

# CITY OF DANA POINT

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## **CITY COUNCIL REGULAR MEETING**



**TUESDAY  
FEBRUARY 2, 2016  
5:00 P.M.**

## **AGENDA**

**Location: City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point, California 92629**

Next City Council Ordinance No. 16-02

## **CALL TO ORDER**

## **ROLL CALL OF CITY COUNCIL MEMBERS:**

John A. Tomlinson, Mayor  
Richard A. Viczorek, Mayor Pro Tem  
Joseph L. Muller, Council Member  
Carlos N. Olvera, Council Member  
J. Scott Schoeffel, Council Member

## **CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d1), (1 case)
- B. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Government Code § 54956.9 (c), 1 case: Appointment of Receiver for 33895 Alcazar – Diana Patterson
- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (a), (2 cases)

Name of Case: City of Dana Point v. California Coastal Commission, et al  
Case No. 37-2010-00099827

Name of Case: Pickering Properties LLC v. City of Dana Point, Case No. 00082754CJC

**RECESS OF CITY COUNCIL MEETING UNTIL 6:00 P.M.**

**RECONVENE CITY COUNCIL MEETING**

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## PLEDGE OF ALLEGIANCE

## INVOCATION

## PRESENTATIONS AND PROCLAMATIONS

## CONSENT CALENDAR

All matters listed under the Consent Calendar are considered to be routine and all will be enacted by one roll call vote. There will be no separate discussion of these items unless members of the City Council, the public, or staff request specific items be removed from the Consent Calendar for separate action.

### 1. WAIVE THE READING OF ORDINANCES AND APPROVE READING BY TITLE ONLY

RECOMMENDED ACTION: That the City Council approve 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, JANUARY 19, 2016](#)

RECOMMENDED ACTION: That the City Council approve the minutes.

### 3. [PLANNING COMMISSION MEETING MINUTES, JANUARY 11, 2016](#)

RECOMMENDED ACTION: That the City Council receive and file.

### 4. [PLANNING COMMISSION ACTIONS, MEETING OF JANUARY 25, 2016](#)

RECOMMENDED ACTION: That the City Council receive and file.

### 5. [YOUTH BOARD MEETING MINUTES, DECEMBER 17, 2015](#)

RECOMMENDED ACTION: That the City Council receive and file.

### 6. [ARTS AND CULTURE COMMISSION MEETING MINUTES, JULY 15, 2015](#)

RECOMMENDED ACTION: That the City Council receive and file.

### 7. [ARTS AND CULTURE COMMISSION MEETING MINUTES, OCTOBER 14, 2015](#)

RECOMMENDED ACTION: That the City Council receive and file.

### 8. [HOMELESS TASK FORCE MEETING MINUTES, OCTOBER 20, 2015](#)

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

10. **CITY TREASURER'S REPORT, DECEMBER 2015**

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of December, 2015.

11. **CLAIMS AND DEMANDS**

RECOMMENDED ACTION: That the City Council receive and file the Claims and Demands.

12. **SECOND READING AND ADOPTION OF WATER EFFICIENT LANDSCAPE ORDINANCE – ZONE TEXT AMENDMENT ZTA15-0002**

RECOMMENDED ACTION: That the City Council hold a second reading and adopt an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA15-0002, AMENDING THE CITY OF DANA POINT ZONING ORDINANCE, CHAPTER 9.55 FOR THE PURPOSE OF UPDATING THE WATER EFFICIENT LANDSCAPE STANDARDS OF THE CITY TO INCLUDE LOCAL WATER EFFICIENT LANDSCAPE PROVISIONS IN ACCORDANCE WITH STATE OF CALIFORNIA EXECUTIVE ORDER (B-19-15).

13. **2016 WEED ABATEMENT PROGRAM**

RECOMMENDED ACTION: That the City Council adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DECLARING WEEDS A PUBLIC NUISANCE AND INITIATING ABATEMENT PROCESS.

At this time, the City Clerk will read the title(s) of the ordinance(s) listed on the agenda.

**PUBLIC COMMENTS**

Any person wishing to address the City Council during the Public Comments section or on an Agenda item is asked to complete a "Request to Speak" form available on the table at the side of the Council Chamber. The completed form is to be submitted to the City Clerk prior to the Agenda item being called by the Mayor and prior to the individual being heard by the City Council.

In order to conduct a timely meeting, there will be a three-minute time limit per person and an overall time limit of fifteen minutes for this Public Comments portion of the agenda. At the Mayor's discretion, the balance of public comments will be heard after the New Business portion of the agenda. All comments are to be directed to the City Council and shall not consist of any personal attacks. Members of the public are expected to maintain a professional, courteous decorum during their

comments. State law prohibits the City Council from taking action on a specific item unless it appears on the posted Agenda.

If anyone has handouts to distribute to the City Council, please follow proper procedure and hand them to the City Clerk. The City Clerk will see that they are distributed.

