regarding this item.

Jim Slark, Dana Point, spoke regarding traffic studies.

IT WAS MOVED BY COUNCIL MEMBER OSSENMACHER, SECONDED BY COUNCIL MEMBER RAYFIELD, TO DESIGNATE THE CITY MANAGER AS THE AUTHORIZED REPRESENTATIVE FOR THE RELINQUISHMENT OF PACIFIC COAST HIGHWAY; DIRECT THE CITY MANAGER TO SIGN ALL NECESSARY AGREEMENTS AND DOCUMENTATION REQUIRED TO COMPLETE THE RELINQUISHMENT OF PACIFIC COAST HIGHWAY FROM THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS); ACKNOWLEDGE THAT THE CITY ANTICIPATES THE RECEIPT OF FUNDS FOR CURRENT AND FUTURE REPAIRS NECESSARY TO BRING PACIFIC COAST HIGHWAY UP TO AN ACCEPTABLE LEVEL OF SERVICE; ESTABLISH A CAPITAL IMPROVEMENT PROGRAM PROJECT NAMED "PACIFIC COAST HIGHWAY REHABILITATION PROJECT" IN THE CURRENT FISCAL YEAR, AND DIRECT THAT UPON RECEIPT OF FUNDS FROM CALTRANS AS PART OF THE RELINQUISHMENT, FUNDS ARE TO BE

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DEPOSITED INTO THE NEWLY ESTABLISHED ACCOUNT AND RESERVED FOR REHABILITATION OF PACIFIC COAST HIGHWAY.

The motion carried by the following vote:

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

**8. CITY COUNCIL GRANT RECOMMENDATION (CHILTON) [STRATEGIC PLAN:
PROMOTE CULTURAL ARTS AND HUMAN SERVICES] (0330-25)**

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

PUBLIC COMMENTS

Ananya Mullane from Earth Resource Foundation spoke in favor of smoke free beaches.

Jim Walker of Stop Tobacco Abuse of Minors Pronto (STAMP) spoke in favor of smoke free beaches.

CALL TO ORDER – JOINT SESSION OF THE CITY COUNCIL AND THE PLANNING COMMISSION

At this time Mayor Snyder called to order the Joint Session of the City Council and the Planning Commission.

ROLL CALL OF PLANNING COMMISSION MEMBERS:

Greg Powers, Commissioner
J. Scott Schoeffel, Commissioner
Steven Weinberg, Commissioner
April O'Connor, Vice-Chair
Norman Denton, Chair

NEW BUSINESS

9. A JOINT MEETING OF THE CITY COUNCIL AND THE PLANNING COMMISSION TO DISCUSS THE CITY'S GENERAL PLAN REVISION PROGRAM (INCLUDING NEIGHBORHOOD STUDY), TOWN CENTER SPECIFIC PLAN, DANA POINT HEADLANDS AND OTHER LAND USE GOALS, REGULATIONS, AND COASTAL ISSUES AS SHOWN IN THE CITY'S

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STRATEGIC PLAN, GENERAL PLAN, ZONING CODE, AND LOCAL COASTAL PROGRAM

City Manager Chotkevys gave a staff report, and introduced Director of Community Development Kyle Butterwick.

Director of Community Development Butterwick gave a staff report, and introduced Randy Jackson from The Planning Center, who gave a slide presentation and discussed a residential design guideline for the City.

THE CITY COUNCIL AND PLANNING COMMISSION DISCUSSED THE ITEMS NOTED HEREIN.

Mayor Snyder opened public comments for this issue.

Robert Theel, Dana Point, spoke in favor of a Town Center Specific Plan.

Mayor Snyder recessed the meeting at 7:50 p.m.

The meeting was reconvened at 8:02 p.m.

THE CITY COUNCIL AND PLANNING COMMISSION CONTINUED THE DISCUSSION OF THE ITEMS NOTED HEREIN.

STAFF REPORTS

There were no Staff reports.

COMMISSION REPORTS

There were no Commission reports.

COUNCIL REPORTS

There were no Council reports.

CLOSED SESSION – CITY COUNCIL

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Government Code §54956.8

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

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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

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

The Closed Session was continued to the April 14, 2004 Regular City Council Meeting.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Snyder declared the meeting adjourned at 9:50 p.m.

The next Regular Meeting of the City Council will be April 14, 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 APRIL 28, 2004