
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
DECEMBER 8, 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 5:01 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
Wayne Rayfield, Council Member

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), (2 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
- 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

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

C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Government Code § 54957.6

Title: Director of Public Affairs/City Clerk

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 6:50 p.m. All Council Members were present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Ossenmacher.

INVOCATION

The Invocation was led by Lenox G. Palin, Pastor of Visitation, South Shores Church.

PRESENTATIONS AND PROCLAMATIONS

1. Judge Rick King
Judge King gave an overview of Grand Jury Service and the application process.
2. Featured Business of the Month – Salt Creek Grill
Management Analyst Shanna Wolf gave a power point presentation of the Salt Creek Grill. Mayor Snyder introduced owner Tim McCune, and presented a Certificate of Recognition.

CONSENT CALENDAR

There were no items removed from the Consent Calendar. Mayor Pro Tem Lacy registered his abstention on Item 18.

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 EXCEPT FOR ITEM 18, ON WHICH MAYOR PRO TEM LACY REGISTERED AN ABSTENTION.

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The motion carried by the following vote:

AYES: Mayor Snyder, Mayor Pro Tem Lacy (with the exception of Item 18),
Council Members Chilton, Ossenmacher, and Rayfield.
NOES: None
ABSENT: None
ABSTAIN: Mayor Pro Tem Lacy abstained on Item 18.

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, NOVEMBER 10, 2004**

RECEIVED AND FILED.

3. **SPECIAL MEETING MINUTES, NOVEMBER 29, 2004**

RECEIVED AND FILED.

4. **PLANNING COMMISSION MEETING MINUTES, MEETING OF NOVEMBER 3,
2004**

RECEIVED AND FILED.

5. **PLANNING COMMISSION MEETING MINUTES, MEETING OF NOVEMBER 17,
2004**

RECEIVED AND FILED.

6. **PLANNING COMMISSION ACTIONS, MEETING OF NOVEMBER 17, 2004**

RECEIVED AND FILED.

7. **PLANNING COMMISSION ACTIONS, MEETING OF DECEMBER 1, 2004**

RECEIVED AND FILED.

8. **YOUTH BOARD MINUTES, MEETING OF OCTOBER 21, 2004**

RECEIVED AND FILED.

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9. **YOUTH BOARD MINUTES, MEETING OF NOVEMBER 4, 2004**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

11. **CITY TREASURER'S REPORT, OCTOBER 2004**

RECEIVED AND FILED.

12. **CLAIMS AND DEMANDS**

RECEIVED AND FILED.

13. **MADDY ACT LOCAL APPOINTMENTS LIST** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

RECEIVED AND FILED THE LOCAL APPOINTMENTS LIST AND DESIGNATED THE DANA POINT LIBRARY TO RECEIVE AND POST A COPY OF THE LIST.

14. **AUTHORIZE STAFF TO PROCESS A REQUESTED STREET NAME CHANGE FROM CORNICHE DRIVE TO RITZ POINTE DRIVE PURSUANT TO THE DANA POINT MUNICIPAL CODE** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

DIRECTED STAFF TO INITIATE THE PROCESS TO RENAME CORNICHE DRIVE TO RITZ POINT DRIVE; (2) DIRECTED STAFF TO MOVE FORWARD WITH PROCESSING THE STREET NAME CHANGE PURSUANT TO THE LETTER RECEIVED FROM THE CORNICHE MASTER ASSOCIATION (MASTER ASSOCIATION) BOARD OF DIRECTORS AND IN ACCORDANCE WITH THE CITY OF DANA POINT MUNICIPAL CODE (MUNICIPAL CODE) SECTION 14.01.490; AND (3) DIRECTED STAFF TO NOTICE AND HOLD THE REQUIRED PUBLIC HEARING WITHIN 60 DAYS.

15. **ADOPTION OF RESOLUTION APPROVING FINAL PARCEL MAP NO. 2003-260 LOCATED AT 34605 VIA CATALINA** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

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ADOPTED **RESOLUTION NO. 04-12-08-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 2003-260.

16. **ADOPTION OF A RESOLUTION APPROVING AN IRREVOCABLE OFFER TO DEDICATE EASEMENT FOR ROADWAY PURPOSES, DECLARATION OF RESTRICTIONS, AND AGREEMENT WITH GLORIA DEI LUTHERAN CHURCH FOR PROPERTY AT 33501 STONEHILL DRIVE [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]**

(1) ADOPTED **RESOLUTION NO. 04-12-08-02** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING AN IRREVOCABLE OFFER TO DEDICATE EASEMENT FOR ROADWAY PURPOSES, DECLARATION OF RESTRICTIONS, AND AGREEMENT

(2) APPROVED THE EASEMENT AND AGREEMENT AND AUTHORIZED THE CITY MANAGER TO SIGN; (3) AUTHORIZED CITY STAFF TO FINISH THE DESIGN OF IMPROVEMENTS FOR THE ACCESS AND TRAFFIC SIGNAL AT 33501 STONEHILL DRIVE; AND (4) AUTHORIZED EVENTUAL PAYMENT TO GLORIA DEI LUTHERAN CHURCH AS THE CITY'S CONTRIBUTION FOR THE COST OF THE TRAFFIC SIGNAL IN EXCHANGE FOR GLORIA DEI'S OFFER TO DEDICATE AN EASEMENT FOR ROADWAY PURPOSES AND CONSTRUCTION OF THE TRAFFIC SIGNAL.

