
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 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 5:04 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; Cathy Catlett, Assistant City Clerk; Kyle Butterwick, Director of Community Development; John Tilton, City Architect/Planning Manager; Brenda Chase, Senior Planner; Matt Sinacori, Deputy City Engineer; and Mark Billings, Chief of Police.

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), (5 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Government Code § 54956.9 (c), (2 cases)
- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (3 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

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3. 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 Appeals Case No. G024366

Mayor Snyder recessed the meeting into a Closed Session at 5:06 p.m. pursuant to Government Code Section 54956 et. seq.

RECONVENE CITY COUNCIL MEETING

Mayor Snyder reconvened the meeting at 6:30 p.m. All Council Members were present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Bob Moore of VFW Post Number 9934.

INVOCATION

The Invocation was led by Pastor Dave Taylor, Assistant Pastor in charge of Counseling at Calvary Chapel.

PRESENTATIONS AND PROCLAMATIONS

1. Veterans of Foreign Wars Day Proclamation
Mayor Snyder presented a Certificate of Recognition in honor of the 105th Anniversary of the founding of the Veterans of Foreign Wars. Present to receive the certificate were Bob Moore, Fred Bauer, Bill Manes, Cliff Bellah and William Farfone.

CONSENT CALENDAR

Items 2 and 11 were withdrawn from the Consent Calendar by staff to be brought back at a later date. Items 9, 12 and 16 were removed from the Consent Calendar by the public.

IT WAS MOVED BY MAYOR PRO TEM LACY, SECONDED BY COUNCIL MEMBER OSSENMACHER, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 2,11,9,12 and 16.

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

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1. **WAIVE THE READING OF ORDINANCES AND APPROVE READING BY TITLE ONLY**

APPROVE THE READING BY TITLE ONLY OF ALL ORDINANCES ON THE CONSENT CALENDAR AND THAT FURTHER READING OF SUCH ORDINANCES BE WAIVED. THERE WERE NO ORDINANCES.

2. **REGULAR MEETING MINUTES, AUGUST 25, 2004**

This item was withdrawn from the consent calendar by staff to be brought forward at a later date.

3. **PLANNING COMMISSION MEETING MINUTES, AUGUST 18, 2004**

RECEIVED AND FILED.

4. **PLANNING COMMISSION ACTIONS, MEETING OF SEPTEMBER 1, 2004**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

6. **CITY TREASURER'S REPORT, JULY 2004**

RECEIVED AND FILED.

7. **CLAIMS AND DEMANDS**

RECEIVED AND FILED.

8. **APPROVE THE ALLOCATION OF FUNDS TO SOUTH COUNTY SENIOR SERVICES TO SUPPORT THE DANA POINT CASE MANAGEMENT PROGRAM FOR FY 04-05 [STRATEGIC PLAN: PROMOTE CULTURAL ARTS AND HUMAN SERVICES]**

APPROVED A ONE-TIME ALLOCATION OF FUNDS TO SUPPORT THE SOUTH COUNTY SENIOR SERVICES (SCSS) CASE MANAGEMENT PROGRAM IN DANA POINT FOR FY 04-05.

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9. **ADOPTION OF TWO RESOLUTIONS RELATED TO EXISTING ALL-WAY STOP CONTROL INTERSECTIONS ON OCEAN HILL DRIVE** [*STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS*] (0860-50)

This item was removed from the Consent Calendar by the public.

City Manager Chotkevys gave a staff report. There were no questions from Council Members.

Mayor Snyder called for Public Comments.

Lara Anderson, Dana Point, spoke in favor of the proposed resolutions.

IT WAS MOVED BY MAYOR PRO TEM LACY, SECONDED BY COUNCIL MEMBER RAYFIELD, THAT THE CITY COUNCIL:

- (1) **ADOPT RESOLUTION NO. 04-09-08-05** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, RESCINDING THE PREVIOUS CITY COUNCIL ACTION DESIGNATING THE INTERSECTION OF OCEAN HILL DRIVE AND SEA KNOLL DRIVE AS AN ALL-WAY STOP CONTROL INTERSECTION

- (2) **ADOPT RESOLUTION NO. 04-09-08-06** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, RESCINDING THE PREVIOUS CITY COUNCIL ACTION DESIGNATING THE INTERSECTION OF OCEAN HILL DRIVE AND MARINA VISTA DRIVE AS AN ALL-WAY STOP CONTROL INTERSECTION, AND DESIGNATE THE INTERSECTION OF OCEAN HILL DRIVE AND MARINA VISTA DRIVE AS A TWO-WAY STOP CONTROL INTERSECTION;

(3) DIRECTED STAFF TO REMOVE THE STOP SIGNS ON OCEAN HILL DRIVE AND STRIPING AT OCEAN HILL DRIVE AND SEA KNOLL DRIVE, AND REMOVE THE UPHILL STOP SIGN AT MARINA VISTA DRIVE AND OCEAN HILL DRIVE; AND (4) DIRECTED STAFF TO INSTALL ADDITIONAL SIGNAGE AT MARINA VISTA DRIVE AND OCEAN HILL DRIVE.

