
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
OCTOBER 13, 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 V. Lacy, Mayor Pro Tem
Russell Chilton, Council Member
William L. Ossenmacher, Council Member (*arrived at 5:01 p.m.*)
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; John Tilton, City Architect/Planning Manager; Brenda Chase, Senior Planner; Matt Sinacori, Deputy City Engineer; and Mark Billings, Chief of Police.

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 LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (4 cases)
 - 1. Name of Case: Hamilton v. City Council of the City of Dana Point, California, Superior Court for the State of California, County of Orange – Central Justice Center, Case No. 04CC05259
 - 2. Name of Case: City of Dana Point v. Warren & Does 1-50, Orange County Superior Court Case No. 04CC07344
 - 3. Name of Case: Headlands Reserve LLC and M.H. Sherman Co. v. the City of Dana Point, et al, Orange County Superior

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Court Case No. 798758, Court of Appeals Case No. G024366

4. Name of Case: Brongo Construction, Inc. v. City of Dana Point and Does 1 through 100, Inclusive, Orange County Superior Court Case No. 04CC10068

D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Government Code § 54957.6

Title: City Manager

Mayor Snyder recessed the meeting into a Closed Session at 5:02 p.m. pursuant to Government Code Section 54956 et. seq.

RECONVENE CITY COUNCIL MEETING

Mayor Snyder reconvened the meeting at 6:15 p.m. All Council Members were present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Toni Barkley and the Boy Scouts of Pack #713.

INVOCATION

The Invocation was led by Pastor Dave Taylor, Assistant Pastor in charge of Counseling at Calvary Chapel.

PRESENTATIONS AND PROCLAMATIONS

Deputy of the Year – Mayor Snyder introduced Lieutenant Mark Billings, Chief of Police. Lieutenant Billings spoke regarding the Deputy of the Year Program, and introduced Deputy Jonathon Daruvala. Mayor Snyder presented a Proclamation to Deputy Daruvala.

Mayor Snyder recessed the meeting at 6:27 p.m.
Mayor Snyder reconvened the meeting at 6:38 p.m.

CONSENT CALENDAR

Item 11 was removed from the Consent Calendar 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 ITEM 11.

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The motion carried by the following vote:

AYES: Mayor Snyder, Mayor Pro Tem Lacy, Council Members Chilton,
Ossenmacher, and Rayfield.
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. CITY CLERK STREET READ THE ORDINANCES.

2. **REGULAR MEETING MINUTES, SEPTEMBER 22, 2004**

RECEIVED AND FILED.

3. **PLANNING COMMISSION MEETING MINUTES, MEETING OF SEPTEMBER 15, 2004**

RECEIVED AND FILED.

4. **PLANNING COMMISSION ACTIONS, MEETING OF OCTOBER 6, 2004**

RECEIVED AND FILED.

5. **MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR**

RECEIVED AND FILED.

6. **CITY TREASURER'S REPORT, AUGUST 2004**

RECEIVED AND FILED THE TREASURER'S REPORT FOR THE MONTH OF
AUGUST, 2004.

7. **CLAIMS AND DEMANDS**

RECEIVED AND FILED.

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8. **AUTHORIZE EXPANSION/REMODEL OF POLICE SERVICES AND ADMINISTRATION OFFICES TO ENHANCE CUSTOMER SERVICE AND OPTIMIZE OFFICE SPACE; APPROVE NECESSARY BUDGET TRANSFER TO FUND THE PROJECT** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

1) APPROVED AND AUTHORIZED STAFF TO PROCEED WITH THE EXPANSION AND REMODEL OF THE POLICE SERVICES AND THE ADMINISTRATION OFFICES, PER THE CITY'S BIDDING PROCEDURES ORDINANCE; 2) AUTHORIZED THE TRANSFER OF FUNDS FROM THE POLICE SERVICES ACCOUNT (01-61-20-0000-233) TO THE FACILITIES/CAPITAL OUTLAY ACCOUNT (01-95-30-000-303) TO FUND THE PROJECT.

9. **APPROVAL OF REVISED INVESTMENT POLICY** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

APPROVED THE RECOMMENDED REVISIONS TO THE STATEMENT OF SAFEKEEPING AND INVESTMENT OF PUBLIC FUNDS (INVESTMENT POLICY).

