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**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
SEPTEMBER 24, 2003**

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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 Council Member Chilton at 5:05 p.m. in the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point.

**ROLL CALL**

PRESENT: William L. Ossenmacher, Mayor (*arrived at 5:45 p.m.*)  
Joe Snyder, Mayor Pro Tem (*arrived at 5:08 p.m.*)  
Wayne Rayfield, Council Member  
Russell Chilton, Council Member  
James Lacy, Council Member

STAFF PRESENT: Douglas Chotkevys, City Manager; Pat Munoz, City Attorney; Cathy Catlett, Interim City Clerk; Sheryl Lindsey, Director of Administrative Services; Kyle Butterwick, Director of Community Development; Genia Garcia, Senior Planner; Larry Pierce, Interim Director of Public Works and Engineering Services; Matt Sinacori, Deputy City Engineer; Kevin Evans, Recreation Services Manager; 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), (2 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Government Code § 54956.9 (c), (1 case)
- 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.  
Under Negotiation: Price and terms of agreement relating to property

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- D. CONFERENCE WITH LABOR NEGOTIATOR, Government Code § 54957.6

Agency Designated Representatives: City Manager

Unrepresented and Represented Employees: All positions in City

- E. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Government Code § 54957.6

Title: City Manager

- F. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION,  
Government Code § 54956.9(a)  
Name of Case: Dispatch Trucking v. Terra Pacific, et al., Superior Court  
of California, County of Orange, Case No. 03SL02500

Council Member Chilton recessed the meeting into a Closed Session at 5:07 p.m. pursuant to Government Code Section 54956 et. seq.

**RECONVENE CITY COUNCIL MEETING**

Mayor Ossenmacher reconvened the meeting at 6:43 p.m. All Council Members were present.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Dana Point Girl Scout Troop No. 390.

**INVOCATION**

Mayor Ossenmacher requested observance of a moment of silence to follow the invocation for the loss of a vital and vibrant member of our community, Alice Baum.

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

A moment of silence in honor of Alice Baum was observed.

**CONSENT CALENDAR**

Members of the public removed Items 9, 19 and 24; Council Member Chilton removed Item 11; Council Member Rayfield removed Items 15, 16 and 22; Item 23 was continued to later in the meeting; and Item 25 was withdrawn from the Consent Calendar.

IT WAS MOVED BY MAYOR PRO TEM SNYDER, SECONDED BY COUNCIL MEMBER RAYFIELD, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS

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LISTED ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 9, 11, 15, 16, 19, 22, 23, 24 AND WITH ITEM 25 WITHDRAWN FROM THE AGENDA.

The motion carried by the following vote:

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

NOES: 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. REGULAR MEETING MINUTES, AUGUST 27, 2003**

APPROVED THE MINUTES.

**3. PLANNING COMMISSION MEETING MINUTES, AUGUST 20, 2003**

RECEIVED AND FILED.

**4. PLANNING COMMISSION ACTIONS, MEETING OF SEPTEMBER 3, 2003**

RECEIVED AND FILED.

**5. PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 3, 2003**

RECEIVED AND FILED.

**6. PLANNING COMMISSION ACTIONS, MEETING OF SEPTEMBER 17, 2003**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

**8. CITY TREASURER'S REPORT, JULY 2003**

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF JULY 2003.

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**9. CLAIMS AND DEMANDS**

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

City Manager Chotkevys presented the staff report.

Richard Gardner, Capistrano Beach, requested clarification on items listed in the Claims and Demands.

Recreation Services Manager Evans provided clarification on the questioned items.

IT WAS MOVED BY MAYOR PRO TEM SNYDER, SECONDED BY COUNCIL MEMBER RAYFIELD, TO RECEIVE AND FILE THE CLAIMS AND DEMANDS.

The motion carried by the following vote:

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

NOES: None

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

(1) RETAINED AUTHORITY AND RESPONSIBILITY TO SELECT A QUALIFIED EMERGENCY AMBULANCE SERVICE PROVIDER WITHIN THE CITY OF DANA POINT; AND (2) AUTHORIZED THE CITY MANAGER TO EXECUTE ALL APPROPRIATE DOCUMENTS IN THIS PROCESS.