The motion carried by the following vote:

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

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ABSENT: None
ABSTAIN: None

10. **ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT, FISCAL YEAR 2003/2004** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

(1) **ADOPTED RESOLUTION NO. 04-09-08-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT, FISCAL YEAR 2003/2004;

AND (2) DIRECTED STAFF TO TRANSFER ALL PROJECT SAVINGS TO THE ANNUAL ROADWAY RESURFACING PROJECT, FY 2004/2005.

11. **ADOPTION OF A RESOLUTION DESIGNATING SEVERAL INTERSECTIONS ON AVENIDA LAS PALMAS AND CALLE DEL SOL AS ALL-WAY STOP CONTROL INTERSECTIONS AND AUTHORIZING THE INSTALLATION OF STOP SIGNS** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

This item was withdrawn from the Consent Calendar by staff to be brought forward at a later date.

12. **CITY RECORDS CENTER** *[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 the public.

City Manager Chotkevys gave a staff report. There were no questions from Council Members.

Mayor Snyder called for Public Comments.

Diane Harkey, Dana Point, spoke in opposition to the recommended action.

IT WAS MOVED BY MAYOR PRO TEM LACY, SECONDED BY MAYOR SNYDER, THAT THE CITY COUNCIL:

RECEIVE AND FILE THE REPORT ON THE LONG TERM FILE AND ARCHIVE FACILITY FOR THE OFFICIAL CITY RECORDS AND

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AUTHORIZE THE CITY MANAGER TO PROVIDE A ONE TIME MERIT AWARD TO THE CITY CLERK FOR HER WORK ON THIS PHASE OF THE PROJECT.

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

13. **AMENDMENT TO THE CITY'S CONFLICT OF INTEREST CODE** [*STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS*]

ADOPTED **RESOLUTION NO. 04-09-08-02** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING THE CONFLICT OF INTEREST CODE

14. **ADJUSTMENT TO HOGLE-IRELAND AND CHARLES ABBOTT CONTRACTS AND CITY STAFFING ADJUSTMENT** [*STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS*]

1. AUTHORIZED THE CITY MANAGER TO MODIFY THE CURRENT COMMUNITY DEVELOPMENT DEPARTMENT STAFF BY REPLACING TWO EXISTING, BUDGETED, CONTRACTED POSITIONS WITH TWO CITY STAFF POSITIONS;

2. ADOPTED **RESOLUTION NO. 04-09-08-03** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING THE POSITION TITLE AND CLASS SPECIFICATION FOR PERMIT TECHNICIAN

3. ADOPTED **RESOLUTION NO. 04-09-08-04** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING SALARY RANGES FOR THE POSITIONS OF PERMIT TECHNICIAN AND ASSISTANT PLANNER

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15. **RE-APPROPRIATION OF CITIZENS OPTION FOR PUBLIC SAFETY (COPS) PROGRAM FUNDS FROM FY 2003/2004 – (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 2004/05 BUDGET WITH THE RE-APPROPRIATION OF FUNDS FROM THE UN-ENCUMBERED CITIZENS OPTION FOR PUBLIC SAFETY (COPS) PROGRAM UNSPENT MONIES REMAINING FROM THE FY 2003/2004 BUDGET, TO THE SUPPLEMENTAL LAW ENFORCEMENT SERVICE FUND (SLESF) ACCOUNT, AND*
 2. *APPROPRIATED FUNDS FROM THE SLESF TO IMPLEMENT THE FOLLOWING PROGRAMS:*
 - APPROVE FUNDING FOR THE SCHOOL RESOURCE OFFICER POSITION FOR THIS SCHOOL YEAR.*
 - APPROVE FUNDING FOR PROJECT STOP (STOP TRASHING OUR PARKS).*

ORAL REPORTS

There were no Oral Reports.

PUBLIC COMMENTS

Mayor Snyder opened Public Comments.

Laura Petersen, Dana Point, member of the Dana Point Youth Board, announced the participation of the Youth Board in the upcoming Coastal Clean-Up Day.

Nancy Jenkins, Dana Point, announced the upcoming Dana Point Historical Society's 5th Annual Home Tour.

Mayor Snyder closed Public Comments.

Mayor Snyder called a recess at 7:02 p.m.

Mayor Snyder reconvened the meeting at 7:20 p.m.

PUBLIC HEARINGS

16. **REQUEST TO DETERMINE SUFFICIENCY OF CLOSURE IMPACT REPORT FOR THE DANA POINT MARINA MOBILE HOME ESTATES LOCATED AT**

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34202 DEL OBISPO *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

This item was removed from the Consent Calendar by the public.

City Manager Chotkevys gave a staff report, and invited City Attorney Munoz to give a report. There were no questions from Council.

Director of Community Development Butterwick provided a report and an overview of the issue.

Mayor Snyder opened the Public Hearing at 7:30 p.m.

Staff answered Council questions.

Mayor Snyder opened Public Comments.

Sean Finnegan, representing Makar Properties, spoke in favor of the recommended action.

Vickie Talley, Talley & Associates, Inc., spoke in favor of the recommended action.

