

# CITY OF SAN CLEMENTE

## City Council Minutes

### Special and Regular Meeting - November 20, 2007

A Special and Regular Meeting of the San Clemente City Council was called to order on November 20, 2007 at 5:00 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; Joanne Baade, City Clerk.

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### **CLOSED SESSION**

City Attorney Oderman requested that Council recess to Closed Session to discuss the items on the agenda, with the following exceptions: 1) the senior center lease won't be discussed; and 2) only one of the four agendaized cases of potential litigation will be discussed (i.e., a potential code enforcement action relating to unpermitted work on a coastal bluff on the property located at 1013 Buena Vista).

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to recess to Closed Session at 5:03 p.m. to discuss the following:

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

Title: City Manager

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

Name of Case: Callan v. City of San Clemente, et al., OCSC Case No. 01CC07556.

*Closed Sessions continued on next page*

3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

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

Property: City-owned open space in the vicinity of La Pata and Calle Saluda

Negotiating Parties: George Scarborough, City Manager and Dena Van Slyke, Association for the Amphitheatre

Under Negotiation: Price and Terms of Payment

City Manager Scarborough, City Attorney Oderman, Assistant City Manager Gudgeirsson, Public Works/Economic Development Director Lund, City Engineer Cameron and City Clerk Baade were in attendance.

**MEETING RECONVENED**

Council reconvened at 6:02 p.m., with all members present.

**CLOSED SESSION REPORT (CALLAN V. CITY OF SAN CLEMENTE, ET AL.)**

City Attorney Oderman reported that the Callan lawsuit was discussed in Closed Session; stated that on a motion by Mayor Pro Tem Anderson, seconded by Councilmember Donchak, and carried 5-0, Council authorized the City to enter into a hold harmless and indemnity agreement with the Blowers (property owners at the end of the Amapola cul-de-sac) that will gain their approval of a right-of-entry agreement to allow entry onto their property to enable, among other things, tie-backs to be placed into the slope to help effectuate the Bellota Canyon repair project; advised that the motion was conditioned upon the Blowers authorizing City staff to access their back yard and pool area in order to verify pre-existing conditions.

Additionally, City Attorney Oderman advised that Council discussed and gave direction to Staff with regard to other items, but no other reportable action was taken; stated that the Council deferred the performance evaluation for the City Manager to the 6:00 p.m. Closed Session.

**MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to adjourn the Special Meeting at 6:04 p.m.**

City Attorney Oderman requested that Council add to the agenda for discussion during the Regular Meeting Closed Session a recently filed lawsuit entitled Stancik v. Baade, Orange County Superior Court Case #07CC11813, which relates to the Pacific Golf Club referendum; stated that the need for action came to the attention of the City subsequent to the agenda being posted and action cannot be deferred because the lawsuit pertains to ballot arguments and the court hearing will take place prior to Council's next meeting.

**MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to add the case of Stancik v. Baade to the Closed Session agenda since there is a need for immediate action and the need for action came to the attention of the City subsequent to the agenda being posted.**

**RECESS TO CLOSED SESSION**

Council recessed to Closed Session at 6:06 p.m. to discuss the following:

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

Name of Case: Stancik v. Baade, OCSC Case No. 07CC11813

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

Title: City Manager

City Manager Scarborough, City Attorney Oderman and City Clerk Baade were in attendance during Closed Session Item 1 only.

**MEETING RECONVENED**

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

**INVOCATION**

Don Kappauf, Orange County Sheriffs Department, gave the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Anderson led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

None.

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

**CLOSED SESSION REPORT - STANCIK V. BAADE**

City Attorney Oderman announced that during the 6:00 p.m. Closed Session, Council discussed a recently filed lawsuit entitled Stancik v. Baade, which involves the ballot arguments that were filed with the City Clerk for the Pacific Golf Club measure that will appear on the February 5, 2008 ballot; explained that the case alleges that some of the statements contained in the “No on C” ballot argument and rebuttal were false and misleading and the lawsuit seeks a court order to delete or modify the allegedly false or misleading statements in order to make them factually correct and accurate; advised that on a motion by Mayor Pro Tem Anderson, seconded by Mayor Dahl, carried 4-1 (Councilmember Eggleston voting noe), Council authorized the City Attorney’s office to file a statement in court to convey in as neutral a manner as possible the City’s perspective of the facts that are within the City’s knowledge.

