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**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
FEBRUARY 11, 2004**

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**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: James Lacy, Mayor Pro Tem  
Russell Chilton, Council Member  
William L. Ossenmacher, Council Member  
Wayne Rayfield  
Joe Snyder, Mayor (arrived at 5:03 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; and Mark Billings, Chief of Police Services.

**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. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957.6

Title: City Attorney

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

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E.PUBLIC EMPLOYMENT, Government Code §54957

Title: Planning Manager

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 6:45 p.m. All Council Members were present.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Jim Howard, whose Son-In-Law Sergeant Jeffrey Vaughn, is a 12-year Marine stationed at Miramar. He currently is the Helicopter Crew Chief.

**INVOCATION**

The Invocation was given by Father Steve Salot from St. Edwards Church.

**CONSENT CALENDAR**

A member of the public removed Item 12 from the Consent Calendar. Staff removed Item 10 to be moved to a later date.

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 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.

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2. **REGULAR MEETING MINUTES, JANUARY 28, 2004**  
  
RECEIVED AND FILED.
3. **PLANNING COMMISSION MEETING MINUTES, JANUARY 21, 2004**  
  
RECEIVED AND FILED.
4. **PLANNING COMMISSION ACTIONS, MEETING OF FEBRUARY 4, 2004**  
  
RECEIVED AND FILED.
5. **YOUTH BOARD MEETING MINUTES, JANUARY 8, 2004**  
  
RECEIVED AND FILED.
6. **MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR**  
  
RECEIVED AND FILED.
7. **CITY TREASURER'S REPORT, DECEMBER 2003**  
  
RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF DECEMBER 2003.
8. **CLAIMS AND DEMANDS (0300-30)**  
  
RECEIVED AND FILED THE CLAIMS AND DEMANDS.
9. **APPOINTMENT OF A MEMBER AT-LARGE TO DANA POINT YOUTH BOARD**  
  
APPROVED THE DANA POINT YOUTH BOARD RECOMMENDATION TO REPLACE A YOUTH BOARD MEMBER WITH A MEMBER AT-LARGE.
10. **CREATION OF LOCAL DISASTER COUNCIL**  
  
This item was removed by Staff to be brought forward at a later date.
11. **RECEIVE AND ACCEPT MIOCEAN FINANCIAL COMMITMENT – SALT CREEK STORM WATER TREATMENT FACILITY**
  1. RECEIVED AND ACCEPTED THE MIOCEAN FOUNDATION FINANCIAL COMMITMENT TOWARDS THE SALT CREEK STORM WATER TREATMENT FACILITY; AND

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2. AUTHORIZED THE CITY MANAGER TO SEND A LETTER OF ACCEPTANCE TO THE FOUNDATION.
12. **ADOPTION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO ESTABLISH REGULATIONS FOR PARKING ON CITY OWNED STREETS AND RIGHTS-OF-WAY**

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

City Manager Doug Chotkevys gave a Staff Report.

Rick Gold, of the Capistrano Beach Community Association, spoke promoting input by the community regarding signage.

Lynn Smith, Capistrano Beach, spoke regarding concern with signage.

IT WAS MOVED BY MAYOR PRO TEM LACY, SECONDED BY COUNCIL MEMBER CHILTON TO ADOPT **RESOLUTION NO. 04-02-11-01**,

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO ESTABLISH REGULATIONS FOR PARKING ON CITY OWNED STREETS AND RIGHTS-OF-WAY*

The motion carried by the following vote:

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

13. **REQUEST TO INITIATE A GENERAL PLAN AMENDMENT GPA04-01 TO CHANGE THE LAND USE DESIGNATION FROM COMMUNITY FACILITY TO RESIDENTIAL 3.5-7 DU/ACRE. THE SITE IS LOCATED AT 35200 DEL REY**

AUTHORIZED THE INITIATION OF GENERAL PLAN AMENDMENT GPA04-01 BASED UPON THE INFORMATION AND DISCUSSION INCLUDED IN THE REPORT.

**PRESENTATIONS AND PROCLAMATIONS**

1. RECOGNIZED DEPUTY JOE MORENO, SCHOOL RESOURCE OFFICER
2. STAFF PRESENTED THE MIOCEAN NORTH CREEK VIDEO

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Mayor Snyder recessed the meeting at 7:30 p.m.

The meeting was reconvened at 7:50 p.m.

**ORAL REPORTS**

Mayor Snyder stated there are no Oral Reports.

**PUBLIC COMMENTS**

Susan Williams, San Clemente, of Orange County Human Relations presented an overview of Orange County Human Relations services in the City of Dana Point, and presented a Certificate of Recognition to the City of Dana Point.

Pam Tappan, Dana Point, spoke regarding concern over a development in Capistrano Beach by Pioneer Builders.

Chris Anastasio, Dana Point, spoke of confusion created by various trash pickup days in the Marinita Homeowners' Association area.

Richard Gardner, Capistrano Beach, expressed appreciation for the Miocean Video Presentation, and discussed projects to deal with urban runoff.

