
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
DECEMBER 10, 2003**

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
Russell Chilton, Council Member
James Lacy, Council Member

STAFF PRESENT: Douglas Chotkevys, City Manager; Pat Munoz, City Attorney; Cathy Catlett, Assistant City Clerk; Sheryl Lindsey, Director of Administrative Services; Shanna Wolf, Management Analyst; Kyle Butterwick, Director of Community Development; Brenda Wisenski, Associate Planner; Larry Pierce, Interim Director of Public Works and Engineering Services; Matt Sinacori, Deputy City Engineer; Mikhail Ogawa, Senior Water Quality 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 (b), (2 cases)
- B. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Government Code § 54956.9 (c), (1 case)
- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9(a), (1 case)

Name of Case: Pioneer Builders, Inc. v. the City of Dana Point; the City Council for the City of Dana Point; the Planning Commission for the City of Dana Point; and the Department of Public Works for the City of Dana Point, Orange County Superior Court Case No. 03CC13460

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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

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 6:40 p.m. All Council Members were present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Fred and June Bauer, President with the Friends of the Library.

INVOCATION

The Invocation was given by Pastor Jens Christy of Calvary Chapel Capistrano Beach.

CONSENT CALENDAR

Mayor Pro Tem Snyder removed Items 13 and 15, and Council Member Rayfield removed Item 15 from the Consent Calendar. Staff withdrew Item 19 from the agenda to be brought back at the January 28, 2004 City Council meeting.

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 WITH THE EXCEPTION OF ITEMS 13 AND 15, AND WITH ITEM 19 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

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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, NOVEMBER 26, 2003

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, MEETING OF NOVEMBER 19, 2003

RECEIVED AND FILED.

4. PLANNING COMMISSION/COMMITTEE ACTIONS, MEETING OF DECEMBER 3, 2003

RECEIVED AND FILED.

5. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

6. CITY TREASURER'S REPORT, OCTOBER 2003

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

7. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

8. CITY HALL HOLIDAY SCHEDULE

AUTHORIZED THE CITY MANAGER TO CLOSE CITY HALL AT 5 PM ON TUESDAY, DECEMBER 23 AND TO RE-OPEN CITY HALL FOR BUSINESS ON MONDAY, JANUARY 5, 2004 AT 8 AM.

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9. **ADOPT A RESOLUTION OF THE CITY OF DANA POINT CITY COUNCIL FOR THE APPROPRIATION OF FUNDING UNDER THE STRUCTURAL FIRE FUND ENTITLEMENT FUND PROGRAM AND AUTHORIZATION OF A PURCHASE ORDER TO J&J INCORPORATED FOR THE PURCHASE OF EMERGENCY VEHICLE PREEMPTION DEVICES FOR TRAFFIC SIGNALS IN THE CITY OF DANA POINT** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

(1) ADOPTED **RESOLUTION NO. 03-12-10-01**, *A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, FOR THE APPROPRIATION OF FUNDING UNDER THE STRUCTURAL FIRE FUND ENTITLEMENT FUND PROGRAM*; and

(2) AUTHORIZED A PURCHASE ORDER TO J&J INCORPORATED FOR THE INSTALLATION OF EMERGENCY VEHICLE PRE-EMPTION DEVICES IN TRAFFIC SIGNALS CITYWIDE FROM THE ANNUAL TRAFFIC SAFETY IMPROVEMENTS PROJECT, CIP ACCOUNT NUMBER 1175; (3) AUTHORIZED THE EXPENDITURE FOR THE INSTALLATION OF EMERGENCY VEHICLE PRE-EMPTION DETECTION EQUIPMENT IN ORANGE COUNTY SHERIFF VEHICLES FROM THE ANNUAL TRAFFIC SAFETY IMPROVEMENTS PROJECT, CIP ACCOUNT NUMBER 1175; (4) DIRECTED STAFF TO REQUIRE J&J INCORPORATED TO SECURE A CITY OF DANA POINT ENCROACHMENT PERMIT FOR THE INSTALLATION OF THE EMERGENCY VEHICLE PRE-EMPTION DEVICES; (5) AUTHORIZED AN EXPENDITURE FROM THE ANNUAL TRAFFIC SAFETY IMPROVEMENTS PROJECT, CIP ACCOUNT NUMBER 1175, FOR PROJECT MANAGEMENT SERVICES TO OVERSEE THE INSTALLATION OF THE DEVICES AND INSPECT CONTRACTOR ACTIVITIES; (6) ACKNOWLEDGED THAT ALL COSTS INCURRED AS A RESULT OF THIS ACTION ARE TO BE REIMBURSED USING FUNDING FROM THE STRUCTURAL FIRE FUND ENTITLEMENT FUND PROGRAM.

