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**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
APRIL 9, 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 Mayor Ossenmacher at 5:00 p.m. in the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point.

**ROLL CALL**

PRESENT: William L. Ossenmacher, Mayor  
Joe Snyder, Mayor Pro Tem  
Wayne Rayfield, Council Member (Absent)  
Russell Chilton, Council Member  
James Lacy, Council Member

STAFF PRESENT: Douglas Chotkevys, City Manager; Pat Munoz, Interim City Attorney; Susan A. Ramos, Director of Public Affairs/City Clerk; Sheryl Lindsey, Director of Administrative Services; Genia Garcia, Acting Director of Community Development; Robert Warren, Director of Public Works and Engineering Services; Brenda Chase, Assistant Planner and Mark Billings, Chief of Police Services.

**CLOSED SESSION**

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

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

|                      |   |
|----------------------|---|
| Location:            | Parcel Nos. 673-052-19 and 682-211-28<br>S.W. Corner of Stonehill and Selva |
| Agency Negotiators:  | Douglas Chotkevys, City Manager<br>Patrick Munoz, City Attorney             |
| Negotiating Parties: | City of Dana Point and Juliette Cummins Trust                               |
| Under Negotiation:   | Price and terms of agreement relating to property                           |

Mayor Ossenmacher recessed the meeting into a Closed Session at 5:01 p.m. pursuant to Government Code Section 54956 et. seq.

**RECONVENE CITY COUNCIL MEETING**

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

**PLEDGE OF ALLEGIANCE**

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The Pledge of Allegiance was led by Council Member Lacy.

**INVOCATION**

The Invocation was given by Mayor Pro Tem Snyder.

**CONSENT CALENDAR**

A member of the public removed Items 8, 9 and 10 from the Consent Calendar.

Staff withdrew Item 13 from the Consent Calendar.

At the direction of Mayor Ossenmacher the City Clerk read the title of all ordinances on the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER RAYFIELD, SECONDED BY MAYOR PRO TEM SNYDER, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR AS PRESENTED WITH THE EXCEPTION OF ITEMS 8, 9, 10 AND 13.

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. SPECIAL MEETING MINUTES, MARCH 20, 2003**

Approved the minutes.

**3. REGULAR MEETING MINUTES, MARCH 26, 2003**

Approved the minutes.

**4. PLANNING COMMISSION ACTIONS, MEETING OF APRIL 2, 2003 (0120-10)**

Received and filed.

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**5. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR (0100-10)**

Received and filed.

**6. CITY TREASURER'S REPORT, FEBRUARY 2003 (0350-20)**

Received and filed.

**7. CLAIMS AND DEMANDS (0300-30)**

Received and filed the Claims and Demands.

**8. APPROVAL OF PROFESSIONAL SERVICES AGREEMENT FOR AS-NEEDED TRAFFIC ENGINEERING SERVICES (0400-10)**

City Manager Chotkevys presented a staff report.

Jim Slark, Dana Point, commented that the City's website did not have sufficient information about this item.

Staff responded that agenda reports and attachments are available on line and hardcopies are also available for viewing or copying for the public at City Hall.

IT WAS MOVED BY COUNCIL MEMBER RAYFIELD, SECONDED BY COUNCIL MEMBER CHILTON TO APPROVE THE PROFESSIONAL SERVICES AGREEMENT WITH ROBERT W. GOEDHART, P.E. FOR THE PROVISION OF AS-NEEDED TRAFFIC ENGINEERING SERVICES IN ACCORDANCE WITH THE PROPOSAL RECEIVED; AND TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT.

The motion carried by the following vote:

|       |   |
|-------|---|
| AYES: | Council Members Chilton, Lacy Rayfield,<br>Mayor Pro Tem Snyder and Mayor Ossenmacher |
| NOES: | None  |

**9. INTRODUCE AN ORDINANCE CODIFYING SPEED LIMITS AT SECTION 12.16.010 OF THE CITY OF DANA POINT MUNICIPAL CODE [STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES] (0860-20)**

Mayor Ossenmacher did not request a staff report.

Jim Slark, Dana Point, commented that the City's website did not have sufficient information about this item.

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Staff responded that agenda reports and attachments are available on line and hardcopies are also available for viewing or copying for the public at City Hall.

