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**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
SEPTEMBER 13, 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 Mayor Anderson at 5:00 p.m. in the Dana Point City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point.

**ROLL CALL**

PRESENT: Lara Anderson, Mayor  
Russell Chilton, Mayor Pro Tem  
Diane L. Harkey, Council Member  
James V. Lacy, Council Member (*arrived at 5:05 p.m.*)  
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; John Tilton, City Architect/Planning Manager; Brad Fowler, Director of Public Works/City Engineer; Matt Sinacori, City Engineer; Lt. Mark Billings, Chief of Police; Andrew Glass, Accounting Manager; Jennifer Anderson, Management Analyst; Christy Teague, Economic Development Manager; and Jackie Littler, Acting Executive Secretary.

**CLOSED SESSION**

City Attorney Muñoz indicated 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 (b1), (2 cases):
  - 1. Personnel Matters
  - 2. Coast Highway Bike Lane
  - 3. Patrick Evans/Brown Act

City Attorney Muñoz indicated that Closed Session Item No. 2 – Coast Highway Bike Lane would not be discussed since this item will be referred to the Traffic Improvement Subcommittee.

Mayor Anderson recessed the meeting into a Closed Session at 5:01 p.m. pursuant to Government Code Section 54956 *et. seq.*

**RECONVENE CITY COUNCIL MEETING**

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Mayor Anderson reconvened the meeting at 6:01 p.m. All Council Members were present.

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Muñoz made the following report:

One of the agendaized Closed Session items for this meeting related to a threat of litigation alleging that the City had improperly held a Closed Session relating to the processing of the Makar General Plan Amendment on March 24th. The allegation was based on statements that Council Member Harkey made at the June 28th meeting to the effect that Makar had not actually threatened litigation against the City. To clarify the situation, in the spirit of transparency in government, and to cure any misperceptions that may exist as to whether or not there was some sort of a Brown Act issue, the City Council requested City Attorney Muñoz to provide a brief summary of what the closed session discussion was on the evening in question. Council Member Harkey's statement was correct in that there was no express threat by Makar to sue. The Closed Session was justified however for a variety of reasons set forth in the Brown Act. The discussion that occurred was a summary of an attorney/client confidential legal memorandum that outlined a variety of legal issues related to the proposed processing of the General Plan Amendment. The City Attorney provided the City Council with an explanation of its ability to zone the property in any way that it deemed to be legally appropriate and what the legal ramifications might be of doing that, especially if it took an action by which Makar was aggrieved (which could include arguments by Makar of a taking or estoppel.) An explanation of the legal analysis utilized to determine what the proper existing zoning was for the property was provided to the Council. There were threats of litigation relating to what the proper zoning was and City Attorney Muñoz pointed out what the ramifications might be of the various decisions that they might make in terms of what the zoning should be for the property as it existed at that time. Additionally, there was discussion of the Council's ability to either process or not process the General Plan Amendment, as had been requested, as well as what the legal ramifications might be, particularly if they chose not to process the amendment. No discussion was held and a decision was not made by the Council in the Closed Session as to whether or not to process the General Plan Amendment. That entire discussion occurred in the open session in which the public had an opportunity to participate.

**PLEDGE OF ALLEGIANCE**

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

**INVOCATION**

The Invocation was led by Pastor David Mattson of Gloria Dei Lutheran Church.

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**PRESENTATIONS AND PROCLAMATIONS**

Mayor Anderson asked Director of Public Works/City Engineer Fowler to present the award he recently received from the American Public Works Association. Director of Public Works/City Engineer Fowler indicated that this is a 2006 national award for the Salt Creek Ozone Treatment Plant for the best environmental project within the 2 – 10 million dollar category.

**Presentation by Mission Hospital's Vice President of Marketing Paula Serios Regarding the Hospital Expansion and the Widening of Crown Valley Parkway.**

Paula Serios provided a PowerPoint presentation of Mission Hospital's expansion and widening of Crown Valley Parkway.

