

CITY OF SAN CLEMENTE

City Council Minutes

Adjourned Regular Meeting – June 2, 2008

An Adjourned Regular Meeting of the San Clemente City Council was called to order on June 2, 2008 at 5:01 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 Goldfarb, Assistant City Attorney; Joanne Baade, City Clerk; Kristi Russell, Deputy City Clerk

* * *

CLOSED SESSION

Assistant City Attorney Goldfarb announced that Item A, which pertains to potential litigation against SunCal Marblehead, LLC, for failure to complete subdivision improvements in the Marblehead Coastal development area, will be considered later in the meeting (Please refer to Page 18 of these minutes); Item B pertains to real property negotiations regarding the North Beach site, generally located in the area bounded by El Camino Real to the north, the Ole Hanson Beach Club to the south, and Avenida Estacion to the west; Item C pertains to real property negotiations regarding property generally located on Avenida Serra and Avenida Cabrillo; Item D pertains to labor negotiations; and Item E pertains to real property negotiations regarding property generally located on Calle Lago.

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

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

Property: The North Beach Site (which is comprised of a triangle site bounded by El Camino Real to the north, the Ole Hanson Beach Club to the south and Avenida Estacion to the west). The Marblehead site (which is bounded by

Avenida Pico to the east, Prima Deshecha flood control channel to the west and open space to the west and north).

Negotiating Parties: George Scarborough, City Manager and Shaheen Sadeghi

Under Negotiation: Both Price and Terms of Payment

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

Property: APN 050-07-346 (115 Avenida Serra) and APN 050-07-349 (Avenida Cabrillo Parking Lot)

Negotiating Parties: George Scarborough, City Manager and Eric Fleiss, Partner, Regent Properties

Under Negotiation: Both Price and Terms of Payment

- D. 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.

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

Property: 108 Calle Lago and 1607 Calle Lago

Negotiating Parties: George Scarborough, City Manager; and Marcella M. Wells, and Ray McBride.

Under Negotiation: Both Price and Terms of Payment

All members of Council, City Manager Scarborough, Assistant City Attorney Goldfarb, and City Clerk Baade were in attendance during the entire Closed Session. Public Works/Economic Development Director Lund was in attendance for Items A, B, C and E. Community Development Director Holloway was in attendance for Items B and C. Human Resources Manager Penrod was present for Item D.

MEETING RECONVENED

Council reconvened at 7:03 p.m., with all members present.

INVOCATION

Pastor Jeremy Steele gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Dahl led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Presentation by SunCal, LLC – Status of the Marblehead Residential/SunCal Project**

Stan Brown, Vice President of SunCal, was to report on the status of the Marblehead residential/SunCal project but was not present at the meeting.

B. **Presentation of Certificates of Recognition – Support for Character Counts**

Mayor Anderson presented a Certificate of Recognition to John Ezell, representing the San Clemente Rotary Club, for its financial contributions to the Character Counts Program.

C. **South Orange County Major Investment Study**

Charlie Larwood, Orange County Transit Authority (OCTA), narrated a PowerPoint presentation entitled “South Orange County Major Investment Study – City of San Clemente.” A hard copy of Mr. Larwood’s presentation, dated June 2, 2008, is on file with the City Clerk.

Mr. Larwood’s presentation provided an overview of the existing transportation infrastructure and projected transportation strategies for South Orange County; reviewed some of the strategic actions proposed to reduce and redirect traffic flow in the inland area as well as in San Clemente.

D. **Presentation of Commemorative Wells Fargo Stage Coach from Wells Fargo Bank of Talega**

Sherri Deboob, Branch Manager of Wells Fargo Bank in Talega, presented a commemorative Wells Fargo Stage Coach to Mayor Anderson.

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)**

Plastic Bag Litter Reduction

Gary Headrick, President of San Clemente Green, voiced concern that 19 billion disposable plastic bags are being used each year in California alone, but only 1% to 4% are being recycled; noted that plastic bags break down into tiny toxic particles that eventually end up in the soil and water, thereby threatening watersheds, plants, animals and marine life; informed Council of Assembly Bill 2058, entitled "Plastic Bag Litter Reduction," which was recently passed in the State Assembly and will soon be heard by the State Senate; urged Council to send a letter of support to State Senator Mark Wyland and the bill author, Assemblymember Lloyd Levine; requested that Council consider agendizing this matter for discussion at a future meeting.

