

# CITY OF SAN CLEMENTE

## City Council Minutes

### Regular Meeting - October 2, 2007

A Regular Meeting of the San Clemente City Council was called to order on October 2, 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; Joanne Baade, City Clerk.

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### **CLOSED SESSION**

City Attorney Oderman reported that Closed Session Item A relates to whether AT&T complies with the State cable franchise, including the PEG channel requirement; stated that the issue has reached the point where the City may consider litigation.

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

A.      CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

B.      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

City Manager Scarborough, Assistant City Manager Gudgeirsson, Public Works/Economic Development Director Lund, Attorney Bill Marticorena (Rutan and Tucker), Jonathan Kramer (City's Cable Consultant), and City Clerk Baade were in attendance.

**MEETING RECONVENED**

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

**INVOCATION**

Valerie Jordan, Orange County Sheriffs Department, gave the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Anderson led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Fire Prevention Week Proclamation**

Mayor Dahl presented a proclamation to Division Chief Rick Robinson declaring October 7 through 13, 2007 as Fire Prevention Week.

2. MOTION BY MAYOR PRO TEM ANDERSON, 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)**

**Expression of Gratitude to Council**

Lee Van Slyke, San Clemente, expressed gratitude to Council for its efforts on behalf of the community; voiced concern that some people will make accusations of wrongdoing when their views are not shared; urged that Councilmembers follow their consciences and not be affected by threats.

**Overcrowding on Avenida Rosa**

Larry Culbertson, San Clemente, voiced concern that some of the buildings on Avenida Rosa are overcrowded and cited an example of a two bedroom unit that has at least 11 residents; urged that Council establish a task force and seek to educate landlords about the problems of overcrowding.

**Street Sweeping/Clean Ocean Fee Rates/Handicap Parking at Pier/Water Rates**

Helen McCue, San Clemente, urged that all streets be posted and enforced for street sweeping in order to promote clean ocean waters; voiced concern that her small triplex pays a \$12 per month clean ocean fee even though her structure has the same amount of impervious surfaces as single-family homes that pay only \$5 per month; voiced concern that only five handicap parking spaces are provided at the pier and urged that additional spaces be created; stated that single-family homes are allotted additional units of water during summer months before their per-unit charge escalates to a higher tier, but voiced concern that duplexes and triplexes do not receive that benefit.

5. **CONSENT CALENDAR**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve the Consent Calendar with the removal of Item 5-A (Joint City Council/Planning Commission minutes of September 11, 2007).

A. **City Council Minutes**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve the City Council minutes of August 21, 2007. *(Please refer to Page 8 of these minutes for Council's action relating to the Joint City Council/Planning Commission minutes of September 11, 2007.)*

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

- (1) Parks and Recreation Commission minutes of August 14, 2007.
- (2) Zoning Administrator meeting minutes of September 19, 2007.
- (3) Planning Commission minutes of September 19, 2007 Regular Meeting, September 19, 2007 Study Session, and September 5, 2007 Study Session.
- (4) Coastal Advisory Committee minutes of August 9, 2007.

C. **Warrant Register**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve Handwrite No. 787608 and Wire Transfers Nos. 481 and 482 and Warrant Nos. 787609 through 787742 for the period 9-3-07 through 9-7-07 in the amount of \$469,339.08; approve Handwrite No. 787950 and Warrant Nos. 787743 through 787949 for the period 9-10-07 through 9-14-07 in the amount of \$1,916,604.44; for a total Warrant Register \$2,385,943.52.

**Payroll Register**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve Warrant Nos. 319681 through 319739, Automatic Deposit Advises 148615 through 148858 for the period 8-27-07 through 9-9-07 in the amount of \$390,987.40; for a total Payroll Register of \$390,987.40.

D. **Parking Prohibitions on Avenida San Pablo**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to adopt Resolution No. 07-69 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING “NO PARKING AREAS” ON AVENIDA SAN PABLO AND EAST AVENIDA SAN GABRIEL.

