

CITY OF SAN CLEMENTE

City Council Minutes

Special and Regular Meeting - December 18, 2007

A Special Meeting of the San Clemente City Council was called to order on December 18, 2007 at 5:30 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

PRESENT DAHL, DONCHAK, EGGLESTON, KNOBLOCK, MAYOR ANDERSON

ABSENT NONE

STAFF PRESENT George Scarborough, City Manager; Jeff Oderman, City Attorney; Joanne Baade, City Clerk; Kristi Russell, Deputy City Clerk

CLOSED SESSION

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to recess to Closed Session at 5:30 p.m. to discuss the following:

- A. CONFERENCE WITH LABOR NEGOTIATOR, pursuant to Government Code Section 54957.6:

Agency Representative: Pall Gudgeirsson, Assistant City Manager

Employee Organizations: San Clemente City Employees Association, Management Employees, Mid-Management Employees and Confidential Employees.

- B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code Section 54956.9(c):
One Potential Case

C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code Section 54956.9(b)1 and 54956.9(c): One Potential Case

D. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, pursuant to Government Code Section 54956.8:

Property: 100 Avenida Victoria, San Clemente

Negotiating Parties: George Scarborough, City Manager and Dr. Marilyn Ditty, Executive Director of South County Senior Services

Under Negotiation: Long Term Lease--Both Price and Terms of Payment

E. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, pursuant to Government Code Section 54957.

Title: City Manager

City Manager Scarborough, City Attorney Oderman, Assistant City Manager Gudgeirsson, Human Resources Manager Penrod*, Community Development Director Holloway**, Code Compliance Officer Smith** and City Clerk Baade were in attendance.

**In attendance for Closed Session A only.*

***In attendance for Closed Session B only.*

MEETING RECONVENED (Regular Meeting)

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

INVOCATION

Mayor Anderson gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Donchak led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Holiday Serenade**

The students of Marblehead Elementary School, under the direction of Debbie Petersen, Music Director for Capistrano Unified School District, provided a holiday serenade.

B. **Presentation by Lt. Paul D'Auria**

Lt. Paul D'Auria reported on community and Council support of Police Services and presented a book to Council that contains commendations received by Police Services during the past year.

2. MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER KNOBLOCK, 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)**

Extension of the 241 Toll Road

Pete Van Nuys, San Clemente, expressed disagreement with the Transportation Corridor Agency's (TCA) evaluation of the Smart Mobility's proposed alternative to the Foothill South Transportation Corridor; asserted that the TCA has no credibility and urged Council to read the "non-competition" agreement.

Jack Eidt, San Juan Capistrano, member of Wild Heritage Planners, opined that the I-5 can be widened without significant impacts; suggested that the 241 be extended to the 73 and that La Pata be extended to Cristianitos; urged that traffic be relieved without impacting a State Park.

Jerry Collamer, San Clemente, suggested that the I-5 be improved before extending the 241.

John Tengdin, San Clemente, commented about governmental spending and read a description of the relative meaning of a “billion”.

RE-ORDERING OF AGENDA

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to consider Agenda Item 10-B(3) (Orange County Fire Authority Presentation on the Santiago Fire) immediately following Agenda Item 8-A.

5. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve the Consent Calendar with the removal of Items A, E, G and N.

B. MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to receive and file:

(1) Planning Commission minutes of the Study Session and Regular Meeting of December 5, 2007.

C. **Warrant Register**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve Handwrite Nos. 789679 through 789680 and Warrant Nos. 789567 through 789678 for the period 11-19-07 through 11-23-07 in the amount of \$1,754,186.69; approve Handwrite No. 789872 and Wire Transfers Nos. 496 through 498, and Warrant Nos. 789681 through 789871 for the period 11-26-07 through 11-30-07 in the amount of \$3,082,689.87; for a total Warrant Register of \$4,836,876.56.

Payroll Register

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve Replacement Check 320076 and Warrant Nos. 320031 through 320075, Automatic Deposit Advises 149994 through 150224, for the period 11-19-07 through 12-2-07 in the amount of \$447,916.46; for a total Payroll Register of \$447,916.46.

D. **Early Replacement of Six Vehicles and Purchase of Attachments for New Tractor**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to:

1. Approve the purchase of six trucks and tractor attachments for a total cost of \$244,390.
2. Approve an appropriation of \$114,390 to Account 065-824-45600 in the Fleet Replacement Fund.

F. **Establishment of Fees for Lot Mergers Initiated by Property Owners**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to adopt Resolution No. 07-94 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING FEES RELATING TO LOT MERGERS INITIATED BY PROPERTY OWNERS.