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

None.

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

**Request that San Clemente Amend its Business License Process to be consistent with OCTAP (Orange County Taxi Administration Program)**

Konstantinos Roditis, President of 24/7 Yellow Cab, stated that his company is the only licensed taxi cab company in San Clemente; related that San Clemente is a member of OCTAP (Orange County Taxi Administration Program) which regulates taxi cab service in Orange County; stated that San Clemente requires taxi cab companies to purchase a business license for \$60 and pay an additional \$10 per vehicle; voiced concern that San Clemente also requires each individual driver to obtain a business license, which is inconsistent with OCTAP procedures; urged that Council modify its regulations to coincide with the spirit of OCTAP.

It was agreed that City Manager Scarborough will contact Mr. Roditis to discuss this issue.

**Request for the Installation of K-Rail Barrier Along the Pacific Coast Highway Bike Path**

Michael Fluchere, San Clemente, urged that Council consider erecting a K-rail barrier along the bike path on Pacific Coast Highway; suggested that the barrier should be similar to, and contiguous with, the barrier that was installed by the City of Dana Point.

**5. CONSENT CALENDAR**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve the Consent Calendar with the removal of Items D and F.

**A. City Council Minutes**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve the City Council minutes of October 30, 2007 and November 6, 2007.

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

- (1) Golf Course Committee minutes of September 6, 2007 and October 4, 2007.
- (2) Zoning Administrator meeting minutes of November 7, 2007.
- (3) Planning Commission Regular Meeting and Study Session minutes of November 7, 2007.
- (4) Coastal Advisory Committee minutes of October 11, 2007.

**C. Warrant Register**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve Wire Transfer No. 491 and Warrant Nos. 788855 through 789038 for the period 10-22-07 through 10-26-07 in the amount of \$1,222,092.46; approve Wire Transfers Nos. 492 and 493 and Warrant Nos. 789039 through 789184 for the period 10-29-07 through 11-2-07 in the amount of \$1,475,477.09; for a total Warrant Register of \$2,697,569.55.

**Payroll Register**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve Warrant Nos. 319917 through 319962, Automatic Deposit Advises 149541 through 149764, for the period 10-22-07 through 11-4-07 in the amount of \$368,709.53; for a total Payroll Register of \$368,709.53.

**E. Notice of Completion - Casa Romantica Security Fence and Gates**

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

1. Accept the Casa Romantica Security Fence and Gates, Project No. 16808, from the Lightning Fence Company.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Casa Romantica Security Fence and Gates Project No. 16808. (Contract C07-11)

**G. Full Flex Cafeteria Plan Section 125 Plan Document**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve, and authorize the Mayor to execute, the Full Flex Cafeteria Plan Section 125 Plan Document, which will become effective on January 1, 2008.

H. **Project Acceptance, Easement Acceptance, Notice of Completion, Change Order No. 2 - 221-225 W. Marquita Storm Drain Reconstruction**

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

1. Accept the construction of 221-225 W. Marquita Storm Drain Reconstruction, Project No. 13803.
2. Authorize the City Engineer to execute Change Order No. 2 to Contract C06-30, by and between the City of San Clemente and Zusser Company, Inc., in the amount of \$3,368.50.
3. Accept the storm drain easement subject to City Engineer review and approval of the easement plat and legal description.
4. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for 221-225 W. Marquita Storm Drain Reconstruction, Project No. 13803. (Contract C06-30)

I. **Notice of Completion - Camino Vera Cruz Rehabilitation, Project No. 17311, Federal Project No. STPL-5274(022)**

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

1. Accept the Camino Vera Cruz Rehabilitation, Project No. 17311, Federal Project No. STPL-5274(022) from the contractor, R. J. Noble Company.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Camino Vera Cruz Rehabilitation, Project No. 17311, Federal Project No. STPL-5274(022). (Contract C06-56)



**ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**

D. **Investment Policy 202-1**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to continue consideration of the Investment Policy to the Council meeting of December 4, 2007, to enable Staff to explain the rationale for the current membership of the Investment Advisory Committee, which includes five voting members plus one non-voting staff representative. Staff is to modify the Policy to correct any ambiguities relative to this practice. Council will determine at the December 4, 2007 meeting whether the staff representative to the Investment Advisory Committee should be allocated voting privileges or whether the current practice should be continued.

