

**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
SEPTEMBER 27, 2006**

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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 Acting City Clerk Ward at 5:02 p.m. at the Dana Point Community Center, 34052 Del Obispo, Dana Point. Acting City Clerk Ward announced that the meeting was adjourned to 6:00 p.m. due to a lack of quorum.

**CLOSED SESSION**

There were no Closed Session items.

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

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Anderson at 6:05 p.m. at the Dana Point Community Center, 34052 Del Obispo, Dana Point.

**ROLL CALL**

PRESENT: Lara Anderson, Mayor  
Russell Chilton, Mayor Pro Tem  
Diane L. Harkey, Council Member  
James V. Lacy, Council Member  
Wayne Rayfield, Council Member

STAFF PRESENT: Douglas Chotkevys, City Manager; Patrick Muñoz, City Attorney; Sharie Apodaca, Director of Administrative Services; Kathy Ward, Acting City Clerk; Cathy Catlett, Assistant City Clerk; Kyle Butterwick, Director of Community Development; Brad Fowler, Director of Public Works/City Engineer; Matt Sinacori, City Engineer; Sgt. Mark Long, Acting Chief of Police; Christy Teague, Economic Development Manager; John Tilton, Planning Manager/Architect; Brenda Chase, Senior Planner; and John Ramirez, Assistant City Attorney.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Rayfield.

**INVOCATION**

The Invocation was led by Father Steve Sallot of St. Edwards Church.

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**PRESENTATIONS AND PROCLAMATIONS**

Fire Prevention Week Proclamation – “Prevent Cooking Fires: Watch What you Heat”

Mayor Anderson presented this proclamation to Battalion Chief Marc Hawkins of the Orange County Fire Authority later in the meeting.

American Cancer Society Relay for Life Proclamation

Mayor Anderson presented this proclamation to Anna Lisa Biason and Diane Simpson for the upcoming American Cancer Society Relay for Life event to be held in Dana Point on October 14 and 15, 2006 from 10:00 a.m. to 10:00 p.m.

Certificate of Recognition – Lt. Mark Billings

City Manager Chothevys spoke about Lt. Billings, former Chief of Police Services, highlighted his accomplishments, and wished him well in his new position.

Mayor Anderson presented Lt. Billings with a Certificate of Recognition for his services to the City. His wife Tanya and their daughters Lindsey and Lauren were also present.

Council Member Rayfield stated that Lt. Billings has exemplified the best of the Orange County Sheriff's Department and wished him good luck in his new position. Mayor Pro Tem Chilton thanked Lt. Billings and wished him well.

**CONSENT CALENDAR**

A member of the public removed Item No. 9; Council Member Harkey removed Item Nos. 2 and 6 from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER LACY, SECONDED BY COUNCIL MEMBER RAYFIELD, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM NOS. 2, 6 and 9.

The motion carried by the following vote:

AYES: Council Members Harkey, Lacy, Rayfield,  
Mayor Pro Tem Chilton and Mayor Anderson  
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, SEPTEMBER 13, 2006**

Council Member Harkey removed this item from the Consent Calendar.

IT WAS MOVED BY COUNCIL MEMBER HARKEY, SECONDED BY COUNCIL MEMBER RAYFIELD, TO APPROVE THE MINUTES OF SEPTEMBER 13, 2006 AS AMENDED TO INCLUDE STATEMENTS PROVIDED BY COUNCIL MEMBER HARKEY.

The motion carried by the following vote:

AYES:	Council Members Harkey, Lacy, Rayfield, Mayor Pro Tem Chilton and Mayor Anderson
NOES:	None
ABSENT:	None

**3. YOUTH BOARD MEETING MINUTES, SEPTEMBER 7, 2006**

RECEIVED AND FILED.

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

RECEIVED AND FILED.

**5. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**6. LIGHT POLE BANNER PROGRAM ENHANCEMENTS**

Council Member Harkey removed this item from the Consent Calendar. City Manager Chotkevys provided a staff report to add banners onto Niguel Road to provide a uniform look within the City.

IT WAS MOVED BY COUNCIL MEMBER HARKEY, SECONDED BY COUNCIL MEMBER RAYFIELD, TO ADOPT THE RECOMMENDED LIGHT POLE BANNER ENHANCEMENT PROGRAM.