Robert Evans, Talley & Associates, Inc., spoke in favor of the recommended action.

Andrew Gazzara, Dana Point, spoke in opposition to the recommended action.

Lucy Brown, Dana Point, spoke in opposition to the recommended action.

Dave Clayton, Dana Point, spoke in opposition to the recommended action.

John Buss, Dana Point, spoke in opposition to the recommended action.

Sue Arnheiter, Dana Point, spoke in opposition to the recommended action.

Amy Osborne, Dana Point, spoke in opposition to the recommended action.

Andy Osborne, Dana Point, spoke in opposition to the recommended action.

Helen Serafini, Dana Point, spoke in opposition to the recommended action.

Bonny Pittlin, Dana Point, spoke in opposition to the recommended action.

Lourdes Chapin, Dana Point, spoke in opposition to the recommended action.

James Seitz, Dana Point, spoke in opposition to the recommended action.

Judith Rice, Dana Point, spoke in opposition to the recommended action.

Jim Rice, Dana Point, spoke in opposition to the recommended action.

Josua Hayes, Dana Point, spoke in opposition to the recommended action.

Colleen Ann Traphagen, Dana Point, spoke in opposition to the recommended action.

Robert Traphagen, Dana Point, spoke in opposition to the recommended action.

Jeff Schneider, Dana Point, spoke in opposition to the recommended action.

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John Beleher, Huntington Beach, spoke in opposition to the recommended action.

Pepi Weitzman, Dana Point, spoke in opposition to the recommended action.

Mayor Snyder recessed the meeting at 9:10 p.m.

Mayor Snyder reconvened the meeting at 9:31 p.m. and continued the public comments.

Leslie Packer, Dana Point, spoke in opposition to the recommended action.
Rosemary Lemmis, Los Angeles, attorney representing some residents of Dana Point Marina Mobile Home Estates, spoke in opposition to the recommended action.

Kathy Weaver, Dana Point, spoke in opposition to the recommended action.
Patrick Evans, Huntington Beach, attorney representing some residents of Dana Point Marina Mobile Home Estates, spoke in opposition to the recommended action.

Patti Sampson, Dana Point, spoke in opposition to the recommended action.

Lara Anderson, Dana Point, spoke regarding the hardship to the persons involved.

Richard Dietmeier, Dana Point, spoke regarding the EIR.

Ernest Langston, Dana Point, spoke in opposition to the recommended action.

Fran Mulligan, Dana Point, spoke in opposition to the recommended action.
John Zampino, Dana Point, spoke in opposition to the recommended action.

Raymond Payne, Dana Point, spoke in opposition to the recommended action.

Robert Williamson, Mission Viejo, counsel for Makar Properties, spoke in favor of the recommended action and on residency law.

Donna Faass, Dana Point, spoke in opposition to the recommended action.

Council questions ensued.

Mayor Snyder recessed the meeting at 10:26 p.m.

Mayor Snyder reconvened the meeting and closed the Public Hearing at 10:40 p.m.

Council discussion ensued.

IT WAS MOVED BY MAYOR PRO TEM LACY, SECONDED BY COUNCIL MEMBER CHILTON, THAT THE CITY COUNCIL:

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ADOPT FINDINGS FOR DETERMINING THE CLOSURE IMPACT REPORT SUFFICIENTLY COMPLIES WITH THE REQUIREMENTS OF GOVERNMENT CODE SECTION 35863.7 (d).

Council discussion continued. Council Member Rayfield made a substitute motion:

TO CONTINUE THIS ITEM FOR TWO WEEKS AND IN THE INTERIM HAVE SOME ANALYSIS REGARDING REASONABLE RELOCATION COSTS

That motion died for lack of a second.

Council Member Rayfield requested that the motion be bifurcated.

City Attorney Munoz read the first motion:

THAT THE CITY COUNCIL ADOPT THE STAFF RECOMMENDATION WITH RESPECT TO THE DRAFT NEGATIVE DECLARATION FOR THE CLOSURE OF THE DANA POINT MARINA MOBILE HOME ESTATES (PARK), i.e. **RESOLUTION NO. 04-09-08-07**, ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION FOR THE CLOSURE IMPACT REPORT FOR THE DANA POINT MARINA MOBILE HOME ESTATES LOCATED AT 34202 DEL OBISPO

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

City Attorney Munoz read the second motion:

THAT THE CITY COUNCIL ADOPT THE STAFF RECOMMENDATION WITH RESPECT TO THE CLOSURE REPORT AND MITIGATION MEASURES, i.e. **RESOLUTION NO. 04-09-08-08**, ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING THE CLOSURE IMPACT REPORT FOR THE DANA POINT MARINA MOBILE HOME ESTATES LOCATED AT 34202 DEL OBISPO

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The motion carried by the following vote:

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

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

There was no New Business.

STAFF REPORTS

There were no Staff Reports.

COUNCIL REPORTS

There were no Council Reports.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Snyder declared the meeting adjourned at 11:56 p.m.

The next Regular Meeting of the City Council will be September 22, 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 SEPTEMBER 22, 2004.