

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting - May 1, 2007

A Regular Meeting of the San Clemente City Council was called to order on May 1, 2007 at 6:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

PRESENT ANDERSON, DONCHAK, EGGLESTON, KNOBLOCK,
MAYOR DAHL

ABSENT NONE

STAFF PRESENT George Scarborough, City Manager; Jeff Oderman, City
Attorney; Myrna Erway, City Clerk; Joanne Baade, Deputy
City Clerk

* * *

CLOSED SESSION

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to recess to Closed Session at 6:00 p.m. to discuss the following:

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, pursuant to Government Code Section 54956.9(a):

Name of Case: Preserve Shorecliffs Homeowners v. City of San Clemente, et al.,
OCSC Case No. 06CC09940.

City Manager Scarborough, Assistant City Manager Gudgeirsson, City Attorney Oderman and City Clerk Erway were in attendance.

MEETING RECONVENED

Council reconvened at 7:00 p.m., with all members present.

INVOCATION

Chaplain Sid Bradshaw, Orange County Sheriff's Department, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Anderson led the Pledge of Allegiance.

CLOSED SESSION REPORT

City Attorney Oderman reported that no action was taken during this evening's Closed Session.

1. **SPECIAL PRESENTATIONS**

A. **Proclamation - Building Safety Week**

Mayor Dahl presented a proclamation to Mike Jorgensen, Building Official, declaring the week of May 6 to 12, 2007 as "Building Safety Week" in San Clemente.

B. **Proclamation - Water Awareness Month**

Mayor Dahl presented a proclamation to Charlie Wilson (Santa Margarita Water District), Dick Dietmeier (South Coast Water District) and Management Analyst Nathan Adams (City of San Clemente) declaring the month of May 2007 as "Water Awareness Month".

C. **Proclamation - Older Americans Month**

Mayor Dahl presented a proclamation to Cathy Lee, Executive Director of the San Clemente Senior Center, declaring the month of May 2007 as "Older Americans Month".

2. MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to waive reading in full of all Resolutions and Ordinances.

3. **CONSIDERATION OF AGENDIZING ITEMS REQUIRING IMMEDIATE ACTION**

None.

4. **ORAL COMMUNICATIONS (PART ONE)**

Vista Los Mares Apartments - Area Problems

Heidi Johnson stated that she and her husband own a four-plex in the Vista Los Mares Apartments; commented that the neighborhood has declined considerably during the past three years; cited problems with gang activity, graffiti, vandalism, drugs and overcrowding (due to subletting); voiced concern that the problem is starting to infiltrate into the neighboring community; stated that children are throwing rocks, constructing forts and carving caves on the slope between the apartments and Calle Vicente; spoke in support of increased Police patrol, active Code Enforcement and weed abatement on the slope; suggested that the City consider sponsoring area children to attend the Boys and Girls Club.

City Manager Scarborough reported on the City's efforts to address the situation, explaining that Rich Atkinson, Code Compliance Officer, is taking the lead in organizing community meetings; noted that the Sheriff's Department is also involved in helping to address problems; stated that a "Fun on the Run" program (that will provide recreational opportunities) is being proposed for inclusion in the City's FY 2007/08 budget; stressed that the City is focused and will increase its resource commitment to the neighborhood.

Request for Parking Permits for Del Mar Residents Across from Community Center

Nicole Brier, San Clemente, requested that Council provide parking permits to the residents of seven triplexes on Del Mar (across from the Community Center); noted that on-street parking is limited to two hours and explained that the situation is proving to be problematic for residents.

Shorecliffs Referendum

Elaine Lister, San Clemente, thanked the residents that supported the Shorecliffs referendum; stated that the City cannot afford, either emotionally or financially, another Shorecliffs experiment; urged Council to rescind the Ordinance and allow the healing process to begin.

Parking on Avenida Santa Barbara and Citations for Parking on Driveway

Roger Webb, San Clemente, stated that he received four citations in the last three months for parking on his 20' driveway on Santa Barbara; stated that he has four garage spaces and four cars, but three of the cars do not fit in the garage; explained that if he is forced to park on the street, he will further compound the parking shortage on Santa Barbara; stated that his vehicles, when parked on his driveway, do not encroach into the street and ample room exists for pedestrians to bypass his vehicles; stated that the City maintains that a walkway exists, even though there is no sidewalk and a planter and utility equipment at the entrance to his driveway block pedestrian passage; questioned whether the City could help solve his problem.