While waiting for the next presentation, Council Member Rayfield announced that August and September are major months for mosquito growth and recommended that we all get rid of standing water to prevent West Nile virus.

**Business of the Month – Beacon Printing**

Management Analyst Anderson gave a PowerPoint presentation of September's Business of the Month, Beacon Printing. Owners Brad and Judy Brandmeier were presented with a Certificate of Recognition by Mayor Anderson.

**CONSENT CALENDAR**

Council Member Harkey removed Item Nos. 2 and 10; a member of the public removed Item No. 4. Item No. 8 was withdrawn from the agenda by staff and referred to the Traffic Improvement Subcommittee.

IT WAS MOVED BY COUNCIL MEMBER RAYFIELD, SECONDED BY MAYOR PRO TEM CHILTON, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS LISTED ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM NOS. 2, 4, 8, AND 10, AND WITH ITEM NO. 8 WITHDRAWN FROM THE AGENDA.

The motion carried by the following vote:

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

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

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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, AUGUST 23, 2006**

Council Member Harkey removed Item No. 2 from the Consent Calendar.

Council Member Harkey noted actions taken at the meeting of August 23, 2006.

IT WAS MOVED BY COUNCIL MEMBER HARKEY, SECONDED BY COUNCIL MEMBER RAYFIELD TO APPROVE THE MINUTES AS PRESENTED.

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. PLANNING COMMISSION MEETING MINUTES, AUGUST 16, 2006**

RECEIVED AND FILED.

**4. PLANNING COMMISSION ACTIONS, MEETING OF SEPTEMBER 6, 2006**

A member of the public removed this item from the Consent Calendar.

Patrick Evans, Huntington Beach, spoke concerning Judy Rice's attendance at the Planning Commission meeting on September 6 and alleged that there was a Brown Act violation since the meeting was noticed in the wrong location. Mr. Evans also commented on how the City had violated the Brown Act during Closed Session.

Council Member Harkey indicated that per the City Attorney's statement at the beginning of the Public Hearing, there was no Brown Act violation in a previous Closed Session.

Jim Seitz, Dana Point, spoke about an article in the newspaper and asked that the Council do what is right.

IT WAS MOVED BY COUNCIL MEMBER HARKEY, SECONDED BY COUNCIL MEMBER RAYFIELD, TO APPROVE THE MINUTES AS PRESENTED.

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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

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

RECEIVED AND FILED.

**6. CLAIMS AND DEMANDS**

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

**7. CITY TREASURER'S REPORT, JULY 2006**

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF JULY 2006.

**8. SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE DANA POINT REGULATING BICYCLES AND PEDESTRIANS ON COAST HIGHWAY BETWEEN PALISADES DRIVE AND CAMINO CAPISTRANO AND AUTHORIZING POSTING OF SIGNAGE REGARDING SAME**

THIS ITEM WAS WITHDRAWN FROM THE AGENDA BY STAFF FOR REFERRAL TO THE TRAFFIC IMPROVEMENT SUBCOMMITTEE.

**9. SECOND READING AND ADOPTION OF AN ORDINANCE REGARDING PARKS AND RECREATION FACILITIES REGULATIONS**

APPROVED STAFF RECOMMENDATION OF AMENDMENTS TO THE MUNICIPAL CODE IN ANTICIPATION OF TAKING OWNERSHIP OF LANTERN BAY PARK FROM THE COUNTY OF ORANGE EFFECTIVE SEPTEMBER 1, 2006; TO CONTINUE AND EFFECTIVELY REGULATE PERMITS FOR PRIVATE WEDDINGS/EVENTS AT THAT PARK THAT INVOLVE ALCOHOL CONSUMPTION; TO ENHANCE CITY-SPONSORED EVENTS; AND TO MITIGATE PUBLIC NUISANCES RELATED TO PARK ISSUES BY ADOPTING **ORDINANCE NO. 06-07:**

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING SECTIONS 13.04.030, 13.04.090, 13.04.130, 13.04.170, AND 13.04.220 OF THE MUNICIPAL CODE AND ADDING SECTION 13.04.235 TO THE MUNICIPAL CODE REGARDING PARKS AND RECREATIONAL FACILITIES REGULATIONS.*

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**10. FISCAL YEAR 2006 YEAR-END FISCAL REPORT / FISCAL YEAR 2007  
PROPOSED BUDGET ADJUSTMENTS**

This item was removed from the Consent Calendar by Council Member Harkey.