In response to Council request, Mr. Headrick agreed to provide Council with the level of effectiveness of the Plastic Bag Recycling Program that CR&R implemented in San Clemente.

Street Sweeping Practices

Al Cullen, San Clemente, opined that street sweeping trucks are focusing their efforts on the center of streets as opposed to along the gutter where debris accumulates; stated that such practice is largely due to vehicles parking along the street on sweeping days; urged Council to take action on this matter.

Enforcement of Business Permit at 1645 North El Camino Real (San Clemente Auto Sales)

Wallace Hart, San Clemente, expressed concern regarding alleged permit violations by San Clemente Auto Sales, located at 1645 North El Camino Real; stated that he had not yet been contacted by City Staff regarding this complaint; opined that the location requires a Conditional Use Permit (CUP) and a Seller's Permit, and questioned whether City Staff is granting permits without due process.

City Manager Scarborough stated that the City Attorney will contact Mr. Hart soon so that the matter can be investigated; noted that the Community Development Director does not agree with Mr. Hart's interpretation of the City Code and is of the opinion that a pre-existing non-conforming use exists.

Measure I Campaign Activities

Paul Fisher, San Clemente, expressed concern regarding a recorded anti-Measure I campaign message from a Councilmember that had been electronically phoned to San Clemente residents; thanked those who support the democratic process.

Al Cullen, San Clemente, opined that persons who oppose Measure I have been less than respectful in the Measure I campaign; alleged that in excess of 200 legally posted signs were removed from private property.

Angelo Skiparnias, San Clemente, stated that Measure I only affects Shorecliffs residents and related his hope that voters will support the measure.

Measure I Campaign Activities and Plaza San Clemente Signage

Paige Foreman, San Clemente, expressed concern regarding a recorded anti-Measure I campaign message from a Councilmember which was electronically phoned to residents throughout San Clemente; urged Council to request that a complete Environmental Impact Report be prepared for the Plaza San Clemente project; opined that the City should not appeal the court decision on the Marblehead signage issue.

Plaza San Clemente Signage (Marblehead Commercial Center)

Pam Baker, San Clemente, opined that Council is responsible for notifying the public of issues that will impact the community and residents' way of life; opined that residents have been strong in voicing opinions but have failed to make an impression; requested that Council honor the judge's decision and the residents' desires with regard to Plaza San Clemente signage.

Jancee Aellig, General Manager of the Plaza San Clemente development, expressed disappointment with the court decision and the failure of SunCal representatives to appear at this meeting as planned.

Mike Cotter, President of the San Clemente Historical Society, stated that the court decision was based on the City's failure to follow the provisions of the California Environmental Quality Act (CEQA); stated the substantive mandate of CEQA is that public agencies refrain from approving projects with significant environmental impact if feasible alternatives with less impact exist; opined that the City should direct that an Environmental Impact Report (EIR) be prepared for any new signage proposal at Marblehead; urged Council to respect the court's decision.

Cheryl Cogan, San Clemente, urged Council to direct that a complete EIR be prepared regarding the Marblehead signage issue; asked that Council not appeal the court decision.

Richard Boyer, President of Citizens for Integrity in Development, reported on the announcement of the court's decision; stated that residents have shown a commitment to community issues; opined that it appears that elected officials are not representing the interests of the residents; requested that Council refrain from appealing the court decision and that any future sign proposal conform with applicable laws, established community standards, and the wishes of San Clemente citizens.

Karen Ahola, San Clemente, recited comments made by the presiding judge on the Marblehead signage issue; opined that the project reports, material and documents presented for Council consideration were not thoroughly reviewed, or that decisions were made in spite of what was presented.

AB 2058 – Plastic Pollution and Plaza San Clemente Signage

Georgette Korsen, San Clemente, requested that the City support recycling efforts and reduced usage of plastic bags; urged Council to not appeal the court's decision on the Plaza San Clemente signage and requested that an EIR be prepared for the Marblehead commercial development.

5. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve the Consent Calendar, with the removal of Items H and J.

A. **City Council Minutes**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve the City Council minutes of May 6, 2008.