City Manager Scarborough indicated that he will contact Mr. Webb to discuss the situation; noted that the City has initiated active enforcement of parking across sidewalk areas.

5. **CONSENT CALENDAR**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve the Consent Calendar with the removal of Items 5-B(6), G and J.

A. **City Council Minutes**

None.

B. MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to receive and file:

- (1) Parks and Recreation Commission minutes of March 13, 2007.
- (2) Coastal Advisory Committee minutes of March 8, 2007.
- (3) Human Affairs Committee minutes of March 14, 2007.
- (4) Landmark Preservation Task Force minutes of February 15, 2007.
- (5) Zoning Administrator meeting minutes of April 18, 2007.

C. **Warrant Register**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve Wire Transfers Nos. 453 and 454 and Warrant Nos. 783572 through 783728 for the period 4-2-07 through 4-6-07 in the amount of \$1,135,681.02; approve Warrant Nos. 783729 through 783926 for the period 4-9-07 through 4-13-07 in the amount of \$2,148,079.88; for a total Warrant Register of \$3,283,760.90.

Payroll Register

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve Warrant Nos. 319004 through 319054, Automatic Deposit Advises 145923 through 146152, for the period 3-26-07 through 4-8-07 in the amount of \$368,689.13; for a total Payroll Register of \$368,689.13.

D. **Amendment No. 12 to Orange County Transportation Authority (OCTA) Cooperative Agreement C-95-988**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve, and authorize the Mayor to execute, Amendment No. 12 to Cooperative Agreement No. C-95-988 between Orange County Transportation Authority and the City of San Clemente. (Contract C95-39)

E. **Final Parcel Map 2004-156 - Stiles Condos, 318 Cazador Lane**

Councilmember Eggleston abstained from deliberations on this item due to the proximity of his residence to the subject project.

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 4-0-1 (COUNCILMEMBER EGGLESTON ABSTAINING), to:

1. Approve the Parcel Map as it conforms to the requirements set forth in the Subdivision Map Act and the previously approved Tentative Parcel Map.
2. Authorize the City Engineer to execute the Parcel Map.
3. Authorize the City Clerk to execute and submit for recordation the Parcel Map with the County of Orange Recorder's Office.

F. **Contract Award - Emergency Planning Officer Services**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C02-45 by and between the City of San Clemente and James E. Russell, dba Russell & Russell Consulting, LLC, providing for Emergency Planning Officer services for the period of July 1, 2007 to June 30, 2008, for an amount not to exceed \$73,000.

H. **Fee Waiver Request - Miles for Marines**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to waive rental fees in the amount of \$120 for the "Miles for Marines" event on May 19, 2007.

I. **Community Development Block Grant (CDBG) Separation Agreement Between the County of Orange and the City of San Clemente**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C07-18, the Housing and Community Services Department Urban County Separation Agreement by and between the County of Orange and the City of San Clemente.

K. **Contract Amendment - Janitorial Services**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve, and authorize the Mayor to execute, the Second Amendment to Contract C05-03 by and between the City of San Clemente and GCS, Inc. (formerly Guarantee Cleaning Services), providing for City janitorial services.

L. **CSAC Excess Insurance Authority Joint Powers Agreement**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve, and authorize the Mayor to execute, the CSAC Excess Insurance Authority Joint Powers Agreement. (Contract C07-20)

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

B(6). **Planning Commission Study Session and Regular Meeting Minutes of April 18, 2007.**

Council referenced the portion of the Planning Commission minutes of April 18, 2007 that relates to the Dwinnell's Site Plan project, located at 1523 Avenida De La Estrella. Council noted that Planning Commissioner Johnson requested that Staff perform an informal traffic analysis for the area and requested that Council address the area during the next General Plan review process. Staff responded that the subject area will be among those considered during the General Plan review process due to the abrupt interface between the Industrial and Residential areas.

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to receive and file the Planning Commission Study Session and Regular Meeting minutes of April 18, 2007.

G. **Request for Exception - Amplified Sound for “Island Nights at the Pool”**

Council expressed concern with the proposal to exempt “Island Nights at the Pool”, which is a City function, from the City’s policy that prohibits amplified sound on the Ocean View Terrace at the Ole Hanson Beach Club.