F. **Termination of the California Public Entity Insurance Authority (CPEIA) Joint Powers Agreement**

Following Staff confirmation that the transition from the California Public Entity Insurance Authority to the CSAC Excess Insurance Authority would not place any additional financial burden/liabilities on the City, MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to adopt Resolution No. 07-83 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TERMINATING THE CALIFORNIA PUBLIC ENTITY INSURANCE AUTHORITY JOINT POWERS AGREEMENT.

**RE-ORDERING OF AGENDA**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to consider New Business Item 8-B (Farmers Market Special Event Permit Renewal) at this point in the meeting.

8. **NEW BUSINESS**

B. **Farmers Market Special Event Permit Renewal**

Report from the Beaches, Parks and Recreation Director concerning renewal of the Farmers Market special event permit.

Beaches, Parks and Recreation Director King reviewed the contents of the Administrative Report and responded to Council inquiries.

Rick Heil related that the Farmers Market regularly receives favorable reviews from both the Orange County Department of Agriculture as well as the Orange County Department of Health.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve the Farmers Market Special Event Permit for a term of three years.

6. **PUBLIC HEARINGS**

A. **Historic Property Preservation Agreement 07-403, Heitland Residence - 129 West Mariposa**

Public Hearing to consider a request to enter into an Historic Property Preservation Agreement with the City of San Clemente. The designated historic property is located in the Residential Medium (RM) and Coastal Zone Overlay (CZ) zoning district at 129 West Mariposa, the legal description being Lot 64, Block 15 of Tract 793.

Associate Planner Gates narrated a PowerPoint presentation entitled "Historic Property Preservation Agreement 07-403, Heitland Residence" and responded to Council inquiries.

Mayor Dahl opened the Public Hearing.

Lynn Heitland, Applicant, thanked Council for considering her application.

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

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to adopt Resolution No. 07-84 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 07-403 FOR THE PROPERTY LOCATED AT 129 WEST MARIPOSA.

**B. Historic Property Preservation Agreement 07-405, Greer Residence - 132 Avenida Miramar**

Public Hearing to consider a request to enter into an Historic Property Preservation Agreement with the City of San Clemente. The designated historic property is located at 132 Avenida Miramar in the Residential Medium (RM) zoning district, the legal description being Lot 30, Block 2 of Tract 779.

Associate Planner Gates narrated a PowerPoint presentation entitled "Historic Property Preservation Agreement 07-405, Greer Residence" and responded to Council inquiries.

Mayor Dahl opened the Public Hearing.

Keith Greer, Applicant, stated that a grill for the vent on the rear addition has been ordered and should be installed next week.

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

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to adopt Resolution No. 07-85 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 07-405 FOR THE PROPERTY LOCATED AT 132 AVENIDA MIRAMAR.

7. **UNFINISHED BUSINESS**

A. **LAB Development - Revised Schedule**

Report from the Community Development Director concerning the revised schedule for the LAB development at North Beach.

Community Development Director Holloway narrated a PowerPoint presentation entitled "North Beach" and responded to Council inquiries. A hard copy of Mr. Holloway's presentation, dated November 20, 2007, is on file with the City Clerk.

During the ensuing discussion, individual Councilmember(s) offered commentary as follows. The below points do not necessarily reflect Council consensus.

- It would be advantageous for the City to have a master parking plan for North Beach.
- Council should receive copies of all Design Review Subcommittee minutes relative to the North Beach project.
- Parking for the retail stores may displace parking for the Metrolink and beach.
- More than one property appraisal should be obtained.

