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**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
MAY 14, 2003**

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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 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 (Absent)  
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; Cathy Catlett, Assistant City Clerk, Sheryl Lindsey, Director of Administrative Services; Genia Garcia, Acting Director of Community Development; Robert Warren, Director of Public Works and Engineering Services; Matthew Sinacori, Capital Improvement Program Manager; Brenda Wisneski, Associate Planner; John Smiertelny, Police Sergeant; Kathy Ward, Executive Secretary.

**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), (2 cases)
- B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Government Code § 54956.8 (2 cases)
  - A. Property: 34360 Green Lantern, Dana Point  
Agency Negotiators: Douglas Chotkevys, City Manager,  
Patrick Munoz, City Attorney  
Negotiating Parties: City of Dana Point and Sherwood Group, Inc.  
Under Negotiation: Price and terms of agreement relating to property
  - B. Property: Assessor's Parcel Number (APN) 673-251-22  
Agency Negotiators: Douglas Chotkevys, City Manager,  
Patrick Munoz, City Attorney  
Negotiating Parties: Kato Family  
Under Negotiation: Price and terms of agreement relating to property

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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 6:05 p.m. All Council Members were present.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Chilton

**INVOCATION**

The Invocation was given by Council Member Rayfield

**CONSENT CALENDAR**

Mayor Ossenmacher removed Item 11 from the Consent Calendar.

At the direction of Mayor Ossenmacher, the City Clerk read the title of all ordinances on the Consent Calendar.

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 ITEM 11.

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, APRIL 23, 2003**

APPROVED THE MINUTES.

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**3. PLANNING COMMISSION MEETING MINUTES, MARCH 19, 2003**

RECEIVED AND FILED.

**4. PLANNING COMMISSION MEETING MINUTES, APRIL 16, 2003**

RECEIVED AND FILED.

**5. PLANNING COMMISSION ACTIONS, MEETING OF MAY 7, 2003**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

**7. CITY TREASURER'S REPORT, MARCH 2003**

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

**8. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**9. ADOPT A RESOLUTION DENYING VARIANCE V02-19 AND THE AMENDMENT TO SITE DEVELOPMENT PERMIT SDP01-80(I) TO AUTHORIZE CONSTRUCTION OF A SINGLE-FAMILY DWELLING ON LOT 8 OF TRACT 16197 WITH A REDUCED REAR YARD SETBACK OF 8-FEET RATHER THAN THE 25-FEET REQUIRED BY CODE FOR A PROJECT LOCATED IN THE CAPISTRANO BEACH PORTION OF THE CITY**

ADOPTED **RESOLUTION 03-05-14-01**, ENTITLED A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA DENYING THE VARIANCE (V02-19) REQUEST FOR A REDUCTION OF THE REAR YARD SETBACK AND THE AMENDMENT TO THE SITE DEVELOPMENT PERMIT (SDP01-80(I)) RELATING TO THE REVERSE DESIGN AND DEED RESTRICTION AREA ON LOT 8 OF TRACT 16197 PER COUNCIL DIRECTION FROM APRIL 23, 2003.

**10. CONTRACT EXTENSION FOR CHARLES ABBOTT ASSOCIATES, INC. FOR BUILDING DIVISION SERVICES**

AUTHORIZED THE CITY MANAGER TO RENEW THE CHARLES ABBOTT ASSOCIATES INC. CONTRACT FOR AN ADDITIONAL TWO (2) YEAR PERIOD

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SUBJECT TO THE ORIGINAL "AGREEMENT FOR CONSULTANT SERVICES" EFFECTIVE AS OF JUNE 12, 2003.

**11. AUTHORIZATION TO ENTER THE WATER QUALITY BOOTH IN THE 2003 LEAGUE OF CALIFORNIA CITIES CONFERENCE AND EXPOSITION IN SACRAMENTO, CALIFORNIA SEPTEMBER 8 THROUGH SEPTEMBER 9, 2003**

Mayor Ossenmacher pulled this item and requested the City Manager to provide clarification about this item as referenced in the Dana Point News article.

City Manager Chotkevys provided background and clarification about benefits the City will derive from participating in this exposition and its purpose of educating the cities and legislative representatives about urban runoff and its effects to water quality in our beaches and ocean waters.