City Manager Scarborough stated that Staff will further evaluate the concerns about sound impacts to the neighborhood, as well as the policy issue, and report the findings to Council either at a meeting or in a tray memo.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to table the issue.

J. **Proposed Operational Plan for Richard T. Steed Memorial Park**

John Tully, San Clemente, commended the improvements that are taking place at Steed Park; urged that sufficient funding be allocated to enable the City’s limited sports facilities to be maintained in good condition.

Eric Elizalde, San Clemente, reiterated the importance of allocating adequate maintenance dollars for Steed Park.

Council requested to be provided with a report in six to nine months that addresses the effectiveness of the new operational plan. Additionally, Council expressed an interest in considering the possibility of setting aside depreciation replacement funding for the Park to ensure that funding is available when needed.

Following discussion, MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to:

1. Approve the new operating plan for Steed Park.
2. Approve and authorize the funding of a .75 FTE Recreation Coordinator position for programming and coordinating services at Steed Park.

Action continued on next page

3. Approve proposed expenditures for FY 2006-07 for management and operations of Steed Park in the amount of \$25,343 from the General Fund to #628.
4. Direct the Director of Beaches, Parks and Recreation to initiate a search for a new food and beverage concessionaire, with the final contract to be approved by Council.
5. Direct the Director of Beaches, Parks and Recreation to initiate discussions with qualified contractors for maintenance and janitorial services for the Steed Park Sports Complex with the final contract to be approved by Council.

6. **PUBLIC HEARINGS**

A. **Amendment to Site Plan Permit 97-16, Marblehead Coastal Residential Custom Lots**

Continued Public Hearing to consider a request to amend a previously approved residential site plan permit to allow custom architecture on 69 of 313 lots within the Marblehead Coastal property.

City Planner Buell narrated a PowerPoint presentation entitled “Marblehead Coastal Residential Custom Lots” and responded to Council inquiries. A hard copy of Mr. Buell’s presentation, dated May 1, 2007, is on file with the City Clerk.

Contract Planner Nagel pointed out a correction to Page 4 of the Administrative Report, explaining that the previously approved square footage for Lot 145 was 4,058 sq. ft., as opposed to 4,500 sq. ft. as indicated; narrated a PowerPoint presentation entitled “Marblehead Coastal Residential Custom Lots” and responded to Council inquiries. A hard copy of Mr. Nagel’s presentation, dated April 3, 2007, is on file with the City Clerk.

Mayor Dahl opened the Public Hearing.

Adrian Peters, SunCal Companies, narrated a PowerPoint presentation entitled "Marblehead Coastal Custom Lot Home Presentation" (a hard copy of which is on file with the City Clerk); reviewed the project as approved by the Planning Commission in December 2006 and summarized concerns raised by the residents of Colony Cove; explained SunCal's modified proposal as contained in a document entitled "Marblehead Coastal Custom Lot Proposal Keypoints" that was provided to the City on April 27, 2007; suggested that Lots 140, 145 and 146 be allowed to develop single-family residences with a maximum of 4,058 sq. ft., noting that this number reflects a compromise between SunCal's original proposal of 6,000 sq. ft. and Colony Cove's preference for 2,000 sq. ft. homes; pointed out that the 4,058 sq. ft. figure coincides with the allowable square footage of the existing Site Plan; expressed willingness to accept the same design restrictions on Lots 147, 167 and 168; emphasized that SunCal's goal is to be a good neighbor and to provide architecture that will contribute to community character.

In response to Council inquiry, Mr. Peters explained that it would be necessary to modify the buildable pad area (proposed by staff to be 50' x 60') in order to accommodate a 4,058 sq. ft. single-level home; noted that SunCal will respect the 5' sideyard setbacks adjacent to Colony Cove and will encourage courtyards to help recess the homes from Colony Cove.

Mary Ann Chern, Colony Cove, voiced concern that SunCal's proposal would reduce the separation between structures, thereby blocking views from Colony Cove; narrated a PowerPoint presentation, which is on file with the City Clerk; narrated visual simulations of the impact that various size homes will have on Colony Cove; spoke in support of the City Staff's suggested compromise.

Jennifer Burns, San Clemente, stated that she resides near Avenida Frontera and Vista Hermosa and questioned whether custom home development within Marblehead Coastal will move into her view plane; urged Council to preserve the City's village character.