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The motion carried by the following vote:

AYES: Council Members Harkey, Lacy, Rayfield,  
Mayor Pro Tem Chilton and Mayor Anderson  
NOES: None  
ABSENT: None

**7. AMENDMENT TO THE CITY'S CONFLICT OF INTEREST CODE**

**ADOPTED RESOLUTION NO. 06-09-27-01 ENTITLED:**

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING THE CONFLICT OF INTEREST CODE*

**8. APPROVAL OF ADDITIONAL CONSTRUCTION MANAGEMENT SERVICES WITHIN THE EXISTING PROJECT BUDGET FOR THE ARTERIAL ROADWAY RESURFACING PROJECT, FY04/05 - COAST HIGHWAY**

APPROVED AN EXPENDITURE AS OUTLINED IN THE FISCAL IMPACT SECTION OF THE REPORT FOR ADDITIONAL CONSTRUCTION MANAGEMENT SERVICES WITHIN THE EXISTING PROJECT BUDGET FOR THE ARTERIAL ROADWAY RESURFACING PROJECT, FY 04/05 – COAST HIGHWAY (#1185) AS A RESULT OF THE ADDED WORK TO CONSTRUCT THE PROTECTED BICYCLE/PEDESTRIAN TRAIL.

**9. SECOND READING OF ORDINANCE APPROVING LOCAL PROGRAM AMENDMENT (LCPA06-03) AND SPECIFIC PLAN AND ZONING CODE AMENDMENTS FOR THE DANA POINT HARBOR**

A member of the Public removed this item from the Consent Calendar. City Manager Chotkevys provided a staff report and brief overview.

James Pugh, Newport Beach (allotted extra time by Mayor Anderson), spoke on behalf of Anchor Marine and asked that the Ordinance be revised to include Council Member Rayfield's comments from the previous meeting, feels that the findings are inadequate in the Ordinance, and would like implementation of recommended shipyard standards.

Council Member Rayfield stated the County should be required to 1) look at the amount of land allocated to the shipyard and 2) look at the amount of boat slips lost in this plan – the burden should be shared for all boat sizes, not just small boats.

IT WAS MOVED BY COUNCIL MEMBER LACY, SECONDED BY MAYOR PRO TEM CHILTON, TO HOLD SECOND READING AND ADOPT **ORDINANCE NO. 06-08** ENTITLED:

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*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING THE LOCAL COASTAL PROGRAM AMENDMENT LCPA06-03 FOR THE DANA POINT HARBOR REVITALIZATION PLAN AND DISTRICT REGULATIONS, THAT ALSO AMENDS THE DANA POINT SPECIFIC PLAN AND ZONING CODE, FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION; AND*

AMEND THE MINUTES OF SEPTEMBER 13, 2006, ITEM NO. 12, LOCAL PROGRAM AMENDMENT (LCPA 06-03) AND SPECIFIC PLAN AMENDMENT FOR DANA POINT HARBOR, RECOMMENDATION NO. II PROVIDING DIRECTION ON 1) AMOUNT OF LAND ALLOCATED TO THE SHIPYARD (SHIPYARD SIZE ADEQUACY) AND 2) REDUCTION OF BOAT SLIPS TO BE SHARED FOR ALL BOAT SIZES.

The motion carried by the following vote:

AYES: Council Members Harkey, Lacy, Rayfield,  
Mayor Pro Tem Chilton  
NOES: Mayor Anderson  
ABSENT: None

**BY CONSENSUS, ITEM NO. 13 WAS MOVED TO THE END OF THE AGENDA.**

**10. POLICE SERVICES REPORT FOR MONTH ENDING JULY 2006**

RECEIVED AND FILED THE REPORT FOR THE MONTHS OF JUNE AND JULY 2006.