17. **ADOPTION OF RESOLUTION APPROVING THE NOTICE OF COMPLETION FOR CONSTRUCTION OF LANTERN VILLAGE COMMUNITY PARK [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]**

(1) ADOPTED **RESOLUTION NO. 04-12-08-03** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE LA CRESTA OPEN SPACE IMPROVEMENT PROJECT, NOW KNOWN AS LANTERN VILLAGE COMMUNITY PARK

AND (2) DIRECTED STAFF TO TRANSFER ALL PROJECT SAVINGS TO THE GENERAL PARK REHABILITATION PROJECT FISCAL YEAR 2004/2005, CAPITAL IMPROVEMENT PROGRAM.

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18. **CITY COUNCIL GRANT RECOMMENDATIONS (SNYDER)** *[STRATEGIC PLAN: PROMOTE CULTURAL ARTS AND HUMAN SERVICES]*

Mayor Pro Tem Lacy had registered his abstention on Item 18.

IT WAS MOVED BY COUNCIL MEMBER RAYFIELD, SECONDED BY COUNCIL MEMBER CHILTON, TO APPROVE THE RECOMMENDED GRANT FUNDING BY MAYOR SNYDER AS LISTED WITHIN THE STAFF REPORT PER CITY COUNCIL POLICY 116.

The motion carried by the following vote:

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

19. **COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE YEAR ENDED JUNE 30, 2004** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

RECEIVED AND FILED THE COMPREHENSIVE ANNUAL FINANCIAL REPORT ("CAFR") FOR THE YEAR ENDED JUNE 30, 2004.

20. **ADOPTION OF TWO RESOLUTIONS APPROVING AGREEMENTS WITH THE COUNTY OF ORANGE AND SOUTH COAST WATER DISTRICT TO ACCOMMODATE A NEW STORM DRAIN ACROSS CAPISTRANO COUNTY BEACH** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

(1) **ADOPTED RESOLUTION NO. 04-12-08-04** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING AN EASEMENT DEED AND AGREEMENT WITH THE COUNTY OF ORANGE REGARDING CONSTRUCTION AND MAINTENANCE OF A NEW STORM DRAIN ACROSS ASSESSOR PARCEL NUMBER 123-060-14, KNOWN AS CAPISTRANO COUNTY BEACH;

and

ADOPTED RESOLUTION NO. 04-12-08-05 ENTITLED:

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING AN AGREEMENT BETWEEN THE CITY OF DANA POINT AND THE SOUTH COAST WATER DISTRICT FOR THE INTERIM USE OF FACILITIES TO DIVERT URBAN RUNOFF FROM THE DIVERSION FACILITY BEING CONSTRUCTED AS PART OF THE CAPISTRANO BEACH STORM DRAIN PHASE II PROJECT;

(2) AUTHORIZED THE CITY MANAGER TO SIGN THE EASEMENT DEED AND AGREEMENT WITH THE COUNTY OF ORANGE, AS WELL AS THE AGREEMENT WITH SOUTH COAST WATER DISTRICT; AND (3) AUTHORIZED ADDITIONAL PROJECT MANAGEMENT SERVICES FOR THE CAPISTRANO BEACH STORM DRAIN PHASE II PROJECT AS OUTLINED IN THE FISCAL IMPACT SECTION.

ORAL REPORTS

There were no Oral Reports.

PUBLIC COMMENTS

Mayor Snyder called for Public Comments.

Sarah Petrie, representative of Office of Representative Christopher Cox, stated she would present Congressional Certificates of Recognition at the appropriate time.

Pat Fairbanks, Dana Point, representing Dana Point Civic Association, wished the incoming Council Members well.

Kirk Lapple, Dana Point, Chairman of the Dana Point Chamber of Commerce, thanked Council for another year of working with the Chamber for the business community, thanked outgoing Council Members Ossenmacher and Snyder, and welcomed incoming Council Members Anderson and Harkey.

Bob Moore, Dana Point, thanked Council on behalf of South Coast Water District and welcomed incoming Council Members Anderson and Harkey.

Ruby Netzley, Dana Point, president of Capistrano Valley Republican Women Federated, congratulated and presented flowers to incoming Council Member Anderson, and expressed her thanks to outgoing Council Members.

Alicia Erlinger, Dana Point, representing Dana Point Theatre Company, announced the dates and times of the play "A Dana Point Christmas Carol" to be presented by The Dana Point Theatre Company, and responded to Council Member Rayfield's question as to where to purchase tickets.