Dale Dickey, on behalf of Pacific Point Apartments and Marblehead Master Board, conveyed his understanding that the pad elevations on the Marblehead Coastal lots near the ocean have been raised; questioned whether pads will continue to increase in elevation as they approach the I-5; voiced concern that development will block views from the Pacific Point Apartments and Marblehead Inland.

Council and Staff representatives responded that pad elevations have not, and will not, change on the Marblehead Coastal property.

Marty McPhee, San Clemente, noted that property owners have rights; commented that the Marblehead Coastal plan includes quality development, provides significant amenities and open space, and preserves habitat.

Nancy Hunt, San Clemente, applauded SunCal for the adjustments made to its development plan; stated that the prime Marblehead Coastal property deserves high quality homes.

Michelle Lincoln, Colony Cove, expressed appreciation for the process that has taken place and conveyed support for Staff's recommendation; opined that Colony Cove has borne the brunt of the compromises, pointing out that SunCal was aware of the approved development plan when it purchased the property.

Miriam Allen, Colony Cove, explained that she wants to see Colony Cove's atmosphere stay the same; supported Staff's proposal.

Petti Van Rekom stated that Colony Cove is a special place and expressed support for Staff's proposal.

Andy Anderson, Laguna Beach (property owner in Colony Cove) stressed the importance of good land use planning.

Helen Thole, Colony Cove, stated that City staff is a neutral party and opined that it has developed an outstanding compromise.

Patty Rosales, Colony Cove, stated that Colony Cove has always supported development on Marblehead Coastal, but explained that the current plan is much different from what was envisioned; spoke in support of single-level development adjacent to Colony Cove and conveyed support for staff's recommendation.

Mike Freeman, Colony Cove, expressed support for Staff's recommendation.

Nancy Larsen, Colony Cove, spoke in support of single-story development along Colony Cove from the ocean to the church to provide a better transition; commented that the custom homes will provide SunCal with an additional 220,000 sq. ft. of residential development; conveyed support for Staff's recommendation.

Adele Foster, Colony Cove, stated that she purchased her property adjacent to Lot 145 after performing due diligence; conveyed support for Staff's compromise proposal.

Karen Ellstrom, Colony Cove, stated that her home is located adjacent to Lots 145 and 146; noted the importance of compromise and expressed support for Staff's recommendation; explained that she is concerned with the alternate proposal expressed by SunCal this evening because it would result in elongated structures that will block views and decrease open space.

Dan Millington, Colony Cove, stated that he fully supports Staff's recommendation and requested Council approval.

Katherine Ransom, Colony Cove, conveyed support for Staff's recommendation.

David Jackson, Colony Cove, opined that Staff's proposal provides a better transition between Marblehead Coastal and Colony Cove.

Libby Nicholson, Colony Cove, suggested that Staff's compromise would improve neighborhood transition and promote harmony.

Raydela Cruz, Colony Cove, asserted that SunCal is attempting to increase the value of its property while taking value from Colony Cove properties; urged that SunCal share the increased value with Colony Cove by providing a few thousand square feet of space between the Colony Cove and Marblehead Coastal developments; expressed support for Staff's compromise.

Loretta Vavrck, Colony Cove Unit II Board President, supported Staff's recommendation for single story development along Colony Cove from the ocean to the church.

Jerry Crosby, President of the Colony Cove Unit I Homeowners Association, applauded the compromise developed by Staff and encouraged Council approval.

Garrett Morris, Colony Cove, urged that Council support Staff's recommendation.

Robert Mealing, Colony Cove, requested that Council approve Staff's recommendation without modification.

Pamela Jackson, Colony Cove, commented on the importance of limiting development along the border of Colony Cove to single stories; recommended that Council accept Staff's recommendation to retain San Clemente's village atmosphere.

Geri Templeton, President of Colony Cove Unit III Homeowners Association, opined that Staff's recommendation is a fair compromise; voiced concern that 4,000 sq. ft. single-story homes would result in elongated structures.

Jennifer Collins, Colony Cove, asserted that SunCal should also consider neighbors who reside west of the I-5; stated that SunCal knew what it purchased and voiced concern that it is negotiating as though it had greater entitlements.

Steve Collins, Colony Cove, conveyed appreciation to the City for the process that led to Staff's compromise proposal; noted that large development on the Marblehead Coastal property will block light and restrict air flow.

