
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
FEBRUARY 23, 2005**

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Rayfield at 5:00 p.m. in the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point.

ROLL CALL

PRESENT: Wayne Rayfield, Mayor
Lara Anderson, Mayor Pro Tem
Russell Chilton, Council Member
Diane L. Harkey, Council Member
James V. Lacy, Council Member (*arrived at 5:10 p.m.*)

STAFF PRESENT: Douglas Chotkevys, City Manager; Patrick Munoz, City Attorney; Sharie Apodaca, Interim City Clerk/Director of Administrative Services; Cathy Catlett, Assistant City Clerk; Kyle Butterwick, Director of Community Development; Brad Fowler, Director of Public Works/City Engineer; Matt Sinacori, Deputy City Engineer; Mark Billings, Chief of Police; Shanna Wolf, Management Analyst.

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), (1 case)
- 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), (2 cases)
 - 1. Name of Case: City of Dana Point v. Cheryl Saltus, SeAir Properties, Jose M. Barraza, and Does 1 – 50, Superior Court of the State of California, County of Orange – Central Justice Center, Case No. 04CC11069
 - 2. Name of Case: Headlands Reserve LLC and MH Sherman Co. v. the City of Dana Point, et al, Orange County Superior Court Case No. 798758, Court of Appeals Case No. G024366

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Mayor Rayfield 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 Rayfield reconvened the meeting at 6:00 p.m. All Council Members were present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mitch Higginbotham, former Tuskegee Airman and Ambassador of Goodwill for the organization.

INVOCATION

The Invocation was led by Pastor David Matson of Gloria Dei Lutheran Church.

PRESENTATIONS AND PROCLAMATIONS

Mayor Rayfield announced that the City of Dana Point had presented the Monarch Beach Sunrise Rotary Club with a proclamation honoring Rotary International Day, February 23, 2005, at their meeting this morning.

CONSENT CALENDAR

A member of the public removed Item 10 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER HARKEY, SECONDED BY COUNCIL MEMBER CHILTON, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 10.

The motion carried by the following vote:

AYES:	Council Members Chilton, Harkey, Lacy, Mayor Pro Tem Anderson and Mayor Rayfield
NOES:	None
ABSENT:	None
ABSTAIN:	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. THERE WERE NO ORDINANCES.

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2. SPECIAL MEETING MINUTES, JANUARY 28, 2005

APPROVED THE MINUTES.

3. REGULAR MEETING MINUTES, FEBRUARY 9, 2005

APPROVED THE MINUTES.

4. PLANNING COMMISSION MEETING MINUTES, FEBRUARY 2, 2005

RECEIVED AND FILED.

5. PLANNING COMMISSION ACTIONS, MEETING OF FEBRUARY 16, 2005

RECEIVED AND FILED.

6. YOUTH BOARD MEETING MINUTES, FEBRUARY 3, 2005

RECEIVED AND FILED.

7. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

8. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

9. RATIFICATION OF EMERGENCY PURCHASE FOR STORM DRAIN DAMAGE REPAIRS ALONG GREEN LANTERN [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]

(1) RATIFIED THE CITY MANAGER'S ACTION TO WAIVE COMPETITIVE BIDDING FOR IMMEDIATELY OBTAINING CONSTRUCTION SUPPORT SERVICES FOR EMERGENCY STORM DRAIN FACILITY REPAIRS ON A 12-INCH STORM DRAIN THAT CARRIES DRAINAGE FROM GREEN LANTERN DOWN A SLOPE TO COVE ROAD, REFERRED TO AS "STORM DRAIN REPAIRS"; (2) FUNDED THE COST OF THE WORK FROM THE NEWLY ESTABLISHED CAPITAL IMPROVEMENT PROGRAM PROJECT, NAMELY CIP 2005 STORM DAMAGE REPAIRS PROJECT, ACCOUNT NUMBER 1190; AND (3) AUTHORIZED STAFF TO PAY GCI CONSTRUCTION, INCORPORATED AND OTHER NECESSARY CONTRACTORS, VENDORS AND CONSULTANTS FOR COMPLETING STORM DRAIN REPAIRS UPON RECEIPT OF ACTUAL QUANTITIES AND COSTS FOR THE EMERGENCY WORK.