10. **ADOPTION OF A RESOLUTION ACCEPTING AN EASEMENT BETWEEN THE CITY OF DANA POINT AND THE ESTATES AT MONARCH COVE COMMUNITY ASSOCIATION FOR THE PLACEMENT AND FUTURE MAINTENANCE OF STORM DRAIN FACILITIES ASSOCIATED WITH THE SALT CREEK OZONE TREATMENT FACILITY** *[STRATEGIC PLAN: RESTORE AND MAINTAIN THE INTEGRITY OF OUR OCEAN WATERS AND BEACHES]*

ADOPTED **RESOLUTION NO. 03-12-10-02**, *A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ACCEPTING AN EASEMENT BETWEEN THE CITY OF DANA POINT AND THE ESTATES AT MONARCH COVE COMMUNITY ASSOCIATION FOR THE PLACEMENT AND FUTURE MAINTENANCE OF STORM DRAIN FACILITIES ASSOCIATED WITH THE SALT CREEK OZONE TREATMENT FACILITY.*

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- 11. ADOPTION OF RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE DEL OBISPO STORM DRAIN TREATMENT PROJECT** *[STRATEGIC PLAN: RESTORE AND MAINTAIN THE INTEGRITY OF OUR OCEAN WATERS AND BEACHES]*

(1) ADOPTED **RESOLUTION NO. 03-12-10-03**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE DEL OBISPO STORM DRAIN DIVERSION PROJECT;

AND (2) DIRECTED STAFF TO TRANSFER ALL PROJECT SAVINGS TO THE CAPITAL IMPROVEMENT PROGRAM RESERVES.

- 12. SECOND READING OF AN ORDINANCE ESTABLISHING A CONSTRUCTION AND DEMOLITION WASTE RECYCLING PROGRAM AND ADOPTION OF A RELATED RESOLUTION** *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

1. ADOPTED **ORDINANCE NO. 03-17**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING TITLE 6 "HEALTH AND SANITATION" OF THE DANA POINT MUNICIPAL CODE TO ESTABLISH THE CONSTRUCTION AND DEMOLITION WASTE RECYCLING PROGRAM; AND

2. ADOPTED **RESOLUTION NO. 03-12-10-04**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING AN APPLICATION FEE AND SECURITY DEPOSIT AMOUNTS FOR THE CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING ORDINANCE PROGRAM.

- 13. SECOND READING OF TWO ORDINANCES OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING THE CITY OF DANA POINT REVISED GRADING AND EXCAVATION CODE AND THE REVISED STORM WATER AND URBAN RUNOFF POLLUTION CODE PER THE REQUIREMENTS OF THE SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD-ADOPTED ORDER NUMBER R9-2002-0001 ADDRESSING WASTE DISCHARGE REQUIREMENTS** *[STRATEGIC PLAN: RESTORE AND MAINTAIN THE INTEGRITY OF OUR OCEAN WATERS AND BEACHES]*

This item was removed from the Consent Calendar by Mayor Pro Tem Snyder.

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IT WAS MOVED BY COUNCIL MEMBER RAYFIELD, SECONDED BY MAYOR PRO TEM SNYDER, TO ADOPT THE FOLLOWING TWO ORDINANCES:

1. **ORDINANCE NO. 03-18, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING THE REVISED GRADING AND EXCAVATION CODE**

- AND -

2. **ORDINANCE NO. 03-19, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING THE REVISED STORM WATER AND URBAN RUNOFF POLLUTION CODE**

PER THE REQUIREMENTS OF THE SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD (SDRWQCB) ADOPTED ORDER NUMBER R9-2002-0001 ADDRESSING WASTE DISCHARGE REQUIREMENTS.