H. **Inclusion of City Projects in 2008 Regional Transportation Program by Orange County Transportation Authority**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to adopt Resolution No. 07-95 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE (CITY) CERTIFYING THAT CITY HAS THE RESOURCES TO FUND THE PROJECTS SUBMITTED FOR INCLUSION IN THE FY 2008/09-2013/14 TRANSPORTATION IMPROVEMENT PROGRAM AND AFFIRMING ITS COMMITMENT TO IMPLEMENT ALL OF THE PROJECTS SUBMITTED IN THE PROGRAM.

I. **Notice of Completion - Columbo and San Gabriel Pump Station Rehabilitation**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to:

1. Accept the Columbo and San Gabriel Pump Station Rehabilitation, Project Nos. 25204 and 14202, from the contractor, NEWest Construction.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Columbo and San Gabriel Pump Station Rehabilitation, Project Nos. 25204 and 14202. (Contract C05-20)

J. **Contract Award - Preparation of Funding Applications for Financing Recycled Water System Expansion**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C07-57 by and between the City of San Clemente and HDR Engineering, Inc., relating to the preparation of funding applications for financing recycled water system expansion, Project No. 18201, in the amount of \$95,700.

K. **Grant Applications - Authorization to Apply for Tire-Related Grant Program(s)**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to adopt Resolution No. 07-96 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING GRANT APPLICATIONS FOR ANY TIRE RELATED GRANT PROGRAM(S) FOR FIVE YEARS.

5L. **Contract Award - Costanso Waterline Relocation**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to:

1. Approve the plans and specifications for the Costanso Waterline Relocation, Project No. 24401.
2. Approve, and authorize the Mayor to execute, Contract C07-58 by and between the City of San Clemente and GCI Construction, Inc., relating to the Costanso Waterline Relocation, Project No. 24401, in the amount of \$53,630.

M. **Declaration of Surplus Property - Various Electronic and Computer-Related Equipment**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to declare the electronic and computer-related equipment identified in the Administrative Report, dated December 18, 2007, as surplus and direct Staff to recycle the surplus property.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

A. City Council Minutes

Council approved the City Council minutes of November 20, 2007 with the modification that the motion on Item 7-A (LAB Development - Revised Schedule) be modified to read in its entirety as follows:

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

1. Direct Staff to proceed with Step "C" as explained in the Administrative Report, with the exception that two MIA property appraisals be obtained and that a *master* comprehensive parking and circulation analysis be undertaken.
2. Direct Staff and the Planning Commission to evaluate the possibility of adding a 3rd level to the Marblehead Coastal property parking structure. The cost of the 3rd level is assumed to be paid by the City through the Beach Parking Impact Fund.

Italicized type indicates added verbiage.

E. Renewal of North Beach Concession

In response to Council inquiry, Staff explained that the term of the proposed lease is five years, with three five-year extensions; noted that the tenants would have the unilateral right to extend the lease, provided they are not in default.

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 3-2 (COUNCILMEMBERS EGGLESTON AND KNOBLOCK VOTING NOE), to approve, and authorize the Mayor to execute, the lease agreement by and between the City of San Clemente and Eric and Gia Lucy. (Contract C87-51)

G. **Contract Amendment - Additional Historic Review for Casino San Clemente Project**

Council discussed whether the master traffic and parking studies should precede the subject proposal. During the course of discussion, it was noted that the issue under consideration relates only to an analysis of the impact of relocating the historic Casino San Clemente building.

Council requested information relative to the relationship of the North Beach projects to the master traffic and parking studies and requested monthly updates on the North Beach projects.

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0 to approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C07-52 by and between the City of San Clemente and Architectural Resources Group, relating to additional historic review for the Casino San Clemente development project, in the amount of \$9,740.

N. **“Downtown San Clemente” Freeway Signage**

Mary Ann Comes, San Clemente, opined that the words “Spanish” and “Village” should not be separated and suggested that the sign reference “San Clemente Historic Downtown”.

Leila Endersby, San Clemente, suggested that reference to “Spanish Village” should be retained since that designation is unique and historic.

Mike Cotter, representing the San Clemente Historical Society, urged that the signage reference either “Downtown Spanish Village” or simply “Downtown”; opined that the words “Downtown Village” could brand the area and diminish the City’s Spanish Village identity.

Lee Van Slyke, San Clemente, noted that San Clemente is unique and asked that Council preserve the community’s historical identity by including the word “Spanish” in the freeway signage.