**11. 2003 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]*

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

City Manager Chotkevys responded to Council Member Chilton's concerns regarding this item.

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IT WAS MOVED BY COUNCIL MEMBER RAYFIELD, SECONDED BY MAYOR PRO TEM SNYDER, TO:

1. ADOPT **RESOLUTION NO. 03-09-24-07**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING SALARY RANGES FOR REPRESENTED AND NON-REPRESENTED CLASSIFICATIONS; AND
2. AUTHORIZE MERIT INCREASE AND FUNDING LIMITS: REPRESENTED AND NON-REPRESENTED EMPLOYEES WITH 0-5% MERIT INCREASES AND A 3.5% FUNDING LIMIT.

The motion carried by the following vote:

AYES: Council Member Rayfield, Mayor Pro Tem Snyder and Mayor Ossenmacher

NOES: Council Members Chilton and Lacy

12. **ADOPTION OF RESOLUTION APPROVING OF CITY APPLICATION FOR GRANT FUNDS FOR THE PER CAPITA GRANT PROGRAM UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002** [STRATEGIC PLAN: PROVIDE OPEN SPACE, PARKS, RECREATIONAL FACILITIES, GREENBELTS AND TRAILS]

ADOPTED **RESOLUTION NO. 03-09-24-01**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING OF THE APPLICANT TO APPLY FOR GRANT FUNDS FOR THE PER CAPITA GRANT PROGRAM UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002.

13. **ADOPTION OF RESOLUTION APPROVING OF CITY APPLICATION FOR GRANT FUNDS FOR THE ROBERTI-Z'BERG-HARRIS BLOCK GRANT PROGRAM UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002** [STRATEGIC PLAN: PROVIDE OPEN SPACE, PARKS, RECREATIONAL FACILITIES, GREENBELTS AND TRAILS]

ADOPTED **RESOLUTION NO. 03-09-24-02**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING OF THE APPLICANT TO APPLY FOR GRANT FUNDS FOR THE ROBERTI-Z'BERG-HARRIS BLOCK GRANT PROGRAM UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002.

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- 14. ADOPTION OF RESOLUTION ADOPTING THE CITY OF DANA POINT DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM FOR THE PERIOD OF OCTOBER 2003 TO SEPTEMBER 2004** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

(1) ADOPTED **RESOLUTION NO. 03-09-24-03**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING THE DISADVANTAGED BUSINESS ENTERPRISE (DBE) ANNUAL PROGRAM FOR THE PERIOD OF OCTOBER 2003 TO SEPTEMBER 2004;

AND (2) AUTHORIZED THE CITY MANAGER TO EXECUTE THE DOCUMENT.

- 15. ESTABLISHMENT OF A CAPITAL IMPROVEMENT PROGRAM PROJECT FOR THE LANTERN VILLAGE BACKBONE UNDERGROUNDING PROJECT AND AUTHORIZATION OF A DESIGN FOR UNDERGROUNDING UTILITIES IN THE LANTERN VILLAGE** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

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

City Manager Chotkevys presented the staff report.

Nancy Carroll, Dana Point, praised the Council for undertaking this project.

Richard Gardner, Capistrano Beach, requested a survey to determine the most desirable undergrounding locations in the City.

