
**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
MARCH 12, 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 (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 LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b1), (1 case)

THE COUNCIL VOTED 4-0-1, COUNCIL MEMBER RAYFIELD ABSENT, TO ADD THE FOLLOWING CLOSED SESSION ITEM TO THE AGENDA TONIGHT BASED ON THE NEED FOR IMMEDIATE ACTION AND THAT THE NEED TO TAKE ACTION CAME TO THE ATTENTION OF THE COUNCIL AFTER THE POSTING OF THE AGENDA.

- B. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION, Government Code § 54956.9(a) City of Dana Point v. Luna, OCSC #01CC14596

Mayor Ossenmacher recessed the meeting into a Closed Session at 5:05 p.m. pursuant to Government Code Section 54956 et. seq.

RECONVENE CITY COUNCIL MEETING

Mayor Ossenmacher reconvened the meeting at 6:10 p.m. All Council Members were present.

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PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Chilton

INVOCATION

Offered by Council Member Rayfield

CONSENT CALENDAR

IT WAS MOVED BY COUNCIL MEMBER RAYFIELD, SECONDED BY COUNCIL MEMBER CHILTON, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR.

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. REGULAR MEETING MINUTES, FEBRUARY 26, 2003

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, FEBRUARY 19, 2003 (0120-10)

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF MARCH 5, 2003 (0120-10)

RECEIVED AND FILED.

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

RECEIVED AND FILED.

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

RECEIVED AND FILED.

7. CLAIMS AND DEMANDS (0300-30)

RECEIVED AND FILED.

8. AWARD OF CONTRACT TO HONDO COMPANY, INCORPORATED FOR THE CONSTRUCTION OF THE LOT F PEDESTRIAN STAIRWAY RECONSTRUCTION PROJECT (0400-10)

COUNCIL APPROVED TO (1) DETERMINE THAT THE BID SUBMITTED BY RENWICK-EGAN, INCORPORATED IS NON-RESPONSIVE, RELIEVE RENWICK-EGAN, INCORPORATED OF ITS BID, AND AUTHORIZE THE RETURN OF ITS BID SECURITY FOR CONSTRUCTION OF THE LOT F PEDESTRIAN STAIRWAY RECONSTRUCTION PROJECT; (2) AWARD A CONTRACT TO HONDO COMPANY, INCORPORATED IN THE NOT-TO-EXCEED AMOUNT OF \$83,697 FOR THE CONSTRUCTION OF THE LOT F PEDESTRIAN STAIRWAY RECONSTRUCTION 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; (3) AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT; (4) AUTHORIZE THE EXPENDITURE OF \$15,974 FOR CONSTRUCTION MANAGEMENT AND ADMINISTRATION; (5) AUTHORIZE A PURCHASE ORDER TO GOFFMAN MCCORMICK AND URBAN TO PROVIDE MATERIALS TESTING SERVICES FOR A NOT-TO-EXCEED FEE OF \$5,500; AND (6) APPROVE THE TRANSFER OF \$11,562 FROM THE CONCRETE REPAIR AND REPLACEMENT PROJECT, FY 02/03, ACCOUNT NUMBER 11-99-30-1165-311, TO THE LOT F PEDESTRIAN STAIRWAY RECONSTRUCTION PROJECT, ACCOUNT NUMBER 11-99-30-1172-311, TO FULLY FUND THE PROJECT.

9. 2003 WEED ABATEMENT PROGRAM (0370/38 / 0240-50)

ADOPTED RESOLUTION 03-03-12-01, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DECLARING WEEDS A PUBLIC NUISANCE AND INITIATING ABATEMENT PROCEEDINGS; AND, AUTHORIZED STAFF TO RELEASE BID PACKETS TO CONTRACTORS TO ABATE WEEDS IN THE CITY.

10. ADOPTION OF RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE ARTERIAL HIGHWAY REHABILITATION PROJECT, FISCAL YEAR 2001/2002 (0400-10)

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ADOPTED RESOLUTION 03-03-12-02, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE ARTERIAL HIGHWAY REHABILITATION PROJECT, FISCAL YEAR 2001/2002; AND, DIRECTED THAT ANY PROJECT SAVINGS BE TRANSFERRED TO THE CAPITAL IMPROVEMENT PROGRAM (CIP) RESERVES.