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

- (1) Coastal Advisory Committee meeting minutes of April 10, 2008.
- (2) Parks and Recreation Commission meeting minutes of April 8, 2008.
- (3) Human Affairs Committee meeting minutes of April 9, 2008.
- (4) Zoning Administrator meeting minutes of May 21, 2008.

C. **Warrant Register**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve Wire Transfer Nos. 526 through 528, and Warrant Nos. 793362 through 793528, for the period 5-5-08 through 5-9-08 in the amount of \$1,249,112.88; and Warrant Nos. 793529 through 793712, for the period 5-12-08 through 5-16-08 in the amount of \$1,137,760.05; for a total Warrant Register of \$2,386,872.93.

Payroll Register

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve Replacement Checks Nos. 320549 through 320551, Warrant Nos. 320552 through 320591, and Automatic Deposit Advises 152582 through 152838, for the period 4-21-08 through 5-4-08 in the amount of \$383,975.24 for a total Payroll Register of \$383,975.24.

D. **Capital Equipment Purchase for Community Center Auditorium**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to authorize the purchase of a replacement sound system and related equipment, and the purchase of 500 chairs, for the Community Center Auditorium utilizing funds from the Auditorium Improvement Project, Account 014-811-45300-000-15501, in the total amount of \$23,000.

E. **Calle Bienvenido and Calle Real (Harbor Estates) Traffic Calming Improvements**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve and authorize the installation of traffic calming elements along Calle Bienvenido and Calle Real, within the Harbor Estates neighborhood, as described in the Administrative Report, dated June 2, 2008, which is on file with the City Clerk.

F. **Notice of Completion – Cyprus Shores Pump Station Rehabilitation, Project No. 14201, and La Pata Pump Station Rehabilitation, Project No. 15203**

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

1. Accept the Cyprus Shores Pump Station Rehabilitation, Project No. 14201, and La Pata Pump Station Rehabilitation, Project No. 15203, from the contractor, Gantry Constructors, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Cyprus Shores Pump Station Rehabilitation, Project No. 14201, and La Pata Pump Station Rehabilitation, Project No. 15203. (Contract No. C06-31).

G. **Bid Rejection – Well No. 8, Project No. 16522**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to reject the sole bid received from South West Pump & Drilling, Inc., for Well No. 8, Project No. 16522 and authorize Staff to rebid Well No. 8, Project No. 16522.

I. **Bond Release – Traffic Signal Improvements in the Talega Development (Talega Associates, LLC)**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to adopt Resolution No. 08-48 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE RELEASE OF THE IMPROVEMENT PERFORMANCE BONDS AND THE ACCEPTANCE OF TRAFFIC SIGNAL IMPROVEMENTS, TALEGA ASSOCIATES LLC.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

H. **Notice of Completion – Street Improvement Projects for Avenida Del Presidente Phase I, Avenida Del Presidente Phase II, Avenida Lobeiro and Avenida Montalvo, West Avenida Magdalena, and West Avenida Ramona**

Councilmember Dahl announced that he would recuse himself from discussion of this item as he holds real property interest within 500 feet of the subject project.

MOTION BY MAYOR PRO TEM DONCHAK, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 4-0-1 (COUNCILMEMBER DAHL ABSTAINING) to remove this item from the agenda.

J. **February 5, 2008 Special Municipal Election Final Cost (Pacific Golf Club Residential Development Project)**

City Clerk Baade reported that the County Registrar's Office has indicated that the original billing invoice from the County of Orange was incorrectly calculated (overbilled); noted that the County will prepare and submit a revised invoice that will reduce the amount of the bill by approximately \$17,000; advised that the reduced bill will bring the election in line with the election budget and hence no action is required by Council.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to table this item unless the City Clerk determines, after receiving the revised invoice from the County of Orange, that an additional funding allocation is needed.

6. PUBLIC HEARINGS**A. Establishment of a New Subcategory of Grading Plan Check and Establishment of Corresponding Fee**

Continued Public Hearing to consider establishing a new subcategory of Grading Plan Check, under the Single-Family Grading Plan Check category, to be entitled “Complex Project Review” and adopting a corresponding fee.

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to continue the Public Hearing to the Council Meeting of June 17, 2008.

7. UNFINISHED BUSINESS**A. Parking Ordinance (Regulations for Commercial Vehicles, Oversized Vehicles, and Trailers)**

Report from the Police Services Chief concerning the possibility of directing Staff to develop possible Code amendments relative to parking regulations for commercial vehicles, oversized vehicles, and trailers on public streets.