**11. ADOPTION OF A RESOLUTION APPROVING A COOPERATIVE AGREEMENT WITH THE COUNTY OF ORANGE REGARDING A TRANSFER OF COASTAL AREA ROAD IMPROVEMENTS AND TRAFFIC SIGNALS (CARITS) FUNDING**

ADOPTED **RESOLUTION NO. 06-09-27-02**, ENTITLED:

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A COOPERATIVE AGREEMENT WITH THE COUNTY OF ORANGE REGARDING A TRANSFER OF COASTAL AREA ROAD IMPROVEMENTS AND TRAFFIC SIGNALS (CARITS) FUNDING;*

AND ESTABLISHED A RESERVE ACCOUNT ENTITLED COASTAL AREA ROAD IMPROVEMENTS AND TRAFFIC SIGNALS (CARITS) PROGRAM WITHIN THE CAPITAL IMPROVEMENT PROJECTS FUND AND DEPOSIT THE MONIES OUTLINED IN THE AGREEMENT INTO THAT RESERVE ACCOUNT FOR USE ON ROAD, INTERSECTION, AND TRAFFIC SIGNAL IMPROVEMENT PROJECTS.

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**12. CITY OF DANA POINT VISITORS CENTER PILOT PROGRAM RECAP**

1. RECEIVED AND FILED THIS REPORT REGARDING THE VISITORS CENTER PILOT PROGRAM;
2. AUTHORIZED THE IMPLEMENTATION OF AN ON-GOING YEAR-ROUND "VISITORS CENTER" PROGRAM FOR THE CONTINUED ENHANCEMENT OF PUBLIC OUTREACH/MARKETING AS A COMPONENT OF ECONOMIC DEVELOPMENT;
3. AUTHORIZED THE CITY MANAGER TO ENTER INTO A NEW LEASE AGREEMENT WITH THE PROPERTY OWNER OF DANA MARINA PLAZA FOR A TWO-YEAR TERM WITH A ONE-YEAR EXTENSION OPTION FOR THE YEAR-ROUND OPERATION OF THE VISITORS CENTER;
4. AUTHORIZED THE FOLLOWING TRANSFERS OF FUNDS FROM THE RESERVE FOR SERVICE ENHANCEMENT FUND TO: A) FACILITIES FUND #95-203 FOR PROPERTY IMPROVEMENTS; AND B) COMMUNITY DEVELOPMENT BUDGET #41-103 FOR PART-TIME SALARIES IN FY 06-07.

Mayor Anderson recessed the meeting at 6:45 p.m. and reconvened the meeting at 7:05 p.m. All Council Members were present.

**PUBLIC COMMENTS**

Mayor Anderson opened the meeting for public comments.

John Chaffetz, Dana Point, thanked Lt. Billings for his efforts and congratulated Director of Public Works/City Engineer Fowler and his staff on the Selva Road improvements.

Judy Rice, Laguna Hills and Hemet, spoke about the presentation from Mission Hospital at the last City Council meeting and reminded everyone to keep an extra copy of their documents.

Patrick Evans, Huntington Beach, spoke about the Brown Act, Closed Session on May 24, 2006, alleged manipulation of the Brown Act process, and referenced a letter provided before the meeting.

Council Member Rayfield asked that letters concerning the meeting be provided a few days earlier. Council Member Harkey spoke about public records requests that are very extensive and require an extensive amount of staff time.

Dr. Jim Seitz, Dana Point, spoke about public records requests and legitimate requests from the public.

**UNFINISHED BUSINESS**

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**14. TRAFFIC IMPROVEMENT SUBCOMMITTEE REPORT RECOMMENDING OPTIONAL BICYCLE USE OF THE PROTECTED TRAVELWAY ON COAST HIGHWAY BETWEEN PALISADES DRIVE AND CAMINO CAPISTRANO**

This item was heard out of order.

City Manager Chotkevys provided a staff report.

Mayor Pro Tem Chilton, as Chair of the Traffic Improvement Subcommittee, indicated that bicycle attendees at the Traffic Improvement meeting made good suggestions on this subject.

Mayor Anderson reminded everyone that no action was taking on the first reading of an Ordinance presented at the August 23, 2006 City Council meeting.

IT WAS MOVED BY COUNCIL MEMBER LACY, SECONDED BY COUNCIL MEMBER RAYFIELD, TO RECEIVE THE SUBJECT REPORT REGARDING OPTIONAL BICYCLE USE OF THE PROTECTED BICYCLE AND PEDESTRIAN TRAVEL WAY ON COAST HIGHWAY BETWEEN CAMINO CAPISTRANO AND PALISADES, AND ESTABLISH THAT ALL PROVISIONS OF THE CALIFORNIA VEHICLE CODE RELATED TO SAID USE SHALL BE ENFORCED.