11. APPROVAL OF THE INSTALLATION OF STOP SIGNS ON VIA CALIFORNIA AT VIA GOMEZ TO CREATE AN ALL-WAY STOP (0860-50)

APPROVED THE INSTALLATION OF STOP SIGNS ON VIA CALIFORNIA AT VIA GOMEZ, CREATING AN ALL-WAY STOP; AND DIRECTED STAFF TO IMPLEMENT THE INSTALLATION OF THE STOP SIGNS AS SOON AS POSSIBLE.

12. APPROVAL OF CHANGE ORDER NUMBER THREE FOR THE ANNUAL ROADWAY RESURFACING PROJECT, FISCAL YEAR 2002/2003 (0400-10)

APPROVED CONTRACT CHANGE ORDER NUMBER THREE TO ALL AMERICAN ASPHALT FOR THE ANNUAL ROADWAY RESURFACING PROJECT, FISCAL YEAR 2002/2003 FOR A NOT-TO-EXCEED FEE OF \$163,068.30; AND, APPROVED THE TRANSFER OF \$165,000 FROM THE CONCRETE REPAIR AND REPLACEMENT PROJECT FY 02/03, ACCOUNT NUMBER 11-99-30-1165-311, TO THE ANNUAL ROADWAY RESURFACING PROJECT, FISCAL YEAR 2002/2003, ACCOUNT NUMBER 11-99-30-1169-311.

13. APPROVAL OF A CONSULTANT SERVICES AGREEMENT WITH CROSSROADS SOFTWARE FOR THE PREPARATION OF THE GIS BASED AUTOMATED COLLISION/ CITATION ANALYSIS AND TRACKING SYSTEM (0400-10)

APPROVED A CONSULTANT SERVICES AGREEMENT WITH CROSSROADS SOFTWARE FOR THE PREPARATION OF THE GIS BASED AUTOMATED COLLISION/CITATION ANALYSIS AND TRACKING SYSTEM FOR A NOT-TO-EXCEED AMOUNT OF \$39,729.23 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT; APPROVED THE PURCHASE OF TWO COMPUTERS AND A PLOTTER AS A PART OF THE PROGRAM FOR A NOT-TO-EXCEED FEE OF \$9,970; AND ACKNOWLEDGED THAT ALL COSTS INCURRED WILL BE REIMBURSED FROM THE OTS GRANT.

14. APPROVAL OF CHANGE ORDER NUMBER THREE FOR THE CONSTRUCTION OF THE DEL OBISPO LANDSCAPED MEDIAN PROJECT – STONEHILL DRIVE TO PACIFIC COAST HIGHWAY (0400-10)

APPROVED CONTRACT CHANGE ORDER NUMBER THREE TO ORION CONTRACTING, INCORPORATED FOR THE DEL OBISPO LANDSCAPED

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MEDIAN PROJECT FOR A NOT-TO-EXCEED FEE OF \$112,922.70; AND, APPROVED THE TRANSFER OF \$110,000 FROM THE CONCRETE REPAIR AND REPLACEMENT PROJECT, FY 02/03, ACCOUNT NUMBER 11-99-30-1165-311, TO THE DEL OBISPO LANDSCAPED MEDIAN PROJECT, ACCOUNT NUMBER 11-99-30-1159-311, TO FUND THE CHANGE ORDER AND THE ADDITIONAL CONTINGENCY.

15. REGULATION OF PARKING AND TRAFFIC ON CITY-OWNED PUBLIC PARKING FACILITIES (0860-50)

ADOPTED RESOLUTION 03-03-12-03, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO ESTABLISH PARKING AND TRAFFIC REGULATIONS ON CITY-OWNED PUBLIC PARKING FACILITIES

16. CONTRACT WITH MBIA MUNISERVICES COMPANY TO PROVIDE TRANSIENT OCCUPANCY TAX (TOT) AUDITING SERVICES (0400-10)

APPROVED AND AUTHORIZED THE CITY MANAGER TO SIGN A TWO-YEAR, RENEWABLE, AGREEMENT AND ADDENDA WITH MBIA MUNISERVICES COMPANY ("MMC") TO UNDERTAKE A ROUTINE CITYWIDE AUDIT OF OUR TRANSIENT OCCUPANCY TAX (TOT) REVENUE GENERATORS.