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- 10. RESOLUTION OF SUMMARY VACATION OF STORM DRAIN EASEMENT LOCATED UPON THE PROPERTY AT 27265 CALLE ANEJO (ASSESSOR PARCEL NUMBER 691-181-20) [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.

Director of Public Works and Engineering Services Fowler presented the staff report.

Pam Tappan, Dana Point, spoke in support of vacation of the property.

IT WAS MOVED BY MAYOR PRO TEM ANDERSON, SECONDED BY COUNCIL MEMBER CHILTON, TO ADOPT **RESOLUTION NO. 05-02-23-06**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, SUMMARILY VACATING A STORM DRAIN EASEMENT LOCATED UPON THE PROPERTY AT 27265 CALLE ANEJO (ASSESSOR PARCEL NUMBER 691-181-20) AS DEDICATED ON TRACT MAP NUMBER 8580.

The motion carried by the following vote:

AYES: Council Members Chilton, Harkey, Lacy,
Mayor Pro Tem Anderson and Mayor Rayfield.

NOES: None

ABSENT: None

- 11. ESTABLISHMENT OF THE TRAFFIC IMPROVEMENT SUBCOMMITTEE [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]**

(1) ADOPTED **RESOLUTION NO. 05-02-23-01**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING A DANA POINT TRAFFIC IMPROVEMENT SUBCOMMITTEE;

(2) ACKNOWLEDGED THE BUDGET OUTLINED IN THE FISCAL IMPACT SECTION THAT DESCRIBES THE STAFFING NEEDS AND RESOURCES FOR THE TRAFFIC IMPROVEMENT SUBCOMMITTEE; (3) AUTHORIZED THE TRANSFER OF FUNDS FROM THE RESERVE FOR SERVICE ENHANCEMENTS TO ACCOUNT NUMBER 53-223 FOR ADDITIONAL CONSULTANT SERVICES FOR TRAFFIC ENGINEERING AND PREPARATION OF REQUESTED STUDIES FOR THE REMAINDER OF FISCAL YEAR 2004/2005; AND (4) DIRECTED STAFF TO BUDGET FUNDS PER YEAR IN FOLLOWING YEARS FOR REQUIRED TRAFFIC ENGINEERING SUPPORT SERVICES TO PREPARE AGENDAS, MEETING MINUTES, ATTEND MEETINGS, PREPARE REPORTS AND STUDIES, AND PROVIDE OTHER

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REQUESTED INFORMATION AS PART OF THE NEWLY ESTABLISHED SUBCOMMITTEE.

- 12. ESTABLISHMENT OF THE POLICY REVIEW TASK FORCE** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

ADOPTED **RESOLUTION NO. 05-02-23-02**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING A DANA POINT POLICY REVIEW TASK FORCE.

- 13. MODIFY CITY CLERK JOB CLASSIFICATION** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

(1) ADOPTED **RESOLUTION NO. 05-02-23-03**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, MODIFYING THE POSITION TITLE OF DIRECTOR OF PUBLIC AFFAIRS/CITY CLERK;

AND (2) APPROVED THE AMENDED CITY CLERK CLASS SPECIFICATION.

- 14. AWARD OF CONTRACT FOR THE 4TH OF JULY AERIAL FIREWORKS DISPLAY AND BARGE CONTRACT** *[PROMOTE CULTURAL ARTS AND HUMAN SERVICES]*

APPROVED THE FOLLOWING FOR THE 2005 FOURTH OF JULY AERIAL FIREWORKS DISPLAY: (1) CONTRACT WITH PYRO-SPECTACULAR FOR THE AERIAL DISPLAY; (2) CONTRACT WITH PACIFIC TUGBOAT SERVICE TO PROVIDE A BARGE TO BE USED AS THE STAGING AREA FOR THE FIREWORKS DISPLAY; AND (3) AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENTS.

- 15. ESTABLISHMENT OF THE CHAMBER RENOVATION TASK FORCE** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

ADOPTED **RESOLUTION NO. 05-02-23-04**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING A CITY COUNCIL CHAMBER RENOVATION TASK FORCE.

