

**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
MAY 28, 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 6:15 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, 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; Matthew Sinacori, Capital Project Manager and Mark Billings, Chief of Police Services.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by the Dana Point Cub Scout Pack 11

**INVOCATION**

The Invocation was given by Council Member Chilton

**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

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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, MAY 14, 2003**

APPROVED THE MINUTES.

**3. PLANNING COMMISSION MEETING MINUTES, MAY 7, 2003**

RECEIVED AND FILED.

**4. PLANNING COMMISSION ACTIONS, MEETING OF MAY 21, 2003**

RECEIVED AND FILED.

**5. YOUTH BOARD MEETING MINUTES, APRIL 3, 2003**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

**7. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**8. APPROVAL OF FIRST AMENDMENT TO CONSULTANT SERVICES AGREEMENT TO PLAYGROUND SERVICE COMPANY FOR CERTIFIED PLAYGROUND, PARKLAND AND FACILITIES SAFETY INSPECTION PROGRAM, FISCAL YEAR 03-04 AND FISCAL YEAR 04-05**

APPROVED THE FIRST AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT TO PLAYGROUND SERVICE COMPANY IN THE AMOUNT NOT TO EXCEED \$51,216 AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT FOR CERTIFIED PLAYGROUND, PARKLAND AND FACILITIES SAFETY INSPECTION PROGRAM, FY03-04 AND FY 04-05.

**9. APPROVAL OF SECOND AMENDMENT TO AGREEMENT EXERCISING THE SECOND ONE-YEAR RENEWAL OPTION, INCLUDING A COST OF LIVING**

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**INCREASE, FOR THE STREET SWEEPING MAINTENANCE AGREEMENT  
FOR FISCAL YEAR 2003-04**

APPROVED THE SECOND AMENDMENT TO THE STREET SWEEPING MAINTENANCE AGREEMENT, EXERCISING THE SECOND ONE-YEAR RENEWAL OPTION, INCLUDING A 3.9 PERCENT CPI INCREASE (PER CONTRACT) AND A 2.1 PERCENT INCREASE FOR EXTRAORDINARY INSURANCE COST INCREASES FOR A TOTAL INCREASE OF 6 PERCENT, FOR THE PERIOD OF JULY 1, 2003 TO JUNE 30, 2004; AND AUTHORIZED THE CITY MANAGER TO EXECUTE AN AMENDMENT DOCUMENT.

**10. SECOND READING AND ADOPTION OF AN ORDINANCE 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**

ADOPTED **ORDINANCE 03-10**, 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 PROCEDURE

**11. SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING THE MUNICIPAL CODE RELATING TO CITY MANAGER'S AUTHORIZATION TO ENTER INTO CONTRACTS**

ADOPTED **ORDINANCE 03-11**, 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

**12. INTRODUCTION OF A CABLE TELEVISION ORDINANCE**

INTRODUCED AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, RELATING TO FRANCHISES FOR CABLE COMMUNICATIONS SYSTEMS

**13. AWARD OF CONTRACT TO KEC ENGINEERING, INCORPORATED FOR THE CONSTRUCTION OF THE DEL OBISPO STORM DRAIN TREATMENT PROJECT**

AWARDED A CONTRACT TO KEC ENGINEERING, INC. IN A NOT TO EXCEED AMOUNT OF \$351,630 FOR THE CONSTRUCTION OF THE DEL OBISPO STORM DRAIN TREATMENT PROJECT; AUTHORIZED THE CITY MANAGER TO EXECUTE THE CONTRACT; AUTHORIZED THE EXPENDITURE OF A NOT TO EXCEED AMOUNT OF \$78,600 FOR CONSTRUCTION MANAGEMENT

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AND ADMINISTRATION; AUTHORIZED A PURCHASE ORDER TO GOFFMAN, MCCORMICK AND URBAN TO PROVIDE MATERIALS TESTING SERVICES AND GEOTECHNICAL INSPECTION FOR A NOT TO EXCEED FEE OF \$16,500; AUTHORIZED A PURCHASE ORDER TO HARRIS AND ASSOCIATES FOR CONSTRUCTION SUPPORT SERVICES FOR A NOT TO EXCEED AMOUNT OF \$10,000.