Council Member Harkey spoke about the number of Capital Improvement Projects completed in the last fiscal year, stating that these types of public projects, Storm Drain Master Plan, Salt Creek Treatment Plant, and maintenance of parks and streets are what we expect our City tax dollars to fund. She was also pleased with the new lights at Sea Terrace Park, and that there will be additional help at the permit counter.

Council Member Rayfield thanked staff for their efforts with the CIP projects and deferred maintenance.

IT WAS MOVED BY COUNCIL MEMBER HARKEY, SECONDED BY COUNCIL MEMBER RAYFIELD, TO RECEIVE AND FILE THE FISCAL YEAR 2005-06 ("FY06") YEAR-END FISCAL REPORT AND:

- A. AMEND THE GENERAL FUND OPERATING BUDGET BY AUTHORIZING THE CARRYOVER AND RE-APPROPRIATION OF CERTAIN UNENCUMBERED FUNDS AS IDENTIFIED IN THE REPORT FROM THE FY06 BUDGET TO THE FY 2006-07 ("FY07") BUDGET, AND AUTHORIZING CERTAIN ADJUSTMENTS TO THE FY07 REVENUE AND EXPENDITURE BUDGET BY ADOPTING A RESOLUTION ENTITLED:

**RESOLUTION NO. 06-09-13-01, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING THE FISCAL YEAR 2006-07 BUDGET;**

- B. AUTHORIZE STAFFING ADJUSTMENTS TO TWO EXISTING POSITIONS IN THE PUBLIC WORKS DEPARTMENT TO BRING THOSE POSITIONS IN LINE WITH INDUSTRY STANDARDS; AND ADDED ONE NEW POSITION AND RECLASSIFY ONE EXISTING POSITION IN THE COMMUNITY DEVELOPMENT DEPARTMENT TO ENHANCE CUSTOMER SERVICE AND INTERNAL OPERATIONS;

- C. ADOPT A RESOLUTION ENTITLED:

**RESOLUTION NO. 06-09-13-02, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING THE FY 06-07 BUDGET; ADOPTING THE NEW POSITION TITLE SALARY RANGE AND CLASS SPECIFICATION FOR SENIOR MANAGEMENT ANALYST; AND RECLASSIFYING THE EXISTING PUBLIC WORKS ADMINISTRATIVE MANAGER POSITION TO SENIOR MANAGEMENT ANALYST;**

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D. ADOPT A RESOLUTION ENTITLED:

**RESOLUTION NO. 06-09-13-03**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING THE FY 06-07 BUDGET; ADOPTING THE NEW POSITION TITLE, SALARY RANGE, AND CLASS SPECIFICATION FOR SENIOR CIVIL ENGINEER – CAPITAL IMPROVEMENT PROGRAM; AND RECLASSIFYING THE EXISTING ASSOCIATE ENGINEER POSITION TO SENIOR CIVIL ENGINEER – CAPITAL IMPROVEMENT PROGRAM;

E. ADOPT A RESOLUTION ENTITLED:

**RESOLUTION NO. 06-09-13-04**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING THE FY 06-07 BUDGET TO INCLUDE THE ADDITION OF A SECOND PERMIT TECHNICIAN POSITION IN THE BUILDING DIVISION OF THE COMMUNITY DEVELOPMENT DEPARTMENT; AND

F. ADOPTED A RESOLUTION ENTITLED:

**RESOLUTION NO. 06-09-13-05**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING THE FY 06-07 BUDGET AND RECLASSIFYING THE EXISTING PERMIT COORDINATOR IN THE COMMUNITY DEVELOPMENT DEPARTMENT TO THE POSITION OF ASSOCIATE PLANNER.