IT WAS MOVED BY COUNCIL MEMBER RAYFIELD, SECONDED BY COUNCIL MEMBER CHILTON TO AUTHORIZE PUBLIC WORKS STAFF TO ENTER THE WATER QUALITY BOOTH IN THE 2003 LEAGUE OF CALIFORNIA CITIES EXPOSITION INCLUDING SPACE AND EQUIPMENT RENTAL, TRAVEL, MEALS, LODGING, BOOTH TRANSPORT, STORAGE AND CARTAGE AND TO AUTHORIZE THE EXPENDITURE OF \$5,000 FOR ANTICIPATED COSTS.

The motion carried by the following vote:

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

**12. AWARD OF CONTRACT TO BELAIRE-WEST LANDSCAPE, INC. FOR THE CONSTRUCTION OF THE ALIPAZ RIGHT-OF-WAY LANDSCAPING PROJECT – STONEHILL DRIVE TO QUAIL RUN**

APPROVED TO (1) FIND THAT THE FAILURE OF BELAIRE-WEST LANDSCAPE, INC. TO PROPERLY CALCULATE THE BID ITEMS FOR THE TOTAL BID PRICE NEITHER AFFECTED THE BID PRICE NOR GAVE BELAIRE-WEST LANDSCAPE, INCORPORATED AN UNFAIR ADVANTAGE OVER OTHER BIDDERS, AND, THEREFORE, THE COUNCIL WAIVES SUCH IRREGULARITY; (2) AWARD A CONTRACT TO BELAIRE-WEST LANDSCAPE, INCORPORATED IN THE NOT-TO-EXCEED AMOUNT OF \$972,820.64 FOR THE CONSTRUCTION OF THE ALIPAZ RIGHT-OF-WAY LANDSCAPING PROJECT – STONEHILL DRIVE TO QUAIL RUN; (3) AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT; (4) AUTHORIZE THE EXPENDITURE OF A NOT-TO-EXCEED AMOUNT OF \$139,783 FOR CONSTRUCTION MANAGEMENT AND ADMINISTRATION; (5) AUTHORIZE A PURCHASE ORDER TO GOFFMAN MCCORMICK AND URBAN TO PROVIDE

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MATERIALS TESTING SERVICES FOR A NOT-TO-EXCEED FEE OF \$18,000; (6) ACKNOWLEDGE THE RECEIPT OF \$51,100 IN STATE OF CALIFORNIA DEPARTMENT OF PARKS AND RECREATION PER CAPITA GRANT FUNDS FOR THIS PROJECT AND APPROVE THE ADDITION OF \$51,100 TO THE PROJECT BUDGET; AND (7) AUTHORIZE A PURCHASE ORDER TO ANN CHRISTOPH FOR ADDITIONAL CONSTRUCTION SUPPORT SERVICES FOR A NOT-TO-EXCEED AMOUNT OF \$35,087 FOR THE ALIPAZ RIGHT-OF-WAY LANDSCAPING PROJECT.

**13. APPROVAL OF CONSULTANT SERVICES AGREEMENT WITH PSOMAS FOR THE DESIGN OF THE STONEHILL DRIVE LANDSCAPED MEDIAN PROJECT, CITY LIMIT TO NIGUEL ROAD**

APPROVED A CONSULTANT SERVICES AGREEMENT WITH PSOMAS FOR DESIGN SERVICES FOR THE STONEHILL DRIVE LANDSCAPED MEDIAN PROJECT, CITY LIMIT TO NIGUEL ROAD, IN THE NOT-TO-EXCEED AMOUNT OF \$286,029; AUTHORIZED THE EXPENDITURE OF A MAXIMUM OF \$32,000 FOR PROJECT MANAGEMENT SERVICES; AUTHORIZED THE TRANSFER OF \$259,000 FROM THE UNDESIGNATED GENERAL FUND RESERVES TO THE STONEHILL DRIVE LANDSCAPED MEDIAN PROJECT, ACCOUNT NUMBER 11-99-30-1152-311, TO FUND THE DESIGN EFFORT.