PRESENTATIONS AND PROCLAMATIONS

Margo Watkins, of the Dana Hills High School Girl's Varsity Softball Team introduced the team, gave a presentation and thanked the Council for its support.

PUBLIC COMMENTS

Robert McDonald, Capistrano Beach, commented about increasing code enforcement services.

Bob Becker, Dana Point, commented about the Animal Foundation Rescue event on March 15.

Tom Blake, Dana Point, commented about impact of the Festival of Whales parade to businesses along Pacific Coast Highway.

PUBLIC HEARINGS

There were no Public Hearings.

UNFINISHED BUSINESS

17. ENTER INTO HISTORIC PRESERVATION AGREEMENT WITH PROPERTY OWNERS LOCATED AT 33762 CHULA VISTA (0400-10)

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Brenda Chase, Assistant Planner, gave an slide overhead presentation.

Don Burnes, Dana Point Historical Society, provided some background and urged the Council's approval.

IT WAS MOVED BY COUNCIL MEMBER RAYFIELD, SECONDED BY COUNCIL MEMBER CHILTON TO AUTHORIZE THE MAYOR TO SIGN THE HISTORIC PROPERTY PRESERVATION AGREEMENT WHICH WOULD ALLOW THE PROPERTY OWNERS (DONALD AND DIANE SHULTZ) OF THE HISTORIC STRUCTURE LOCATED AT 33762 CHULA VISTA TO PARTICIPATE IN THE STATE'S MILLS ACT PROGRAM.

The motion carried by the following vote:

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

18. ENTER INTO HISTORIC PRESERVATION AGREEMENT WITH PROPERTY OWNER LOCATED AT 34001 CHULA VISTA (0400-10)

Brenda Chase, Assistant Planner, gave a slide overhead presentation.

Dr. Kaye Crippen, Dana Point, provided some background and urged the Council's approval.

IT WAS MOVED BY COUNCIL MEMBER RAYFIELD, SECONDED BY COUNCIL MEMBER CHILTON TO AUTHORIZE THE MAYOR TO SIGN HISTORIC PROPERTY PRESERVATION AGREEMENT WHICH WOULD ALLOW THE PROPERTY OWNER (LORETTA KAYE CRIPPEN) OF HISTORIC STRUCTURES TO PARTICIPATE IN THE STATE'S MILLS ACT PROGRAM.

The motion carried by the following vote:

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

19. APPROVAL OF REVISED SITE PLAN FOR THE APPROVAL OF A SITE DEVELOPMENT PERMIT TO AUTHORIZE THE MERGER OF 2 LOTS INTO ONE, CONSTRUCTION OF 3,339 SQUARE-FOOT PROFESSIONAL OFFICE PROJECT AND SITE IMPROVEMENTS ON A VACANT SITE LOCATED AT 26852 AND 26862 CALLE HERMOSA IN THE CAPISTRANO BEACH AREA OF THE CITY: SDP02-11 (0610-30)

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Genia Garcia, Acting Director of Community Development, presented the staff report.

Robert McDonald, Capistrano Beach, expressed opposition and described his concerns. Patrick Meek, San Juan Capistrano, project applicant, commented about the revised plan for the project.

Ray Nona, Capistrano Beach, Project Architect, addressed the concerns expressed earlier and described the revised plan.

IT WAS MOVED BY MAYOR PRO TEM SNYDER, SECONDED BY COUNCIL MEMBER LACY TO UPHOLD THE PLANNING COMMISSION'S ACTION TO APPROVE SDP02-11, AS MODIFIED, BY ADOPTING RESOLUTOIN 03-03-12-04, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION DECISION TO APPROVE SITE DEVELOPMENT PERMIT SDP02-11 AUTHORIZING THE MERGER OF TWO LOTS AND CONSTRUCTION OF A PROFESSIONAL OFFICE PROJECT AND SITE IMPROVEMENTS ON A VACANT SITE IN THE CAPISTRANO BEACH AREA OF THE CITY: SITE DEVELOPMENT PERMIT SDP02-11/ 26852 & 26862 CALLE HERMOSA

The motion carried by the following vote:

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

Mayor Ossenmacher declared a recess at 6:55 p.m. and reconvened the meeting a 7:05 p.m.

