

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
APRIL 7, 2015
5:00 P.M.**

AGENDA

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

Next City Council Ordinance No. 15-01

CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS:

Carlos N. Olvera, Mayor
John A. Tomlinson, Mayor Pro Tem
Joseph L. Muller, Council Member
J. Scott Schoeffel, Council Member
Richard A. Viczorek, 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 – EXISTING LITIGATION, Government Code § 54956.9 (a), (1 case)

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

- C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Government Code § 54956.8

Location: 24551 Del Prado, Dana Point
Agency Negotiator: Douglas C. Chotkevys
Negotiating Parties: City of Dana Point and U.S. Postmaster
Under Negotiation: Price and terms of 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

Business of the Month – Dream Catcher Yachts
Employee of the Month – Eric Haghani
Deputy of the Year – James Johnson

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. **[SPECIAL/JOINT MEETING MINUTES, FEBRUARY 25, 2015](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

3. **[REGULAR MEETING MINUTES, MARCH 17, 2015](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

4. **[PLANNING COMMISSION MEETING MINUTES, FEBRUARY 9, 2015](#)**

RECOMMENDED ACTION: That the City Council receive and file.

5. **[PLANNING COMMISSION MEETING MINUTES, MARCH 9, 2015](#)**

RECOMMENDED ACTION: That the City Council receive and file.

6. **[PLANNING COMMISSION MEETING ACTIONS, MARCH 23, 2015](#)**

RECOMMENDED ACTION: That the City Council receive and file.

7. **[PLANNING COMMISSION ACTIONS, MEETING OF MARCH 30, 2015](#)**

RECOMMENDED ACTION: That the City Council receive and file.

8. **YOUTH BOARD MEETING MINUTES, FEBRUARY 19, 2015**

RECOMMENDED ACTION: That the City Council receive and file.

9. **YOUTH BOARD MEETING MINUTES, MARCH 19, 2015**

RECOMMENDED ACTION: That the City Council receive and file.

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

RECOMMENDED ACTION: That the City Council receive and file.

11. **CLAIMS AND DEMANDS**

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

12. **CITY TREASURER'S REPORT, FEBRUARY 2015**

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

13. **OCEAN WATER QUALITY SUBCOMMITTEE MINUTES, NOVEMBER 18, 2014**

RECOMMENDED ACTION: That the City Council receive and file.

14. **DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT QUARTERLY REPORT FOR JANUARY - MARCH 2015**

RECOMMENDED ACTION: That the City Council receive and file.

15. **ANNUAL REVIEW OF THE INVESTMENT POLICY**

RECOMMENDED ACTION: That the City Council approve the City's Statement of Safekeeping and Investment of Public Funds Policy ("Investment Policy").

16. **MID FISCAL YEAR 2014-15 BUDGET STATUS REPORT**

RECOMMENDED ACTION: That the City Council receive and file the report and authorize the budget amendments detailed with in the report.

17. **WASTE DISPOSAL AGREEMENT AMENDMENT BETWEEN THE COUNTY OF ORANGE AND THE CITY OF DANA POINT**

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

A RESOLUTION OF THE CITY COUNCIL OF DANA POINT, CALIFORNIA, APPROVING AN AMENDMENT TO THE 2009 WASTE DISPOSAL AGREEMENT WITH THE COUNTY OF ORANGE; and

2) authorize the Mayor to sign the Resolution on behalf of the City; and 3) authorize the City Manager to execute the Agreement.

18. **SDG&E REQUEST FOR SUPPORT - SOUTH ORANGE COUNTY RELIABILITY ENHANCEMENT PROJECT**

RECOMMENDED ACTION: That the City Council approve the Mayor signing a letter of support to the California Public Utilities Commission for SDG&E's South Orange County Reliability Enhancement Project.

19. **AB 1217 DALY – LEGISLATION CHANGING ORANGE COUNTY FIRE AUTHORITY'S BOARD COMPOSITION**

RECOMMENDED ACTION: That the City Council adopt a motion opposing AB 1217 (Daly) as currently drafted and authorize the Mayor to communicate the City Council's position to the State Assembly and to the Orange County Fire Authority (OCFA).

20. **TOPOGRAPHIC SURVEY SERVICES FOR UPCOMING CAPITAL PROJECTS**

RECOMMENDED ACTION: That the City Council authorize topographic survey services with Hall and Foreman per the as-needed Consultant Services Agreement.

21. **APPOINTMENTS TO THE ARTS AND CULTURE COMMISSION**

RECOMMENDED ACTION: That the City Council direct Staff to proceed with the recruitment/appointment of Arts and Culture Commission members.

22. **AUTHORIZE THE CITY MANAGER TO APPOINT AN INTERIM ECONOMIC DEVELOPMENT MANAGER**

RECOMMENDED ACTION: That the City Council authorize the City Manager to appoint an Interim Economic Development Manager, and receive and file update on recruitment of an Economic Development Manager.