E. **Bond Release - Traffic Signals at the Intersections of Calle Altea and Camino La Pedriza (Tract 13683) and Avenida Talega and Camino Tierra Grande (Tract 16517)**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to adopt Resolution No. 07-70 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA AUTHORIZING THE RELEASE OF TRAFFIC SIGNAL BONDS FOR SIGNAL IMPROVEMENTS AT THE INTERSECTION OF CALLE ALTEA AND CAMINO LA PEDRIZA, TRACT 13683 AND THE INTERSECTION OF AVENIDA TALEGA AND CAMINO TIERRA GRANDE, TRACT 16517.

F. **Calle Frontera Traffic Calming Improvements**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve the calming measures for Calle Frontera as identified in the Administrative Report, dated October 2, 2007, which is on file with the City Clerk.

G. **Contract Amendment - On-Call Engineering Services**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve, and authorize the Mayor to execute, the First Amendment to Contract C06-20, by and between the City of San Clemente and G&F Consulting Engineers, Inc., providing for on-call engineering services. This amendment will increase the contract amount from a maximum of \$100,000 to an amount not to exceed \$175,000.

H. **Contract Amendment and Funding Transfer for Tournament Support at Steed Park**

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

1. Approve an increase of \$48,600 to Account 001-000-34765 (Steed Park Tournament Fees).
2. Approve a transfer of \$10,000 from Account 001-628-43415 to Account 001-639-43425.
3. Approve an appropriation of \$10,160 to Account 001-639-43425.
4. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C07-38 by and between the City of San Clemente and Stewart & Associates.

I. **Authorization to Apply for TEA Grant Funding for the San Clemente Pedestrian Beach Trail Calafia Underpass**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to adopt Resolution No. 07-71 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR FUNDS FOR THE SAN CLEMENTE PEDESTRIAN BEACH TRAIL PROJECT IMPROVEMENTS ASSOCIATED WITH CALAFIA UNDERPASS, PURSUANT TO THE TRANSPORTATION DEVELOPMENT ACT (TDA) PROGRAM.

J. **Easement Deed for Public Access/Sidewalk Purposes Along the Property Frontage at 328 W. Paseo De Cristobal**

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

1. Accept the Easement Deed from N. K. Toerge and Brenda L. Toerge for public access/sidewalk purposes along the frontage at 328 W. Paseo De Cristobal. (Deed 430)
2. Authorize the City Clerk to record the Easement Deed with the County Recorder.

K. **Contract Award - Major Maintenance for Avenida Dominguez, Avenida San Fernando and Avenida Pala**

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

1. Approve the plans and specifications for the Major Maintenance for Avenida Dominguez, Avenida San Fernando and Avenida Pala, Project No. 27303.
2. Approve, and authorize the Mayor to execute, Contract C07-48 by and between the City of San Clemente and All American Asphalt, providing for the major maintenance of Avenida Dominguez, Avenida San Fernando and Avenida Pala, Project No. 27303, in the amount of \$398,299.

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

A. **Joint City Council/Planning Commission Minutes of September 11, 2007**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve the Joint City Council/Planning Commission minutes of September 11, 2007 with the modification that the motion on Page 3 be expanded to include "Undergrounding telephone wires" to the list of items to assist the Planning Commission and Staff in addressing building intensity in the MU3 zoning district.



**6. PUBLIC HEARINGS****A. Cultural Heritage Permit 06-480/Zoning Amendment 06-481/Zoning Amendment 06-268, Historic Preservation Zoning Code**

The project has three components: (1) the amendment to Historic Structures List, adding and removing properties from the list; (2) an amendment to portions of the Historic Preservation Zoning Ordinance establishing a process for establishing and processing the review of City landmarks; and (3) an amendment to Section 17.16.170 and Section 17.24.020 of the City's Zoning Ordinance to make the process for reviewing demolition permits for historic properties consistent with the California Environmental Quality Act, and to require the maintenance of the City's designated Historic Structures to prevent deterioration. This notice is in regard to the amendment to the Historic Structures List, creation of a list of City Landmarks and the amendment to Sections 17.16.170 and 17.24.020. The amendment to the Zoning Code establishing a procedure for processing and reviewing Landmarks was heard at the Council meeting of September 4, 2007.