The motion carried by the following vote:

AYES: Council Members Harkey, Lacy, Rayfield,  
Mayor Pro Tem Chilton and Mayor Anderson

NOES: None

ABSENT: None

**11. AWARD OF A CONTRACT TO HORIZONS CCI SERVICES, INCORPORATED FOR THE CONSTRUCTION OF THE CITY COUNCIL CHAMBER REMODEL PROJECT**

AWARDED A CONTRACT TO HORIZONS CCI SERVICES, INCORPORATED FOR CONSTRUCTION OF THE CITY COUNCIL CHAMBER REMODEL PROJECT, PROVIDED THAT THE CITY MANAGER OR HIS DESIGNEE MAY APPROVE ADDITIONAL PAYMENT NOT TO EXCEED FIFTEEN PERCENT OF THE CONTRACT AMOUNT FOR CHANGE ORDERS AND CONTINGENCIES.

**PUBLIC COMMENTS**

Mayor Anderson opened the meeting for public comments.

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Robert Traphagen, Dana Point, complimented the City Council on their transparency and spoke about the General Plan Amendment for the former Dana Point Mobile Home Park.

Evie Love, San Juan Capistrano, representing the Beach Cities Senior Center, spoke about the skateboarders at the Recreation Center and the safety issues they cause to the people at the Recreation Center.

John Chaffetz, Dana Point, thanked staff for the repairs made at Lantern Bay Park and spoke about the use of artificial plants in Capistrano Beach.

City Manager Chotkevys indicated that the artificial plants were a pilot program and staff is addressing this median issue.

Patrick Evans, Huntington Beach spoke about former residents of Dana Point Mobile Home Park that asked for his help in 2004, the City's Housing Element, and affordable housing.

City Attorney Muñoz indicated that the City won the litigation on this issue.

Gene Burrus, Dana Point, thanked the Council for their support of the Concerts in the Park, Tall Ships Festival, and Festival of Whales.

Joanna Adrian, Dana Point, spoke about an accident on September 10<sup>th</sup> on Golden Lantern and thanked Police Chief Billings and Deputies for their response.

Judy Rice, Laguna Hills and Hemet, spoke about the Planning Commission meeting and affordable housing.

Jim Seitz, Dana Point spoke about problems with zoning at the former Dana Point Mobile Home Park site.

Mayor Anderson recessed the meeting at 7:10 p.m. and reconvened the meeting at 7:23 p.m. All Council Members were present.

**PUBLIC HEARINGS**

**12. LOCAL PROGRAM AMENDMENT (LCPA 06-03) AND SPECIFIC PLAN AMENDMENT FOR DANA POINT HARBOR**

City Manager Chotkevys provided a brief overview of the Harbor Plan and asked Community Development Director Butterwick to summarize the process of the Harbor project.

City Manager Chotkevys introduced 5<sup>th</sup> District Supervisor Tom Wilson who provide and timeline and history of the Harbor Plan which began in 1997 with 12 supervisorial mandates. Supervisor Wilson introduced Tom Mauk, County CEO and George Carvalho, Director of the Dana Point Harbor. Mr. Carvalho introduced the various County staff (John Conk, Lisa Smith and Keith Palmer)



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available for questions and he provided a PowerPoint presentation and overview of the Harbor Plan.

Mr. Conk continued with the details of the PowerPoint presentation. He indicated that the construction of the core of the project is scheduled to begin in the fall of 2007, and the new buildings will be up to 23 feet higher than the current buildings at the commercial core area. The Board of Supervisors will review a financial plan of \$45 million for the cost of improvements. Mr. Conk indicated that there would be some Eucalyptus trees removed as necessary and other trees such as palm trees would be planted to compliment the view corridor.