IT WAS MOVED BY MAYOR PRO TEM SNYDER, SECONDED BY COUNCIL MEMBER RAYFIELD TO READ BY TITLE ONLY THE ORDINANCE TO BE INTRODUCED AND THAT FURTHER READING OF THE ORDINANCE BE WAIVED.

The motion carried by the following vote:

|       |   |
|-------|---|
| AYES: | Council Members Chilton, Lacy Rayfield,<br>Mayor Pro Tem Snyder and Mayor Ossenmacher |
| NOES: | None  |

City Clerk Ramos read the title only of the ordinance to be introduced.

IT WAS MOVED BY MAYOR PRO TEM SNYDER, SECONDED BY COUNCIL MEMBER RAYFIELD TO INTRODUCE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CODIFYING SPEED LIMITS AT SECTION 12.16.010 OF THE MUNICIPAL CODE.

The motion carried by the following vote:

|       |   |
|-------|---|
| AYES: | Council Members Chilton, Lacy Rayfield,<br>Mayor Pro Tem Snyder and Mayor Ossenmacher |
| NOES: | None  |

**10. ADOPTION OF AN ORDINANCE TO AMEND THE CITY OF DANA POINT ZONING CODE TO PROVIDE CLARIFICATION AND CONSISTENCY TO EXISTING REGULATIONS AND INTRODUCE NEW PROVISIONS TO FURTHER THE GOALS OF THE GENERAL PLAN (0630-10)**

Mayor Ossenmacher did not request a staff report.

Jim Slark, Dana Point, commented that the City's website did not have sufficient information about this item.

Staff responded that agenda reports and attachments are available on line and hardcopies are also available for viewing or copying for the public at City Hall. Furthermore, staff clarified that the City is not legally required to provide this information on line but chooses to do so as a public courtesy.

IT WAS MOVED BY MAYOR PRO TEM SNYDER, SECONDED BY COUNCIL MEMBER RAYFIELD TO READ BY TITLE ONLY THE ORDINANCE TO BE ADOPTED AND THAT FURTHER READING OF THE ORDINANCE BE WAIVED.

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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

City Clerk Ramos read the title only of the ordinance to be adopted.

IT WAS MOVED BY MAYOR PRO TEM SNYDER, SECONDED BY COUNCIL MEMBER RAYFIELD TO ADOPT ORDINANCE 03-07, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A ZONE TEXT AMENDMENT AND LOCAL COASTAL PROGRAM AMENDMENT REVISING THE CITY OF DANA POINT ZONING CODE TO PROVIDE CLARIFICATION AND CONSISTENCY OF EXISTING REGULATIONS AND TO INTRODUCE NEW PROVISIONS WHICH FURTHER THE GOALS OF THE GENERAL PLAN.

The motion carried by the following vote:

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

**11. ADOPTION OF AN ORDINANCE AMENDING CHAPTER 5.32, SECTION 9.07.090 AND SECTION 9.75 OF THE DANA POINT MUNICIPAL CODE RELATING TO ADULT ORIENTED BUSINESS PERMITS (0610-15)**

IT WAS MOVED BY COUNCIL MEMBER RAYFIELD AND SECONDED BY MAYOR PRO TEM SNYDER TO READ BY TITLE ONLY THE ORDINANCE TO BE ADOPTED AND THAT FURTHER READING OF THE ORDINANCE BE WAIVED.

The motion carried by the following vote:

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

City Clerk Ramos read the title only of the ordinance to be adopted.

ADOPTED ORDINANCE 03-06, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTER 5.32, SECTION 9.07.090 AND SECTION 9.75 OF THE DANA POINT MUNICIPAL CODE RELATING TO ADULT ORIENTED BUSINESS PERMITS

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**12. SAN JOAQUIN HILLS AND FOOTHILL/EASTERN TRANSPORTATION  
CORRIDOR AGENCIES (TCA) – EXPLORATORY JOINT POWERS AGENCY  
(JPA) (0400-10)**

AUTHORIZED THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTATION  
NECESSARY FOR THE CITY OF DANA POINT TO JOIN A CONSOLIDATED  
EXPLORATORY JPA TO STUDY THE CONSOLIDATION OF THE TWO TCA  
JPA'S; AND APPOINTED MAYOR OSSENMACHER TO SERVE ON THE  
EXPLORATORY JPA, AS THE CITY'S REPRESENTATIVE, AND MAYOR PRO  
TEM SNYDER TO SERVE ON THE EXPLORATORY JPA AS THE ALTERNATE.

