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**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
FEBRUARY 9, 2005**

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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 Rayfield at 5:01 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)

Mayor Rayfield recessed the meeting into a Closed Session at 5:02 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 Bob Moore and Fred Bauer, Veterans of Foreign Wars Post No. 9934.

**INVOCATION**

The Invocation was led by Pastor Ty Guy, South Shores Church.

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**PRESENTATIONS AND PROCLAMATIONS**

Featured Business of the Month – Renaissance Dana Point

Management Analyst Shanna Wolf gave a power point presentation of Renaissance Dana Point. Mayor Rayfield introduced owner Steve Rosen and presented him with a Certificate of Recognition.

Presentation on Desalinization Plant and Doheny Monitoring Wells

City Manager Chotkevys provided a brief history of water quality testing in Dana Point. Director of Public Works/City Engineer Fowler introduced Mr. Karl Seckel, Municipal Water District of Orange County, who gave a power point presentation reviewing the services provided by Municipal Water District of Orange County, water reliability issues in South Orange County and a summary of work to be taking place within the next couple weeks in the City of Dana Point.

Mayor Rayfield announced that Item No. 12 would not be heard at this meeting and was rescheduled for the City Council meeting of February 23, 2005.

**CONSENT CALENDAR**

Council Member Lacy noted he would abstain on Item No. 10 due to a conflict of interest. Mayor Rayfield noted that Item No. 2, Minutes of January 26, 2005, should be considered for approval as amended.

IT WAS MOVED BY COUNCIL MEMBER HARKEY, SECONDED BY MAYOR PRO TEM ANDERSON, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR WITH COUNCIL MEMBER LACY REGISTERING AN ABSTENTION ON ITEM NO. 10 AND WITH ITEM NO. 2 APPROVED AS AMENDED.

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. REGULAR MEETING MINUTES, JANUARY 26, 2005**

RECEIVED AND FILED.

**3. PLANNING COMMISSION MINUTES, MEETING OF JANUARY 19, 2005**

RECEIVED AND FILED.

**4. PLANNING COMMISSION ACTIONS, MEETING OF FEBRUARY 2, 2005**

RECEIVED AND FILED.

**5. YOUTH BOARD MINUTES, MEETING OF JANUARY 20, 2005**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

**7. CITY TREASURER'S REPORT, DECEMBER 2004**

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF DECEMBER, 2004.

**8. CLAIMS AND DEMANDS**

RECEIVED AND FILED.

**9. AWARD OF CONTRACT TO ORION CONTRACTING, INCORPORATED FOR THE CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT, FISCAL YEAR 2004/2005 [STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]**

(1) AWARDED A CONTRACT TO ORION CONTRACTING, INCORPORATED FOR THE CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT, FISCAL YEAR 2004/2005, PROVIDED THAT THE CITY MANAGER OR HIS DESIGNEE MAY APPROVE ADDITIONAL PAYMENT NOT TO EXCEED FIFTEEN PERCENT OF CONTRACT AMOUNT FOR CHANGE ORDERS AND CONTINGENCIES; (2) AUTHORIZED THE EXPENDITURES FOR VARIOUS CONSTRUCTION SUPPORT, ADMINISTRATION AND MANAGEMENT EXPENDITURES AS OUTLINED IN THE FISCAL IMPACT SECTION OF THIS REPORT; AND (3) DIRECTED STAFF TO SECURE PAYMENT FROM THE CITY OF SAN JUAN CAPISTRANO PURSUANT TO SECTION 1.4 OF THE

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REIMBURSEMENT AGREEMENT APPROVED BY THE DANA POINT CITY COUNCIL ON NOVEMBER 10, 2004.

- 10. APPROVAL OF THE SECOND AMENDMENT TO THE AGREEMENT WITH PSOMAS FOR ADDITIONAL DESIGN SERVICES FOR REHABILITATION OF STONEHILL DRIVE AS PART OF THE ARTERIAL ROADWAY RESURFACING PROJECT** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

Council Member Lacy registered an abstention on this item.