Councilmember Donchak recused herself from participating on this item, and left the Council Chambers at 7:25 p.m., because she owns an historic home.

Councilmember Eggleston referenced a flyer that was distributed throughout the community by unidentified persons; stated that his involvement in historic preservation and the San Clemente Historical Society does not disqualify him from participating in the subject issue; stated that he received verbal authorization from the Fair Political Practices Commission, as well as a written opinion from the City Attorney, that he can participate on this item. The letter from Rutan and Tucker, dated September 6, 2007, is on file with the City Clerk.

Principal Planner Pechous narrated a PowerPoint presentation entitled "Update of Historic Structures List, Creation of a Landmark List" and responded to Council inquiries. A hard copy of Mr. Pechous' presentation, dated October 2, 2007, is on file with the City Clerk.

In response to Council inquiry, Mr. Pechous explained that the owners of the following structures are opposed to having their properties included on the list of City landmarks:

- Beachcomber
- San Clemente Theatre (Miramar)
- Swigart House (230 Avenida Marquita)
- Sea Cliff Villas

Mayor Dahl opened the Public Hearing.

Mina Javaherbin, San Clemente, suggested that historic designations will be beneficial to the City and urged that the City's limited historical resources be preserved.

Alan Korsen, San Clemente, urged that Council approve the proposed list of historic properties as a demonstration of respect; commented that San Clemente's past should be a part of its future.

Dottie Prohaska, San Clemente, expressed appreciation to the Landmarks Task Force, noting that it endured a long and difficult process; opined that the Task Force came to a good conclusion and urged Council support.

Dave Swerdlin, on behalf of the owners of the Sea Cliffs Villas, spoke in opposition to including the Sea Cliffs property on the landmarks list; related that inclusion on the list should be voluntary and conveyed the owners' position that inclusion on the list will diminish their property rights.

Laura Ginn, on behalf of the owners of Sea Cliffs Villas, urged that Sea Cliffs not be included on the landmarks list since the owners object and it would be economically infeasible to bring the structure up to Code; urged that Council consider progression while also considering charm.

Jerry Collamer, San Clemente, spoke on the importance of preserving history and recommended that Council approve the list as presented.

Georgette Korsen, San Clemente, read a letter from Joan Irvine Smith (which is on file with the City Clerk) that urged that the City not remove any buildings from the proposed landmarks list since it will send a message that the City does not value its iconic structures. Additionally, Ms. Korsen voiced concern that the community will be deprived of landmarks if owners must consent before their properties can be added to the landmarks list.

Ron Geisel, San Clemente, spoke in support of keeping the Miramar Theatre and the casino on the landmarks list.

James Miranda, San Clemente, suggested that the Miramar Theatre and Beachcomber should be held to a higher standard because they are iconic and deserving of special reverence; urged that the Miramar and Beachcomber be removed from the landmarks list and considered separately.

Mike Cotter, representing 400+ members and 1,400 registered friends of the San Clemente Historical Society, as well as 1,358 signatories to the "Save the Miramar" petition, urged that Council adopt the subject Ordinance and designate all 25 proposed structures as landmarks.

Don Jeisy, San Clemente, stated that many people support including the Miramar on the landmarks list, but they wouldn't support purchasing the structure.

Rick Collins, San Clemente, stated that non-owners cannot decide the rights of persons who own historic buildings; opined that properties should not be included on the landmarks list if the owners do not support inclusion.

Susie Hirschag, San Clemente, stated that she supports historical preservation, but believes that owners should have the right to choose what they do with their property.

Terry Hirschag, owner of the Miramar Theatre, spoke in opposition to his property being listed as a landmark due to his belief that it would represent a form of eminent domain; asserted that the property must be demolished and rebuilt to be economically viable.

Sally Jeisy, San Clemente, spoke in support of property rights and opined that it would be morally and ethically wrong to include a person's property on the landmarks list without their permission; stated that persons who decline inclusion on the landmarks list should be able to develop their properties according to current codes and guidelines.

Robert Laidlaw, owner of the Beachcomber, spoke in opposition to including his property on the landmarks list; asserted that his opinions have not been taken into consideration.

