
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
FEBRUARY 25, 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 5:00 p.m. in the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point.

ROLL CALL

PRESENT: Joe Snyder, Mayor
James Lacy, Mayor Pro Tem
Russell Chilton, Council Member
William L. Ossenmacher, Council Member
Wayne Rayfield (arrived at 5:02 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; 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 Manager Chotkevys 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:	26351 and 26315 Via Canon, Dana Point, CA
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

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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 Appeal Case No. G024366

Mayor Snyder recessed the meeting into a Closed Session at 5:03 p.m. pursuant to Government Code Section 54956 et. seq.

RECONVENE CITY COUNCIL MEETING

Mayor Snyder reconvened the meeting at 6:34 p.m. All Council Members were present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was presented by Dana Point Cub Scout Pack 713 and 760, under the direction of Mrs. Toni Barkley.

INVOCATION

The Invocation was given by Pastor Jens Christy of Calvary Chapel.

Mayor Snyder stated he would at this time present the first item under

PRESENTATIONS AND PROCLAMATIONS

1. Fifth Marine Regiment

Mayor Snyder reported on the history and the accomplishments of the Fifth Marine Regiment. Colonel R. Stewart Navarre, Mrs. Navarre, and Sgt. Major Melvin Roundtree were in attendance to accept the Proclamation.

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

Mayor Snyder reconvened the meeting at 7:09 p.m.

CONSENT CALENDAR

At the direction of Mayor Snyder, the City Clerk read the titles of the ordinance listed.

Staff removed from the Consent Calendar Item 8, Item 9, and Item 12 to be moved to a later date. Council Member Rayfield removed Item 10.

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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 8, 9, 10, AND 12.

The motion carried by the following vote:

AYES: Council Members Chilton, Ossenmacher, Rayfield, Mayor Pro Tem Lacy, and Mayor Snyder
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. **PLANNING COMMISSION MEETING MINUTES, FEBRUARY 4, 2004 (0120-10)**

RECEIVED AND FILED.

3. **PLANNING COMMISSION ACTIONS, MEETING OF FEBRUARY 18, 2004 (0120-10)**

RECEIVED AND FILED.

4. **YOUTH BOARD MEETING MINUTES, JANUARY 22, 2004 (0120-40)**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

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

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

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7. **AUTHORIZE STAFF TO DISTRIBUTE TWO REQUESTS FOR PROPOSAL FOR THE MAINTENANCE OF PARKS AND FOR THE MAINTENANCE OF LANDSCAPED MEDIANS AND PARKWAYS** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS] (0370-30 /0400-10)*

AUTHORIZED STAFF TO DISTRIBUTE A REQUEST FOR PROPOSAL (RFP) TO QUALIFIED LANDSCAPE MAINTENANCE CONTRACTORS FOR THE MAINTENANCE OF PARKS; AND TO DISTRIBUTE RFP TO QUALIFIED LANDSCAPE MAINTENANCE CONTRACTORS FOR THE MAINTENANCE OF LANDSCAPED MEDIANS AND PARKWAYS.

8. **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)*

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

9. **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)*

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

10. **ESTABLISHMENT OF AN EXEMPT POSITION TITLE AND SALARY RANGE – CITY ARCHITECT/PLANNING MANAGER** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES] (0520-10)*

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

City Manager Chotkevys presented the Staff Report and responded to questions.

IT WAS MOVED BY COUNCIL MEMBER RAYFIELD, SECONDED BY COUNCIL MEMBER OSSENMACHER TO ADOPT **RESOLUTION NO. 04-02-25-02,**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING AN ADDITIONAL POSITION TITLE AND SALARY RANGE

AND AUTHORIZED THE CITY MANAGER TO EXECUTE AN EMPLOYMENT CONTRACT TO FILL THE POSITION OF CITY ARCHITECT/PLANNING MANAGER

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The motion carried by the following vote:

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

11. **ADOPTION OF A RESOLUTION GRANTING AN EASEMENT FOR MAINTENANCE PURPOSES ACROSS DEL OBISPO PARK FROM THE CITY OF DANA POINT TO SAN DIEGO GAS AND ELECTRIC** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS] (0490-30)*

ADOPTED RESOLUTION NO. 04-02-25-01,

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, GRANTING AN EASEMENT FOR MAINTENANCE PURPOSES ACROSS DEL OBISPO PARK FROM THE CITY OF DANA POINT TO SAN DIEGO GAS AND ELECTRIC

12. **APPROVAL OF THE CONCEPTUAL DESIGN FOR MODIFICATIONS TO THE LANDSCAPED MEDIAN ON GOLDEN LANTERN FROM DEL PRADO TO DANA POINT HARBOR DRIVE** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS] (0700-15)*

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

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

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

14. **AUTHORIZATION OF AN ADDITIONAL EXPENDITURE FOR CONSULTING SERVICES FOR NEGOTIATIONS RELATED TO THE RELINQUISHMENT OF PACIFIC COAST HIGHWAY FROM THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION TO THE CITY OF DANA POINT** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS] (0400-10)*

AUTHORIZED AN EXPENDITURE OF FUNDS TO FUND ADDITIONAL CONSULTING SERVICES FOR NEGOTIATIONS RELATED TO THE RELINQUISHMENT OF PACIFIC COAST HIGHWAY FROM THE STATE OF

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CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS); AND APPROVED THE TRANSFER OF FUNDS FROM THE RESERVE FOR SERVICE ENHANCEMENTS TO THE APPROPRIATE ACCOUNT TO FUND THE ADDITIONAL CONSULTING SERVICES.