(1) APPROVED THE SECOND AMENDMENT, INCLUDED AS ACTION DOCUMENT A, TO PSOMAS UNDER THE ARTERIAL HIGHWAY REHABILITATION PROJECT FOR ADDITIONAL DESIGN SERVICES TO FINALIZE THE CONSTRUCTION DOCUMENTS FOR THE REHABILITATION OF STONEHILL DRIVE BETWEEN GOLDEN LANTERN AND NIGUEL ROAD; AND (2) AUTHORIZED ADVERTISEMENT FOR CONSTRUCTION BIDS ONCE THE DESIGN IS COMPLETED.

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

TERMINATED THE PROCLAMATION OF LOCAL EMERGENCY.

## **ORAL REPORTS**

There were no Oral Reports.

## **PUBLIC COMMENTS**

Mayor Rayfield opened the meeting for public comments.

Patty Vogan, Dana Point, Monarch Beach Sunrise Rotary Club Vice President, speaking on behalf of Rotary Club President Cyndi Elders, requested a City proclamation and commemorative flags honoring the centennial celebration of Rotary International.

Pat Fairbanks, Dana Point, spoke in support of the request for exploratory wells at Doheny Beach.

Bob Becker, Dana Point, Pet Project Foundation, spoke regarding the 12<sup>th</sup> Annual Wag-A-Thon to be held on March 12<sup>th</sup> in Dana Point Harbor.

Pam Tappan, Capistrano Beach, spoke regarding the recent dismissal of the City Clerk and the turnover of City staff.

Rose Ellen Weber, Dana Point, spoke regarding an addition to a neighbor's house.

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**PUBLIC HEARINGS**

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

THIS PUBLIC HEARING WAS NOT HELD. IT WILL BE RE-NOTICED FOR THE CITY COUNCIL MEETING OF FEBRUARY 23, 2005 AT 6:00 P.M.

**UNFINISHED BUSINESS**

13. **ADOPTION OF RESOLUTION DESIGNATING THREE INTERSECTIONS LOCATED 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]*

City Manager Chotkevys provided a brief history of this item.

Director of Public Works/City Engineer Fowler gave a Power Point presentation of the history of evaluations of the subject intersections and the analysis reports thereof.

Karen Bucknam, Capistrano Beach, spoke in support of the all-way stop signs and against red curbing.

Victoria Schmitz, Capistrano Beach, spoke in support of the all-way stop signs, especially the one at Las Palmas and Calle Real.

Julie Lambla, Capistrano Beach, spoke regarding minimal traffic accidents in the area and against the proposed stop signs.

Hank Thomas, Capistrano Beach, spoke regarding the need for further study of the Las Palmas and Calle Real intersection.

Mark Bucknam, Capistrano Beach, spoke against proposed red curbing in front of his house on Las Palmas.

Richard Gardner, Capistrano Beach, spoke regarding the location of mailboxes on Las Palmas.

William Tritt, Capistrano Beach, spoke in support of the proposed stop signs.

Gary French, Capistrano Beach, spoke regarding existing dangerous conditions on the subject streets.

IT WAS MOVED BY COUNCIL MEMBER CHILTON, SECONDED BY COUNCIL MEMBER LACY (for discussion), TO (1) ADOPT **RESOLUTION NO. 05-02-09-01**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DESIGNATING THREE INTERSECTIONS LOCATED ON AVENIDA LAS PALMAS AND CALLE DEL SOL AS ALL-WAY STOP CONTROL

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*INTERSECTIONS AND AUTHORIZING THE INSTALLATION OF STOP SIGNS;* (2) DIRECT THE TRAFFIC SUBCOMMITTEE TO REVIEW AND ADVISE THE COUNCIL ON THE EXISTING SITUATION AT THE LAS PALMAS AND CALLE REAL INTERSECTION AND ADVISE ON THE POSSIBLE ALTERNATIVES SUCH AS THE INSTALLATION OF A FOUR-WAY STOP SIGN AT THE INTERSECTION, A CONTROLLED RIGHT-TURN MOVEMENT, STRIPING, AND OTHER APPROPRIATE POTENTIAL SOLUTIONS; AND (3) TRANSFER FUNDS FROM THE RESERVE FOR SERVICE ENHANCEMENTS TO THE CITY'S STREET MAINTENANCE BUDGET TO FUND THE INSTALLATION OF THE STOP SIGNS AND ASSOCIATED STRIPING.