IT WAS MOVED BY COUNCIL MEMBER RAYFIELD, SECONDED BY COUNCIL MEMBER CHILTON, TO (1) APPROVE THE ESTABLISHMENT OF A NEW CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECT FOR FY 2003-04 ENTITLED "LANTERN VILLAGE BACKBONE UNDERGROUNDING PROJECT"; (2) AUTHORIZE THE TRANSFER OF \$125,000 FROM THE UNDERGROUND UTILITIES RESERVE ACCOUNT TO THE NEWLY ESTABLISHED LANTERN VILLAGE BACKBONE UNDERGROUNDING PROJECT; (3) AUTHORIZE THE EXPENDITURE OF \$36,150 FOR DESIGN BY THE UTILITY COMPANIES FOR THE LANTERN VILLAGE BACKBONE UNDERGROUNDING PROJECT; (4) AUTHORIZE THE EXPENDITURE OF UP TO AN ADDITIONAL \$50,000 FOR DESIGN BY THE UTILITY COMPANIES FOR ADDITIONAL COMPONENTS OF THE PROPOSED LANTERN VILLAGE UNDERGROUNDING PROJECT AT THE DISCRETION OF THE CITY MANAGER; AND (5) DIRECT STAFF TO INITIATE THE PROCESS TO ESTABLISH A UTILITY UNDERGROUNDING DISTRICT FOR THE LANTERN VILLAGE BACKBONE UNDERGROUNDING PROJECT.

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The motion carried by the following vote:

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

NOES: None

**16. AUTHORIZE PRE-QUALIFICATION OF CONTRACTORS FOR THE CONSTRUCTION OF SALT CREEK STORM DRAIN TREATMENT FACILITY PROJECT** *[STRATEGIC PLAN: RESTORE AND MAINTAIN THE INTEGRITY OF OUR OCEAN WATERS AND BEACHES]*

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

Deputy City Engineer Sinacori responded to Council Member Rayfield's questions.

IT WAS MOVED BY COUNCIL MEMBER RAYFIELD, SECONDED BY COUNCIL MEMBER CHILTON, TO (1) AUTHORIZE STAFF TO PRE-QUALIFY CONTRACTORS FOR THE CONSTRUCTION OF THE SALT CREEK STORM DRAIN TREATMENT FACILITY PROJECT, PER THE CITY'S APPROVED PRE-QUALIFICATION PROCEDURE FOR A SINGLE PROJECT; (2) AUTHORIZE THE EXPENDITURE FOR PREQUALIFICATION OF CONTRACTORS; (3) AUTHORIZE THE EXPENDITURE FOR ADDITIONAL DESIGN SERVICES; AND (4) APPROVE THE TRANSFER OF FUNDS FROM THE NORTH CREEK STORM DRAIN TREATMENT PROJECT ACCOUNT NUMBER 11-99-30-1162-311 TO THE SALT CREEK STORM DRAIN TREATMENT PROJECT, ACCOUNT NUMBER 11-99-30-1154-311.

The motion carried by the following vote:

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

NOES: None

**17. APPROVAL OF THE FIRST AMENDMENT TO THE AGREEMENT WITH ARBOR LIFE CONSULTING TO PROVIDE ADDITIONAL FIELD INSPECTION FOR THE TREE MAINTENANCE SERVICES CONTRACT WITH WEST COAST ARBORISTS, INCORPORATED** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

(1) APPROVED THE FIRST AMENDMENT TO THE AGREEMENT WITH ARBOR LIFE CONSULTING TO PROVIDE ADDITIONAL FIELD INSPECTION FOR THE TREE MAINTENANCE SERVICES CONTRACT WITH WEST COAST ARBORISTS, INCORPORATED; (2) AUTHORIZED THE CITY MANAGER TO EXECUTE THE AMENDMENT; AND (3) DIRECTED THE EXPENDITURE OF

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FUNDS FROM THE STREET TREE PLANTING PROGRAM PROJECT,  
ACCOUNT NO. 11-99-1155-311.

- 18. ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA SUSPENDING THE POLICY ON THE DONATION OF A PARK OR PARKWAY TREE AND SUSPENDING THE POLICY RELATING TO THE ACCEPTANCE AND DEDICATION OF EQUIPMENT TO ALLOW STAFF TO REVIEW AND UPDATE THE AFOREMENTIONED POLICIES** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

ADOPTED **RESOLUTION NO. 03-09-24-04**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT SUSPENDING THE POLICY ON THE DONATION OF A PARK OR PARKWAY TREE AND SUSPENDING THE POLICY RELATING TO THE ACCEPTANCE AND DEDICATION OF EQUIPMENT TO ALLOW STAFF TO REVIEW AND UPDATE THE AFOREMENTIONED POLICIES.