**13. RESPONSE TO THE ORANGE COUNTY GRAND JURY FINDINGS ON WOOD  
ROOFS AND PROPOSED AMENDMENT TO BUILDING CODE (0800-05)**

THIS ITEM WAS WITHDRAWN FROM THE AGENDA BY STAFF.

**PRESENTATIONS AND PROCLAMATIONS**

There were no Presentations and Proclamations.

**ORAL REPORTS**

**A. MARINE CORPS FAMILY ASSISTANCE FUND**

Mayor Pro Tem Joe Snyder presented a report.

Kathy Weaver, Dana Point, commented to support the military troops and their families  
and invited everyone to attend a rally for that purpose on Sunday, April 13, 2003 at  
2:00 p.m.

IT WAS MOVED BY MAYOR PRO TEM SNYDER, SECONDED BY COUNCIL MEMBER  
RAYFIELD TO ALLOCATE A TOTAL CONTRIBUTION OF \$13,500 FROM THE CITY  
COUNCIL'S NON-PROFIT ACCOUNT TO SUPPORT VARIOUS MILITARY  
ASSISTANCE PROGRAMS FOR FAMILIES, DESCRIBED AS FOLLOWS:

COUNCIL MEMBER RAYFIELD:  
CAMP PENDLETON ARMED SERVICES YMCA.....\$2500

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MAYOR PRO TEM SNYDER:  
CAMP PENDLETON ARMED SERVICES YMCA.....\$2500

COUNCIL MEMBER CHILTON:  
CAMP PENDLETON ARMED SERVICES YMCA.....\$2500

MAYOR OSSENMACHER:  
NAVY/MARINE CORPS RELIEF SOCIETY..... \$1250  
SAN DIEGO ARMED SERVICES YMCA.....\$1250

COUNCIL MEMBER LACY:  
NAVY/MARINE CORPS RELIEF SOCIETY.....\$1250  
SAN DIEGO ARMED SERVICES YMCA.....\$1250  
ANY VOLUNTEER GROUP IN DANA POINT AWARDED AT  
THE DISCRETION OF THE CITY MANAGER..... \$1000

TOTAL CONTRIBUTIONS.....\$13,500

The motion carried by the following vote:

|       |   |
|-------|---|
| AYES: | Council Members Chilton, Lacy Rayfield,<br>Mayor Pro Tem Snyder and Mayor Ossenmacher |
| NOES: | None  |

**PUBLIC COMMENTS**

Kathy Weaver, Dana Point, thanked the Council for its contributions to help the military troops and their families in this time of need. She also invited everyone to attend a rally to support the troops on Sunday, April 13, 2003.

Robert McDonald, Capo Beach, expressed concerns about the OCTA bus issue and the process of obtaining information from City staff.

Patti Sampson, Dana Point, thanked the Council for supporting the troops and invited everyone to attend the rally on Sunday.

Pam Tappan, Capo Beach, thanked the Council for her recent appointment as Alternate to the Planning Commission. She asked that the City get involved with the wetland issue and put a stop work order to the project by Pioneer Builders in Capistrano Beach until the appropriate studies and permits are complete.

**UNFINISHED BUSINESS**

There was no Unfinished Business.

**NEW BUSINESS**

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**14. CONSIDERATION OF FINANCIALLY SUPPORTING THE “FRIENDS OF YOUTH” EVENT OF THE BOYS & GIRLS CLUB OF CAPISTRANO VALLEY (0910-30)**

Sheryl Lindsey, Director of Administrative Services, presented a brief staff report and deferred additional comments to Kevin Evans, Recreation Manager.

Kevin Evans, Recreation Manager, gave an overhead presentation about the Club.

James Littlejohn, Boys and Girls Club of Capo Valley, introduced five of the Club’s participants. Each participant gave a brief introduction and described the benefits they derived from the Club.

IT WAS MOVED BY COUNCIL MEMBER CHILTON, SECONDED BY MAYOR PRO TEM SNYDER TO APPROVE THE RECOMMENDED ACTION TO SPONSOR THE BOYS AND GIRLS CLUB OF CAPISTRANO VALLEY’S ANNUAL “FRIENDS OF YOUTH” EVENT WITH AN AMENDMENT TO INCREASE THE TOTAL SPONSORSHIP AMOUNT FROM \$1000 TO \$2500 AND TO CHANGE THE FUNDING SOURCE FROM THE RESERVE FOR SERVICE ENHANCEMENT FUNDS TO THE CITY COUNCIL NON-PROFIT FUNDS AT \$500 EACH.