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PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

21. **RESOLUTION RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 2, 2004, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW [STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]**

IT WAS MOVED BY COUNCIL MEMBER RAYFIELD, SECONDED BY COUNCIL MEMBER CHILTON, TO ADOPT **RESOLUTION NO. 04-12-08-06** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 2, 2004, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW

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

RECOGNITION OF OUTGOING CITY COUNCIL MEMBERS

Presentation to William L. Ossenmacher:

Mayor Snyder presented to William L. Ossenmacher Certificates and Proclamations and Plaque from City of Dana Point, Office of Bill Morrow, Supervisor Wilson of the Office County of Orange.

Outgoing Council Member Ossenmacher thanked everyone and wished new Council Members all the best.

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Presentation to Joe Snyder:

Mayor Pro Tem Lacy presented outgoing Mayor Snyder with Certificates, Proclamations, Plaque, Gavel from City of Dana Point, Office of Bill Morrow, Supervisor Wilson of the County of Orange.

Outgoing Mayor Snyder thanked everyone and wished the new Council Members well.

Acting Mayor Lacy recognized Sarah Petrie, representing the Office of Representative Christopher Cox, who presented William L. Ossenmacher and Joe Snyder with Congressional Certificates of Recognition.

SWEARING IN OF NEWLY ELECTED CITY COUNCIL MEMBERS

Acting Mayor Lacy requested City Clerk Street to administer the Oath of Office to incoming Council Members Lara Anderson and Diane L. Harkey.

City Clerk Street administered the Oath of Office and congratulated Council Members Anderson and Harkey.

Acting Mayor Lacy presented Council Members Anderson and Harkey with Certificates of Election. He then recessed the meeting at 7:30 p.m. for a Reception.

Acting Mayor Lacy reconvened the meeting at 7:48 p.m.

STAFF REPORTS

City Manager Chotkevys congratulated and welcomed Council Members Anderson and Harkey.

COUNCIL REPORTS

Council Member Harkey thanked everyone for the honor of serving the City of Dana Point and informed all that she will be available to hear from anyone who would like to speak with her.

Council Member Anderson expressed that she was grateful and honored to be a Council Member.

Council Member Chilton expressed his excitement in working with the new Council. He congratulated the newly elected South Coast Water Board members, and announced the Pet Project Foundation's annual Wag-A-Thon on March 12, 2005. He wished all a merry Christmas, Happy Holidays, and a Happy New Year.

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Council Member Rayfield thanked William L. Ossenmacher and Joe Snyder for their work as Council Members, and welcomed Council Members Anderson and Harkey. He reminded everyone of The Dana Point Theatre Company's production of "A Dana Point Christmas Carol." He asked that there be a revisit of citizen's committees, and requested that a list of past committees be provided. He wished everyone Happy Holidays, and reminded of the Christmas Tree Lighting in La Plaza.

Acting Mayor Lacy recognized William L. Ossenmacher's and Joe Snyder's service to the City and noted he is looking forward to working with the new Council Members and in moving forward.

COUNCIL MEMBER ANDERSON MADE A MOTION, SECONDED BY COUNCIL MEMBER CHILTON, TO GO INTO CLOSED SESSION TO DISCUSS ITEMS ON THE EXISTING CLOSED SESSION AGENDA.

Council Member Rayfield asked a procedural question regarding timing of discussion of Adjournment and the date of the next meeting.

Discussion ensued, and City Attorney Munoz clarified that there could be discussion and consensus of adjournment and the next meeting date, so the public would get an idea of when the next meeting would occur, then go into Closed Session, then come back after Closed Session to vote for adjournment.

Acting Mayor Lacy made the suggestion that the motion and the second be withdrawn, that Council move on to the discussion of the adjournment, but not adjourn the meeting, then the Chair would entertain a motion to have a Closed Session.

Council Member Anderson agreed and the motion was withdrawn.

City Manager Chotkevys gave a staff report on Council reorganization and noted that he anticipates vigorous discussion regarding bringing back committees. He noted that City Council Policy 210 states there will be no second regular meeting in December.

Council discussion ensued regarding various dates and Council Members' availability for a next Council meeting.

IT WAS MOVED BY COUNCIL MEMBER CHILTON, SECONDED FOR
DISCUSSION BY COUNCIL MEMBER ANDERSON, TO ADJOURN THE
MEETING TO JANUARY 17, 2005.

Council discussion ensued.

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The motion carried by the following vote:

AYES:	Acting Mayor Lacy, Council Members Anderson and Chilton.
NOES:	Council Members Harkey and Rayfield
ABSENT:	None
ABSTAIN:	None

IT WAS MOVED BY COUNCIL MEMBER ANDERSON, SECONDED BY COUNCIL MEMBER CHILTON, TO GO INTO CLOSED SESSION TO DISCUSS CLOSED SESSION ITEMS ON THE AGENDA.

Acting Mayor Lacy recessed the meeting into a Closed Session at 8:30 p.m. pursuant to Government Code Section 54956 et. seq.

Acting Mayor Lacy reconvened the meeting at 9:02 p.m. and asked City Attorney Munoz if there was anything to report.

City Attorney Munoz stated there was no action to report.

ADJOURNMENT

There being no further business before the City Council at this session, Acting Mayor Lacy declared the meeting adjourned at 9:03 p.m.

The next Regular Meeting of the City Council will be January 17, 2005 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 THE MEETING OF JANUARY 17, 2005