
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
NOVEMBER 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 5:00 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 (*arrived at 5:02 p.m.*)
Russell Chilton, Council Member
William L. Ossenmacher, Council Member
Wayne Rayfield, Council Member (*arrived at 5:01 p.m.*)

STAFF PRESENT: Douglas Chotkevys, City Manager; Patrick Munoz, City Attorney; Sharon Street, Director of Public Affairs/City Clerk; Sharie Apodaca, Director of Administrative Services; Cathy Catlett, Assistant City Clerk; Kyle Butterwick, Director of Community Development; Brad Fowler, Director of Public Works/City Engineer; Matt Sinacori, Deputy City Engineer; Mark Billings, Chief of Police; Shanna Wolf, Management Analyst.

CLOSED SESSION

City Attorney Munoz indicated there was a need for a Closed Session as follows:

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (6 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: Robert Traphagen and Bonny Pitkin v. the City of Dana Point, Superior Court of the State of California, County of Orange – Central District, Case No. 04CC00676
 4. Name of Case: James Seitz v. the City of Dana Point & Does 1-10, Superior Court of the State of California, County of Orange - Central District, Case No. 04CC00691

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5. Name of Case: Brongo Construction, Inc. v. the City of Dana Point & Does 1-100, Orange County Superior Court of the State of California, County of Orange – Central Justice Center, Case No. 04CC10068

6. Name of Case: City of Dana Point v. Cheryl Saltus, SeAir Properties, Jose M. Barraza, and Does 1 – 50, Superior Court of the State of California, County of Orange – Central Justice Center, Case No. (unassigned at this time)

B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Government Code § 54956.8 (1 case)

Property: Gloria Dei Lutheran Church, 33501 Stonehill Dr., Dana Point

Agency Negotiator: Douglas Chotkevys, City Manager
Patrick Munoz, City Attorney
Brad Fowler, Director of Public Works/Engineering Services

Negotiating Parties: City of Dana Point and Gloria Dei Lutheran Church
Under Negotiation: Price and terms of agreement relating to property

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 6:23 p.m. All Council Members were present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Theresa Stephens and Girl Scout Troop #2198.

INVOCATION

The Invocation was led by Pastor Chris Gleason of Living Hope Church.

PRESENTATIONS AND PROCLAMATIONS

1. County of Orange: Dana Point Harbor Water Quality Initiatives

City Manager Chotkevys introduced Mr. Tom Mauk, CEO of the County of Orange. Larry McKenney of the County of Orange, Watershed and Coastal Resources Division, gave a power point presentation regarding Dana Point Harbor Water Quality, and answered Council questions.

RECEIVED AND FILED.

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5. **PLANNING COMMISSION ACTIONS, MEETING OF NOVEMBER 3, 2004**

RECEIVED AND FILED.

6. **PLANNING COMMISSION ACTIONS, MEETING OF OCTOBER 20, 2004**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

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

RECEIVED AND FILED.

9. **CLAIMS AND DEMANDS**

RECEIVED AND FILED.

10. **HISTORIC PRESERVATION AGREEMENT (MILLS ACT) FOR THE PROPERTY LOCATED AT 34010 AMBER 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]*

AUTHORIZED THE MAYOR TO SIGN A HISTORIC PROPERTY PRESERVATION AGREEMENT WHICH WOULD ALLOW THE PROPERTY OWNERS, MARY BETH AND BRIAN BUCKLES, OF THE HISTORIC STRUCTURE LOCATED AT 34010 AMBER LANTERN, TO PARTICIPATE IN THE STATE'S MILLS ACT PROGRAM

11. **2004 SALARY RANGES FOR REPRESENTED AND NON-REPRESENTED EMPLOYEE CLASSIFICATIONS** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/ PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

1) ADOPTED **RESOLUTION NO. 04-11-10-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING SALARY RANGES FOR REPRESENTED AND NON-REPRESENTED CLASSIFICATIONS

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AND 2) AUTHORIZED MERIT INCREASE AND FUNDING LIMITS CONSISTENT WITH PRIOR YEARS: REPRESENTED EMPLOYEES WITH 0-5% MERIT INCREASES AND A 3.5% FUNDING LIMIT; NON-REPRESENTED EMPLOYEES WITH 0-5% MERIT INCREASES AND A 3-5% FUNDING LIMIT.

12. **HEALTH BENEFIT ALLOWANCE MODIFICATIONS FOR REPRESENTED AND NON-REPRESENTED CLASSIFICATIONS** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

ADOPTED RESOLUTION **NO. 04-11-10-02** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, MODIFYING HEALTH BENEFIT PLAN ALLOWANCES FOR ALL ELIGIBLE REPRESENTED AND NON-REPRESENTED CLASSIFICATIONS.

13. **APPROVAL OF REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF SAN JUAN CAPISTRANO AND THE CITY OF DANA POINT FOR THE COORDINATED RESURFACING OF DOHENY PARK ROAD AS PART OF THE ARTERIAL ROADWAY RESURFACING PROJECT** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

1) APPROVED THE REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF SAN JUAN CAPISTRANO AND THE CITY OF DANA POINT FOR THE COORDINATED RESURFACING OF DOHENY PARK ROAD AS PART OF THE ANNUAL ROADWAY RESURFACING PROJECT FY 04/05; AND 2) AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT.