The motion carried by the following vote:

AYES: Council Members Harkey, Lacy, Rayfield,  
Mayor Pro Tem Chilton, Mayor Anderson  
NOES: None  
ABSENT: None

**15. ISSUANCE OF RFQ RELATIVE TO LIBRARY FOUNDATION**

Council Member Harkey recused herself on this item due to the close proximity to her home and left the room. City Manager Chotkevys provided a staff report.

Council Member Lacy, Chair of the Sea Terrace Park/Library Subcommittee, summarized the Subcommittee's recommendations. Council Member Rayfield strongly supports this effort.

IT WAS MOVED BY COUNCIL MEMBER LACY, SECONDED BY COUNCIL MEMBER RAYFIELD, TO APPROVE THE RECOMMENDATION OF THE SEA TERRACE PARK/LIBRARY SUBCOMMITTEE AND AUTHORIZE THE SUBCOMMITTEE TO DRAFT AND ISSUE A REQUEST FOR QUALIFICATIONS FOR CONSULTING SERVICES TO EVALUATE THE VIABILITY OF FORMING A 501(C)3 FOUNDATION TO RAISE FUNDS FOR A FUTURE LIBRARY EXPANSION; AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT; AND AUTHORIZE THE TRANSFER OF FUNDS FROM THE RESERVE FOR

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ENHANCEMENT FUND #99-299 TO PROFESSIONAL SERVICES FUND #99-223 FOR THIS PURPOSE.

The motion carried by the following vote:

AYES: Council Members Lacy, Rayfield, Mayor Anderson,  
Mayor Pro Tem Chilton  
NOES: None  
ABSENT: None  
ABSTAIN: Council Member Harkey

**Fire Prevention Week Proclamation – “Prevent Cooking Fires: Watch What you Heat”**

Mayor Anderson presented this proclamation to Battalion Chief Marc Hawkins of the Orange County Fire Authority. Council Member Lacy, member of the Orange County Fire Authority Board, thanked Battalion Chief Hawkins for his efforts.

**NEW BUSINESS**

**16. MUNICIPAL CODE AMENDMENT TO ADOPT A BUSINESS REGISTRATION PROGRAM**

City Manager Chotkevys introduced Economic Development Manager Christy Teague who provided a staff report highlighting the requirements and benefits of a Business Registration Program.

Economic Development Manager Teague responded to questions about the proposed program.

Maria Elena Banks, Dana Point, representing the Orange County Association of Realtors, was concerned about the fee for this program.

Council Member Lacy liked the program, but is opposed to a mandatory program with a fee. Mayor Pro Tem Chilton liked a voluntary program. Mayor Anderson was concerned if the program wasn't mandatory, the data base would be incomplete. Council Member Rayfield prefers a mandatory registration program, if it's enforced.

City Manager Chotkevys suggested a voluntary program (using the Town Center data base) and to report back to the Council in six months.

Mayor Anderson was concerned that home based businesses were excluded from the proposed program. Council Member Harkey liked the idea of a voluntary program using the existing data base and report back in six months.

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IT WAS MOVED BY COUNCIL MEMBER HARKEY SECONDED BY COUNCIL MEMBER LACY, TO RECOMMEND A ONE YEAR VOLUNTARY PILOT BUSINESS REGISTRATION PROGRAM AND REPORT TO COUNCIL AT THAT TIME.

The motion carried by the following vote:

AYES: Council Members Harkey, Lacy, Rayfield, Mayor Anderson,  
Mayor Pro Tem Chilton  
NOES: None  
ABSENT: None

Mayor Anderson recessed the meeting at 8:10 p.m. and reconvened the meeting at 8:17 p.m. All Council Members were present.

**PUBLIC HEARINGS**

**13. GENERAL PLAN AMENDMENT (GPA06-01) AND MUNICIPAL CODE AMENDMENT TO UPDATE THE HOUSING ELEMENT AND ADOPT AN INCLUSIONARY HOUSING PROGRAM AND DENSITY BONUS PROGRAM**

This item was heard out of order.