Larry Culbertson, member of the San Clemente Historical Society, urged that the landmarks list be kept in tact.

Mary Ann Comes, San Clemente, presented the City's "Celebrate 75" poster and identified the historic buildings contained thereon; urged that Council include all 25 structures on the landmarks list.

Amanda Salce, San Clemente, stated that the City's historical buildings drew her to move to the City from Los Angeles.

Tracey Denney, San Clemente, urged that Council preserve all 25 buildings on the landmarks list; stated that the owners of historic buildings made a choice when they decided to purchase an historic structure.

Richard Boyer, San Clemente, recommended that Council protect the City's heritage and noteworthy buildings.

Jennifer Blake, San Clemente, stated that properties are contained on the proposed landmarks list that were not constructed in the 1920s Ole Hanson era; asserted that people do not have a right to tell property owners what they can do with their properties; asserted that it would be cost prohibitive to bring the properties to today's standards.

Mary McMenamain, San Clemente, stated that libelous and false emails and flyers have been circulated in the community and urged that mean-spirited activities be discontinued; stated that the Landmarks Task Force worked hard to reach its recommendations and conveyed support for the decisions made.

Fred Divel, San Clemente, stated that he founded the San Clemente Historical Society because of his concern that historical structures were being destroyed; asserted that persons who purchase historical properties have responsibilities.

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

**MEETING RECESSED**

Council recessed at 9:00 p.m. and reconvened at 9:10 p.m., with all members present.

Christy McAvoy, Historic Resources Group (HRG), responded to Council inquiries relating to landmark designation criteria and processes used by other cities in creating a landmarks list.

In response to Council inquiry, City Attorney Oderman opined that including a property on a landmarks list does not constitute a “taking”.

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 4-0-1 (COUNCILMEMBER DONCHAK ABSTAINING), to introduce Ordinance No. 1446 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 17.16.170 OF THE MUNICIPAL CODE REGARDING THE DEMOLITION OF HISTORIC RESOURCES AND AMENDING SECTION 17.24.020 OF THE MUNICIPAL CODE RELATING TO THE MAINTENANCE OF PROPERTY.

Discussion ensued relative to properties to be included on the historic structures list. Straw votes were taken as follows:

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 4-0-1 (Councilmember Donchak abstaining), to not include 204 Avenida Pelayo on the historic structures list.

Council determined by a 4-0-1 vote (Councilmember Donchak abstaining) to not include 206 S. El Camino Real (Goody's) on the historic structures list.

Following a series of straw votes that carried 4-0-1 (Councilmember Donchak abstaining), Council determined that the following properties would be included on the historic structures list:

104 Avenida Del Mar  
Max Berg Plaza Park (1100 Calle Puente)  
Municipal Golf Course (150 E. Avenida Magdalena)  
City Aqueduct in Riviera Canyon  
Bridle paths on public property  
Historic sidewalks.

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 4-0-1 (COUNCILMEMBER DONCHAK ABSTAINING) to adopt Resolution No. 07-72 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND THE UPDATE TO THE CITY'S DESIGNATED HISTORIC STRUCTURES LIST AND HISTORIC CONTEXT STATEMENT, with the following modifications to the historic structures list:

**Properties to be Included**

104 Avenida Del Mar  
Max Berg Plaza Park (1100 Calle Puente)  
Municipal Golf Course (150 E. Avenida Magdalena)  
City Aqueduct in Riviera Canyon  
Bridle paths on public property  
Historic sidewalks.

**Properties to not be Included**

204 Avenida Pelayo  
206 S. El Camino Real (Goody's).

Discussion followed relative to the structures to be included on the City's landmark list. Council determined to consider the following properties separately: Beachcomber, Miramar Theatre, Sea Cliffs Villas, 233 Avenida La Cuesta, 304 Avenida Cabrillo, 230 Marquita, and Casino San Clemente. Straw votes were taken on those properties as follows:

Council determined by 4-0-1 votes (Councilmember Donchak abstaining) to include the following properties on the landmarks list:

233 Avenida La Cuesta (Campbell house)  
304 Avenida Cabrillo (L.S. Frasier House).

Council voted 3-1-1 (Councilmember Knoblock opposing and Councilmember Donchak abstaining) to include the following properties on the landmarks list.