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16. ESTABLISHMENT OF THE RESIDENTIAL BUILDING HEIGHT TASK FORCE
[STRATEGIC PLAN: EVALUATE LAND USE ISSUES TO ENSURE THAT THE GOALS, POLICIES AND PROGRAMS FOR THE GENERAL PLAN REFLECT THE COMMUNITY'S VISION AND MISSION]

ADOPTED **RESOLUTION NO. 05-02-23-05**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING A RESIDENTIAL BUILDING HEIGHT TASK FORCE.

ORAL REPORTS

There were no Oral Reports.

PUBLIC COMMENTS

Mayor Rayfield opened the meeting for public comments.

John Chaffetz, Dana Point, suggested holding City Council meetings on Monday or Tuesday evenings.

Bob Moore, Dana Point, representing Veterans of Foreign Wars Dana Point Post #9934, invited all veterans to participate in the Festival of Whales parade and noted the Dana Point Historical Society would be honoring veterans at an open house from 11:00 a.m. to 4:00 p.m. at the Community House in Dana Point.

Helen Hawkins, San Juan Capistrano, spoke regarding the Rendezvous for Life Walk sponsored by Dana West Yacht Club and the Leukemia Society to be held the night before the Festival of Whales begins and noted that the Festival of Whales official painting by George McGee would be auctioned off at the Ocean Institute at 7:00 p.m.

Patrick Evans, Huntington Beach, representing the Dana Point Marina Mobile Home Estates, spoke of toxic waste and trash conditions at empty sites in the mobile home park and distributed photographs to Council.

Ron Lackey, Dana Point, representing the Rotary Club, thanked the Council for the presentation of the Rotary International Day plaque by Mayor Rayfield at the Rotary Club meeting this morning.

Celia Kutcher, Capistrano Beach, spoke regarding problems retrieving documents from the City's website on her Macintosh computer.

Mitch Higginbotham, Dana Point, spoke regarding Black History Month, the month of February.

Warner Tappan, Capistrano Beach, spoke regarding the Underground Utilities Subcommittee and provided his two books on the subject to the Council for their use.

Jim Slark, Dana Point, spoke regarding traffic accidents on Blue Lantern.

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PUBLIC HEARINGS

17. **APPEAL OF PLANNING COMMISSION APPROVAL OF MASTER COASTAL DEVELOPMENT PERMIT CDP 04-23, TENTATIVE TRACT MAP 16331 AND MASTER SITE DEVELOPMENT PERMIT SDP 04-96 (DANA POINT HEADLANDS) [STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]**

Director of Community Development Butterwick presented an overview of the project.

Consultant Project Manager Paul Huckabee presented a Power Point presentation providing the history of the project and the appeal.

Mayor Rayfield opened the Public Hearing.

Mike Lewis, San Juan Capistrano, appellant, Chair of the South Orange County Chapter of the Surfrider Foundation, spoke in support of the appeal and provided a history of the reason the appeal had been filed. Mr. Lewis also submitted a copy of a Summons and Petition for Writ of Mandate that would soon be officially filed upon the City.

Kevin Darnall, Del Mar, applicant, representing the Headlands Reserve LLC, spoke in opposition to the appeal and provided information supporting denial of the appeal.

Richard Faulk, Dana Point, stated the proposed hostel would have negative impact on his property at Regatta and submitted letters between Headlands Reserve LLC and himself to the City Council for the record.

Gene Leff, Dana Point, spoke regarding concerns about homes being built on fill dirt on the Headlands and the potential for landslides. Mr. Leff submitted copies of newspaper articles of recent slides.

Celia Kutcher, Capistrano Beach, representing the Sierra Club – liaison with the Surfrider Foundation, spoke in support of the appeal.

Bud Bruggeman, Dana Point, spoke in opposition to the appeal and in support of the Headlands project.

Jim Slark, Dana Point, spoke regarding the traffic impact study within the Headlands EIR.

Toni Gallagher, Dana Point, spoke regarding the Headlands project process and suggested the City buy the property.

Dr. Jim Seitz, Dana Point, expressed concern regarding the Headlands, the General Plan and affordable housing in Dana Point.