Police Chief D’Auria narrated a PowerPoint presentation entitled “Parking 102” and responded to questions by Council. A hard copy of Chief D’Auria’s presentation, dated June 2, 2008, is on file with the City Clerk.

Ken Nielsen, San Clemente, opined that commercial trucks should be parked at business locations and not on residential streets; expressed concern that individuals may be operating unlicensed businesses out of homes and requested that the matter be investigated.

Al Cullen, San Clemente, expressed support for further restrictions on parking; conveyed that enforcement should be strictly enforced throughout the City to prevent parking problems from spreading to other neighborhoods.

Brenda Miller, San Clemente, suggested that a system be established to automatically cite vehicles that are infrequently moved.

Council directed that Staff work with the City Attorney to develop Code language and return to Council with specific recommendations that incorporate the following:

1. Public utility vehicles are to be excluded from citation (because they are assumed to be on-call when parked in front of a residence).
2. Pick Ups and Vans with Advertising – Staff is to return to Council with a recommendation, but the vehicles will probably not be considered Commercial vehicles provided they do not include apparatus to qualify for placement in category #3 below.
3. Pick Ups and Vans with Roof Racks and/or Utility Bodies and/or Advertising, and Flatbed or Stakebed Trucks – these vehicles will probably be considered Commercial vehicles.
4. Unattached and Unattended Trailers – No tolerance.
5. Attached Trailers – Parking limited to 5 hours.

MEETING RECESSED AND RECONVENED

Council recessed at 9:10 p.m. and reconvened at 9:24 p.m., with all members present.

B. Noise Ordinance (Amplified Sound)

Report from the Community Development Director seeking Council direction concerning a possible future Code amendment relating to amplified noise.

Community Development Director Holloway reviewed the contents of the Administrative Report and responded to Council inquiries.

During the course of discussion, it was suggested that a Conditional Use Permit should be required for amplified sound in bars and restaurants in the Del Mar area.

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve Staff's recommendation for course of action as outlined in the Administrative Report, dated June 2, 2008, which is on file with the City Clerk.

C. **Schedule for the North Beach Parking and Traffic Circulation Master Plans**

Report from the Community Development Director providing an update on the North Beach Parking Study and North Beach Traffic Circulation Study (Master Plans) and the schedule for completion.

Community Development Director Holloway reviewed the contents of the Administrative Report and addressed questions of Council.

Council directed that Staff work with the consultants to expedite the report process. It was agreed that Nelson/Nygaard will present the parking study at an Adjourned Regular Meeting to be held on June 16, 2008 and that the traffic circulation study will be agendaized for Planning Commission review on July 2, 2008 and agendaized for Council consideration on July 15, 2008.

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to receive and file the report, dated June 2, 2008, which is on file with the City Clerk.

D. **Grant of Utility Easements (Calle de los Molinos and Calle Valle)**

Report from the Public Works/Economic Development Director regarding requests for grant of utility easements for CoxCom, Inc., dba Cox Communication and Pacific Bell Telephone Company (AT&T).

Councilmember Dahl advised that he would recuse himself from deliberation on this item because his family trust owns property within 500' of the subject project; left the Chambers at 9:33 p.m.

Principal Civil Engineer Hindiye reviewed the contents of the Administrative Report and responded to Council inquiries.

Brad Masters, representing the Los Molinos Business Group, expressed support for this item to encourage beautification of the neighborhood and to update the utility infrastructure; noted that business owners are interested in undergrounding utility boxes and equipment where possible and are willing to share costs to help improve the neighborhood.

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

1. Grant a Utility Easement to CoxCom, Inc., dba Cox Communications Orange County, on Lot 11 of Tract 795. (D-432)
2. Grant a Utility Easement to Pacific Bell Telephone Company (AT&T), on Lot 1 of Tract 795. (D-433)
3. Authorize the Mayor to execute, and the City Clerk to record, the easement documents.

Councilmember Dahl returned to the dais at 9:39 p.m.

E. **First Amendment to the Casa Romantica Lease and Operating Agreement**

Report from the City Manager concerning the First Amendment to the Casa Romantica Lease and Operating Agreement.

