

# CITY OF DANA POINT

---

## **CITY COUNCIL REGULAR MEETING**



**TUESDAY  
OCTOBER 15, 2013  
5:00 P.M.**

## **AGENDA**

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

Next City Council Ordinance No. 13-03

### **CALL TO ORDER**

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

Steven H. Weinberg, Mayor  
Lisa A. Bartlett, Mayor Pro Tem  
William P. Brough, 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 (b1), (2 cases)
- B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Government Code § 54956.8

Location: 26315 and 26351 Via Canon  
Agency Negotiator: Douglas C. Chotkevys, Mike Killebrew, Ursula Luna-Reynosa  
Negotiating Parties: City of Dana Point and Brandywine Homes; Integral Communities;  
and Stonefield Development, and Lighthouse Charitable Foundation  
Under Negotiation: Price and terms of a possible agreement relating to property

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

### **RECONVENE CITY COUNCIL MEETING**

### **PLEDGE OF ALLEGIANCE**

### **INVOCATION**

## **PRESENTATIONS AND PROCLAMATIONS**

October Business of the Month – Gen Kai  
October Employee of the Month – Gail Roseen

## **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, OCTOBER 1, 2013](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

### **3. [PLANNING COMMISSION MEETING ACTIONS, SEPTEMBER 23, 2013](#)**

RECOMMENDED ACTION: That the City Council receive and file.

### **4. [MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR](#)**

RECOMMENDED ACTION: That the City Council receive and file.

### **5. [CITY TREASURER'S REPORT, SEPTEMBER 2013](#)**

RECOMMENDED ACTION: That the City Council receive and file the City Treasurer's Report for the month of September, 2013.

### **6. [CLAIMS AND DEMANDS](#)**

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

### **7. [DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT QUARTERLY REPORT FOR JULY – SEPTEMBER 2013](#)**

RECOMMENDED ACTION: That the City Council receive and file this quarterly report.

**8. AWARD OF CONTRACT FOR PLANNING STAFF CONSULTING SERVICES**

RECOMMENDED ACTION: That the City Council approve an amendment (the "First Amendment") to the Agreement for Contractor Services by and between the City of Dana Point and The Planning Center DC&E (the "Contract") and authorize the City Manager to execute the First Amendment.

**9. FISCAL YEAR 2013-14 PROPOSED BUDGET ADJUSTMENTS**

RECOMMENDED ACTION: That the City Council amend the FY 2013-14 ("FY14") General Fund and Capital Improvements Fund budgets by authorizing the carry-over and re-appropriation of encumbered and unencumbered from FY13 to FY14.

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**

**10. ADOPTION BY REFERENCE THE CALIFORNIA CODES OF REGULATIONS TITLE 24, PARTS 1-12, KNOWN AND DESIGNATED AS THE 2013 EDITION OF THE CALIFORNIA BUILDING CODE, 2013 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, 2013 EDITION OF THE CALIFORNIA ELECTRICAL CODE, 2013 EDITION OF THE CALIFORNIA PLUMBING CODE, 2013 EDITION OF THE CALIFORNIA MECHANICAL CODE, 2013 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2013 EDITION OF THE CALIFORNIA REFERENCE STANDARDS CODE, 2013 EDITION OF THE CALIFORNIA ENERGY CODE, 2013 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2013 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2013 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2013 EDITION OF THE CALIFORNIA FIRE CODE, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS.**

RECOMMENDED ACTION: That the City Council conduct a Public Hearing and 1) introduce a first reading of an Ordinance entitled:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTERS 8.02, 8.03, 8.14, 8.16, 8.20, 8.24, 8.28, 8.30, 8.32, 8.34, 8.36 AND 8.38 OF TITLE 8 OF THE DANA POINT MUNICIPAL CODE ADOPTING BY REFERENCE THE CALIFORNIA CODES OF REGULATIONS TITLE 24, PARTS 1-12, KNOWN AND DESIGNATED AS THE 2013 EDITION OF THE CALIFORNIA BUILDING CODE, 2013 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, 2013 EDITION OF THE CALIFORNIA ELECTRICAL CODE, 2013 EDITION OF THE CALIFORNIA PLUMBING CODE, 2013 EDITION OF THE CALIFORNIA MECHANICAL CODE, 2013 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2013 EDITION OF THE CALIFORNIA REFERENCE STANDARDS CODE, 2013 EDITION OF THE CALIFORNIA ENERGY CODE, 2013 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2013 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2013 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2013 EDITION OF THE CALIFORNIA FIRE CODE, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS; and**

2) Adopt a Resolution entitled:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, SETTING FORTH FINDINGS WITH RESPECT TO LOCAL CONDITIONS WITHIN THE CITY OF DANA POINT WHICH MAKE CERTAIN MODIFICATIONS AND CHANGES TO THE CALIFORNIA BUILDING CODE, CALIFORNIA RESIDENTIAL CODE, THE CALIFORNIA PLUMBING CODE, THE CALIFORNIA MECHANICAL CODE, THE CALIFORNIA ELECTRICAL CODE, CALIFORNIA GREEN BUILDING STANDARDS CODE AND THE CALIFORNIA FIRE CODE AND FIRE CODE STANDARDS REASONABLY NECESSARY FOR DIFFERENT OCCUPANCIES; and**

3) Instruct the Building Official to file the Resolution with the California Building Standards Commission and a copy to the California Department of Housing and Community Development.

## **UNFINISHED BUSINESS**

There are no Unfinished Business items.

## **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 November 5, 2013, 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, October 10, 2013, at 5:00 p.m.

---

KATHY M. WARD, CITY CLERK

---

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.