10. **VEHICLE PURCHASE** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

1) APPROVED THE PURCHASE OF TWO CITY VEHICLES FOR TWO NEW PUBLIC WORKS DEPARTMENT EMPLOYEES PER THE LOWEST BIDS; AND (2) AUTHORIZED THE EXPENDITURE OF RESERVE FOR SERVICE ENHANCEMENT FUNDS.

11. **SECOND READING OF AN ORDINANCE APPROVING PLANNED DEVELOPMENT DISTRICT PDD 01-01 AND SECOND READING OF AN ORDINANCE APPROVING ZONE TEXT AMENDMENT ZTA 01-02 AND ZONE CHANGE ZC 01-01 FOR THE DANA POINT HEADLANDS, AND AUTHORIZING SUBMITTAL OF THE ORDINANCES TO THE CALIFORNIA COASTAL COMMISSION FOR FINAL CERTIFICATION** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

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

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

Mayor Snyder called for public comments.

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Jim Slark, Dana Point, spoke in opposition to the proposed ordinances.

IT WAS MOVED BY MAYOR PRO TEM LACY, SECONDED BY COUNCIL MEMBER OSSENMACHER, THAT THE CITY COUNCIL CONDUCT A SECOND READING AND ADOPT **ORDINANCE 04-06** OF THE CITY OF DANA POINT ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT PDD 01-01, AND SUBMISSION OF PDD 01-01 AS LOCAL COASTAL PROGRAM AMENDMENT LCPA 01-02 FOR FINAL CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION

and **ORDINANCE 04-07** ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA 01-02 TO ADD PLANNED DEVELOPMENT DISTRICTS AS A PERMITTED LAND USE, AND ZONE CHANGE ZC 01-01 WHICH AMENDS THE ZONING MAP DESIGNATION FOR THE HEADLANDS FROM SPECIFIC PLAN OVERLAY AND RESIDENTIAL MULTIPLE FAMILY-14, TO PLANNED DEVELOPMENT DISTRICT, AND SUBMISSION OF ZTA 01-02 AND ZC 01-01 AS LOCAL COASTAL PROGRAM AMENDMENT LCPA 01-02 FOR FINAL CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

The motion carried by the following vote:

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

ORAL REPORTS

There were no Oral Reports.

PUBLIC COMMENTS

Mayor Snyder opened Public Comments.

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Kirk Lapple, Dana Point, Chair of the Dana Point Chamber of Commerce, spoke regarding the good relationship between the Chamber of Commerce and the City of Dana Point.

Jim Howard, Capistrano Beach, congratulated the Council on moving forward with the Town Center Plan.

Gene Burrus, Dana Point, Volunteer at the Community Center, announced that flu shots would not be provided at the Dana Point Senior Center due to the shortage of the vaccine. He also thanked the City Clerk for her talk given at the Senior Center.

Lara Anderson, Dana Point, spoke regarding campaign signs.

Diane Harkey, Dana Point, spoke regarding campaign literature and concern with the integrity of absentee ballots.

Mary Jeffries, Dana Point, expressed concerns regarding residents of Dana Point Marina Mobile Home Estates.

Patrick Evans, Huntington Beach, attorney for some residents of Dana Point Marina Mobile Home Estates, expressed his opinion that the City's Housing Element is not in compliance.

Kathy Weaver, Dana Point, expressed her concern regarding the closure of the Dana Point Marina Mobile Home Estates.

Tristan Krogus, Dana Point, congratulated the City on its accomplishments.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

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

City Manager Chotkevys gave a brief staff report and introduced Mike Rose, Emergency Services Coordinator, who gave a power point presentation overview of the Emergency Operations Center (EOC). He then responded to Council questions.

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IT WAS MOVED BY COUNCIL MEMBER RAYFIELD, SECONDED BY MAYOR PRO TEM LACY, THAT THE CITY COUNCIL RECEIVE AND FILE THE REPORT ACKNOWLEDGING COMPLETION OF THE NEW EMERGENCY OPERATIONS CENTER PROJECT.

The motion carried by the following vote:

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

Mayor Snyder recessed the meeting at 7:27 p.m.
Mayor Snyder reconvened the meeting at 7:34 p.m.