230 Marquita (Swigart House)  
Casino San Clemente (140 W. Avenida Pico).

Council voted 1-3-1 (Mayor Dahl, Mayor Pro Tem Anderson and Councilmember Knoblock opposing with Councilmember Donchak abstaining), to include the following properties on the landmarks list. The motion **failed**:

Beachcomber  
San Clemente Theatre (Miramar).

Council voted 2-2-1 (Mayor Dahl and Councilmember Knoblock opposing and Councilmember Donchak abstaining) to include the Sea Cliff Villas (402-404 Pasadena Court) on the landmarks list. The motion **failed**.

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 4-0-1 (COUNCILMEMBER DONCHAK ABSTAINING), to adopt Resolution No. 07-73 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING A LIST OF DESIGNATED CITY LANDMARKS, as amended to delete the following properties from the City landmarks list:

Beachcomber  
San Clemente Theatre (Miramar)  
Sea Cliff Villas.

\*Councilmember Donchak returned to the dais at 10:05 p.m.

B. **Marblehead Coastal Temporary Signs (Minor Conditional Use Permit 07-289)**

Public Hearing to consider a request by SunCal Marblehead LLC to allow the installation of temporary monument, informational, directional, model tour, and flag signage for marketing the sales of the residential portion of the previously approved Marblehead Coastal community. Marblehead Coastal is generally located west of the San Diego Freeway (Interstate 5) and northeast of the intersection of Avenida Pico and El Camino Real. The communities of Colony Cove and Shorecliffs are located adjacent to the site on the northwest.

Contract Planner Nagel reviewed the contents of the Administrative Report and responded to Council inquiries.

Mayor Dahl opened the Public Hearing.

Lisa Gordon, Sun Cal Companies, stated that Sun Cal originally proposed 31 flags to accommodate flags for future model complexes, but then reduced its application to only address flags for the sales information center; pointed out that the merchant builders may request signage for their model complexes. In response to Council inquiry, Ms. Gordon noted that Sun Cal will be motivated to keep the flags in good condition.

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

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to adopt Resolution No. 07-74 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE APPROVING MINOR CONDITIONAL USE PERMIT 07-289 FOR SUNCAL COMPANIES TEMPORARY SIGNAGE IN MARBLEHEAD COASTAL. The resolution incorporates the Applicant's amended Marblehead Coastal Temporary Signs application to limit the number of flag signs to ten signs.



C. **Noise Control Ordinance Update**

Public Hearing to consider updating the current Noise Ordinance through the incorporation of objective standards by creating a tiered noise measuring system to better analyze variations in types and duration of noise patterns.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to continue the Public Hearing to the Council meeting of October 16, 2007.

D. **Public Health Goals Report**

Public Hearing to consider the adoption of the City's Public Health Goals Report. The PHG report is due every three years and is intended to provide information to the public in addition to Annual Water Quality Reports mailed to each customer for the period 2004, 2005 and 2006.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to receive and file Staff's finding that a City Council Public Hearing is not required on this item.

E. **CEQA Documentation - City of San Clemente Recycled Water Treatment and Distribution Expansion**

Continued Public Hearing to consider CEQA documentation for the City of San Clemente Recycled Water Treatment and Distribution Expansion (Project No. 36405).

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to continue the Public Hearing to the Council meeting of October 16, 2007.

7. **UNFINISHED BUSINESS**

A. **Lot Merger Ordinance**

Report from the Public Works/Economic Development Director concerning enactment of a lot merger ordinance.

City Engineer Cameron reviewed the contents of the Administrative Report and responded to Council inquiries.

Following discussion, MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to introduce Ordinance No. 1443 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADDING CHAPTER 16.44 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO LOT MERGERS.

B. **Consideration of Scheduling a Municipal Election (Ballot Measure to Require Voter Approval for the Redesignation of Open Space Lands to Non-Open Space Uses)**

Report from the City Clerk concerning the possibility of calling an election for the purpose of submitting a ballot measure to the City's voters to require voter approval for the redesignation of Open Space Lands to Non-Open Space Uses.