- 19. AWARD OF A CONTRACT TO BELAIRE WEST LANDSCAPE, INCORPORATED FOR THE CONSTRUCTION OF IMPROVEMENTS AT DEL OBISPO PARK AS PART OF THE GENERAL PARK REHABILITATION PROGRAM** *[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 presented the staff report.

Deputy City Engineer Sinacori reported on the cost and scope of work of the project.

Greg Wall, Dana Point, spoke in support of the project and thanked Council for the proposed improvements of the baseball fields.

Larry McLane, Laguna Niguel, President of Dana Point Youth Baseball, thanked the Council for the project, pledged \$20,000 to help with improvements of the park, and made the Council honorary "Diamond Club" members.

IT WAS MOVED BY MAYOR PRO TEM SNYDER, SECONDED BY COUNCIL MEMBER RAYFIELD, TO (1) AWARD A CONTRACT TO BELAIRE WEST LANDSCAPE, INCORPORATED FOR CONSTRUCTION OF THE GENERAL PARK REHABILITATION AT DEL OBISPO PARK PROJECT, PROVIDED THAT THE CITY MANAGER OR HIS DESIGNEE MAY APPROVE ADDITIONAL PAYMENT NOT TO EXCEED TEN PERCENT OF THE CONTRACT AMOUNT FOR CHANGE ORDERS AND CONTINGENCIES; (2) APPROVE THE TRANSFER OF FUNDS FROM THE SYCAMORE CREEK TRAIL PROJECT, ACCOUNT NUMBER 11-99-30-1136-311, TO THE GENERAL PARK



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REHABILITATION PROGRAM, ACCOUNT NUMBER 11-99-30-1156-311, TO FUND A PORTION OF THE GENERAL PARK REHABILITATION AT DEL OBISPO PARK PROJECT; (3) APPROVE THE TRANSFER OF FUNDS FROM THE PARK DEVELOPMENT FUND TO THE GENERAL PARK REHABILITATION PROGRAM, ACCOUNT NUMBER 11-99-30-1156-311; (4) AUTHORIZE THE EXPENDITURE OF FUNDS FOR CONSTRUCTION MANAGEMENT SERVICES FOR CONSTRUCTION OF IMPROVEMENTS AT DEL OBISPO PARK AS PART OF THE GENERAL PARK REHABILITATION PROGRAM; (5) AUTHORIZE A PURCHASE ORDER TO GOFFMAN MCCORMICK AND URBAN FOR MATERIALS TESTING AND INSPECTION SERVICES; AND (6) AUTHORIZE A PURCHASE ORDER TO BORTHWICK GUY AND BETTENHAUSEN FOR CONSTRUCTION SUPPORT SERVICES.

The motion carried by the following vote:

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

NOES: None

- 20. ADOPTION OF A RESOLUTION ACCEPTING MULTIPLE EASEMENTS ACROSS REAL PROPERTY FOR PUBLIC ACCESS ACROSS OPEN SPACE AREAS AND PRIVATE STREETS IN TRACT NUMBER 15405 (BAL HARBOUR)** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

ADOPTED **RESOLUTION NO. 03-09-24-05**, A RESOLUTION MULTIPLE EASEMENTS ACROSS REAL PROPERTY FOR PUBLIC ACCESS ACROSS OPEN SPACE AREAS AND PRIVATE STREETS IN TRACT NUMBER 15405 (BAL HARBOUR).

- 21. APPROPRIATION OF FUNDS FROM LOCAL LAW ENFORCEMENT BLOCK GRANTS (L.L.E.B.G.)** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

- (1) ADJUSTED THE FY2003/04 BUDGET WITH THE ADDITION OF FUNDS TO A SEPARATELY MAINTAINED ACCOUNT, AND
- (2) APPROPRIATED FUNDS FROM THAT ACCOUNT TO IMPLEMENT THE FOLLOWING PROGRAMS:
  - EXPAND THE PROBLEM ORIENTED POLICING PROGRAM
  - PARTICIPATE IN THE TRAUMA INTERVENTION PROGRAM.