City Manager Scarborough noted that this item requires action from the San Clemente Redevelopment Agency (RDA) as opposed to the City Council. Consequently, this item was removed from this agenda, with the understanding that it will be agendized for RDA consideration on July 1, 2008.

8. **NEW BUSINESS**

A. **Courtney's Sand Castle Project**

Report from the Beaches, Parks and Recreation Director regarding the status of the Courtney's Sand Castle playground project.

Senior Park Planner Shaw narrated a PowerPoint presentation entitled "Courtney's Sand Castle – Status Update" and responded to questions posed by Council. A hard copy of Mr. Shaw's presentation, dated June 2, 2008, is on file with the City Clerk.

During the course of discussion, Council expressed an interest in pursuing grant opportunities to finance completion of the Courtney's Sand Castle project. Because the City does not own the property, however, it was noted that a grant award would be unlikely. Consequently, Council noted that it may be

appropriate to question SunCal about the possibility of the City securing title to the land after the liens have been satisfied.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to receive and file the report, dated June 2, 2008, which is on file with the City Clerk.

B. Smoking Ban for All Public Trails and Parks

Report from the Beaches, Parks and Recreation Director concerning the possibility of prohibiting smoking at all public trails and parks.

Beaches, Parks and Recreation Director King reviewed the contents of the Administrative Report and addressed questions of Council.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR ANDERSON, CARRIED 3-2 (MAYOR PRO TEM DONCHAK AND COUNCILMEMBER DAHL VOTING NOE), to direct Staff to develop an Ordinance for future Council consideration that will ban smoking on all public trails; and approve funding for signage and cigarette urns at an initial cost of \$11,500, and \$2,500 annually for ongoing maintenance and replacement; and approve a transfer of \$14,000 from Council Contingency Account 001-203-44900 to Account 001-631-43470.

C. Initiation of Code Amendment to Require Story Poles, Models and/or Other Visual Analysis Tools for Large Development Projects

Report from the Community Development Director concerning the possibility of initiating an Amendment to the City's Zoning Ordinance to require the use of story poles, models, and/or other visual massing analysis tools for proposed development projects of three or more stories in any Architectural Overlay, Commercial or Mixed-Use Zoning District.

City Planner Buell reviewed the contents of the Administrative Report and responded to Council inquiries.

Council expressed a desire to limit the display of story poles to a specific time period during project review and that a deposit and right-of-entry authorization be required to ensure that the poles are removed in a timely manner.

MOTION BY MAYOR PRO TEM DONCHAK, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to initiate an amendment to the City's Zoning Ordinance requiring story poles, models, and/or other visual massing analysis tools for all proposed developments of three or more stories within an Architectural Overlay District and any other Commercial or Mixed-Use Zoning District, and for projects that affect public view corridors even if the proposed development is less than three stories in height.

D. **Code Amendment – Variance from Requirements for Curb, Gutter and Sidewalk Construction in Conjunction with Building Construction**

Report from the Public Works/Economic Development Director concerning the possibility of modifying the Code of the City of San Clemente as it relates to the authority to waive curb, gutter and sidewalk construction requirements and the associated appeal process.

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

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to introduce Ordinance No. 1462 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 12.08.020 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO CURBS, GUTTER AND SIDEWALK WAIVERS IN CONJUNCTION WITH BUILDING CONSTRUCTION – VARIANCE FROM REQUIREMENTS.

E. **Adopt-A-Beach Trash Receptacle Program**

Report from the Beaches, Parks and Recreation Director concerning the Adopt-A-Beach Trash Receptacle Program.

Beaches and Parks Manager Reed reviewed the contents of the Administrative Report and responded to Council inquiries.

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

1. Approve, and authorize the Mayor to execute, Contract No. C97-16, by and between the City of San Clemente and Adopt-A-Beach, providing for the placement of waste receptacles along the beach, for the period from June 25, 2008 through December 31, 2008.
2. Direct Staff to seek alternatives for durable containers for recycling and refuse disposal that do not involve advertisements.

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) **Consideration of Council Position on Orange County Division, California League of Cities Issues**

None.

(2) **Consideration of Council Position on Legislative Issues**

None.

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

None.

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

Councilmember Dahl expressed appreciation to the veterinarians, volunteers and staff at the San Clemente-Dana Point Animal Shelter and encouraged those interested in adopting a pet to visit the Shelter.