Mayor Anderson opened the Public Hearing.

Linea Lee, Dana Point, owns Harbor Salon & Boutique, spoke in support of the Harbor Plan.

Steven Weinberg, Vice Chair of the Planning Commission, spoke in support of the Harbor Plan and was pleased with the changes that have been made after meeting with the Planning Commission.

John Chaffetz, Dana Point, indicated that the procedure is not fair to those opposing the project and feels that the harbor needs to be fixed, not enlarged.

Julie Roth, Dana Point, spoke in opposition of the Harbor Plan and feels we should change the character of the Harbor without commercializing it.

Mary Lynn Coffee, Irvine, on behalf of Anchor Marine – Dana Point Shipyard, indicated that she would support the project if it was amended to retain 2.1 acres in the shipyard. Ms. Coffee also spoke for Jason Morris on this topic.

James Mills, Newport Beach, spoke on behalf of Anchor Marine, spoke in reference to shipyard improvements in the Harbor Plan.

Randy Nichols, Newport Beach, spoke on behalf of Anchor Marine, spoke in reference to shipyard improvements.

James Pugh, Newport Beach, spoke on behalf of Anchor Marine, spoke in opposition to downsizing of the shipyard.

Catherine Cope, San Juan Capistrano, family who owns Dana Point Shipyard, supports the Harbor Plan in general and respectfully requested that 2.1 acres be retained for the shipyard.

Gene Jerry, Riverside, spoke concerning the Dana Point Shipyard.

CB Shanned, Dana Point, had no comment.

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Dan Reising, Capistrano Beach, is concerned about downsizing of the shipyard and pollution in the Harbor.

Chris Anastasio, Dana Point, would prefer if we don't change the Harbor, just repair it.

Dan Clifford, San Juan Capistrano, spoke in opposition of the Harbor Plan.

George Hughes, Dana Point, as a member of Dana Point Yacht Club, spoke about water quality and security issues in the Harbor.

Victoria Cotton, Dana Point, representing the Board of Directors of Lantern Bay Estates, spoke in support of the Harbor Plan.

Norm Denton, Dana Point, spoke in opposition to 60 foot boat barn and view issues with this building, boat retrieval and maintenance and would like to see the boat barn moved to SCWD 30 acres.

Chuck Dilorio, Dana Point, is concerned about the view effects of the proposed boat barn.

Bob Mardian, Dana Point, representing the Dana Point Harbor Merchants Association, spoke in support of the Harbor Plan and would like to see more parking spaces included in the parking plan.

Mayor Anderson recessed the meeting at 9:33 p.m. and reconvened the meeting at 9:45. All Council Members were present.

John Gile, Dana Point, representing the Dana Point Lighthouse Society, would like a Lighthouse facility in the Harbor and supports the Harbor Plan.

Mark Mowery, Newport Beach, spoke about shipyard issues and believes the shipyard should be bigger.

Jill Kanzler, Newport Beach, spoke in support of shipyard and would like 2.1 acres included in the Harbor Plan.

Jim Miller, Dana Point, spoke in support of the Harbor Plan and indicated that the majority of the people he has talked to also support the plan.

Robert Schultz, San Clemente, spoke in support of the Harbor Plan.

Diana Poulos, Dana Point, spoke representing five businesses in Mariners Alley in support of the Harbor Plan.

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David Drenick, Dana Point, Vessel Assist Operator in the Harbor, spoke about the lack of boating opportunities in the Harbor.

Kristina Tackett, Laguna Niguel, merchant in Dana Point Harbor, spoke in support of the project.

Barbara Merriman, Dana Point, stated that the Harbor is for boats and boaters and is concerned about the height of buildings and impairment of views.

Donna Kalez, San Clemente, of Dana Wharf Sportsfishing, spoke in support of the Harbor Plan.

Kim Tilley, Laguna Niguel, spoke in support of the Harbor Plan as presented.