The motion carried by the following vote:

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

NOES: None

14. **APPROVAL OF AGREEMENT BETWEEN THE CITY OF SAN JUAN CAPISTRANO AND THE CITY OF DANA POINT FOR TRAFFIC SIGNAL FACILITIES AT BLUE FIN DRIVE AND DEL OBISPO STREET [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]**

(1) APPROVED THE AGREEMENT BETWEEN THE CITY OF SAN JUAN CAPISTRANO AND THE CITY OF DANA POINT FOR THE OPERATION AND MAINTENANCE OF TRAFFIC SIGNAL FACILITIES AT BLUE FIN AND DEL OBISPO STREET; AND (2) AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT.

15. **ADOPTION OF A RESOLUTION OF THE CITY OF DANA POINT ADOPTING THE LOCAL IMPLEMENTATION PLAN (LIP) [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 and Mayor Pro Tem Snyder.

IT WAS MOVED BY MAYOR PRO TEM SNYDER, SECONDED BY COUNCIL MEMBER RAYFIELD, TO (1) ADOPT **RESOLUTION NO. 03-12-10-06, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT,**

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CALIFORNIA, ADOPTING THE CITY OF DANA POINT LOCAL IMPLEMENTATION PLAN, A WATER QUALITY DOCUMENT THAT MEETS THE REQUIREMENTS OF THE SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD MUNICIPAL NATIONAL POLLUTION DISCHARGE ELIMINATION (NPDES) PERMIT

AND (2) APPROVE A TRANSFER OF FUNDS FROM THE RESERVE FOR SERVICE ENHANCEMENTS TO THE WATER QUALITY BUDGET, ACCOUNT # 57-223 FOR PROFESSIONAL SERVICES.

The motion carried by the following vote:

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

NOES: None

- 16. 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.

- 17. ADOPTION OF RESOLUTION APPROVING FINAL PARCEL MAP NO. 98-230 TO ALLOW THE COMBINATION OF TWO PARCELS INTO THREE NUMBERED LOTS IN ORDER TO CONSTRUCT THREE SINGLE-FAMILY, DETACHED, TWO-STORY RESIDENTIAL STRUCTURES INCLUDING RELATED SITE IMPROVEMENTS** *[STRATEGIC PLAN: EVALUATE LAND USE ISSUES TO ENSURE THAT THE GOALS OF THE GENERAL PLAN REFLECT THE COMMUNITY'S VISION AND MISSION]*

ADOPTED **RESOLUTION NO. 03-12-10-05**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 98-230 TO ALLOW THE COMBINATION OF TWO PARCELS INTO THREE NUMBERED LOTS IN ORDER TO CONSTRUCT THREE SINGLE-FAMILY, DETACHED, TWO-STORY RESIDENTIAL STRUCTURES INCLUDING RELATED SITE IMPROVEMENTS.

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18. AUTHORIZATION OF AN EXPENDITURE FOR MANAGEMENT AND INSPECTION SERVICES FOR MISCELLANEOUS CITYWIDE PARK IMPROVEMENTS *[STRATEGIC PLAN: PROVIDE OPEN SPACE, PARKS, RECREATIONAL FACILITIES, GREENBELTS AND TRAILS]*

(1) APPROVED THE TRANSFER OF FUNDS FROM THE PARK DEVELOPMENT FUND TO THE GENERAL PARK REHABILITATION PROGRAM, ACCOUNT NUMBER 11-99-30-1156-311; AND (2) AUTHORIZED THE EXPENDITURE OF FUNDS FOR MANAGEMENT AND INSPECTION SERVICES FOR MISCELLANEOUS CITYWIDE PARK IMPROVEMENTS FROM THE GENERAL PARK REHABILITATION PROGRAM, ACCOUNT NUMBER 11-99-30-1156-311.

19. CITY COUNCIL APPOINTED REPRESENTATIVES

THIS ITEM WAS WITHDRAWN FROM THE AGENDA BY STAFF.