The motion carried by the following vote:

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

Mayor Rayfield recessed the meeting at 7:35 p.m. and reconvened the meeting at 7:48 p.m. All Council Members were present.

- 14. AWARD OF CONTRACT TO INTERNATIONAL PAVEMENT SOLUTIONS, INCORPORATED FOR THE CONSTRUCTION OF THE COMMUNITY CENTER ACCESS PROJECT AS PART OF THE GENERAL PARK REHABILITATION PROGRAM** *[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

City Manager Chotkevys presented the staff report.

Director of Public Works/City Engineer Fowler gave a Power Point presentation depicting an overview of the project.

Richard Dietmeier, Dana Point, Chairman of External Affairs Committee of the Village of Dana Point, spoke regarding the existing entrance to the Community Center and offered suggestions for the property.

IT WAS MOVED BY MAYOR PRO TEM ANDERSON, SECONDED BY COUNCIL MEMBER HARKEY, TO 1) AWARD A CONTRACT TO INTERNATIONAL PAVEMENT SOLUTIONS, INCORPORATED FOR THE CONSTRUCTION OF THE COMMUNITY CENTER ACCESS PROJECT, PROVIDED THAT THE CITY MANAGER OR HIS DESIGNEE MAY APPROVE ADDITIONAL PAYMENT NOT TO EXCEED FIFTEEN PERCENT OF THIS AMOUNT FOR CHANGE ORDERS AND CONTINGENCIES; (2) AUTHORIZE THE EXPENDITURES FOR VARIOUS CONSTRUCTION SUPPORT, ADMINISTRATION AND MANAGEMENT EXPENDITURES AS OUTLINED IN THE FISCAL IMPACT SECTION OF THIS

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REPORT; (3) ESTABLISH A NEW CAPITAL IMPROVEMENT PROGRAM PROJECT ENTITLED "COMMUNITY CENTER ACCESS PROJECT"; AND (4) TRANSFER FUNDS FROM THE CIP RESERVE FUND INTO THE NEWLY ESTABLISHED COMMUNITY CENTER ACCESS PROJECT.

The motion carried by the following vote:

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

**15. CONTINUED DISCUSSION RELATIVE TO SUBCOMMITTEES AND TASK FORCES**

City Manager Chotkevys provided the staff report.

THIS WAS AN ITEM FOR DISCUSSION ONLY. NO ACTION TAKEN. STAFF TO RETURN WITH ENABLING RESOLUTIONS TO ESTABLISH SUBCOMMITTEES AND TASK FORCES FOR CITY COUNCIL ADOPTION.

**16. AUTHORIZATION OF AN ADDITIONAL EXPENDITURE FOR CONSULTING SERVICES FOR RELINQUISHMENT OF PACIFIC COAST HIGHWAY FROM THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION TO THE CITY OF DANA POINT [STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]**

City Manager Chotkevys presented the staff report.

Ingrid McGuire, Dana Point, spoke regarding median landscaping plans for Pacific Coast Highway and in support of the relinquishment of the highway.

IT WAS MOVED BY COUNCIL MEMBER LACY, SECONDED BY COUNCIL MEMBER HARKEY, TO 1) AUTHORIZE AN EXPENDITURE OF ADDITIONAL FUNDS TO EXTEND CONSULTING SERVICES FOR FACILITATING THE RELINQUISHMENT OF PACIFIC COAST HIGHWAY FROM THE STATE OF CALIFORNIA; AND (2) APPROVE THE TRANSFER OF FUNDS FROM THE UNDESIGNATED GENERAL FUND RESERVES ACCOUNT TO FUND THE EXTENDED CONSULTING SERVICES AGREEMENT.

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The motion carried by the following vote:

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

**NEW BUSINESS**

**17. FEDERAL GOVERNMENT REPRESENTATION AND CONSULTING SERVICES**  
*[STRATEGIC PLAN: ACHIEVE TOTAL EXCELLENCE IN MUNICIPAL SERVICES AND CITY ADMINISTRATION/PLANNING WITH EXCELLENT CUSTOMER SERVICE AND COST-EFFECTIVENESS]*

City Manager Chotkevys presented the staff report.