**14. OPPOSITION TO ASSEMBLY BILL 947 (Jackson), STATE COASTAL EROSION PRINCIPALS AND SEDIMENT MASTER PLAN**

DIRECTED AND AUTHORIZED STAFF TO DRAFT AND SEND APPROPRIATE LETTERS TO STATE OFFICIALS AND INTERESTED PARTIES, IDENTIFYING THE CITY'S OPPOSITION TO ASSEMBLY BILL 947.

**ORAL REPORTS**

**DANA POINT CUB SCOUT PACK 11**

Mayor Ossenmacher introduced John Nordskog, Cubmaster and presented the cub scouts with City Pins.

Mr. Nordskog provided information and background about the Cub Scout program.

Mayor Ossenmacher announced that there will refreshments served after public comments.

**PRESENTATIONS AND PROCLAMATIONS**

None

**PUBLIC COMMENTS**

Paula Becker, Dana Point, Animal Rescue Foundation volunteer, commented about an animal program for cats to educate the public about spaying and neutering.

Kathy Weaver, Dana Point, commented about the Dana Point Mobile Home Estates noting that some residents have moved out because of the high rents. She asked to meet with the City Manager and City Council to discuss options with Millenium Housing.

Kathy Easterday, Laguna Niguel, spoke on behalf of Toby's House to thank the Council for its support and presented a plaque of appreciation.

Mayor Ossenmacher declared a recess at 6:30 p.m. and reconvened the meeting at 6:45 p.m.

**PUBLIC HEARINGS**

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There were no Public Hearings.

**UNFINISHED BUSINESS**

**15. ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE URBAN WATER DIVERSION PROJECT CONSTRUCTED ADJACENT TO COAST HIGHWAY BETWEEN DOHENY PARK ROAD AND CAMINO CAPISTRANO (CITY LIMIT) AND A STATUS REPORT ON THE ALIPAZ STORM DRAIN DIVERSION PROJECT**

Matt Sinacori, Capital Projects Manager, presented a staff report with overheads.

IT WAS MOVED BY COUNCIL MEMBER RAYFIELD, SECONDED BY MAYOR PRO TEM SNYDER, TO ADOPT **RESOLUTION 03-05-28-01**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE URBAN WATER DIVERSION PROJECT CONSTRUCTED ADJACENT TO COAST HIGHWAY BETWEEN DOHENY PARK ROAD AND CAMINO CAPISTRANO (CITY LIMIT) AND TO DIRECT 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**

There was no New Business.

**STAFF REPORTS**

City Manager Doug Chotkevys - None

**COUNCIL REPORTS**

Council Member Rayfield:

- LOSSAN Double Track Update – The High Speed Rail Authority Board met and eliminated the plan for double tracking along the coast, particularly, along Beach Road. An alternative plan for a short tunnel is still being considered which would impact Dana Point along Beach Road. In addition, another alternative would put railroad tracks right through the middle of the 30 acres owned by the South Coast

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Water District and eliminate the possibility of doing a de-salinization plan on that property. The Authority's next meeting is in August.

- Annual Boat Show – invited the public to attend the event this weekend and stop by City's water quality booth.
- Denise Carton of Capistrano Beach was named 2002 Angler of the Year for Atlantic Waters by the International Game Fish Association.
- Dana Point Mobile Home Estates – alluded to Kathy Weaver's comments earlier and expressed interest to participate in the meeting with the City Manager.

Council Member Chilton:

- JPA Animal Services meeting – reported that many dog owners are late in registering their animals.
- Animal Rescue Foundation will have a General Meeting on June 19 at 7 p.m.

**ADJOURNMENT**

There being no further business before the City Council at this session, Mayor Ossenmacher declared the meeting adjourned at 7:05 p.m.

The next Regular Meeting of the City Council will be Wednesday, June 11, 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 JUNE 11, 2003