**UNFINISHED BUSINESS**

**14. AWARD OF CONTRACT TO FREEDMAN, TUNG & BOTTOMLEY TO DEVELOP THE TOWN CENTER SPECIFIC PLAN**

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

**PUBLIC HEARINGS**

**15. APPEAL OF PLANNING COMMISSION DECISION APPROVING COASTAL DEVELOPMENT PERMIT CDP94-01(I) TO ALLOW THE CONSTRUCTION OF A NEW APPROXIMATE 7,835 SQUARE FOOT, SINGLE-FAMILY RESIDENCE ON A 34,630 SQUARE FOOT BLUFF-TOP LOT WITH A SITE DEVELOPMENT PERMIT SDP03-09 TO ALLOW A GARAGE AND TWO (2) STORY CONFIGURATION AND RETAINING WALLS AS HIGH AS 6.5 FEET IN HEIGHT AND VARIANCE V03-10 TO EXCEED THE MAXIMUM HEIGHT LIMIT BY 11 FEET THREE (3) INCHES, AND FOR THE REQUIREMENTS FOR DEVELOPMENT ADJACENT TO COASTAL BLUFFS LOCATED AT 35009 CAMINO CAPISTRANO**

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City Manager Chotkevys introduced Kyle Butterwick, Director of Community Development. Mr. Butterwick gave a brief overview of the project, and invited Planning Consultant Kurth Nelson to present the staff report.

Mayor Snyder opened the Public Hearing and called for property owner to present his case.

Bob Theel, Dana Point resident, representative for the applicant, Pioneer Builders, spoke in support of the proposed project.  
Mayor Snyder called for appellants to present their case.

Larry Rolapp, Capistrano Beach, appellant, spoke in opposition to the proposed project.

Norm Nowell, Capistrano Beach, appellant, spoke in opposition to the height of the proposed project.

John Cederquist, Capistrano Beach, appellant, spoke in opposition to the proposed project.

Allan Seymour, Capistrano Beach, spoke in opposition to the proposed project.

Malcolm Wilson, Capistrano Beach, spoke in opposition to the proposed project.

Mayor Snyder called for Public Comments.

Rick Gold, Capistrano Beach, spoke in opposition to the proposed project.

Alan Bell, Capistrano Beach, spoke in opposition to the proposed project.

Kathryn Wilson, Capistrano Beach, spoke in opposition to the proposed project.

Malcolm Wilson, Capistrano Beach, spoke in opposition to the proposed project.

Pam Tappan, Capistrano Beach, spoke in opposition to the proposed project.

Richard Gardner, Capistrano Beach, stated that he was neutral regarding the proposed project, and noted that Pines Park needs restroom facilities.

Robin Hall, Capistrano Beach, spoke in opposition to the proposed project.

Lynn Smith, Capistrano Beach, spoke in opposition to the proposed project.

Mayor Snyder called upon appellant for rebuttal.

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Larry Rolapp, Capistrano Beach, appellant, spoke in opposition to the proposed project and the height variance being requested by the applicant.

Mayor Snyder called upon applicant for rebuttal.

Bob Theel, Dana Point, representative for applicant, spoke in favor of the proposed Project, and introduced Terry Hirchag, President of Pioneer Builders, Inc.

Terry Hirchag, San Clemente, President of Pioneer Builders, Inc., spoke in favor of the proposed project, and read a letter of support for the project from Athena Hall, Capistrano Beach.

Mayor Snyder closed the Public Hearing and called a Recess at 9:14 p.m.

Mayor Snyder reconvened the meeting at 9:40 p.m. and opened the meeting for Council Discussion.

Mayor Pro Tem Lacy requested that the properties that were reported by Kyle Butterwick, Director of Community Development as having received height variances be part of the record. Subsequent to the Council Meeting, Mr. Butterwick provided addresses of the properties; each has received a height variance within the last six months:

34111 Street of the Blue Lantern, Dana Point, CA 92629  
Variance V03-23, January 28, 2004

26252 Via Canon, Dana Point, CA 92629  
Variance V03-15, September 17, 2003

33951 Valencia Place, Dana Point, CA 92629  
Variance V03-02, August 27, 2003

City Attorney Patrick Munoz requested that Council return to Closed Session.

Mayor Snyder recessed into Closed Session at 10:22 p.m.

Mayor Snyder reconvened the Meeting at 10:51 p.m.

IT WAS MOVED BY COUNCIL MEMBER RAYFIELD AND SECONDED BY COUNCIL MEMBER CHILTON TO REOPEN THE PUBLIC HEARING.

The motion carried by the following votes:

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

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Mayor Snyder reopened the Public Hearing.

IT WAS MOVED BY COUNCIL MEMBER CHILTON, SECONDED BY COUNCIL MEMBER RAYFIELD, TO CONTINUE THE PUBLIC HEARING TO THE MARCH 10, 2004 MEETING

The motion carried by the following vote:

Ayes: Council Members Chilton, Ossenmacher, Rayfield, Mayor Pro Tem Lacy, Mayor Snyder

**STAFF REPORTS**

City Manager Doug Chotkevys acknowledged the accomplishments of Genia Garcia, Senior Planner, and wished her the best in her new position with the City of Aliso Viejo

Mayor Snyder wished Ms. Garcia the best of luck.

**ADJOURNMENT**

There being no further business before the City Council at this session, Mayor Snyder declared the meeting adjourned at

The next Regular Meeting of the City Council will be February 25, 2004 at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

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SHARON STREET  
DIRECTOR OF PUBLIC AFFAIRS/CITY CLERK

APPROVED AT MEETING OF MARCH 10, 2004