PRESENTATIONS AND PROCLAMATIONS

1. Dana Point Youth Baseball

Members of the Dana Point Youth Baseball presented a check for \$20,000 to the City of Dana Point for the Del Obispo sports field renovation project.

2. Historic Property Preservation (Mills Act) Presentation

Associate Planner Wisenski narrated a photo presentation depicting the three Dana Point properties designated as historic properties under the Mills Act:

Jim & Sandie Howard – 34162 Camino El Molino
Gary & Johanna Siskar – 26771 Calle Reale
Joan M. Haefner – 34262 Via Velez.

Mayor Ossenmacher presented official historical designation plaques to Jim and Sandie Howard and Joan M. Haefner. The Siskars were unable to attend the meeting to accept their plaque.

3. Featured Retail Businesses of the Month

Director of Administrative Services Lindsey narrated a photo presentation depicting Avenue Accents, the December 2003 Featured Business of the Month. Mayor Ossenmacher presented an official certificate recognizing Avenue Accents as the Featured Business of the Month for December 2003 to Karen Dealwis.

Director of Administrative Services Lindsey narrated a photo presentation depicting Momilani's Island Traditions, the January 2004 Featured Business of the Month.

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Mayor Ossenmacher presented an official certificate recognizing Momilani's Island Traditions as the Featured Business of the Month for January 2004 to David and Momilani Babcock.

4. Featured Retail Business of Dana Point's 15th Anniversary Year, 1989-2004

Director of Administrative Services Lindsey narrated a photo presentation depicting Ristorante Ferrantelli's, the Featured Retail Business of Dana Point's 15th Anniversary Year. Mayor Ossenmacher presented an official certificate recognizing Ristorante Ferrantelli's as the Featured Retail Business of Dana Point's 15th Anniversary Year to Steven Ackad.

5. Employee Recognitions

Mayor Ossenmacher presented Certificates of Recognition to City staff members he had worked closely with during his year as Mayor in recognition of their outstanding achievements. Certificates were presented to the following employees:

Doug Chotkevys, City Manager
Sheryl Lindsey, Director of Administrative Services
Larry Pierce, Interim Director of Public Works and Engineering Services
Kyle Butterwick, Director of Community Development
Mark Billings, Chief of Police Services
Patrick Munoz, City Attorney
Genia Garcia, Senior Planner
Brenda Wisenski, Associate Planner
Kevin Evans, Recreation Manager
Matt Sinacori, Deputy City Engineer
Kathy Ward, Executive Secretary

Mayor Ossenmacher also presented Certificates of Recognition to Council Members James V. Lacy, Wayne Rayfield, Russ Chilton and Joe Snyder in recognition of being a member of the finest City Council that Mr. Ossenmacher has ever known.

ORAL REPORTS

1. Trees on Crown Valley Parkway

Deputy City Engineer Sinacori narrated a photo presentation of the median tree planting along Crown Valley Parkway.

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2. Del Obispo Storm Drain Project

Deputy City Engineer Sinacori narrated a photo presentation of the Del Obispo Storm Drain Project, which addressed a water quality concern in an open channel adjacent to the Community Center.

3. Sycamore Creek Trail

Deputy City Engineer Sinacori narrated a photo presentation of the Sycamore Creek Trail Project, for which a ribbon-cutting ceremony was held yesterday evening.

4. Holiday Decorations/Banners

Director of Administrative Services Lindsey narrated a photo presentation of the Holiday Decorations/Banners program in the City of Dana Point. Ms. Lindsey reviewed the holiday decorations in the Town Center and the banners installed along Dana Point's streets.

PUBLIC COMMENTS

William Brown, Dana Point, Dana Point Youth Board, spoke regarding the recently established Teen Job Hot Line.

Jerry Grunor, Dana Point, spoke in opposition to the recent City Clerk appointment.

Dave Bartholomew, Dana Point, spoke regarding his plan for best use of the El Toro airport property and submitted his proposal in writing.

Pat Fairbanks, Dana Point, spoke regarding conducting a recruitment for the position of City Clerk.