**14. APPROPRIATION OF ASSET FORFEITURE FUNDS FOR RENOVATION OF POLICE SERVICES SEARCH AND RESCUE VEHICLE**

APPROPRIATED \$24,135 FROM THE NARCOTICS FORFEITURE ACCOUNT TO THE POLICE SERVICES BUDGET FOR FY 2002-03 TO FUND THE RENOVATION OF THE POLICE SERVICES SEARCH & RESCUE/COMMUNITY BASED POLICING VEHICLE.

**15. APPROVAL OF CITY OF DANA POINT PORTION OF THE NPDES STORMWATER MANAGEMENT PROGRAM FINAL PROPOSED SHARED COSTS BUDGET FOR FY 2003/04**

APPROVED THE DANA POINT PORTION OF THE NPDES STORMWATER MANAGEMENT PROGRAM FINAL PROPOSED SHARED COSTS BUDGET FOR FISCAL YEAR 2003-2004.

**16. APPROVAL OF MATCHING FUND CONTRIBUTION TO COUNTY OF ORANGE PROJECT FOR SAN JUAN CREEK BIKEWAY TO PROVIDE FLOOD PROTECTION AT PACIFIC COAST HIGHWAY**

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APPROVED A CONTRIBUTION IN THE AMOUNT OF \$10,000 FROM THE RESERVE FOR SERVICE ENHANCEMENT TO SUPPLEMENT THE COUNTY'S \$50,000 IN MATCHING FUNDS FOR THE COUNTY OF ORANGE SAN JUAN CREEK BIKEWAY PROJECT IN ORDER TO OBTAIN GRANT FUNDING FOR THE CONSTRUCTION OF FLOOD PROTECTION FACILITIES UNDER THE BRIDGE AT PACIFIC COAST HIGHWAY.

**17. FIRST READING OF AN ORDINANCE AMENDING THE MUNICIPAL CODE RELATING TO FORMAL AND INFORMAL BID PROCEDURES**

INTRODUCED AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING SECTIONS 3.12.130 AND 3.12.250 OF THE DANA POINT MUNICIPAL CODE PERTAINING TO FORMAL BID PROCEDURES AND OPEN MARKET OR INFORMAL BID PROCEDURES

**18. FIRST READING OF AN ORDINANCE AMENDING THE MUNICIPAL CODE RELATING TO CITY MANAGER'S AUTHORIZATION TO ENTER INTO CONTRACTS**

INTRODUCED AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING SECTION 3.12.290 OF THE DANA POINT MUNICIPAL CODE PERTAINING TO EXCEPTIONS TO COMPETITIVE BIDDING REQUIREMENT

**19. CENTRAL/COASTAL ORANGE COUNTY NATIVE COMMUNITY CONSERVATION PLAN (NCCP).**

AUTHORIZED STAFF TO PREPARE AN ANALYSIS OF ANY CHANGES IN CITY POLICIES THAT WOULD HAVE TO BE IMPLEMENTED IF THE CITY JOINED THE NCCP, AND THEN RETURN WITH A SUBSEQUENT RECOMMENDATION BASED UPON THAT REVIEW OF THE MATERIAL.

**PRESENTATIONS AND PROCLAMATIONS**

Proclamation for National Public Works Week

City Manager Chotkevys presented the proclamation and provided comments about the important role of Public Works and the services it provides to our community.

**ORAL REPORT**

**A. CONSIDERATION OF A GRANT REQUEST FOR THE DEL OBISPO ELEMENTARY SCHOOL DESTINATION IMAGINATION PROGRAM**

Mayor Ossenmacher reported that a letter was received from a parent of one of the participants of the program requesting funding assistance. He asked the Council to

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consider allocating a portion of its grant funds for this request. He introduced Mary Lind, the school's Project Team Manager.

Ms. Lind provided program information and the Del Obispo Elementary School project that won a Renaissance Award and is on its way to competing in the finals. She provided a video clip of the award-winning project.

Mayor Ossenmacher presented the seven students each with a Plaque and City pins to recognize and appreciate their efforts. He expressed congratulations and wished them well in the finals.

IT WAS MOVED BY COUNCIL MEMBER CHILTON, SECONDED BY COUNCIL MEMBER RAYFIELD TO APPROVE A TOTAL GRANT FUNDING IN THE AMOUNT OF \$1,500 TO HELP DEFRAY COSTS FOR THE FINAL COMPETITION TO BE HELD IN TENNESSEE. THE \$1,500 WILL COME OUT OF THE GRANT FUNDS OF COUNCIL MEMBERS RAYFIELD AND CHILTON, MAYOR PRO TEM SNYDER AND MAYOR OSSENMACHER IN THE AMOUNT OF \$375.00 EACH.