Georgette Korsen, San Clemente, stated that “Spanish Village by the Sea” is a distinct designation and should be preserved.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR ANDERSON, CARRIED 5-0, to adopt Resolution No. 07-97 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE INSTALLATION OF SIGNAGE TO BE PLACED ON INTERSTATE 5 AT AVENIDA PRESIDIO AND AVENIDA PALIZADA TO IDENTIFY EXITS FOR DOWNTOWN SAN CLEMENTE, as amended to reflect that the signage shall reference "Downtown San Clemente".

6. **PUBLIC HEARINGS**

A. **Tentative Parcel Map 2006-303, Ladas Condominium Conversion - 1501 Calle Sacramento**

Public Hearing to consider a request to subdivide an existing duplex into two condominium units located within the Residential Medium Density Zoning District with a Coastal Zone Overlay (RM-CZ) located at 1501 Calle Sacramento, the legal description being Lot 16, of Block 3, of Tract 821.

Associate Planner Nicholas narrated the contents of the Administrative Report.

Mayor Anderson opened the Public Hearing.

Charles Ladas, Applicant, advised that he was present to answer questions.

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

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to adopt Resolution No. 07-98 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 2006-303, LADAS CONDO CONVERSION, A REQUEST FOR A ONE LOT SUBDIVISION FOR CONDOMINIUM PURPOSES FOR TWO RESIDENTIAL UNITS LOCATED AT 1501 CALLE SACRAMENTO.

B. Tentative Parcel Map 2007-212, Madrid Condominium Subdivision - 316 Avenida Madrid

Public Hearing to consider a request for a one lot subdivision for condominium purposes for a residential duplex currently under construction. The project is located within the Residential Medium Zoning District with a Coastal Zone Overlay (RM-CZ) located at 316 Avenida Madrid, the legal description being Lots 19 and 20, of Block 25, of Tract 779.

Councilmember Eggleston announced that he will recuse himself from deliberations on this item because he resides within 500' of the subject project. Councilmember Eggleston then left the Council Chambers at 8:20 p.m.

Associate Planner Gregg reviewed the contents of the Administrative Report.

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

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 4-0-1 (COUNCILMEMBER EGGLESTON ABSTAINING), to adopt Resolution No. 07-99 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 2007-212, MADRID CONDOMINIUMS, A REQUEST FOR A ONE LOT SUBDIVISION FOR CONDOMINIUM PURPOSES FOR TWO RESIDENTIAL UNITS LOCATED AT 316 AVENIDA MADRID.

Councilmember Eggleston returned to the dais at 8:24 p.m.

C. **Amendment to Historic Property Preservation Agreement 06-434, Cotton Residence - 238 W. Canada**

Public Hearing to consider a request by the property owner of 238 W. Canada to amend the Historic Property Preservation Agreement with the City of San Clemente. The legal description of the subject property is Lot 17, Block 3 of Tract 794.

Associate Planner Gates narrated a PowerPoint presentation entitled "Amendment to Historic Property Preservation Agreement 06-434, Cotton Residence". A hard copy of Ms. Gates' presentation, dated December 18, 2007, is on file with the City Clerk. During the course of her presentation, Ms. Gates announced that the prospective owner referenced in the Administrative Report has fallen out of escrow and there is now a new prospective owner; distributed a letter from Andrew and Jeanne Loomis, the new prospective owner, which is on file with the City Clerk; stated that the new owner has agreed to replace the windows within one year and to replace the gate before the close of escrow; recommended approval of the subject Amendment.

Mayor Anderson opened the Public Hearing.

Les Cotton, San Clemente, described the financial hardship that makes it necessary for him to sell his property; urged Council to approve the contract amendment to enable him to remain in California.

Dena Van Slyke, San Clemente, suggested that the timeframe for completing the HPPA improvements should pass to future owners since they would receive the benefits; suggested that the "due on sale" provision should be imposed only on property owners who sell their property within the first year of ownership.

Lee Van Slyke, San Clemente, urged that Council approve Staff's recommendation and shift the responsibilities to the new buyer; noted that the issue before Council is a special case.

There being no others desiring to speak on this issue, Mayor Anderson closed the Public Hearing.

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to adopt Resolution No. 07-100 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE AMENDMENT TO HISTORIC PROPERTY PRESERVATION AGREEMENT 06-434 FOR THE PROPERTY LOCATED AT 238 WEST CANADA.

D. **Billing for 2007 Weed Abatement Program**

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 of San Clemente.

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

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

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to:

1. Waive the City's notification costs as well as postage, paper and staff costs for the compliant property owners.
2. Approve the Weed Abatement Report, and authorize the Weed Abatement Contract Administrator to bill the property owners the amounts indicated in the report.