Patrick Evans, Huntington Beach, representing the Dana Point Marina Mobile Home Estates, spoke in opposition to the Headlands development.

Brittany McKee, Dana Point, spoke in support of the appeal.

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Mike Lewis, San Juan Capistrano, appellant, Chair of the South Orange County Chapter of the Surfrider Foundation, indicated to the Mayor that he had nothing further to add.

Kevin Darnall, Del Mar, applicant, representing the Headlands Reserve LLC, spoke in response to issues raised by public speakers and responded to questions from the Council.

Hearing no further requests to speak, Mayor Rayfield closed the Public Hearing.

Mayor Rayfield declared a recess at 7:32 p.m. and reconvened the meeting at 7:45 p.m. All Council Members were present.

IT WAS MOVED BY COUNCIL MEMBER HARKEY, SECONDED BY COUNCIL MEMBER CHILTON, TO DENY THE APPEAL AND UPHOLD THE PLANNING COMMISSION APPROVAL OF MASTER COASTAL DEVELOPMENT PERMIT CDP 04-23, TENTATIVE TRACT 16331 AND MASTER SITE DEVELOPMENT PERMIT SDP 04-69 AND ADOPT THE FOLLOWING RESOLUTIONS:

RESOLUTION NO. 05-02-23-07, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DENYING THE APPEAL OF SURFRIDERS FOUNDATION AND UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF MASTER COASTAL DEVELOPMENT PERMIT CDP04-23;

RESOLUTION NO. 05-02-23-08, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DENYING THE APPEAL OF SURFRIDERS FOUNDATION AND UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF TENTATIVE TRACT MAP 16331; and

RESOLUTION NO. 05-02-23-09, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DENYING THE APPEAL OF SURFRIDERS FOUNDATION AND UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF MASTER SITE DEVELOPMENT PERMIT SDP 04-69.

The motion carried by the following vote:

AYES: Council Members Chilton, Harkey, Lacy,
Mayor Pro Tem Anderson and Mayor Rayfield.
NOES: None
ABSENT: None

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UNFINISHED BUSINESS

18. STATUS REPORT FOR THE CONSTRUCTION OF THE SALT CREEK OZONE TREATMENT FACILITY *[STRATEGIC PLAN: MAINTAIN, MODERNIZE AND BEAUTIFY THE CITY'S INFRASTRUCTURE AND NEIGHBORHOODS]*

Director of Public Works and Engineering Services Fowler presented a status report and Power Point presentation of the project.

Richard Gardner, Capistrano Beach, spoke in opposition to the direction of the project.

THE CITY COUNCIL RECEIVED AND FILED THE STATUS REPORT AND THE PRESENTATION FOR THE CONSTRUCTION OF THE SALT CREEK OZONE TREATMENT FACILITY.

Council Member Lacy suggested sending a copy of this Power Point presentation to members of the Laguna Niguel City Council.

NEW BUSINESS

19. AMENDMENT TO THE FY 2004/2005 AND FY 2005/2006 LAW ENFORCEMENT SERVICES AGREEMENT *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

Council Member Chilton declared he had a conflict of interest with this item due to his employment with the Orange County Sheriff's Department and left the Council Chamber.

City Manager Chotkevys provided a background summary of law enforcement services in Dana Point.

Chief of Police Services Billings addressed specifics of the proposed amendment to the law enforcement services agreement.

IT WAS MOVED BY MAYOR PRO TEM ANDERSON, SECONDED BY COUNCIL MEMBER HARKEY, TO:

1. AUTHORIZE THE TRANSFER OF FUNDS FROM SERVICE ENHANCEMENTS FUND TO POLICE SERVICES BUDGET THIS FISCAL YEAR FOR A) PRORATED INCREASED TRAFFIC ENFORCEMENT SERVICES; AND B) PURCHASE OF A 2005 POLICE SERVICE MOTORCYCLE; AND

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2. AMEND FY 2005/2006 CONTRACT TO PROVIDE FUNDS FOR OVERTIME TO TARGET SPECIFIC IDENTIFIED PROBLEM TRAFFIC AREAS AND TO PROVIDE FUNDS FOR ONE CRIME PREVENTION SPECIALIST AND ONE INFORMATION PROCESSING TECHNICIAN.