Shaheen Sadeghi, Principal of Lab Holding, LLC, narrated a PowerPoint presentation entitled "North Beach, November 2007 Update", which is on file with the City Clerk; explained that the project was reduced in scope because of the discovery of unforeseen issues, including: 1) existence of a 25' to 30' setback on the property, 2) existence of a sewer plant on the property, 3) existence of large pipes on Deshecha that cannot be moved, and 4) existence of a water culvert on the site; noted that the triangle is now much smaller than originally envisioned; stated that the Coastal Commission wants public spaces on the property and is opposed to three-story development or residential development on the property; reviewed the project's evolution, commenting that the low-density project is in keeping with San Clemente's culture and doesn't dwarf surrounding developments; noted that the City is not providing free parking for the project or providing any parking variances; reviewed the rationale for proposing that parking be provided on the Marblehead property; opined that it is not suitable for San Clemente to have a parking structure on the beach; noted that the project would have 35% public open space; stated that the project is elevated above

the cars and train; stressed that all existing parking will remain and that new parking will be provided for the new development; stated that the last 14 months have been spent on density and parking, but the next step will involve traffic studies and connectivities; stressed that the LAB has done everything that the City has asked it to do; stated that the project will bring life and energy to the area; explained that a hotel will not fit on the one acre site; pointed out that the project will be a “green” development.

Henry Lenny, Project Architect, stated that the project incorporates San Clemente’s character in its size, bulk, scale and materials; reviewed the project’s renderings, focusing on architecture, layout, view corridors and the resulting pedestrian experience.

In response to Council inquiry, Mr. Sadeghi explained that the pedestrian access from the parking structure will likely be in the form of a landscaped brick walk path that crosses the street (as opposed to an overcrossing); noted that valet service would be available and pointed out that persons who work at the shops will typically park across the street.

**MEETING RECESSED**

Council recessed at 9:30 p.m. and reconvened at 9:35 p.m., with all members present.

Patrick Griffin, San Clemente, conveyed support for the project, noting that it will provide a beautiful entrance to the City; commented that the north part of town has been neglected for a long period of time and urged Council to expedite the redevelopment of North Beach.

Jean Bull, San Clemente, urged that North Beach continue to be family oriented; opined that more handicap parking is needed.

Jack Bull, San Clemente, opined that the proposed buildings are beautiful but would be ill placed at the proposed location; opined that the project would be a disaster.

Barb Brocknau, San Clemente, stated that she lives around the corner from the proposed development; voiced concern that the project will generate traffic and opined that patrons will park in her neighborhood; requested that residents be provided with free residential parking permits; voiced concern that a dangerous situation will be created if patrons need to cross the street to park.

Ed Brocknau, San Clemente, stated that redevelopment efforts should be limited to beautifying the area for beachgoers; spoke in opposition to commercial development; noted that parking in the area is at a premium.

George Gregory, San Clemente, asserted that the proposed project will negatively affect property values; voiced concern with parking and safety; suggested that the area be developed into a park.

Fred Peltz, San Clemente, asserted that the project not only eliminates parking, but creates additional need; suggested that providing parking across the street from the project is not convenient; voiced concern with overdevelopment.

Yuj Yamada, owner of Ichibiri's, stated that his business currently has adequate parking, but expressed concern that his restaurant will not survive the construction process.

John Papavero, San Clemente, urged that Council not approve the project without adequately considering parking; suggested that patrons will park along El Camino Real all the way to Avenida de la Grulla.

Al Armijo, on behalf of Dr. Nabil Nasray (Applicant for the Gallery project), conveyed support for Staff's recommendation and urged expeditious processing of the proposed project; commented that the project has evolved impressively; suggested that the Gallery project will complement the LAB's North Beach development.

Kevin Daehnke, San Clemente, stated that he lives across from the Ole Hanson Beach Club; urged that Council utilize restraint; stated that the proposal that was made a year ago is completely different from the one currently being considered; opined that scaled drawings are needed in order to properly evaluate the project.

Mike Cotter, San Clemente Historical Society, urged that Council take a proactive stance in helping to preserve the Miramar Theatre; spoke in opposition to relocating the casino structure due to concern that it would demolish its historical importance; urged Council to respect the recorded deed restriction for the Ole Hanson Beach Club.

Michael Fluchere, San Clemente, opined that the project represents a bait and switch, noting that the plan has changed dramatically; opined that a vote on the plan is premature; urged that more than one appraisal be obtained.

Don Bonnano, San Clemente, voiced concern that a portion of the public's parking lot can be removed and sold without being declared surplus; questioned whether persons who participate in events at the Ole Hanson Beach Club will have to walk from the parking structure; commented that three large projects are proposed at North Beach without off-street parking; urged that additional workshops be held.