## **PUBLIC HEARINGS**

14. **APPEAL OF PLANNING COMMISSION DENIAL OF VARIANCE V15-0004 FOR CREATION OF A FOURTH-STORY BY ALLOWING CONVERSION OF CRAWL SPACE TO HABITABLE FLOOR-AREA AT A CURRENTLY THREE-STORY DUPLEX LOCATED AT 33895 CALLE LA PRIMAVERA**

RECOMMENDED ACTION: That the City Council hold a Public Hearing and uphold the Planning Commission's action to deny the request for Variance V15-0004 and adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA UPHOLDING THE PLANNING COMMISSION'S DENIAL OF VARIANCE V15-0004 FOR CREATION OF A FOURTH-STORY BY ALLOWING CONVERSION OF CRAWL SPACE TO HABITABLE FLOOR-AREA AT A CURRENTLY THREE-STORY DUPLEX LOCATED AT 33895 CALLE LA PRIMAVERA

## **UNFINISHED BUSINESS**

15. **APPOINTMENT OF COUNCIL MEMBERS TO DOHENY VILLAGE FORM BASED CODE COMMITTEE**

RECOMMENDED ACTION: That the City Council:

1. Appoint two City Council members to serve on the Doheny Village Form Based Code Committee; and
2. Authorize the selected City Council members and Planning Commissioners to determine the appointment of the two community members; and
3. Authorize Staff to select the architect and developer Committee members.

16. **PROPOSED CITY COUNCIL SPONSORED INITIATIVE RE: TOWN CENTER**

RECOMMENDED ACTION: That the City Council, should it desire to proceed with a Council initiated ballot measure that would directly compete with the Town Center Initiative, the City Council:

1. Take the following action pursuant to Elections Code Section 9222:
  - a. Adopt Action Document A, a Resolution by which the Council would submit a City Council sponsored initiative Ordinance, which will be referred to as the "2016 Town Center

Measure,” to the voters for a special election to be consolidated with the June 7, 2016 regular election, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ORDERING, CALLING, PROVIDING FOR AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE CONSOLIDATED WITH THE JUNE 7, 2016 REGULAR ELECTION, FOR THE SUBMISSION TO THE VOTERS OF A QUESTION RELATING TO THE TOWN CENTER PLAN; and

- b. If the Council takes action to call for an election, consider taking the following actions (all of which are optional, and at the Council’s discretion):
  - a. Adopt a motion directing the City Attorney to prepare an impartial analysis.
  - b. Adopt a motion calling for the City Council to submit an argument in favor of the 2016 Town Center Measure, and giving related direction to staff regarding how to proceed.
  - c. Adopt Action Document B, a Resolution rescinding a previously adopted Resolution by which rebuttal arguments would not be permitted for the 2015 Town Center Initiative or the 2016 Town Center Measure, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, RESCINDING RESOLUTION 15-12-01-13

- c. If the Council takes action to call for an election, adopt a motion by which to appropriate \$8,500 from General Fund Unassigned Reserve to the City Clerk Professional Services account (31-2230) for election services.

## **NEW BUSINESS**

There are no New Business items.

## **PUBLIC COMMENTS (Continued)**

## **STAFF REPORTS**

(City Manager Doug Chotkevys)

(City Attorney Patrick Muñoz)

## **COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED**

The City Council may discuss, act upon or seek consensus on matters described under Council Reports only if: They are agendaized with a complete written report included; or, if an item arose subsequent to the posting of the agenda and the Council determines that an emergency exists. Non-agendaized items may be presented as informational only.

## ADJOURNMENT

The next Regular Meeting of the City Council will be February 16, 2016, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

## CERTIFICATION

I, Kathy M. Ward, City Clerk of the City of Dana Point, do hereby certify that a copy of the foregoing Agenda was posted at Dana Point City Hall, the Dana Point Post Office, the Capistrano Beach Post Office and the Dana Point Library by Thursday, January 28, 2016, at 5:30 p.m.

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KATHY M. WARD, CITY CLERK

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DATE

Subscriptions to receive City Council Agendas on a regular basis are available through the City Clerk's Office. Agendas are also available on the City's website at [www.danapoint.org](http://www.danapoint.org). In addition, Agenda related materials (including materials, if any, provided to the City Council after the Agenda was posted) may be reviewed in the office of the City Clerk during regular business hours or on the website at [www.danapoint.org](http://www.danapoint.org).

PURSUANT TO THE AMERICANS WITH DISABILITIES ACT, PERSONS WITH A DISABILITY WHO REQUIRE A DISABILITY-RELATED MODIFICATION OR ACCOMMODATION IN ORDER TO PARTICIPATE IN A MEETING, INCLUDING AUXILIARY AIDS OR SERVICES, MAY REQUEST SUCH MODIFICATION OR ACCOMMODATION FROM THE CITY CLERK AT (949) 248-3500 (TELEPHONE) OR (949) 248-9920 (FACSIMILE). NOTIFICATION 48 HOURS PRIOR TO THE MEETING WILL ENABLE THE CITY TO MAKE REASONABLE ARRANGEMENTS TO ASSURE ACCESSIBILITY TO THE MEETING.