The motion carried by the following vote:

|       |   |
|-------|---|
| AYES: | Council Members Chilton, Lacy Rayfield,<br>Mayor Pro Tem Snyder and Mayor Ossenmacher |
| NOES: | None  |

Mayor Ossenmacher declared a recess at 7:20 p.m. and reconvened the meeting at 7:30 p.m.

**PUBLIC HEARINGS**

**15. AMEND MONUMENT SIGN REGULATIONS (0680-05)**

Genia Garcia, Acting Director of Community Development, presented a staff report and deferred to Brenda Chase, Assistant Planner, for additional comments.

Brenda Chase, Associate Planner, gave an overhead presentation on signs.

Mayor Ossenmacher opened the public hearing.

Kirk Lapple, Chairman, Chamber of Commerce, expressed concerns about the proposed sign ordinance and its impact to local businesses and encouraged the Council to balance the goals of the city against the needs of the businesses and the residents. He made reference to his letter of April 8, 2003 citing specific concerns relating to sign materials and design, location and height.



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Howard "Buck" Jones, Laguna Beach, owner of Doheny Plaza, expressed concerns about the proposed sign ordinance and its impact to local businesses.

Leo Chade, Capo Beach, expressed concerns about the height restrictions of the proposed sign ordinance noting that poor visibility and exposure adversely impacts local businesses.

Mayor Ossenmacher closed the public hearing.

MAYOR OSSENMACHER DECLARED A RECESS AT 8:10 P.M. AND RECONVENED THE MEETING AT 8:25 P.M. and at his direction the City Clerk read the title of the proposed ordinance.

IT WAS MOVED BY COUNCIL MEMBER RAYFIELD, SECONDED BY MAYOR PRO TEM SNYDER TO 1) ADOPT RESOLUTION 03-04-09-01, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NEGATIVE DECLARATION FOR ZONE TEXT AMENDMENT ZTA02-02 AND LOCAL COASTAL PROGRAM AMENDMENT LCPA02-01 TO AMEND THE EXISTING SIGN CODE; 2) TO READ THE ORDINANCE BY TITLE ONLY AND WAIVE FURTHER READING OF THE ORDINANCE; AND, 3) TO INTRODUCE AN ORDINANCE ENTITLED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A ZONE TEXT AMENDMENT AND LOCAL COASTAL PROGRAM AMENDMENT REVISING THE CITY OF DANA POINT SIGN CODE TO AMEND THE REGULATIONS PERTAINING TO MONUMENT SIGNS, WITH A MODIFICATION TO THE MONUMENT SIGN PROVISIONS OF THE ORDINANCE SO THAT IT IS CONSISTENT WITH THE CITY OF LAGUNA BEACH'S SIGN ORDINANCE PER THE DISCUSSION OF THE COUNCIL. FURTHERMORE, STAFF WAS DIRECTED TO BRING BACK THIS ORDINANCE, AS AMENDED, FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED COUNCIL MEETING.

The motion carried by the following vote:

|       |   |
|-------|---|
| AYES: | Council Members Chilton, Lacy Rayfield,<br>Mayor Pro Tem Snyder and Mayor Ossenmacher |
| NOES: | None  |

## **STAFF REPORTS**

City Manager Chotkevys – No report at this time.

## **COUNCIL REPORTS**

Council Member Rayfield reported that at the San Diego Regional Water Control Board meeting this morning neighboring cities expressed their full support and commitment to help clean up our beaches and ocean water and will begin taking steps towards this effort.

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Mayor Pro Tem Snyder reiterated the importance of supporting the military troops.

Mayor Ossenmacher reported that the Transportation Corridor Agencies are having their 4<sup>th</sup> Annual Spring Tour through some of the habitat areas of the corridor. He invited the public to participate in any of the tours scheduled on April 26 and May 10 and to call (949) 754-3405 for more information.

**ADJOURNMENT**

There being no further business before the City Council at this session, Mayor Ossenmacher declared the meeting adjourned at 8:30 p.m.

The next Regular Meeting of the City Council will be Wednesday, April 23, 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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SUSAN A. RAMOS, CMC  
DIRECTOR OF PUBLIC AFFAIRS/CITY CLERK

APPROVED AT MEETING OF APRIL 23, 2003