Mary Sykes-Rushing, San Clemente, recommended that Council not approve the North Beach project at this time due to the lack of on-site parking; stated that the traffic impacts from Marblehead Coastal are not yet known.

Leila Endersby, San Clemente, stated that the City lost the Nixon Library and expressed hope that the City will not also lose the LAB project.

Peter Townend, Huntington Beach resident who is employed in San Clemente, stated that the project will create community; asserted that progress can't be stopped; stated that parking needs to be managed.

Ed May, San Clemente, commented that Boca de la Playa already has a parking problem; stated that scaled drawings were not provided; voiced concern with parking and traffic flow and urged that another public workshop be conducted.

John Tengdin, San Clemente, opined that the project will provide an outstanding gateway to San Clemente; pointed out that the major plan modifications were necessitated by unknown conditions; encouraged Council to proceed to the next step.

Jim Kempton, San Clemente, asserted that the proposed project is the best development to come to the City in 30 years; suggested that the site is not suited for a hotel.

Paul Kunze, co-owner of the land under the 7-Eleven at North Beach, related that he likes the LAB's vision because it is people oriented.

Raad Ghantous, San Clemente, stated that San Clemente's parking problem needs to be addressed City wide; spoke in support of a larger vision to address infrastructure problems; suggested that the project will serve as a catalyst for improvements.

Lee Van Slyke, San Clemente, spoke in support of Staff's recommendation; stated that he commutes and likes the idea of a parking structure since it will free up beach parking.

Wendy Morris, San Clemente, stated that the project is beautiful, but should be relocated due to the lack of sufficient space; voiced concern with reducing parking spaces to accommodate a project that will increase parking demand; suggested that beachgoers, who carry beach supplies, will not be safe crossing the street from the parking structure.

Charles Mann, San Clemente, stated that he likes the project, but has concerns with parking and traffic; urged that Council obtain more than one land appraisal; suggested that Council consider leasing the land.

Georgette Korsen, San Clemente, spoke in support of locating a parking structure across the street, noting that walking is healthy; related that San Clemente needs a first-class hotel; opined that the LAB is a sensitive and creative developer.

John Monson, San Clemente, stated that the project will bring an artistic element to the City and will help to unite the community.

Elliott Servais, San Clemente, stated that San Clemente needs the LAB project; commented that parking needs to be considered in a global perspective; asserted that the project is excellent and will bring culture to the community.



Dick Baker, San Clemente, spoke in support of the project, noting that it will provide a source of pride; commented that issues can be dealt with while the project is being processed.

Gary Ward, San Clemente, pointed out that the LAB is a quality developer.

**MEETING CONTINUED PAST 11:00 P.M.**

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 4-1 (COUNCILMEMBER DONCHAK VOTING NOE), to continue the meeting past 11:00 p.m.

Linda Sadeghi encouraged Council to allow the LAB to proceed to the next step so that issues can be considered in depth.

Council requested quarterly updates on the LAB project.

Council summarized the public commentary portion of the meeting, noting that the community is seeking a comprehensive solution to parking needs in the North Beach area, desires that the plan address intermediate and long-term needs in addition to current needs, and believes that the parking solution should be a joint venture between the City and developers.

Additionally, Council summarized suggestions for issues to be included in the parking master plan for North Beach as follows:

1. Historic Re-Use -- Will require additional parking
2. Employee parking designations (parking structure use)
3. Commuter parking designations/incentives (parking structure use)
4. Parking permits for neighboring residents
5. Loading and unloading areas for the beach
6. Beach trail parking
7. Ole Hanson Beach Club parking, especially for disabled persons
8. Evening entertainment
9. Pacific Coast Highway crossing/pedestrian safety at the intersection with Avenida Pico

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 3<sup>rd</sup> level to the Marblehead Coastal property parking structure. The cost of the 3<sup>rd</sup> level is assumed to be paid by the City through the Beach Parking Impact Fund.

8. **NEW BUSINESS**

A. **Plug-In Partners National Plug-In Hybrid Electric Vehicles (PHEV) Initiative**

Report from the Public Works/Economic Development Director concerning the possibility of supporting the Plug-In Partners National Campaign.

Public Works/Economic Development Director Lund provided an overview of the Administrative Report.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to adopt Resolution No. 07-86 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SUPPORTING THE PLUG-IN PARTNERS NATIONAL CAMPAIGN.