Rhoberta Palasik, Colony Cove, supported Staff's recommendation and conveyed appreciation for Staff's work in developing the compromise.

Sheila Kessler, San Clemente, stated that her home in Broadmoor overlooks the Marblehead Coastal development; commended the process and resulting Staff compromise, due to her belief that it would successfully blend the old with the new; expressed hope that the spirit of compromise will continue as the remaining areas within Marblehead Coastal are developed.

Richard Boyer stated that he does not reside near Colony Cove, but supports the Colony Cove homeowners; opined that the Colony Cove issue, like the Pacific Golf project and Marblehead Coastal commercial project, represents a conflict between residents and developers; stated that many residents feel that they have been disenfranchised and that they lack standing with their elected representatives.

There being no others desiring to speak to this issue, the Public Hearing was closed.

During the ensuing discussion, Council voiced concern that the irrigation pipes on the Marblehead Coastal property are white, instead of a color that blends with the surrounding vegetation. In response, Staff expressed its belief that the irrigation pipes will be removed after the native habitat/vegetation is established. Council requested a tray memo that contains definitive information as to whether the irrigation pipes will be removed.

MEETING RECESSED

Council recessed at 9:30 p.m. and reconvened at 9:37 p.m., with all members present.

Councilmembers discussed the possibility of expanding the building envelope on Lots 140, 145 and 146 (custom lots) and Lots 147, 167 and 168 (production homes) from 3,000 sq. ft. to 3,500 sq. ft. (provided the additional square footage can be contained within the Specific Plan buildable area), with the size of each single-level residence being limited to a maximum of 3,000 sq. ft. The intent of the proposed modification is to promote superior architecture and articulation, while enhancing the transition between Colony Cove, the subject six homes, and the other homes within Marblehead Coastal.

In response to Council inquiry, Adrian Peters suggested that, as a means to encourage superior architecture, recessed elements, and courtyards, that Council establish a maximum building footprint (such as 3,500 sq. ft.) and allow development to occur within the currently approved building envelope (as opposed to focusing on a 50' x 60' footprint).

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER DONCHAK to adopt Resolution No. 07-02 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AMENDMENT TO SITE PLAN PERMIT (AM SPP) 97-16, MARBLEHEAD COASTAL RESIDENTIAL DEVELOPMENT AND CUSTOM LOTS, with the modification that the building envelopes on Lots 140, 145, 146, 147, 167 and 168 be expanded to 3,500 sq. ft. and that the residences on those six lots be limited to a maximum of 3,000 sq. ft.

MOTION TO AMEND BY COUNCILMEMBER EGGLESTON that courtyards be required adjacent to Colony Cove to the extent possible. The Motion to Amend died for lack of a second.

Adrian Peters proposed that development be limited to 3,000 sq. ft. on Lots 140, 145 and 146, but that development not be restricted to a 50' x 70' building envelope; opined that imposing parameters on the footprint discourages creativity; suggested that consideration of Lots 147, 167 and 168 be deferred until Planning Area 3 is considered by Council.

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to re-open the Public Hearing for the limited purpose of allowing the Colony Cove representative to provide rebuttal comments.

Mary Ann Chern, Colony Cove, spoke in opposition to allowing SunCal to determine where development will occur within the building envelopes; conveyed a preference for Staff's recommendation, but suggested that if Council desires to increase the buildable area of the lot, that the developer be required to utilize the increased area for courtyards facing Colony Cove.

The Public Hearing was closed.

SUBSTITUTE MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR DAHL to adopt Resolution No. 07-02 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AMENDMENT TO SITE PLAN PERMIT (AM SPP) 97-16, MARBLEHEAD COASTAL RESIDENTIAL DEVELOPMENT AND CUSTOM LOTS, with the modification that the building envelopes on Lots 140, 145, 146, 147, 167 and 168 be expanded to 3,500 sq. ft., with development on each of those six lots to be limited to a maximum of 3,000 sq. ft. Further, that the developer be offered the opportunity to increase the square footage of the residences by 500 sq. ft., provided the design incorporates an additional 5' side yard setback (total of 10' from the Colony Cove property line), and provides for additional articulation and courtyards.

Following discussion, the Substitute Motion was withdrawn.