23. **SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING CHAPTER 12.08.050 AND ADDING CHAPTER 12.08.060 OF THE MUNICIPAL CODE TO ADDRESS PARKING OF COMMERCIAL AND RECREATIONAL VEHICLES ON PUBLIC STREETS AND TO EXTEND ENFORCEMENT OF THE ORDINANCE TO DESIGNATED PARKING LOTS USED BY THE PUBLIC IN THE CITY OF DANA POINT**

RECOMMENDED ACTION: That the City Council conduct a Second Reading and Adopt an Ordinance of the City of Dana Point to amend Chapter 12.08.050 and add chapter 12.08.060 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING CHAPTER 12.08.050 AND ADDING CHAPTER 12.08.060 OF THE DANA POINT MUNICIPAL CODE TO ADDRESS PARKING OF COMMERCIAL AND RECREATIONAL VEHICLES ON PUBLIC STREETS AND TO EXTEND ENFORCEMENT OF ORDINANCE TO DESIGNATED PARKING LOTS USED BY THE PUBLIC IN THE CITY OF DANA POINT.

24. [SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING AND REPLACING DANA POINT MUNICIPAL CODE SECTION 12.16.010 ESTABLISHING SPEED LIMITS CITYWIDE](#)

RECOMMENDED ACTION: That the City Council conduct a Second Reading and Adopt an Ordinance of the City of Dana Point entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING AND REPLACING DANA POINT MUNICIPAL CODE, CHAPTER 12.16.010, ESTABLISHING SPEED LIMITS IN THE CITY OF DANA POINT PURSUANT TO THE CALIFORNIA VEHICLE CODE

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

25. [NEGATIVE DECLARATION, ZONING ORDINANCE AND MUNICIPAL CODE TEXT AMENDMENT ZTA14-0001, AND LOCAL COASTAL PROGRAM AMENDMENT LCPA14-0001 TO AMEND THE CITY'S MUNICIPAL CODE AND ZONING ORDINANCE TO ALLOW POULTRY – SPECIFICALLY CHICKENS IN ALL SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS](#)

RECOMMENDED ACTION: That the City Council 1) conduct a Public Hearing; and

2. Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION FOR THE ZONING ORDINANCE AND MUNICIPAL CODE TEXT AMENDMENTS (ZTA14-0001) AND LOCAL COASTAL PROGRAM AMENDMENT (LCPA14-0001) TO THE CITY'S ZONING ORDINANCE FOR THE ALLOWANCE OF POULTRY – SPECIFICALLY CHICKENS IN ALL SINGLE FAMILY RESIDENTIAL DISTRICTS; and

3. Introduce for first reading an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA14-0001 TO ALLOW POULTRY – SPECIFICALLY CHICKENS IN ALL SINGLE FAMILY RESIDENTIAL DISTRICTS AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA14-0001 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION; and

4. Adopt the following Resolution requesting certification of the LCPA from the California Coastal Commission

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REGARDING LOCAL COASTAL PROGRAM AMENDMENT LCPA14-0001 AND REQUESTING CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION;

OR

5) MAKE A MOTION TO NOT APPROVE THE ZONING ORDINANCE AND MUNICIPAL CODE TEXT AMENDMENT (ZTA14-0001) AND LOCAL COASTAL PROGRAM AMENDMENT (LCPA14-0001) FOR THE ALLOWANCE OF POULTRY –SPECIFICALLY CHICKENS IN ALL SINGLE FAMILY RESIDENTIAL DISTRICTS AND DIRECT STAFF AT A FUTURE DATE TO MOVE THE EXISTING REGULATIONS FOR ANIMALS IN RESIDENTIAL DISTRICTS CONTAINED WITHIN SECTION 9.07.190 TO MUNICIPAL CODE TITLE 10 - ANIMAL CONTROL, WELFARE AND LICENSING REQUIREMENTS WITH OTHER ANIMAL REGULATIONS AS PART OF A FUTURE ZONING CODE CLEAN-UP ITEM.

UNFINISHED BUSINESS

26. [2015 WEED ABATEMENT PROGRAM](#)

RECOMMENDED ACTION: That the City Council hear any objections regarding weed abatement and thereafter adopt one of the two attached Resolutions as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, OVERRULING OBJECTIONS AND PROCEEDING WITH WEED ABATEMENT; or

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA,
HEARING NO OBJECTIONS AND PROCEEDING WITH WEED ABATEMENT.

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 agendized 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-agendized items may be presented as informational only.

ADJOURNMENT

The next Regular Meeting of the City Council will be April 21, 2015, 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, April 2, 2015, 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. 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.

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.