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- 22. APPROVAL OF CONSULTANT SERVICES AGREEMENT WITH CITYGATE ASSOCIATES, LLC, TO PROVIDE EVALUATION OF PLANNING, BUILDING AND PUBLIC WORKS COUNTER OPERATIONS FOR THE CITY OF DANA POINT** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

This item was removed from the Consent Calendar by Council Member Rayfield to inform members of the community of the City's plan to evaluate Planning, Building and Public Works counter operations.

IT WAS MOVED BY COUNCIL MEMBER RAYFIELD, SECONDED BY COUNCIL MEMBER LACY, TO (1) APPROVE A CONSULTANT SERVICES AGREEMENT WITH CITYGATE ASSOCIATES, LLC, TO PROVIDE AN EVALUATION OF PLANNING, BUILDING AND PUBLIC WORKS COUNTER OPERATIONS; AND (2) AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT.

The motion carried by the following vote:

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

NOES: None

- 23. CITY MANAGER EMPLOYMENT AGREEMENT**

This item was heard later in the agenda.

- 24. URGENCY ORDINANCE PERTAINING TO LAND USES IN THE TOWN CENTER** *[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]*

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

City Manager Chotkevys presented the staff report.

Robert Theel, Dana Point, spoke in favor of adopting the urgency ordinance.

Kathy Weaver, Dana Point, spoke in support of the urgency ordinance and questioned the boundaries of the affected area.

Steven Weinberg, Dana Point, spoke in support of the urgency ordinance.

Kirk Lapple, Dana Point, Chairman-elect of the Dana Point Chamber of Commerce, spoke in support of the urgency ordinance.

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IT WAS MOVED BY MAYOR PRO TEM SNYDER, SECONDED BY COUNCIL MEMBER RAYFIELD (for discussion), TO ADOPT URGENCY **ORDINANCE NO. 03-15**, *AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING AN INTERIM ZONING ORDINANCE PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858(A) PERTAINING TO LAND USES WITHIN THE TOWN CENTER.*

The motion carried by the following vote:

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

NOES: None

25. **APPROVAL OF THIRD AMENDMENT TO AGREEMENT WITH UNITED STORM WATER, INC. TO MAINTAIN ALL STORM DRAIN FILTERS (CLEANING AND TESTING), AND TO EXPAND THE SCOPE OF SERVICES TO INCLUDE MAINTENANCE OF SOLIDS REMOVAL SYSTEMS AND DIVERSIONS** *[STRATEGIC PLAN: RESTORE AND MAINTAIN THE INTEGRITY OF OUR OCEAN WATERS AND BEACHES]*

THIS ITEM WAS REMOVED FROM THE AGENDA BY STAFF.

26. **APPROPRIATION OF CITIZENS OPTION FOR PUBLIC SAFETY (COPS) PROGRAM FUNDS – (AB 1913)** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

- (1) ADJUSTED THE FY 2003/04 BUDGET WITH AN ADDITION OF FUNDS TO THE SUPPLEMENTAL LAW ENFORCEMENT SERVICE FUND (SLESF) ACCOUNT; AND
- (2) APPROPRIATED FUNDS FROM THE SLESF TO IMPLEMENT THE FOLLOWING PROGRAMS:
  - APPROVED FUNDING FOR THE SCHOOL RESOURCE OFFICER POSITION FOR THIS SCHOOL YEAR
  - APPROVED FUNDING FOR PROJECT STOP (STOP TRASHING OUR PARKS)

27. **ADOPTION OF RESOLUTION APPROVING OF CITY APPLICATION FOR GRANT FUNDS FOR THE RECREATIONAL TRAILS PROGRAM UNDER THE TRANSPORTATION EQUITY ACT FOR THE 21<sup>ST</sup> CENTURY**

1. **ADOPTED RESOLUTION NO. 03-09-24-06**, *A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE*

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*RECREATIONAL TRAILS PROGRAM UNDER THE TRANSPORTATION  
EQUITY ACT FOR THE 21<sup>ST</sup> CENTURY; AND*

2. AUTHORIZED STAFF TO PREPARE A RECREATIONAL TRAILS PROGRAM GRANT APPLICATION FOR SUBMITTAL TO THE STATE OF CALIFORNIA DEPARTMENT OF PARKS AND RECREATION FOR COMPLETION OF THE TRAILS COMPONENT IN FUTURE DEVELOPMENT AT SEA TERRACE PARK.