Russell West, Placentia, representing the Recreational Boaters Orange County, spoke in opposition of moving the small boats into a boat barn.

Skip Bauer, San Juan Capistrano, spoke about the elimination of the small boat slips in the Harbor Plan.

Greg Powers, Dana Point, indicated his family used to own a boat barn and is concerned that every weekend would be like the 4<sup>th</sup> of July with a boat barn.

Supervisor Wilson provided his final comments and thanked the Council and the public for their comments.

Mayor Anderson closed the Public Hearing.

Council Member Harkey stated she had concerns with parking, boat storage, views, and trees.

Council Member Rayfield would like to see the parking deck engineering for future growth (adding a third level); reduce the building heights 5 – 10 feet average massing; have a greater allowance for shipyard; and is concerned about reduction of 1/3 of the small boat slips (reduction is not shared by all boat sizes).

Mayor Pro Tem Chilton supports this plan to go to the Coastal Commission as he feels they will suggest changes (and this plan will come back for Council consideration).

Council Member Lacy supported the comments made by the Council.

Mayor Anderson indicated that they were very close to an ideal plan.

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

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- I. AMEND STAFF RECOMMENDATION FOR LCPA TO INCLUDE THE FOLLOWING MODIFICATIONS:
  - (1) THE SELVA LOT TO BE REMOVED AS AN OPTION FOR STORAGE, EXCEPT DURING THE PERIODS OF CONSTRUCTION FOR PLANNING AREAS 1, 2, 9 AND 10.
  - (2) MAXIMUM BUILDING HEIGHT RESTRICTION OF 60 FEET THROUGHOUT, WITH THE EXCEPTION OF THE BOAT BARN.
  - (3) LIMITATIONS ON MECHANICAL UNITS IN PLANNING AREA 1 SHALL NOT APPLY TO CRANES AND/OR OTHER EQUIPMENT USED FOR BOAT MAINTENANCE AND REPAIR.
  - (4) PARKING STRUCTURE, CURRENTLY AT GRADE, TO BE ENGINEERED TO BE ABLE TO ACCOMODATE A THIRD FLOOR ADDITION AT A LATER DATE IF ALL FUTURE APPROVALS FOR SUCH A MODIFICATION ARE OBTAINED.
- II. DIRECT COUNTY OF ORANGE TO TAKE INTO ACCOUNT CITY COUNCIL COMMENTS MADE DURING MEETING TO THE EXTENT FEASIBLE AS THE PLAN GOES FORWARD AND IS FLESHED OUT. SPECIFICALLY, THE CITY COUNCIL WOULD LIKE THE COUNTY TO PROVIDE 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.
- III. WAIVE FURTHER READING AND INTRODUCE BY READING BY TITLE ONLY AN ORDINANCE (WITH TEXT AMENDED PER ABOVE) ENTITLED:

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADOPTING THE LOCAL COASTAL PROGRAM AMENDMENT LCPA 06-03 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.*

The motion carried by the following vote:

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

IT WAS MOVED BY COUNCIL MEMBER RAYFIELD, SECONDED BY MAYOR PRO TEM CHILTON TO ADOPT A RESOLUTION ENTITLED:

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**RESOLUTION NO. 06-09-13-06**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REGARDING LOCAL COASTAL PROGRAM AMENDMENT LCPA06-03 AND REQUESTING CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION

SPECIFYING THAT LOCAL COASTAL PROGRAM AMENDMENT LCPA 06-03 BE SUBMITTED TO THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION.

The motion carried by the following vote:

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

**UNFINISHED BUSINESS**

There was no Unfinished Business.

**NEW BUSINESS**

There was no New Business.

**PUBLIC COMMENTS (Continued)**

There were no additional Public Comments.

**STAFF REPORTS**

There were no Staff Reports.

**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 11:42 p.m.

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The next Regular Meeting of the City Council will be September 27, 2006, at 5:00 p.m. at the City of 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 SEPTEMBER 27, 2006.