NEW BUSINESS

13. **ADOPT A RESOLUTION OF THE CITY OF DANA POINT CITY COUNCIL FOR THE APPROPRIATION OF FUNDING UNDER THE STRUCTURAL FIRE FUND ENHANCEMENT FUND PROGRAM AND AUTHORIZATION OF A PURCHASE ORDER TO J&J INCORPORATED FOR THE PURCHASE OF EMERGENCY VEHICLE PREEMPTION DEVICES FOR TRAFFIC SIGNALS ON PACIFIC COAST HIGHWAY AND DEL PRADO [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]**

City Manager Chotkevys gave a brief staff report and introduced Brad Fowler, Director of Public Works/City Engineer, who gave a staff report.

IT WAS MOVED BY MAYOR PRO TEM LACY, SECONDED BY COUNCIL MEMBER CHILTON, THAT THE CITY COUNCIL COUNCIL (1) ADOPT **RESOLUTION NO. 04-10-13-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, FOR THE APPROPRIATION OF FUNDING UNDER THE STRUCTURAL FIRE FUND ENHANCEMENT FUND PROGRAM (FUND 171)

AND (2) ACKNOWLEDGE THAT THE CITY HAS COMPLETED PHASE I OF THE PROGRAM TO EQUIP ALL OF THE TRAFFIC SIGNALS CURRENTLY OWNED BY THE CITY AS WELL AS THE ENTIRE ORANGE COUNTY SHERIFF'S OFFICE VEHICLE FLEET THAT SERVES DANA POINT WITH EMERGENCY VEHICLE PREEMPTION DEVICES; (3) AUTHORIZE A PURCHASE ORDER TO J&J INCORPORATED FOR PHASE II, PROVIDED THAT THE CITY MANAGER CAN APPROVE UP TO A TEN PERCENT INCREASE FOR CONTINGENCIES OR ADDITIONAL WORK, FOR THE INSTALLATION OF EMERGENCY VEHICLE

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PRE-EMPTION DEVICES ON TRAFFIC SIGNALS ON PACIFIC COAST HIGHWAY AND DEL PRADO, A LIST OF WHICH IS INCLUDED AS SUPPORTING DOCUMENT B OF THE REPORT, FROM THE ANNUAL TRAFFIC SAFETY IMPROVEMENTS PROJECT, CIP ACCOUNT NUMBER 1175; (4) AUTHORIZE AN ADVANCE OF FUNDS FROM THE ANNUAL TRAFFIC SAFETY IMPROVEMENT PROJECT, CIP ACCOUNT NUMBER 1175, (SUBJECT TO CONTINGENCY INCREASE); (5) AUTHORIZE AN ADVANCE OF FUNDS FROM THE ANNUAL TRAFFIC SAFETY IMPROVEMENTS PROJECT, CIP ACCOUNT NUMBER 1175, FOR PROJECT MANAGEMENT SERVICES TO OVERSEE THE INSTALLATION OF THE DEVICES AND INSPECT CONTRACTOR ACTIVITIES; (6) DIRECT THAT ALL COSTS INCURRED AS A RESULT OF THIS ACTION ARE TO BE REIMBURSED USING FUNDING FROM THE STRUCTURAL FIRE FUND PROGRAM; AND (7) DIRECT STAFF TO SHOW THE FUNDING ANTICIPATED TO BE RECEIVED FROM THE STRUCTURAL FIRE FUND PROGRAM IN THE ANNUAL TRAFFIC SAFETY IMPROVEMENTS PROJECT, ACCOUNT NUMBER 1175, AND SHOW THE FUNDING COMMITMENT TO THIS PROJECT IN THE STRUCTURAL FIRE FUND.

The motion carried by the following vote:

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

STAFF REPORTS

City Manager Chotkevys informed that he would research how Dana Point could obtain flu vaccine. He informed of the Water Quality report and the accomplishments of Dana Point regarding water quality. He introduced Brad Fowler, Director of Public Works/City Engineer, gave a background of his accomplishments, and welcomed him to staff.

Matt Sinacori, Deputy City Engineer, gave a power point presentation of before and after photos of Lantern Village Community Park.

COUNCIL REPORTS

Council Member Rayfield spoke on the West Nile Virus and the need to eliminate mosquito breeding places such as standing water. He commented on the election and signs, on absentee ballots and the application process, and reminded everyone to vote.

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ADJOURNMENT

There being no further business before the City Council at this session, Mayor Snyder declared the meeting adjourned at 7:54 p.m. in memory of Dave Elbaum, a past City Manager of the City of Dana Point. Mayor Snyder asked Council Member Ossenmacher to say a few words in Mr. Elbaum's memory.

The next Regular Meeting of the City Council will be October 27, 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 NOVEMBER 10, 2004