Community Development Director Butterwick provided a brief overview and introductory remarks and introduced Economic Development Manager Christy Teague, Senior Planner Brenda Chase, Kathy Head of Keyser Marsten, Colin Drukker of the Planning Center, and John Ramirez of Rutan & Tucker.

Senior Planner Chase provided an overview of the comments that were collected at the Housing Summit and changes reflected in the draft Housing Element.

Economic Development Director Teague provided a staff report on the Inclusionary Housing Program and Density Bonus Program.

Kathy Head indicated that they were consulted to assist with 1) the percentages applied to these figures in the inclusionary housing ordinance - 15% moderate or ownership, 10% low, 5% very low for rental and 2) fees associated with the analysis of in-lieu fees on attached homes. Cost of providing affordable housing units in an Inclusionary Housing Program is the difference between the market rate price for that unit and the defined affordable price for that unit. For ownership units, the cost would be \$22.90/square foot of building area; for rental units, the cost would be \$15.20 per square foot of building area.

Assistant City Attorney Ramirez explained the requirements by the State and that there would not be any legal penalties if we don't meet our goals.

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Council Member Harkey asked various questions of staff regarding rehab of existing apartment and mobile home units, non-profits, status of Section 8 funds, former Mobile Home Park pilot program, Mobile Home Park Ordinance, Closure Impact Report, affordable housing monitoring, and prohibiting condo conversions. City Attorney Muñoz, Senior Planner Chase, Kathy Head and Assistant City Attorney Ramirez responded to Council Member Harkey's questions.

Council Member Rayfield asked about the number of Section 8 units. Senior Planner Chase stated that there are 31 Section 8 units within the City. Council Member Rayfield was interested at what other cities are doing with their Closure Impact Reports.

Council Member Lacy asked if this program provide any funding for immediate action for affordable housing and City Attorney Ramirez responded that it does not. Council Member Lacy confirmed that inclusionary housing is not the only type of funding available for affordable housing, such as a contribution from the City (and this fee could be reimbursed by the developer).

Robert Montgomery, Dana Point, representing BIA of Orange County as Vice Chair, spoke in opposition of mandatory inclusionary programs and in-lieu fees.

Judy Rice, Capistrano Beach, spoke about the draft Housing Element.

Lisa Bartlett, Capistrano Beach, has concerns with the affordable housing proposal and consider affordable rental housing.

Patrick Evans, HB, spoke about the Housing Element and the need for affordable housing in Dana Point.

Joel Bishop, Dana Point, as a South Coast Water District Board Member and Council Candidate, indicated that the South Coast Water District 30 Acre report will be available in the next 30 days and they are looking at work force housing on and best uses for this property.

Bryan Starr, representing BIA of Orange County, spoke in opposition to a mandatory inclusionary housing program.

Jim Seitz, Dana Point, congratulated staff on the proposed program and spoke about the former Dana Point Mobile Home Park.

Ann Romano, Capistrano Beach, spoke in opposition to the inclusionary housing fees.

Donna Faass, Capistrano Beach, left with a broken foot and asked Council Member Rayfield to read her statement. Her statement spoke about the Housing Element and specifics for the number or replacement units for affordable housing.

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Robin Hall, Capistrano Beach, spoke in favor of affordable housing at the Via Cañon site.

Maria Elena Banks, Dana Point, on behalf of the Orange County Association of Realtors, spoke in favor of the Housing Element and Density Bonus Program, but not the Inclusionary Housing Program.

Terryl Hopper, San Clemente, no comment.

Council Member Lacy spoke in favor of the City making a \$3 million dollar financial commitment for affordable housing by selling Via Cañon and suggested the remaining funds go to library funding.

Council Member Harkey would like to work towards a goal for affordable housing and not a quick fix. She opposes an inclusionary housing program, just like the BIA and the Orange County Board of Realtors. Council Member Harkey is concerned about selling Via Cañon for this purpose. She would like to see senior and workforce housing. She prefers to remove Via Cañon from the list of locations for affordable housing and is in favor of working with South Coast Water District for affordable housing on their 30 Acre site and add this site to the list.

Council Member Harkey proposed to remove Recommended Action item numbers 3 and 4, approve Recommended Action item number 1 (Housing Element) in concept and amend the General Plan, remove Via Cañon from the list of parcels for affordable housing, add the 30 Acre site to the list of parcels, eliminate any mandatory Inclusionary Program, and would approve the Mobile Home Park ordinance and Density Bonus Program.