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

Councilmember Dahl reported that the Secretary of Commerce has determined that a Public Hearing will be held concerning the southern extension of the 241 Toll Road; noted that the TCA and Coastal Commission are currently seeking a venue for that hearing.

(6) **Councilmember Items**

West Nile Virus Precautionary Measures

Mayor Anderson, speaking as the City's representative to the Orange County Vector Control District, reported that a dead bird, that was infected with the West Nile Virus, has been discovered; recommended that individuals seek to reduce the threat of contracting the West Nile Virus by eliminating standing water where mosquitoes can lay eggs, installing or repairing window and door screens, utilizing insect repellents, and covering exposed skin to the extent feasible.

Measure I Ordinance Clarification

Mayor Anderson noted that Measure I seeks to limit building heights on certain lots within the Shorecliffs community to 16'; noted that the Ordinance as written prescribes that building height be measured as 16'

from the highest elevation within the building envelope; explained that some lots covered by the Ordinance have upslopes in the side yard area that could result in building heights that are inconsistent with the intent of Measure I; recommended that, in the event the voters approve Measure I on June 3, 2008, that this issue be agendized for discussion as soon as possible.

MOTION BY MAYOR ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 4-1 (COUNCILMEMBER DAHL VOTING NOE), to direct Staff to agendize, in the event that Measure I passes, an Urgency Ordinance for the June 11, 2008 Adjourned Regular Meeting that would clarify the 16' height limitation calculation formula.

11. RESOLUTIONS/ORDINANCES

A. Ordinance No. 1460 (Second Reading) – Water Rates

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR ANDERSON, CARRIED 4-1 (COUNCILMEMBER KNOBLOCK VOTING NOE), to adopt Ordinance No. 1460 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 13.04.220, SUBSECTIONS (A), (B), AND (C) OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO WATER RATES.

B. Ordinance No. 1461 (Second Reading) – Sewer Rates

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR ANDERSON, CARRIED 4-1 (COUNCILMEMBER KNOBLOCK VOTING NOE), to adopt Ordinance No. 1461 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 13.24 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO SANITARY SEWER FIXED RATES AND COMMODITY RATES.

MEETING RECESSED

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR ANDERSON, CARRIED 5-0, to recess to a meeting of the San Clemente Redevelopment Agency at 10:30 p.m.

MEETING RECONVENED

Council reconvened at 10:31 p.m., with all members present.

12. CLOSED SESSION

Assistant City Attorney Goldfarb requested Closed Sessions 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: The North Beach Site (which is comprised of a triangle site bounded by El Camino Real to the north, the Ole Hanson Beach Club to the south and Avenida Estacion to the west). The Marblehead site (which is bounded by Avenida Pico to the east, Prima Deshecha flood control channel to the west and open space to the west and north).

Negotiating Parties: George Scarborough, City Manager and Shaheen Sadeghi

Under Negotiation: Both Price and Terms of Payment

MOTION BY MAYOR ANDERSON, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to recess to Closed Session at 10:35 p.m.

All members of Council, City Manager Scarborough, Assistant City Attorney Goldfarb, Public Works/Economic Development Director Lund, City Engineer Cameron and City Clerk Baade were in attendance during the entire Closed Session.

MEETING RECONVENED

Council reconvened at 11:05 p.m., with all members present.

CLOSED SESSION REPORT

Assistant City Attorney Goldfarb announced that no reportable action was taken during the Closed Session.

13. ADJOURNMENT

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to adjourn at 11:10 p.m. to an Adjourned Regular Meeting to be held on **June 10, 2008**, at **5:00 p.m.**, in the Council Chambers located at 100 Avenida Presidio, San Clemente, California, for the purpose of conducting interviews and making appointments to fill vacancies on various Commissions and Committees.

A subsequent Adjourned Regular Meeting will be held on **June 11, 2008**, at **4:00 p.m.** in the City Council Chambers, located at 100 Avenida Presidio, San Clemente, California, for the purpose of conducting a workshop on the proposed FY 2008/09 City budget.

An additional Adjourned Regular Meeting will be held on Monday, June 16, 2008 at 6:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, for the purpose of considering the North Beach Parking Master Plan.

CITY CLERK of the City of
San Clemente, California

MAYOR of the City of
San Clemente, California