SUBSTITUTE MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to adopt Resolution No. 07-02 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AMENDMENT TO SITE PLAN PERMIT (AM SPP) 97-16, MARBLEHEAD COASTAL RESIDENTIAL DEVELOPMENT AND CUSTOM LOTS, with the modification that Condition No. 58-I be modified to read as follows:

“Custom Lots adjacent to Colony Cove (Lots 140, 145, 146) shall be a maximum of 3,000 square feet of residential development within a 3,500 square foot rectilinear building envelope. The building footprint shall be within the previously approved building envelope per SPP 97-16. The building envelope may be extended a maximum of 10 feet adhering to all approved building setbacks. The maximum building height for these 3 lots shall be 16 feet. Tower elements as well as any lot merger scenarios shall be prohibited on these lots. The same criteria apply to Production Lots 147, 167 and 168. Refer to Exhibit 2, Maximum Development Table and Exhibit 3, Single Story Exhibit for additional details.”

B. **Initiation of Modification to Site Plan Permit 94-23, Plaza Pacifica Security - 900 Block of Avenida Pico**

Public Hearing to consider a request by Staff to initiate a modification to Site Plan Permit 94-23, adding conditions of approval to require that Plaza Pacifica Retail Association establish nighttime security patrols throughout the shopping center property. The shopping center is located within the 900 block of Avenida Pico.

Associate Planner Ah Sing reviewed the contents of the Administrative Report.

Mayor Dahl opened the Public Hearing.

Mark Ostoich, on behalf of WalMart stores, stated that WalMart is concerned about the situation and desires to work with Staff; conveyed WalMart's desire to ensure that the security guard, or other remedial efforts, are successful. In response to Council inquiry, Mr. Ostoich stated that signs have been installed in the parking lot advising that overnight parking is prohibited.

Jeff Caplan, speaking on behalf of the Villa Pacifica homeowners, stated that the noise from Lowe's and other Plaza Pacifica businesses is an ongoing nuisance; cited concerns with trucks unloading in the middle of the night, campers parking overnight, carts being collected after 10:00 p.m., skateboarding occurring in the parking lot after midnight, employees entering and exiting the parking lot in a noisy manner after 11:00 p.m. or before 5:00 a.m., and usage of the public address system during the middle of the night; requested that Council direct Plaza Pacifica to cooperate with neighbors to resolve the nuisances.

There being no others desiring to speak to this issue, the Public Hearing was closed.

Council requested that Staff contact businesses within the Rancho San Clemente Business Park to encourage them to control the noise that emanates from their operations.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to direct the Planning Commission to consider modifying Plaza Pacifica Shopping Center Site Plan Permit 94-23 to require the Center's Board of Directors to hire and maintain a security service to mitigate nuisances by patrolling within the boundaries of the shopping center including major and pad tenants and their associated parking lots and alleyways from 9:00 p.m. to 7:00 a.m. daily.

C. **Adoption of the 2007-08 Annual Action Plan for Expenditure of Community Development Block Grant (CDBG) Funds**

Public Hearing to consider adopting the 2007-08 Annual Action Plan for expenditure of Community Development Block Grant (CDBG) funds.

Housing Coordinator Davis reviewed the contents of the Administrative Report.

Mayor Dahl opened and closed the Public Hearing, there being no one desiring to speak to this issue.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to:

1. Approve and adopt the 2007-08 Annual Action Plan for use of Community Development Block Grant Funds (CDBG).
2. Authorize the Mayor to execute the HUD contract. (Contract C07-19)
3. Authorize the City Manager and Community Development Director to execute contracts within the established spending policy.
4. Adopt Resolution No. 07-25 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE 2007-08 COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN.

D. **Weed Abatement 2007 - Order to Abate**

Public Hearing to consider protests or objections to the abatement of weeds, rubbish, refuse and dirt upon streets, sidewalks, parkways and private property within the City.

Code Compliance Manager Montoya reviewed the contents of the Administrative Report.

Mayor Dahl opened and closed the Public Hearing, there being no one desiring to speak to this issue.

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to adopt Resolution No. 07-26 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PURSUANT TO SECTIONS 39561 AND 39562 OF THE CALIFORNIA GOVERNMENT CODE DECLARING WEEDS, RUBBISH, REFUSE, AND DIRT UPON STREETS, SIDEWALKS, PARKWAYS, AND PRIVATE PROPERTY TO BE PUBLIC NUISANCES AND PROVIDING FOR THE ABATEMENT THEREOF.