**20. REPORT ON MILLENNIUM HOUSING PROJECT AT DANA POINT MARINA
MOBILE HOME ESTATES**

Doug Chotkevys, City Manager, presented the staff report.

Patrick Munoz, Interim City Attorney, provided some clarification on some of the City concerns and issues.

The following persons spoke to express concerns about the status of the Dana Point Marina Mobile Home Estates:

Doc Huard, Dana Point, also commented to ask Council to accept the report and endorse the project subject to the City's concerns being resolved.

Patti Sampson, Dana Point
Ron Grundy, Dana Point
Kathy Weaver, Dana Point

Mary Jeffries, Dana Point, commented about the City looking into an affordable housing program to meet the City's needs.

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Richard Gardner, Capistrano Beach, commented about the City looking into traffic and road improvements along Pacific Coast Highway that abuts a portion of the mobile home park with vacant homes.

Tristan Krogins, Dana Point, commented to support and accept the staff report.

Greg Powers, Dana Point, commented to accept and support the staff report.

Kirk Lapple, Dana Point, commented to support and accept the staff report

April O'Connor, Dana Point, commented to support the staff report and urged the Council to accept it.

Mayor Ossenmacher declared a recess at 7:55 p.m. and reconvened the meeting at 8:05 p.m.

IT WAS MOVED BY COUNCIL MEMBER CHILTON, SECONDED BY MAYOR PRO TEM SNYDER TO ACCEPT AND FILE THE STAFF REPORT AS PRESENTED.

The motion carried by the following vote:

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

Mayor Ossenmacher declared a recess at 8:30 p.m. and reconvened the meeting at 8:40 p.m.

21. AWARD OF CONTRACT TO GCI CONSTRUCTION, INCORPORATED FOR THE CONSTRUCTION OF THE NORTH CREEK STORM DRAIN TREATMENT PROJECT *[STRATEGIC PLAN: RESTORE AND MAINTAIN THE INTEGRITY OF OUR OCEAN WATERS AND BEACHES] (0400-10)*

Doug Chotkevys, City Manager, presented the staff report.

IT WAS MOVED BY COUNCIL MEMBER RAYFIELD, SECONDED BY MAYOR PRO TEM SNYDER TO (1) AWARD A CONTRACT TO GCI CONSTRUCTION, INCORPORATED IN THE NOT-TO-EXCEED AMOUNT OF \$589,912 FOR THE CONSTRUCTION OF THE NORTH CREEK STORM DRAIN TREATMENT 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 CITY MANAGER TO EXECUTE THE CONTRACT; (3) AUTHORIZE THE EXPENDITURE OF \$113,341 FOR CONSTRUCTION MANAGEMENT AND ADMINISTRATION; (4) AUTHORIZE STAFF TO ISSUE A PURCHASE ORDER TO GOFFMAN MCCORMICK AND URBAN TO PROVIDE MATERIALS TESTING SERVICES FOR A NOT-TO-EXCEED FEE OF \$14,500; (5) APPROVE THE TRANSFER OF \$59,500 IN CLEAN BEACHES INITIATIVE FUNDING FROM THE DEL OBISPO STORM DRAIN

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TREATMENT PROJECT, ACCOUNT NUMBER 11-99-30-1153-311 TO THE NORTH CREEK STORM DRAIN TREATMENT PROJECT, ACCOUNT NUMBER 11-99-30-1162-311.

NEW BUSINESS

There was no New Business.

STAFF REPORTS

City Manager Doug Chotkevys – No report.

COUNCIL REPORTS

Mayor William L. Ossenmacher – No report.

Council Member Rayfield – Commented on the success of the Festival of Whales parade.

Mayor Pro Tem Snyder – Expressed thanks and appreciation to Police staff for maintaining safety during the Festival of Whales event. He also commented on his enjoyable experience as Principal of the day at Dana Hills High School.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Ossenmacher declared the meeting adjourned at 8:50 p.m.

The next Regular Meeting of the City Council will be Wednesday, March 26, 2003, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

SUSAN A. RAMOS, CMC
DIRECTOR OF PUBLIC AFFAIRS/CITY CLERK

APPROVED AT MEETING OF MARCH 26, 2003