Mayor Pro Tem Chilton, wants to move slowly on this subject, does not support inclusionary and in-lieu fees, and would prefer to discuss Via Cañon and other sites for a future discussion.

Council Member Rayfield commented that he cannot commit to selling Via Cañon as this property has not been property noticed; he can accept the comments made by Council Member Harkey in concept, and would support eliminating Town Center from the list of sites for affordable housing.

Mayor Anderson does not want to eliminate Via Cañon from this process, not adverse to a Density Bonus Program, and felt we should not rush to a solution.

Jim Lacy stated that many of the items that Council Member Harkey are stated in his proposed motion, and indicated he would not make a motion on Via Cañon.

City Manager Chotkevys pledged that affordable housing will be discussed during the next budget cycle (when priorities are discussed).

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IT WAS MOVED BY COUNCIL MEMBER LACY, SECONDED BY COUNCIL MEMBER RAYFIELD, TO APPROVE READING OF ORDINANCE BY TITLE ONLY AND WAIVE FURTHER READING.

The motion carried by the following vote:

AYES: Council Members Harkey, Lacy, Rayfield, Mayor Anderson,  
Mayor Pro Tem Chilton  
NOES: None  
ABSENT: None

IT WAS MOVED BY COUNCIL MEMBER HARKEY, SECONDED BY COUNCIL MEMBER LACY, TO:

I. **ADOPT RESOLUTION 06-09-27-03, ENTITLED:**

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, IN CONCEPTUAL SUPPORT OF A POTENTIAL PROSPECTIVE GENERAL PLAN AMENDMENT (GPA06-01) TO UPDATE THE HOUSING ELEMENT FOR SUBMISSION TO THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.*

APPROVE IN CONCEPT THE DRAFT HOUSING ELEMENT, AS AMENDED PER THE DIRECTION SET FORTH IN RESOLUTION 06-09-27-03, AND DIRECT STAFF TO MOVE FORWARD WITH THE PROCESS OF OBTAINING CERTIFICATION FROM THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT;

II. **INTRODUCE AND HOLD FIRST READING OF AN ORDINANCE ENTITLED:**

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING THE MUNICIPAL CODE TO ESTABLISH A DENSITY BONUS PROGRAM.*

APPROVE AN AMENDMENT TO THE DANA POINT MUNICIPAL CODE SECTION 4.40 TO INCORPORATE A DENSITY BONUS PROGRAM; AND

III. **THAT THE COUNCIL NOT ADOPT THE STAFF RECOMMENDATIONS FOR RECOMMENDED ACTION ITEMS 3 AND 4, AND INSTEAD, TABLE THOSE ITEMS.**

Items 3 and 4 were tabled as follows:

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3. Introduce and approve first reading of an Ordinance approving an amendment to the Dana Point Municipal Code Section 4.50 to incorporate an Inclusionary Housing Program entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING THE MUNICIPAL CODE TO ESTABLISH AN INCLUSIONARY HOUSING PROGRAM;

4. Approve and adopt a Resolution adopting the Affordable Housing Program Fund in-lieu fee entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, TO ESTABLISH AN AFFORDABLE HOUSING IN-LIEU FEE.

The motion carried by the following vote:

AYES: Council Members Harkey, Lacy, Rayfield, Mayor Anderson,  
Mayor Pro Tem Chilton  
NOES: None  
ABSENT: None

**PUBLIC COMMENTS (Continued)**

There were no additional Public Comments.

**STAFF REPORTS**

City Manager Chotkevys stated that he is reviewing candidates for Lt. Billings' replacement.

Director of Administrative Services Apodaca will provide the latest version of the tracking sheet in their mail.

**COUNCIL REPORTS**

There were no Council Reports.

**ADJOURNMENT**

There being no further business before the City Council at this session, Mayor Anderson declared the meeting adjourned at 10:50 p.m.

The next Regular Meeting of the City Council will be October 11, 2006 at 5:00 p.m. in the Dana Point Community Center located at 34052 Del Obispo, Dana Point, California.

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KATHY M. WARD  
CITY CLERK

APPROVED AT THE MEETING OF OCTOBER 11, 2006.