7. **UNFINISHED BUSINESS**

None.

8. **NEW BUSINESS**

A. **Formation of the City of San Clemente Public Financing Authority**

Report from the Assistant City Manager concerning the formation of the City of San Clemente Public Financing Authority and associated Joint Exercise of Powers Agreement.

Assistant City Manager Gudgeirsson provided an overview of the Administrative Report and responded to Council inquiries.

During the course of discussion, Council suggested the possibility of funding the golf course clubhouse with existing City funds or by utilizing internal borrowing, as opposed to entering into debt financing with a 7.33% interest rate.

Jim Fabian, Fieldman, Rolapp & Associates, stated that users of the golf course would pay back the loan for the golf course expansion over the next 30 years; noted that minimal issuance cost is involved in the proposed financing (i.e., approximately \$60,000).

City Manager Scarborough clarified that the proposed action is to create the Public Financing Authority, noting that the creation of the Authority will not obligate the debt; stated that Staff will return to Council on May 15, 2007 with a report that identifies costs associated with debt financing, addresses other opportunities for funding the golf clubhouse project, and addresses the possibility of financing the project internally.

In response to Council inquiry, Josh Lentz, of Fieldman, Rolapp & Associates, advised that the only cost associated with forming the Public Financing Authority is a \$1 filing fee.

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY MAYOR DAHL, CARRIED 3-2 (COUNCILMEMBER EGGLESTON AND KNOBLOCK VOTING NOE), to adopt Resolution No. 07-27 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AUTHORIZING FORMATION OF THE CITY OF SAN CLEMENTE PUBLIC FINANCING AUTHORITY WITH THE SAN CLEMENTE REDEVELOPMENT AGENCY AND EXECUTION OF THE JOINT EXERCISE OF POWERS AGREEMENT.

MEETING RECESSED

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to recess to a meeting of the San Clemente Redevelopment Agency at 11:08 p.m.

MEETING RECONVENED

Council reconvened at 11:10 p.m., with all members present.

CONTINUATION OF MEETING PAST 11:00 P.M.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to continue the Council meeting past 11:00 p.m.

MEETING RECESSED

Council recessed to a meeting of the San Clemente Public Facilities Authority at 11:10 p.m.

MEETING RECONVENED

Council reconvened at 11:12 p.m., with all members present.

B. **Ordinance Introduction - Approval and Execution of Certain City Contracts by the City Manager**

Report from the Community Development Director concerning the possibility of enacting an Ordinance that would authorize the City Manager to approve and execute certain City contracts.

Community Development Director Holloway reviewed the contents of the Administrative Report.

Council discussed the portion of the proposed Code Amendment that would authorize the City Manager or designee to approve and execute City contracts involving expenditures of more than \$25,000 in certain circumstances as described in the Ordinance. Council expressed a preference to continue to review the specifics of each contract at a public meeting. As a result, Staff withdrew this portion of its recommendation.

Following discussion, MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to introduce Ordinance No. 1332 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 2.08 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO THE CITY MANAGER'S POWER TO APPROVE AND EXECUTE CONTRACTS ON BEHALF OF THE CITY, with the modification that Section 1 be modified to read as follows:

“A new subsection S, entitled “Authority to Approve and Execute Contracts” is hereby added to Section 2.08.090 of the San Clemente Municipal Code to read in its entirety as follows:

“A. Approval and Execution of Contracts. Notwithstanding California Government Code Section 40602, to the maximum extent permitted by law the City Manager or his or her designee shall have the authority on behalf of the City to approve and execute City contracts if the contract amount is consistent with the City's adopted budget and does not exceed twenty-five thousand dollars (\$25,000).”

C. **Request for Conflict of Interest Waiver**

Report from the City Clerk transmitting a letter from the Jim Sutton Law Firm that requests that Council consider waiving a potential conflict of interest for the Sutton Law Firm regarding the Preserve Shorecliffs Homeowners Lawsuit.

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 3-2 (COUNCILMEMBER KNOBLOCK AND MAYOR DAHL VOTING NOE), to grant the requested waiver.

9. **ORAL COMMUNICATIONS (PART TWO)**

None.