The motion carried by the following vote:

AYES: Council Members Harkey, Lacy,
Mayor Pro Tem Anderson and Mayor Rayfield.
NOES: None
ABSENT: None
ABSTAIN: Council Member Chilton

Council Member Chilton returned to the Council Chamber and took his seat at the dais.

STAFF REPORTS

City Manager Chotkevys commented on the recent loss of life of a Los Angeles County Civil Engineer during the recent storms. Mr. Chotkevys expressed respect for police, fire and professionals serving government agencies that put their lives on the line during a disaster and thanked them for their service.

COUNCIL REPORTS

Council Member Chilton reported on his conversation with John Adams, Orange County Librarian, regarding upcoming internet access to the library system countywide, which would begin at the Dana Point Library by July 1st.

Council Member Chilton noted that the Orange County Public Library is conducting their annual Teen Poetry Art Contest open to teenagers between the ages of 12 and 18. The application period is now open with applications accepted until March 19th.

Council Member Harkey reported on her attendance at the San Juan Capistrano Ground Recovery Plant opening where she sampled treated water.

Council Member Harkey reported on a productive meeting with Dr. Fleming of the Capistrano Unified School District to discuss student realignment.

Council Member Harkey noted she would attend the Transportation Forum being held tomorrow.

Council Member Harkey stated that the equestrian unit she had been organizing for the Festival of Whales was not going to be part of the parade this year.

Council Member Harkey spoke regarding the toll that rain was taking on the Capistrano bluffs and expressed appreciation to staff for monitoring the situation.

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Council Member Harkey noted that Dennis Kaiser had left the Dana Point News and requested contact information for him.

Council Member Harkey spoke of a budding designer in Dana Point, Alexis Athena, who is marketing her design wear line in stores.

Council Member Lacy stated he appreciated the Mayor's organization of the City Council.

Council Member Lacy reported on his and Mayor Pro Tem Anderson's visit to the Council Chambers of Rancho Santa Margarita and Mission Viejo as part of the Council Chamber Renovation Task Force.

Council Member Lacy reported he had met with Ron Pearson, consultant, in Washington D.C. to discuss water quality issues.

Council Member Lacy noted that he and Mayor Rayfield will meet with Congressman Cox tomorrow to discuss a request for the assistance of Congressman Cox in obtaining a federal grant to pay for research to begin the process of cleaning up Doheny State Beach.

Council Member Lacy stated he would attend the Orange County Fire Authority meeting tomorrow afternoon where the Medix Ambulance contract breach would be discussed.

Mayor Pro Tem Anderson provided an update on the 35 Pomeranians recently acquired by the San Clemente/Dana Point Animal Shelter. 750 families submitted applications to adopt one of the Pomeranians. A committee has been formed to evaluate the applications and a lottery would be conducted to begin the adoption process.

Mayor Pro Tem Anderson noted the video tapes of City Council meetings are available at the Dana Point Library for checkout.

Mayor Pro Tem Anderson spoke regarding the upcoming Festival of Whales and noted that the Calendar of Events is available at City Hall and on the Festival website at www.festivalofwhales.org.

Mayor Rayfield reported on his attendance at the Sunrise Rotary Club meeting this morning where he presented a proclamation honoring their 100th anniversary. At this meeting the Rotary was conducting a vocal contest with six high school students competing, five of which were from Dana Hills High School, and Mayor Rayfield was impressed with their poise and talent.

Mayor Rayfield noted the Dana Point Recreational brochure was available and encouraged everyone to take a look at it.

Mayor Rayfield reminded everyone of the Rendezvous for Life Walk to be held on Friday, March 4th in support of the Leukemia Foundation.

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ADJOURNMENT

There being no further business before the City Council at this session, Mayor Rayfield declared the meeting adjourned at 9:04 p.m.

The next Regular Meeting of the City Council will be March 9, 2005 at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

SHARIE APODACA
INTERIM CITY CLERK

APPROVED AT THE MEETING OF MARCH 9, 2005