**PRESENTATIONS AND PROCLAMATIONS**

Fire Prevention Week Proclamation

Mayor Ossenmacher presented the Fire Prevention Week Proclamation to Battalion Chief Mike Ahumada of the Orange County Fire Authority.

Certificate of Recognition – U.S. Ocean Safety Inc. - Lifeguard Services

Mayor Ossenmacher presented the U.S. Ocean Safety, Inc. Lifeguard Services Certificate of Recognition to Dennis Yune, Director.

Director of Administrative Services Lindsey narrated a photo presentation depicting the duties of the U.S. Ocean Safety program.

Featured Business of the Month – Bella Napoli

Mayor Ossenmacher presented Masood Ghalami, owner of Bella Napoli restaurant, with an official certificate recognizing Bella Napoli as the Featured Business of the Month.

Senior Planner Garcia narrated a photo presentation depicting Bella Napoli.

**PUBLIC COMMENTS**

Joseph Stewart, Dana Point, Commander of Dana Point VFW Post 9934, spoke regarding the planning phase of a picnic for Camp Pendleton Marines who served in Iraq.

Richard Gardner, Capistrano Beach, spoke regarding the Friends of Salt Creek meeting held at the St. Regis Hotel.

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**PUBLIC HEARINGS**

- 28. HEARING ON APPEAL OF PLANNING COMMISSION DECISION APPROVING A ONE YEAR EXTENSION OF TIME FOR TENTATIVE TRACT MAP TTM16197 TO SUBDIVIDE A 2-ACRE SITE INTO EIGHT NUMBERED LOTS AND ONE LETTERED LOT IN ORDER TO CONSTRUCT EIGHT SINGLE-FAMILY HOMES AND RELATED SITE IMPROVEMENTS ON PROPERTY LOCATED ON THE NORTH SIDE OF CAMINO CAPISTRANO, BETWEEN PASEO PINZON AND CALLE ANEJO IN THE CAPISTRANO BEACH AREA OF THE CITY (FF # 0610-30/TTM16197/)**

City Manager Chotkevys indicated that due to inadvertent errors in noticing this Public Hearing, both the Applicant and the Appellant had agreed to postpone this hearing until the next Regular City Council Meeting.

NO ACTION TAKEN.

**UNFINISHED BUSINESS**

- 29. SUMMER 2003 CONCERT IN THE PARK SERIES, SUMMARY REPORT [STRATEGIC PLAN: PROMOTE CULTURAL ARTS AND HUMAN SERVICES]**

City Manager Chotkevys introduced Recreations Services Manager Evans, who presented the staff report and a photo presentation depicting the Summer 2003 Concert In The Park Series.

NO ACTION TAKEN.

- 30. APPROVAL OF THE CONCEPTUAL DESIGN FOR A MEDIAN TREE PLANTING PLAN ON CROWN VALLEY PARKWAY BETWEEN PACIFIC COAST HIGHWAY AND CAMINO DEL AVION**

City Manager Chotkevys presented the staff report.

Deputy City Engineer Sinacori and Gary Vasquez, David Volz Design, narrated a photo presentation depicting the proposed median tree planting plan.

Richard Gardner, Capistrano Beach, encouraged leaving a small green area between the sidewalk and the curb.

Bob Moore, Dana Point, spoke in support of the plans and of the need for access street visibility to not be impaired by the trees.