B. **Farmers Market Special Event Permit Renewal**

Report from the Beaches, Parks and Recreation Director concerning renewal of the Farmers Market special event permit.

This item was considered earlier in the meeting. Please refer to Page 10 of these minutes for a summary of that action.

C. **Appropriation of Supplemental Funds - San Gorgonio Park Renovation Project**

Report from the Beaches, Parks and Recreation Director concerning the possibility of approving a supplemental appropriation of funds for the San Gorgonio Park renovation project.

Park Planner Shaw reviewed the contents of the Administrative Report.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to authorize the supplemental appropriation of \$174,876 into the San Gorgonio Field and Lighting Renovation Project, Account 001-635-45300-000-15103 from the General Fund Balance.

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

None.

10. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

(1) **Presentation of the FY 2006-07 4<sup>th</sup> Quarter Financial Report and the FY 2007-08 1<sup>st</sup> Quarter Financial Report.**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to continue this item to the Council meeting of December 4, 2007.

C. **City Attorney**

None.

D. **Council Members**

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

It was agreed that the City will submit a letter to the Orange County Division supporting the continuation of monthly League business meetings (as opposed to conducting meetings every other month). Council's rationale for favoring continuation of the current meeting schedule is that monthly meetings will help to ensure timely consideration of vital issues and will also facilitate attendance.

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

None.

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

Mayor Dahl reported that Chief Prather would like to give a Special Presentation at a future Council meeting concerning the OCFA's response to the Santiago Fire.

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

None.

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

Mayor Dahl provided a TCA report, noting that the budget amendment has not been adopted and that it does not appear that anything will happen until after the first of the year for the appropriations bill.

(6) **Possible Endorsement of Former Lt. Bill Hunt to fill the Unexpired Term of the Orange County Sheriff in the Event the Current Incumbent Permanently Steps Down from Office.**

City Manager Scarborough reviewed the contents of the Administrative Report.

Assistant Sheriff Jack Anderson urged that Council refrain from sending a letter to the Orange County Board of Supervisors to recommend the appointment of any individual to fill the Sheriff's position in the event that the incumbent fails to complete his term of office; stated that his request is not intended to reflect negatively on Lt. Hunt.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to table this item.

(7) **Councilmember Items.**

Councilmember Knoblock reported on his attendance at a recent League of Cities meeting that debated the issue of eminent domain.

11. **RESOLUTIONS/ORDINANCES**

A. **Ordinance No. 1451 (Second Reading) - Building Regulations**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to adopt Ordinance No. 1451 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTIONS 15.08.010 AND 15.08.020 OF CHAPTER 15.08; ADDING CHAPTERS 15.09 AND 15.10; AND AMENDING CHAPTERS 15.12, 15.16, AND 15.20 OF TITLE 15 OF THE SAN CLEMENTE MUNICIPAL CODE ADOPTING BUILDING REGULATIONS.

B. **Ordinance No. 1452 (Second Reading) - Fire Code Regulations**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to adopt Ordinance No. 1452 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 8.16 OF THE SAN CLEMENTE MUNICIPAL CODE AND ADOPTING FIRE CODE REGULATIONS FOR THE CITY OF SAN CLEMENTE.

C. **Ordinance No. 1453 (Second Reading) - Construction, Installation, Repair, and Replacement of Historic Tile Sidewalks**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to adopt Ordinance No. 1453 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADDING A NEW SECTION 12.08.030 TO THE SAN CLEMENTE MUNICIPAL CODE RELATING TO THE CONSTRUCTION, INSTALLATION, REPAIR, AND REPLACEMENT OF HISTORIC TILE SIDEWALKS.

D. **Ordinance No. 1454 (Second Reading) - Clean Ocean Fee Program**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to adopt Ordinance No. 1454 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A REVISED CHAPTER 13.34 OF THE SAN CLEMENTE MUNICIPAL CODE ENTITLED "CLEAN OCEAN FEE PROGRAM".

12. **ADJOURNMENT**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to adjourn at 11:55 p.m.

The next Regular Meeting will be held on December 4, 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 General Session will begin at 7:00 p.m.

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CITY CLERK of the City of  
San Clemente, California

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MAYOR of the City of  
San Clemente, California