14. **AWARD OF A CONTRACT TO NOBEST, INCORPORATED FOR THE CONSTRUCTION OF THE HISTORICAL CONCRETE REPAIR AND REPLACEMENT PROJECT, FY 03/04** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

1) AWARDED A CONTRACT TO NOBEST, INCORPORATED FOR THE CONSTRUCTION OF THE HISTORICAL CONCRETE REPAIR AND REPLACEMENT PROJECT FY 03/04; 2) AUTHORIZED THE EXPENDITURES FOR VARIOUS CONSTRUCTION SUPPORT, ADMINISTRATION AND MANAGEMENT EXPENDITURES AS OUTLINED IN THE FISCAL IMPACT SECTION OF THE REPORT; 3) AUTHORIZED THE TRANSFER OF FUNDS FROM THE LANTERN VILLAGE LANDSCAPING IMPROVEMENT PROJECT, ACCOUNT NUMBER 1078, TO THE HISTORICAL CONCRETE REPAIR AND REPLACEMENT PROJECT, FY 03/04; AND 4) AUTHORIZED THE TRANSFER OF FUNDS FROM THE

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ANNUAL TRAFFIC SAFETY IMPROVEMENT PROGRAM PROJECT,
ACCOUNT NUMBER 1175, TO THE HISTORICAL CONCRETE REPAIR AND
REPLACEMENT PROJECT, FY 03/04.

15. **APPROVE RENEWAL OF CABLE TELEVISION FRANCHISE AND COOPERATIVE AGREEMENT WITH COX COMMUNICATIONS** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

- 1) APPROVED THE COOPERATIVE AGREEMENT; 2) RENEWED THE FRANCHISE AGREEMENT ENTITLED:

*FRANCHISE TO PROVIDE CABLE TELEVISION SERVICES BETWEEN
THE CITY OF DANA POINT AND COX COMMUNICATIONS, INC.*

AND 3) AUTHORIZED THE CITY MANAGER TO EXECUTE BOTH AGREEMENTS.

ORAL REPORTS

There were no Oral Reports.

PUBLIC COMMENTS

Mayor Snyder opened Public Comments.

Bob Moore, Dana Point, Commander of Veterans of Foreign War Post 9934, spoke regarding the following day being Veteran's Day, and of the honoring of those who have served.

Patrick Evans, Huntington Beach, attorney for some residents of Dana Point Marina Mobile Home Estates, spoke regarding resolving lawsuits.

Diane Harkey, Dana Point, reported that she had found a lost and injured cat, and provided a phone number so that the cat could be reclaimed by its owner.

Mary Jeffries, Dana Point, spoke regarding her opposition to timeshares, and her support of affordable housing.

PUBLIC HEARINGS

There were no Public Hearings.

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UNFINISHED BUSINESS

16. **AUTHORIZE THE ADVERTISEMENT OF THE STONEHILL AND CAMINO CAPISTRANO INTERSECTION IMPROVEMENT PROJECT FOR CONSTRUCTION BIDS, AS PART OF THE ANNUAL TRAFFIC SAFETY IMPROVEMENT PROGRAM** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

City Manager Chotkevys introduced Director of Public Works/City Engineer Fowler who gave a staff report. Deputy City Engineer Sinacori gave a power point presentation.

Council questions of staff ensued, and staff responded to Council questions.

IT WAS MOVED BY COUNCIL MEMBER RAYFIELD THAT THE CITY COUNCIL AUTHORIZE THE ADVERTISEMENT OF THE STONEHILL AND CAMINO CAPISTRANO INTERSECTION IMPROVEMENT PROJECT FOR CONSTRUCTION BIDS, AS PART OF THE ANNUAL TRAFFIC SAFETY IMPROVEMENT PROJECT.

Council Member Ossenmacher requested that the maker of the motion separate the motion to include the main improvement and then separate a vote on the northbound Camino Capistrano recommended configuration.

Council Member Rayfield agreed to the separation of the vote.

Mayor Snyder requested that Council Member Ossenmacher repeat the bifurcation. Council Member Ossenmacher stated that Council vote first on the main motion and second on the suggested configuration for the northbound Camino Capistrano at Stonehill.

First part of bifurcation: the main motion.

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

Second part of bifurcation: suggested configuration for the northbound Camino Capistrano at Stonehill.

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City Attorney Munoz clarified that the Council has already approved everything about the project with the first vote. The second vote only relates to the manner in which the striping will occur on northbound Camino Capistrano. The motion is to approve the proposed striping as presented by staff.

The motion carried by the following vote:

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

NEW BUSINESS

There was no New Business.

STAFF REPORTS

City Manager Chotkevys reported on his meeting in Sacramento with CalTrans regarding the Pacific Coast Highway Relinquishment.

COUNCIL REPORTS

Council Member Rayfield reported on Art in Small Places art show, the Turkey Trot to be held on Thanksgiving morning, the Harbor Hospitality Night, and the Dana Point Theater Company presentation of A Christmas Carol. He wished everyone to remember the meaning of Veterans' Day.

Mayor Pro Tem Lacy congratulated the winners of the election to City Council, and thanked the candidates who didn't win for running and for participating in the system, and the need to focus on things that unite the city.

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ADJOURNMENT

There being no further business before the City Council at this session, Mayor Snyder declared the meeting adjourned at 8:17 p.m.

The next Regular Meeting of the City Council will be November 24, 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 DECEMBER 8, 2004