IT WAS MOVED BY COUNCIL MEMBER CHILTON, SECONDED BY MAYOR PRO TEM ANDERSON, TO APPROVE AND AUTHORIZE THE CITY MANAGER TO EXECUTE PROFESSIONAL SERVICES AGREEMENTS FOR FEDERAL GOVERNMENT REPRESENTATION AND CONSULTING SERVICES WITH PEYSER ASSOCIATES INC. AND PEARSON & PIPKIN, INC.

The motion carried by the following vote:

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

**STAFF REPORTS**

City Manager Chotkevys reported Action Minutes from City Council meetings would be posted on the City's website the morning following the meeting. Mr. Chotkevys reported on the 300 foot crane seen recently on Green Lantern that was conducting emergency storm drain repairs as a result of recent storms, and suggested recognition at a future Council meeting of key people who selflessly responded at all hours during the storm.

City Attorney Munoz made no report.

**COUNCIL REPORTS**

Council Member Chilton spoke regarding recent whale sightings and encouraged community participation in the upcoming Festival of Whales.



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Council Member Harkey encouraged community participation in the Festival of Whales and noted that she is forming an equestrian group to ride in the parade. Those interested in participating are encouraged to contact her.

Council Member Harkey complimented City staff on their recent interactions with Elite Cleaners regarding a signage problem.

Council Member Harkey reported on her meetings with Capistrano Unified School District personnel regarding proposed realignment of students and suggested the City send a letter from the Mayor to CUSD stating preferences for students in Capistrano Beach.

Council Member Harkey reported she and Council Member Chilton will meet next week for the first Residential Height Task Force meeting.

Council Member Lacy reported on his attendance at the Orange County Fire Authority meeting where the provision of ambulance services was discussed.

Council Member Lacy noted that he and Mayor Pro Tem Anderson had been visiting several local Council Chambers.

Mayor Pro Tem Anderson reported on her attendance at the following meetings: League of California Cities Dinner and Program, Transportation Corridor Authority Orientation, Boys and Girls Feasibility Study, and the Foothill Transportation Authority Operations and Finance Committee.

Mayor Pro Tem Anderson reported she and Council Member Lacy toured local Council Chambers as members of the City's Council Chambers Remodeling Task Force.

Mayor Pro Tem Anderson reported she had attended a meeting last night of the Dana Point View Blockage Initiative Group, formed to preserve views.

Mayor Pro Tem Anderson spoke of the good selection of books available at the Friends of the Library Book Store.

Mayor Pro Tem Anderson reminded everyone of the upcoming Wag-A-Thon and mentioned their website at [petprojectfoundation.org](http://petprojectfoundation.org).

Mayor Pro Tem Anderson reported on a new event within the Festival of Whales, the Rendezvous for Life Walk, which will take place on March 4, 2005 at 6:00 p.m. in Dana Point Harbor and is sponsored by Dana West Yacht Club to raise funds for the fight against leukemia, lymphoma and myeloma.

Mayor Rayfield noted that Dana West Yacht Club also conducted the Leukemia Cup each summer to raise funds for the fight against leukemia.

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Mayor Rayfield reported that West Nile Virus continues to be a threat and encouraged everyone to check their yards for places where water can accumulate.

Mayor Rayfield reported on his attendance at two local events. Members of South Shores Church gave a baby shower for fourteen Marine wives whose husbands were overseas. This event was attended by two hundred people from the church and many wonderful gifts were given to the Marine wives. Secondly, Mayor Rayfield reported on his attendance at a session for fifth graders held at the Ocean Institute discussing and learning about watersheds.

Mayor Rayfield stated he would have a monthly column in the Dana Point News, which could also be found on the City of Dana Point website.

Mayor Rayfield reminded everyone that Saturday, February 12<sup>th</sup> will be Dana Point Clean Up Day.

Mayor Rayfield announced that the Dana Point Youth Board will be building a float for the Festival of Whales Parade on March 5<sup>th</sup> beginning Saturday, February 12<sup>th</sup>. Those interested in helping should contact Shanna Wolf at the City of Dana Point.

**ADJOURNMENT**

There being no further business before the City Council at this session, Mayor Rayfield declared the meeting adjourned at 8:55 p.m.

The next Regular Meeting of the City Council will be February 23, 2005 at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

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SHARIE APODACA  
INTERIM CITY CLERK

APPROVED AT THE MEETING OF FEBRUARY 23, 2005