Bill Steinriede, Dana Point, representing the residents of Thunderbird Homes, spoke in opposition to stop signs on Ocean Hill.

Rick Morgan, Dana Point, spoke in opposition to the recent City Clerk appointment.

Tom Brabeck, Dana Point, spoke in opposition to the recent City Clerk appointment.

Jim Davy, Dana Point, spoke in opposition to the recent City Clerk appointment and the selection process for Mayor.

Bill Walter, Dana Point, spoke in support of the recent City Clerk appointment.

Kirk Lapple, Dana Point, representing the Dana Point Chamber of Commerce, thanked the City Council for their concern for the business community.

PUBLIC HEARINGS

There were no Public Hearings.

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UNFINISHED BUSINESS

- 20. ADOPTION OF A RESOLUTION TO CERTIFY THE PROJECT BUDGET FOR THE PROPOSED NEW CITY OF DANA POINT PUBLIC LIBRARY, THE LOCAL FUNDING COMMITMENT, THE AVAILABILITY OF SUPPLEMENTAL FUNDS FOR THE PROJECT, AND THE DEDICATION TO THE PROVISION OF PUBLIC LIBRARY SERVICES** [*STRATEGIC PLAN: PROMOTE CULTURAL ARTS AND HUMAN SERVICES*]

City Manager Chotkevys presented the staff report.

James Wilson, Thirtieth Street Architects, Inc. reviewed the conceptual plan reflecting the consensus of community input. Mr. Wilson narrated a photo presentation of the site plan and the conceptual design of the library.

IT WAS MOVED BY COUNCIL MEMBER RAYFIELD, SECONDED BY MAYOR OSSENMACHER, TO (1) ADOPT **RESOLUTION NO. 03-12-10-07**, A *RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CERTIFYING THE PROJECT BUDGET FOR THE PROPOSED NEW CITY OF DANA POINT PUBLIC LIBRARY, THE LOCAL FUNDING COMMITMENT, THE AVAILABILITY OF SUPPLEMENTAL FUNDS FOR THE PROJECT, AND THE DEDICATION TO THE PROVISION OF PUBLIC LIBRARY SERVICES* WITH LANGUAGE REVISED IN THE RESOLUTION TO REFLECT THE LIBRARY WILL REMAIN "OPERATED BY THE OCPL SYSTEM" AND (2) AUTHORIZE THE CITY MANAGER TO SIGN ALL RELEVANT GRANT APPLICATION DOCUMENTS FOR THE LIBRARY BOND ACT OF 2000.

The motion carried by the following vote:

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

NOES: None

NEW BUSINESS

- 21. PROPOSED SETTLEMENT AGREEMENT, PIONEER BUILDERS, TENTATIVE TRACT MAP TTM16197**

Mayor Pro Tem Snyder indicated that he had a conflict of interest with this item and left the Council Chambers.

City Manager Chotkevys introduced City Attorney Munoz, who presented the staff report.

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Richard Gardner, Capistrano Beach, spoke regarding water issues on the proposed project.

Elaine Zacs, Capistrano Beach, spoke regarding problems that exist between two constructed walls.

Barbara Drummond, Capistrano Beach, submitted a revised "Exhibit G" to the agreement and spoke of concern of the void between the new and the existing walls.

James Conkey, Dana Point, representing Pioneer Builders, spoke of the process of reaching the proposed settlement agreement.

Council Member Lacy made a substitute motion to include the Revised Exhibit G with the Agreement, and later withdrew his motion.

Council Member Lacy made the following statement for the record. "My understanding is that as this goes forward there's going to be other permits and so on that are going to need to be pulled for it to move forward. I do not want to see any screwing around with Lot 8. I've voted three times on Lot 8, I think I'm voting four times on Lot 8. Let's make absolutely certain – what I just heard you say is that you understand what the Council's direction is and that staff understands what the Council's direction is. I'm going to view the subsequent requirements of pulling permits and so on as opportunities to hold staff's feet to the fire. If you'll accept that comment, then I'll move the motion."