10. **REPORTS**

A. **Commissions and Committees**

(1) **Consideration of Scheduling a Joint Council, Commissions and Committees Meeting**

Council determined to not conduct a Joint Meeting of the Council, Commissions and Committees on May 29, 2007.

B. **City Manager**

(1) **Consideration of Re-Scheduling the Regular Council Meeting of July 3, 2007**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to reschedule the Regular Council Meetings for the month of July 2007 to July 10, 2007 and July 24, 2007 (instead of July 3, 2007 and July 17, 2007).

(2) **Distribution of Proposed FY 2007/08 City Budget and Finalized Long-Term Financial Plan**

Assistant City Manager Gudgeirsson distributed copies of the proposed FY 2007/08 City Budget; provided Councilmembers with copies of the finalized version of the Long-Term Financial Plan and requested that they complete the survey contained within the Plan.

C. **City Attorney**

None.

D. **Council Members**

(1) **Council Position on Orange County Division, California League of Cities Issues.**

None.

(2) **Council Position on Legislative Issues.**

None.

(3) **Orange County Fire Authority Status Update.**

Councilmember Knoblock reported on a small grass fire that recently occurred at La Pata and Del Cerro, noting that it was extinguished rapidly.

Mayor Dahl advised that Fire Station #60 (Presidio station) will receive a new engine in the near future.

(4) **San Clemente-Dana Point Animal Services Authority.**

Mayor Dahl reported on animals available for adoption at the San Clemente-Dana Point Animal Shelter; expressed gratitude to the Shelter's volunteers, staff and veterinarians; reported on the success of the recent Wag-a-Thon.

(5) **Transportation Corridor Agencies Status Report.**

Mayor Dahl reported on his attendance at the Assembly Resources Committee hearing on AB 1457; noted that the bill, which received considerable opposition, was tabled into a two-year bill.

- (6) **Consideration of Naming the San Clemente Coastal Trail after former Mayor/Councilmember Stephanie Dorey, who passed away on April 6, 2007**

Mayor Dahl reported that John Dorey has requested that this item be deferred to a later date.

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to defer consideration of this matter to a future Council meeting.

- (7) **Councilmember Items.**

Spirit of Volunteerism Awards Ceremony (Commendation of Clint Bliss, RSVP)

Councilmember Knoblock reported that he attended the Spirit of Volunteerism awards ceremony on April 19, 2007; commended Clint Bliss, RSVP, for donating over 2,800 hours to the City over the past two years.

Circulation of Agenda Information to Full Council

Councilmember Knoblock requested that major staff input that is prepared in response to the request of individual Councilmembers be circulated to the full Council.

OCTA Quiet Zone Working Group Meeting (Request for Staff Representation)

In response to Councilmember Eggleston's inquiry, City Manager Scarborough advised that Staff representatives (probably Community Development Director Holloway and Principal Planner Pechous) will attend the OCTA Quiet Zone Working Group meeting on May 9, 2007.

Designation of San Clemente as a “Preserve America” Community

Councilmember Eggleston noted that San Clemente has been designated as a “Preserve America” community by First Lady Laura Bush; suggested that Principal Planner Pechous and he attend the Preserve America Conference that is planned for June 21 and 22, 2007 in Monterey.

California Joint Powers Insurance Authority Meeting Report

Mayor Pro Tem Anderson reported on his attendance at the California Joint Powers Insurance Authority Conference that was held on April 27 and 28, 2007 in Palm Desert.

11. **RESOLUTIONS/ORDINANCES**

None.

MEETING RECESSED

MOTION BY MAYOR DAHL, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to recess to a meeting of the Redevelopment Agency at 11:45 p.m.

MEETING RECONVENED

Council reconvened at 11:47 p.m., with all members present.

12. **ADJOURNMENT**

MOTION BY MAYOR DAHL, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to adjourn at 11:50 p.m. in memory of Sgt. Major Joe Ellis, the City's Unit Point of Contact for the 2nd Battalion, 4th Marines (the City's adopted unit), who was killed on February 7, 2007 in Al Anbar, Iraq by a suicide bomber. Council adjourned to an Adjourned Regular Meeting to be held on May 15, 2007 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be discussed at 6:00 p.m. The proposed FY 2007/08 City Budget will be presented at 6:30 p.m. and the General Session will commence at 7:00 p.m.

CITY CLERK of the City of
San Clemente, California

MAYOR of the City of
San Clemente, California