City Clerk Baade reviewed the contents of the Administrative Report and responded to Council inquiries.

Following discussion, MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to schedule for the General Municipal Election to be held on November 4, 2008, a ballot measure to require voter approval for the redesignation of open space lands to non-open space uses.

8. **NEW BUSINESS**

A. **Library and Community Center Parking Lot Modifications**

Report from the Public Works/Economic Development Director concerning modifications to the Library and Community Center parking lot.

City Engineer Cameron reviewed the contents of the Administrative Report. Mr. Cameron, together with Recreation Manager DiCandia, responded to Council inquiries.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve the Library and Community Center parking lot modifications to:

1. Relocate the existing ten library staff parking spaces to the lower portion of the parking lot.
2. Designate five of the ten library staff parking spaces for Monday through Saturday only.
3. Reserve four parking spaces for City-owned fleet vehicles.

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

None.

10. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. **City Attorney**

None.

D. **Council Members**

(1) **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 that the OCFA is currently working on a presentation relating to updates to the California Fire Code.

Mayor Dahl reported on the Fire Explorer games that took place at the OCFA headquarters on September 29, 2007; expressed gratitude to Boys Scouts of America for their participation and support of the program.

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

Mayor Dahl expressed appreciation to the shelter's volunteers, veterinarians and staff.

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

Mayor Dahl reported that the Coastal Commission staff is recommending denial of the TCA's Coastal Consistency application. Additionally, Mayor Dahl reported that the Foothill/Eastern TCA is offering \$100 million to fund improvements to the California State Parks System and to extend the lease at San Onofre State Beach Park and Trestles Beach; advised that the Coastal Commission hearing on the extension of the Foothill South Transportation Corridor will take place on October 11, 2007 in San Pedro.

Councilmember Knoblock reported that he will meet with TCA representatives next week relative to his concern that the alignment of the Foothill-South toll road extension through the Donna O'Neill Land Conservancy will take away two square miles of mitigation land without compensation.

**CONTINUATION OF MEETING PAST 11:00 P.M.**

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

(6) **Suggestions to Streamline the Length of Council Meetings.**

Council considered possible methods to streamline Council meetings and determined as follows:

- 1) Councilmembers are encouraged to contact Staff with questions about Consent Calendar items prior to Council meetings.
- 2) Staff is to condense PowerPoint presentations to the extent possible.
- 3) Staff is to include complete and accurate information in staff reports.
- 4) Regular Council Meetings will continue to be held bi-weekly.
- 5) Public speakers will continue to be allotted three minutes for their presentations.
- 6) Council will continue to debate controversial issues before a motion is made.
- 7) Council meeting times shall remain as currently scheduled, except that consideration will be given to conducting Special Presentations, especially those given by outside agencies, at 5:30 p.m.

(7) **Councilmember Items.**

**Traffic Forum on October 4, 2007**

Councilmember Donchak advised that the Traffic Forum will be held on October 4, 2007 at 7:00 p.m. at the San Clemente Presbyterian Church.

**Presentation Concerning the Design Review Subcommittee Process**

Councilmember Eggleston requested that a presentation by Planning Commission Chairperson Kaupp relative to the Design Review Subcommittee process be agendized for the Council meeting of October 16, 2007.

11. **RESOLUTIONS/ORDINANCES**

A. **Ordinance No. 1448 (Second Reading) - Intentional Demolition of Nonconforming Structures**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to adopt Ordinance No. 1448 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADDING SECTION 17.32.060, AMENDING SECTIONS 17.32.050, 17.72.080 AND 17.88.030, AND TABLE 17.32.050A OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO THE INTENTIONAL DEMOLITION OF NONCONFORMING STRUCTURES (07-343).

**MEETING RECESSED**

Council recessed to a meeting of the Redevelopment Agency at 11:15 p.m.

**MEETING RECONVENED**

Council reconvened at 11:16 p.m., with all members present.

12. **ADJOURNMENT**

MOTION BY MAYOR DAHL, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to adjourn at 11:16 p.m. The next Regular Meeting will be held on October 16, 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