7. **UNFINISHED BUSINESS**

None.

8. **NEW BUSINESS**

A. **Orange County Fire Authority (OCFA) - Renewal of Joint Powers Authority Agreement**

Report from the City Manager concerning the possibility of renewing the Joint Powers Authority Agreement with the OCFA.

City Manager Scarborough reviewed the contents of the Administrative Report.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve, and authorize the City Manager to execute, the First Amendment to Amended Joint Powers Authority Agreement (C95-02), by and between the City of San Clemente, other member cities, and the County of Orange.

10-D(3)A. **Orange County Fire Authority Presentation - Santiago Fire**

Council determined earlier in the meeting to consider this item at this point in the meeting. Please refer to Page 4 of these minutes for a summary of that action.

Chief Prather distributed a paper entitled "October Fire Siege 2007" (which is on file with the City Clerk), narrated a PowerPoint presentation entitled "Santiago Fire", dated October 21, 2007 (which is on file with the City Clerk), and played a video reflecting the OCFA's response to fire emergencies.

MEETING RECESSED

Council recessed at 9:15 p.m. and reconvened at 9:25 p.m., with all members present.

B. City Finance Committee

Report from the City Manager concerning the possibility of forming a City Finance Committee to consider funding options for the La Pata/Vista Hermosa Community Park.

City Manager Scarborough narrated the contents of the Administrative Report and responded to Council inquiries.

Discussion ensued relative to whether the 9-acre City property on Avenida Vista Hermosa should be sold or leased to fund the La Pata/Vista Hermosa Community Park or whether the property should be retained for open space purposes.

During the course of discussion, Council directed that equal consideration be given to leasing the 9-acre City property on Vista Hermosa as is given to selling the land. Additionally, Council requested that the possibility of establishing a City policy to require more than one MIA appraisal whenever City property is offered for sale or lease be agendaized for a future meeting.

Brandon Johnson, representing O'Donnell/Atkins, responded to Council inquiries relative to sale versus lease of the 9-acre site and long-term versus short-term revenue streams; noted that ground leases tend to be for a period of 55-60 years.

Charles Mann, San Clemente, stated that he supports the retention of open space, but noted that the subject land is not zoned as open space; spoke in support of a finance committee to analyze various alternatives to fund and maintain the park; suggested the possibility of issuing municipal bonds or seeking private sponsors to help fund the park.

Ray Bloomer, San Clemente, expressed concern regarding residential growth in the Talega area and subsequent school overcrowding; suggested that the area cannot support additional residential development; urged that the La Pata/Vista Hermosa Community Park be deferred until it can be afforded.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to defer consideration of establishing a City Finance Committee to the Vital Few Priority process.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER DAHL, CARRIED 4-1 (COUNCILMEMBER KNOBLOCK VOTING NOE) to reaffirm the decision to sell or lease the 9-acre City-owned residential property on Avenida Vista Hermosa to provide funding for the construction of the La Pata/Vista Hermosa Community Park.

C. **Contract Award - Sale or Lease of the 9-Acre City-Owned Site on Avenida Vista Hermosa**

Report from the Public Works/Economic Development Director concerning the sale or lease of the 9-acre City-owned site on Avenida Vista Hermosa.

Public Works/Economic Development Director Lund reviewed the contents of the Administrative Report; noted that the City Attorney has expressed concern that the language in the proposed contract that relates to compensation for a lease deal is not appropriate and needs to be more broad or flexible; requested that the City Attorney be authorized to refine the contract language pertaining to the calculation of the commission that would be payable to O'Donnell/Atkins if a lease deal is reached.

During the course of discussion, Council directed that equal consideration be given to leasing the land as is given to selling the land.

In response to Council inquiry, Brandon Johnson, representing O'Donnell/Atkins, stated that over the last 30 years, his firm has sold approximately 90%, and leased approximately 10%, of the raw land residential properties that it was retained to market.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C07-59, by and between the City of San Clemente and O'Donnell/Atkins, providing for the marketing and sale or lease of the City-owned 9-acre site on Avenida Vista Hermosa.

D. **Termination of Contract with David Volz Design (DVD)**

Report from the Beaches, Parks and Recreation Director concerning the possibility of terminating the contract with David Volz Design (contractor retained to complete the construction documents for the La Pata/Vista Hermosa Park Project).

Park Planner Shaw reviewed the contents of the Administrative Report.

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to:

1. Direct Staff to terminate Contract C05-62 between the City of San Clemente and David Volz Design (DVD).
2. Direct Staff to engage in termination activities with DVD and return to Council with a negotiated settlement for review and approval.
3. Direct Staff to seek an alternative design team via sole-source process, and return to Council for approval of contracts in January 2008.

