

# CITY OF DANA POINT

## CITY COUNCIL REGULAR MEETING



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

## **ACTION AGENDA**

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

Next City Council Ordinance No. 16-02

## **CALL TO ORDER**

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Tomlinson at 5:01 p.m. in the City Council Chambers, 33282 Golden Lantern, Dana Point.

## **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 (*Arrived at 5:05 p.m.*)

## **CLOSED SESSION**

City Attorney Munoz indicated that 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 (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

Mayor Tomlinson recessed the meeting into a Closed Session at 5:03 p.m. pursuant to Government Code Section 54956 et seq.

## **RECONVENE CITY COUNCIL MEETING – CALL TO ORDER**

Mayor Tomlinson reconvened the meeting at 6:19 p.m. All Council Members were present.

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Kathy Ward, City Clerk; Mike Rose, Director of Disaster Preparedness; Lt. Russ Chilton; Ursula Luna-Reynosa, Director of Community Development; Brad Fowler, Director of Public Works and Engineering; Mark Sutton, Building Official; Kevin Evans, Director of Community Services and Parks; John Tilton, City Architect; Evan Langan, Associate Planner; Jackie Littler, Executive Assistant; and Bobbi Ogan, Deputy City Clerk.

## **CLOSED SESSION ANNOUNCEMENT**

City Attorney Munoz stated that with regard to Item B of Closed Session Initiation of Litigation, that the City Council on a unanimous vote had authorized his office to file a motion of receivership.

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Pro Tem Viczorek.

## **INVOCATION**

The Invocation was provided by Associate Pastor Jens Christy of Capo Beach Church.

## **PRESENTATIONS AND PROCLAMATIONS**

There were no Presentations nor Proclamations.

## **CONSENT CALENDAR**

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

The motion carried by the following vote:

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

NOES: None

ABSENT: 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, JANUARY 19, 2016**

APPROVED THE MINUTES.

**3. PLANNING COMMISSION MEETING MINUTES, JANUARY 11, 2016**

RECEIVED AND FILED.

**4. PLANNING COMMISSION ACTIONS, MEETING OF JANUARY 25, 2016**

RECEIVED AND FILED.

**5. YOUTH BOARD MEETING MINUTES, DECEMBER 17, 2015**

RECEIVED AND FILED.

**6. ARTS AND CULTURE COMMISSION MEETING MINUTES, JULY 15, 2015**

RECEIVED AND FILED.

**7. ARTS AND CULTURE COMMISSION MEETING MINUTES, OCTOBER 14, 2015**

RECEIVED AND FILED.

**8. HOMELESS TASK FORCE MEETING MINUTES, OCTOBER 20, 2015**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

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

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF DECEMBER, 2015.

**11. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

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

HELD A SECOND READING AND ADOPT **ORDINANCE 16-02** 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**

ADOPTED **RESOLUTION 16-02-02-01** ENTITLED:

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

**PUBLIC COMMENTS**

Donna Barnhoorn  
Dana Yarger  
Sandie Iverson  
Wayne Via

**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**

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY COUNCIL MEMBER OLVERA, THAT THE CITY COUNCIL OPEN THE PUBLIC HEARING AND CONTINUE THE ITEM TO THE REGULAR CITY COUNCIL MEETING OF MARCH 1.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

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## UNFINISHED BUSINESS

### 15. APPOINTMENT OF CITY COUNCIL MEMBERS TO DOHENY VILLAGE FORM BASED CODE REVIEW COMMITTEE

IT WAS MOVED BY MAYOR PRO TEM VICZOREK, SECONDED BY COUNCIL MEMBER SCHOEFFEL, THAT THE CITY COUNCIL 1. APPOINT MAYOR TOMLINSON AND COUNCIL MEMBER MULLER TO SERVE ON THE DOHENY VILLAGE FORM BASED CODE COMMITTEE; 2. AUTHORIZE THE COUNCIL MEMBERS TO APPOINT RESIDENTS AT LARGE, AND 3. AUTHORIZE STAFF TO SELECT THE ARCHITECT AND DEVELOPER COMMITTEE MEMBERS.

The motion carried by the following vote:

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

NOES: None

ABSENT: None

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

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY MAYOR PRO TEM VICZOREK, THAT THE CITY COUNCIL ADOPT **RESOLUTION 16-02-02-02** BY WHICH THE COUNCIL WOULD SUBMIT A CITY COUNCIL SPONSORED INITIATIVE ORDINANCE 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.*

The motion carried by the following vote:

AYES: Council Member Joseph L. Muller, Mayor Pro Tem Richard A. Viczorek and Mayor John A. Tomlinson

NOES: Council Member J. Scott Schoeffel and Council Member Carlos N. Olvera

ABSENT: None

IT WAS MOVED BY COUNCIL MEMBER MULLER, SECONDED BY MAYOR PRO TEM VICZOREK, THAT THE CITY COUNCIL AUTHORIZE STAFF TO CHANGE THE TITLE OF THE BALLOT MEASURE TO "TOWN CENTER AND PUBLIC PARKING IMPROVEMENT MEASURE".

The motion carried by the following vote:

AYES: Council Member Joseph L. Muller, Council Member Carlos N. Olvera, Mayor Pro Tem Richard A. Viczorek and Mayor John A. Tomlinson

NOES: Council Member J. Scott Schoeffel

ABSENT: None

IT WAS MOVED BY MAYOR PRO TEM VICZOREK, SECONDED BY COUNCIL MEMBER MULLER, THAT THE CITY COUNCIL:

- A. ADOPT A MOTION DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS; AND
- 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.

The motion carried by the following vote:

AYES: Council Member Joseph L. Muller, Council Member Carlos N. Olvera, Mayor Pro Tem Richard A. Viczorek and Mayor John A. Tomlinson

NOES: Council Member J. Scott Schoeffel

ABSENT: None

IT WAS MOVED BY MAYOR PRO TEM VICZOREK, SECONDED BY COUNCIL MEMBER MULLER, THAT THE CITY COUNCIL 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.

The motion carried by the following vote:

AYES: Council Member Joseph L. Muller, Council Member Carlos N. Olvera, Mayor Pro Tem Richard A. Viczorek and Mayor John A. Tomlinson

NOES: Council Member J. Scott Schoeffel

ABSENT: None

## **NEW BUSINESS**

There were no New Business items.

## **PUBLIC COMMENTS (Continued)**

There were no additional Public Comments received.

## **STAFF REPORTS**

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

### **ADJOURNMENT**

There being no further business before the City Council at this session, Mayor Tomlinson adjourned the meeting at 8:24 p.m. and announced that 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.