Mayor Ossenmacher declared a recess at 7:00 p.m. and reconvened the meeting at 7:15 p.m.

**PUBLIC COMMENTS**

Pam Tappan, Dana Point, commented about the Regional Water Board's approval to impose on and off site mitigation measures for the wetlands at the Pioneer Builders project site in Capistrano Beach and impose fines.

Don Burnes, Capistrano Beach, Dana Point Historical Society, invited the Council and the public to the Society's Second Annual Founder's Day on May 27 at the Marriott Hotel. He also commented about its new guided bus tours.

Carolyn Wyatt, Dana Point, commented about the status of the Dana Point Mobile Home Estates and pleaded with the Council to revisit the matter.

Bob Moore, Dana Point, Veterans of Foreign War Post 9934, commented about remembering and honoring our veterans and troops this Memorial Day holiday.

**PUBLIC HEARINGS**

There were no Public Hearings.

**UNFINISHED BUSINESS**

- 20. ADOPTION OF RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE GOLDEN LANTERN LANDSCAPED MEDIAN PROJECT BETWEEN PRISCILLA AND STONEHILL DRIVE [STRATEGIC**

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Matt Sinacori, Capital Improvement Project Manager, presented a brief report and provided an overhead presentation highlighting the project's before and after changes.

IT WAS MOVED BY COUNCIL MEMBER RAYFIELD, SECONDED BY MAYOR PRO TEM SNYDER TO ADOPT **RESOLUTION 03-05-14-02**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA APPROVING A NOTICE OF COMPLETION FOR THE GOLDEN LANTERN LANDSCAPED MEDIAN PROJECT BETWEEN PRISCILLA AND STONEHILL DRIVE AND DIRECTED THAT ANY PROJECT SAVINGS BE TRANSFERRED TO THE CAPITAL IMPROVEMENT PROGRAM (CIP) RESERVES.

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. ENTER INTO HISTORIC PRESERVATION AGREEMENT (MILLS ACT) WITH PROPERTY OWNERS LOCATED AT 34532 CAMINO CAPISTRANO**

Brenda Wisneski, Associate Planner, presented a brief report and provided an overhead presentation highlighting the interior of the property and its recent improvements.

IT WAS MOVED BY MAYOR PRO TEM SNYDER, SECONDED BY COUNCIL MEMBER RAYFIELD TO AUTHORIZE THE MAYOR TO SIGN THE HISTORIC PROPERTY PRESERVATION AGREEMENT WHICH WOULD ALLOW THE PROPERTY OWNERS (ALICE BAUM AND DONALD BURNES) OF THE HISTORIC STRUCTURE LOCATED AT 34532 CAMINO CAPISTRANO 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

**STAFF REPORTS**

City Manager Chotkevys reported that the award of the contract with Belaire-West Landscape that was approved earlier under consent item 12 was put to bid a second time which provided significant savings to the City.



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**COUNCIL REPORT**

Mayor Pro Tem Snyder reported that he has not received information about the return date of the Camp Pendleton troops and continued to encourage the public to provide assistance to the families of the troops by dropping off some non-perishable goods at City Hall. Mayor Pro Tem Snyder said that he will deliver the goods to Camp Pendleton in the next few days.

Council Member Lacy reported on the Board of Director's meeting of the Ocean Institute regarding two grants received from the National Science Foundation and the Surf Industry Manufacturer's Association. He also reported about the Institute's summer programs and membership.

Council Member Rayfield commented that he is excited that the North Creek Diversion project which is underway and scheduled for completion in late July or early August.

Mayor Ossenmacher commented that the recently completed landscape project on Golden Lantern and La Paz is the first significant new project in the Lantern Village that the City has taken on since cityhood. He also announced that the new visitor guide maps are out.

**ADJOURNMENT**

There being no further business before the City Council at this session, Mayor Ossenmacher declared the meeting adjourned 7:45 p.m.

The next Regular Meeting of the City Council will be Wednesday, May 28, 2003, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

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

APPROVED AT MEETING OF MAY 28, 2003