E. **Barking Dog Ordinance**

Report from the City Manager concerning the possibility of amending the Code of the City of San Clemente relative to barking dogs.

City Manager Scarborough reviewed the contents of the Administrative Report and responded to Council inquiries.

Animal Services Director Gilliland summarized the City's current process for responding to barking dog complaints.

Bill Hezelwood, San Clemente, opined that the County's barking dog ordinance is flawed since it could subject dog owners to unjust citations; suggested that dog owners be given the opportunity to take remedial action by enrolling and participating in dog training sessions in lieu of paying fines.

Linda Hale, San Clemente, voiced concern that the City's current dog barking ordinance puts the onus on victims; spoke in support of the proposed Code amendment; urged that dog owners be given the option to participate in dog training sessions in lieu of paying fines.

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to direct the City Attorney to prepare an amendment to the Code of the City of San Clemente based on the County's barking dog ordinance for consideration at a future Council meeting.

Council requested that Staff investigate the feasibility of developing the Ordinance in such a manner as to enable persons who receive citations to transfer penalty payments to a bark suppression training program.

CONTINUATION OF MEETING PAST 11:00 P.M.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER DAHL, **FAILED 2-3** (COUNCILMEMBER EGGLESTON, DONCHAK AND KNOBLOCK VOTING NOE) to continue the meeting past 11:00 p.m.

SUBSTITUTE MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to continue the meeting for an additional 15 minutes.

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

None.

10. **REPORTS**

A. **Commissions and Committees**

(1) **City Representative - Orange County Vector Control District**

City Clerk Baade reviewed the contents of the Administrative Report.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 4-0-1 (MAYOR ANDERSON ABSTAINING), to reappoint Joe Anderson to serve as the City's representative to the Orange County Vector Control District for a term to expire on December 31, 2009.

(2) **City Representative - Downtown Business Association (DBA) Board of Directors**

City Clerk Baade reviewed the contents of the Administrative Report.

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to appoint John Tengdin to serve as the City's representative to the Downtown Business Association (DBA) for a term to expire on December 31, 2008.

B. **City Manager**

None.

C. **City Attorney**

None.

D. **Council Members**

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

Mayor Anderson stated that the City Selection Committee will meet on January 10, 2008 and advised that Miguel Pulido is seeking a position on the Air Quality Management District. No Council objections were expressed to Mr. Pulido's candidacy.

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

None.

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

A. **Orange County Fire Authority Presentation - Santiago Fire**

Council considered this item earlier in the meeting. Please refer to Page 14 of these minutes for a summary of that discussion.

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

Councilmember Dahl reported on animals available for adoption at the San Clemente-Dana Point Animal Shelter and expressed gratitude to the shelter's staff, veterinarians and volunteers.

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

Councilmember Dahl reported that the lawsuit between the Transportation Corridor Agencies and Rancho Mission Viejo has been settled.

(6) **Appointment to Regional Commissions and Committees.**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to continue appointments to regional Commissions and Committees to the Council Meeting of January 8, 2008.

(7) **Councilmember Items.**

Garbage Can Enclosures - Alleyways Behind Avenida Del Mar

Councilmember Eggleston requested a status report relative to the installation of garbage can enclosures behind the businesses on Avenida Del Mar.

Housing Element Committee

Councilmember Donchak provided a status report on the Housing Element Committee, noting that the Committee has been meeting monthly; reported that Gary Headrick, from San Clemente Green, addressed the Committee at its last meeting.

MEETING RECESSED

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to recess to a meeting of the Redevelopment Agency at 11:05 p.m.

MEETING RECONVENED

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

11. **RESOLUTIONS/ORDINANCES**

None.

12. **ADJOURNMENT**

MOTION BY MAYOR ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to adjourn at 11:16 p.m., to an Adjourned Regular Meeting to be held on January 7, 2008 at 3:30 p.m. in the Ole Hanson Room of the Community Center, located at 100 N. Seville, San Clemente, for the purpose of meeting in Joint Session with Congressman Calvert.

The next Regular Meeting will be held on **January 8, 2008*** in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be discussed at 6:00 p.m. The General Session will begin at 7:00 p.m.

The second Regular Council Meeting in January will take place on **January 22, 2008***.

**Note: Council previously rescheduled its Regular Council Meeting dates in January, 2008 because the first Council meeting in 2008 would have fallen on New Year's Day.*

CITY CLERK of the City of
San Clemente, California

MAYOR of the City of
San Clemente, California