PRESENTATIONS AND PROCLAMATIONS

2. Featured Business of the Month – Colors of the Wind

Director of Administrative Services Lindsey narrated a photo presentation depicting Colors of the Wind, the March 2004 Featured Business of the Month. Mayor Snyder presented an official certificate recognizing Colors of the Wind to owners Roger and Arpi Evans.

3. CROWN VALLEY SIDEWALK IMPROVEMENTS AND MEDIAN TREE PLANTINGS

Deputy City Engineer Sinacori presented a photo presentation depicting the improvements to the Crown Valley sidewalk and median.

ORAL REPORTS

Mayor Snyder stated there are no Oral Reports.

PUBLIC COMMENTS

Carl, no last name, San Clemente, spoke regarding bacteria in San Juan Creek and contamination in the basin from bird droppings.

Kirk Lapple, Dana Point, spoke in favor of naming Dana Point – Dana Point Beach.

Bob Becker, Dana Point, reported on the 11th Annual Wag-a-Thon, and provided information regarding the event.

PUBLIC HEARINGS

15. **ADOPT SIGN DESIGN GUIDELINES AND AMEND SIGN CODE** [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS] (0610-15)

ADOPTED RESOLUTION NO. 04-02-25-03,

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NEGATIVE DECLARATION FOR ZONE TEXT AMENDMENT ZTA03-02 AND LOCAL COASTAL PROGRAM AMENDMENT

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*LCPA03-02 TO AMEND THE EXISTING SIGN CODE AND SIGN GUIDELINES,
AND*

INTRODUCED **ORDINANCE NO. 04-01**,

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

City Manager Chotkevys introduced Kyle Butterwick, Director of Community Development. Mr. Butterwick gave a staff report of the project, and invited Brenda Chase, Associate Planner to present a photo presentation of the proposed guidelines.

Mayor Snyder opened the Public Hearing, noted that there were no applicants, appellants, or public comments, and closed the Public Hearing.

City Manager Chotkevys responded to questions.

IT WAS MOVED BY MAYOR PRO TEM LACY, SECONDED BY COUNCIL MEMBER RAYFIELD TO ADOPT A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NEGATIVE DECLARATION FOR ZONE TEXT AMENDMENT ZTA03-02 AND LOCAL COASTAL PROGRAM AMENDMENT LCPA03-02 TO AMEND THE EXISTING SIGN CODE AND SIGN GUIDELINES, AND TO INTRODUCE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A ZONE TEXT AMENDMENT AND LOCAL COASTAL PROGRAM AMENDMENT REVISING THE CITY OF DANA POINT SIGN CODE AND ADOPTING SIGN DESIGN GUIDELINES

The motion carried by the following votes:

Ayes:	Council Members Chilton, Ossenmacher, Rayfield, Mayor Pro Tem Lacy, Mayor Snyder
Noes:	None

UNFINISHED BUSINESS

16. **AWARD OF A CONTRACT TO AMERICAN LANDSCAPE, INCORPORATED FOR THE CONSTRUCTION OF OPEN SPACE BEAUTIFICATION IMPROVEMENTS AT THE CITY-OWNED LOT LOCATED AT 24611 LA CRESTA DRIVE [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS] (0400-10)**

City Manager Chotkevys gave a staff report and responded to Council questions.

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Mayor Snyder opened Public Comments.

Dick Dietmeier, Dana Point, stated he supported the proposed project, with some reluctance.

Rod Howorth, Dana Point, spoke in favor of the proposed project, stated he supported the beautification of the Lantern Village, and stated he would like to see drawings as to what it will look like when finished.

IT WAS MOVED BY COUNCIL MEMBER OSSENMACHER, SECONDED BY COUNCIL MEMBER RAYFIELD, TO AWARD A CONTRACT TO AMERICAN LANDSCAPE, INCORPORATED FOR THE CONSTRUCTION OF OPEN SPACE BEAUTIFICATION IMPROVEMENTS AT THE CITY-OWNED LOT LOCATED AT 24611 LA CRESTA DRIVE

The motion carried by the following vote:

Ayes:	Council Members Chilton, Ossenmacher, Rayfield, Mayor Pro Tem Lacy, Mayor Snyder
Noes:	None

NEW BUSINESS

There was no new business.

STAFF REPORTS

City Manager Chotkevys urged all to drive safely in the inclement weather, and provided information on the Festival of Whales Parade.

COUNCIL REPORTS

Council Member Rayfield encouraged all people to vote on March 2. He requested Staff to circulate to Council Members cost estimates of La Cresta beautification project.

Council Member Ossenmacher encouraged everyone to become educated and to cast their vote on March 2.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Snyder declared the meeting adjourned at 8:37 p.m.

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The next Regular Meeting of the City Council will be March 10, 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 MARCH 10, 2004