IT WAS MOVED BY MAYOR PRO TEM SNYDER, SECONDED BY COUNCIL MEMBER CHILTON, TO (1) APPROVE THE CONCEPTUAL DESIGN FOR A MEDIAN TREE PLANTING PLAN ON CROWN VALLEY PARKWAY BETWEEN PACIFIC COAST HIGHWAY AND CAMINO DEL AVION; AND (2) AUTHORIZE

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STAFF TO ADVERTISE FOR CONSTRUCTION BIDS FOR THE CONSTRUCTION OF SIDEWALK IMPROVEMENTS ALONG CROWN VALLEY PARKWAY BETWEEN PACIFIC COAST HIGHWAY AND CAMINO DEL AVION.

The motion carried by the following vote:

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

NOES: None

**23. APPROVAL OF THE CONCEPTUAL DESIGN FOR THE STONEHILL DRIVE LANDSCAPED MEDIAN PROJECT, CITY LIMIT TO NIGUEL ROAD**

City Manager Chotkevys expressed appreciation to staff for bringing forward key elements of the Strategic Plan CIP projects in an expeditious fashion.

Deputy City Engineer Sinacori and Larry Ryan, RJM Design Group, narrated a photo presentation depicting the conceptual design for the Stonehill Drive Landscaped Median Project.

Richard Gardner, Capistrano Beach, commented on where the City should spend its money.

IT WAS MOVED BY MAYOR PRO TEM SNYDER, SECONDED BY COUNCIL MEMBER RAYFIELD, TO (1) APPROVE THE CONCEPTUAL DESIGN FOR THE STONEHILL DRIVE LANDSCAPED MEDIAN PROJECT, CITY LIMIT TO NIGUEL ROAD; AND (2) AUTHORIZE THE ADVERTISEMENT OF CONSTRUCTION DOCUMENTS FOR CONSTRUCTION BIDS ONCE THE PLANS ARE COMPLETE.

The motion carried by the following vote:

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

NOES: None

**NEW BUSINESS**

There was no New Business.

**STAFF REPORTS**

There were no Staff Reports.

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**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
SEPTEMBER 24, 2003**

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**COUNCIL REPORTS**

Mayor Pro Tem Snyder reported on topics discussed at the recent League of California Cities Conference held in Sacramento.

Council Member Rayfield thanked everyone who had extended messages of sympathy on the recent loss of his daughter-in-law, and reflected on the loss of Alice Baum and her contributions to the community.

Mayor Ossenmacher commented on the loss of Alice Baum and of her genuine love for this community, especially the historic element.

**CLOSED SESSION (Continued from earlier in meeting)**

City Attorney Munoz indicated there was a need for a continuation of the earlier Closed Session.

Mayor Ossenmacher recessed the meeting into a Closed Session at 9:55 p.m. pursuant to Government Code Section 54956 et. seq.

**RECONVENE CITY COUNCIL MEETING**

Mayor Ossenmacher reconvened the meeting at 10:37 p.m. All Council Members were present.

Mayor Ossenmacher stated there was a reportable action from the Closed Session

**23. CITY MANAGER EMPLOYMENT AGREEMENT (Continued from earlier in meeting)**

IT WAS MOVED BY MAYOR PRO TEM SNYDER, SECONDED BY COUNCIL MEMBER RAYFIELD, TO APPROVE THE CITY MANAGER EMPLOYMENT AGREEMENT AS PRESENTED.

The motion carried by the following vote:

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

NOES: None

**ADJOURNMENT**

Mayor Ossenmacher announced this evening's City Council meeting was dedicated to the memory of Alice Baum. The City Manager will send a letter to Ms. Baum's family in that regard.

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There being no further business before the City Council at this session, Mayor Ossenmacher declared the meeting adjourned at 10:39 p.m.

The October 8, 2003 Regular Meeting of the City Council will not be held due to a conflict with the California Coastal Commission meeting in San Diego where the City of Dana Point is the applicant.

The next Regular Meeting of the City Council will be Wednesday, October 22, 2003, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

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CATHY CATLETT  
INTERIM CITY CLERK

APPROVED AT MEETING OF OCTOBER 22, 2003