IT WAS MOVED BY COUNCIL MEMBER CHILTON, SECONDED BY COUNCIL MEMBER LACY (for discussion), TO ADOPT THE "STIPULATION FOR ENTRY OF JUDGMENT," THEREBY PERMITTING THE EXTENSION OF TENTATIVE TRACT MAP TTM16197 TO REMAIN EFFECTIVE UNTIL AUGUST 20, 2004.

The motion carried by the following vote:

AYES: Council Members Chilton, Lacy and Mayor Ossenmacher

NOES: Council Member Rayfield

ABSENT: Mayor Pro Tem Snyder

Mayor Pro Tem Snyder returned to the Council Chambers.

- 22. ADOPTION OF RESOLUTION APPROVING FINAL PARCEL MAP NO. 2001-156 TO SUBDIVIDE TWO (2) PARCELS, NAMELY 34165 & 34171 CRYSTAL LANTERN, INTO THREE (3) NUMBERED LOTS IN ORDER TO CONSTRUCT THREE SINGLE-FAMILY, DETACHED, TWO-STORY RESIDENTIAL STRUCTURES WITH DETACHED GARAGES, RETAINING WALLS AS HIGH AS 28 FEET, WALLS 11 FEET IN HEIGHT, AND RELATED SITE IMPROVEMENTS [STRATEGIC PLAN: EVALUATE LAND USE ISSUES TO**

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ENSURE THAT THE GOALS, POLICIES, AND PROGRAMS OF THE GENERAL PLAN REFLECT THE COMMUNITY'S VISION AND MISSION]

City Manager Chotkevys introduced Deputy City Engineer Sinacori who presented the staff report.

IT WAS MOVED BY COUNCIL MEMBER RAYFIELD, SECONDED BY COUNCIL MEMBER CHILTON, TO ADOPT **RESOLUTION NO. 03-12-10-08, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 2001-156 TO SUBDIVIDE TWO (2) PARCELS, NAMELY 34165 & 34171 CRYSTAL LANTERN, INTO THREE (3) NUMBERED LOTS IN ORDER TO CONSTRUCT THREE SINGLE-FAMILY, DETACHED, TWO-STORY RESIDENTIAL STRUCTURES WITH DETACHED GARAGES, RETAINING WALLS AS HIGH AS 28 FEET, WALL 11 FEET IN HEIGHT, AND RELATED SITE IMPROVEMENTS.**

The motion carried by the following vote:

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

NOES: None

ABSTAIN: Mayor Ossenmacher

CITY COUNCIL REORGANIZATION

A. COUNCIL REORGANIZATION

Assistant City Clerk Catlett opened nominations for the position of Mayor to serve during 2004.

Council Member Lacy nominated Council Member Snyder. There were no further nominations and a vote was called.

The nomination carried by the following vote:

AYES: Council Members Lacy, Chilton, Ossenmacher, Rayfield and
Snyder

NOES: None

Council Member Snyder was confirmed as the Mayor of Dana Point for the year 2004.

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Mayor Snyder opened nominations for the position of Mayor Pro Tem to serve during 2004.

Council Member Ossenmacher nominated Council Member Lacy. There were no further nominations and a vote was called.

The nomination carried by the following vote:

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

Council Member Lacy was confirmed as the Mayor Pro Tem of Dana Point for the year 2004.

B. RECOGNITION OF OUTGOING MAYOR WILLIAM L. OSSENMACHER

Mayor Snyder presented a gavel plaque to outgoing Mayor William L. Ossenmacher in recognition of his service to the community as Mayor for the past year.

Outgoing Mayor Ossenmacher expressed his appreciation for the opportunity to serve as Mayor for the past year and in various other capacities for the past nearly fifteen years.

ORAL REPORTS

This item was not heard.

STAFF REPORTS

This item was not heard.

COUNCIL REPORTS

This item was not heard.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Snyder declared the meeting adjourned at 11:07 p.m.

The January 14, 2004 Regular Meeting of the City Council will not be held due to a conflict with the California Coastal Commission meeting where the City of Dana Point is the applicant.

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The next Regular Meeting of the City Council will be Wednesday, January 28, 2004, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

CATHY CATLETT
ASSISTANT CITY CLERK

APPROVED AT MEETING OF JANUARY 28, 2004