

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting – December 2, 2008

A Regular Meeting of the San Clemente City Council was called to order on December 2, 2008 at 5:30 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

PRESENT: DAHL, DONCHAK, EGGLESTON, KNOBLOCK*, MAYOR ANDERSON

**Councilmember Knoblock arrived at 5:35 p.m.*

ABSENT: NONE

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

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CLOSED SESSION

Assistant City Attorney Goldfarb requested a Closed Session to discuss the items appearing on the agenda; stated that Item A pertains to one potential case of significant exposure to litigation, and Item B pertains to real property negotiations for a 9-acre parcel, located at the northwest corner of Avenida La Pata and Avenida Vista Hermosa.

MOTION BY MAYOR PRO TEM DONCHAK, SECOND BY COUNCILMEMBER DAHL, CARRIED 4-0 (COUNCILMEMBER KNOBLOCK ABSENT), to include Councilmember-elect Baker in the Closed Session.

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM DONCHAK, CARRIED 4-0 (COUNCILMEMBER KNOBLOCK ABSENT), to recess to Closed Session at 5:30 p.m. to discuss the following:

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, pursuant to Government Code Section 54956.9(b):

Significant exposure to litigation: One Potential Case.

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

Property: 9-acre site located at the northwest corner of Avenida La Pata and Avenida Vista Hermosa

Negotiating Parties: George Scarborough, City Manager and Molly McKee, Target Corporation.

Under Negotiation: Both Price and Terms of Payment

All members of Council, Councilmember-elect Baker, City Manager Scarborough, Assistant City Attorney Goldfarb, Assistant City Manager/City Treasurer Gudgeirsson and City Clerk Baade were in attendance during the entire Closed Session. Brandon Johnson, representing O'Donnell/Atkins, was in attendance during discussion of Item B only.

MEETING RECONVENED

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

INVOCATION

Intern Pastor Eric Peterson, Living Water Community Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Anderson led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

- A. **Results of the General Municipal Election Held on November 4, 2008**

City Clerk Baade reviewed the contents of the Administrative Report.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to adopt Resolution No. 08-92 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD NOVEMBER 4, 2008, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW.

Mayor Anderson presented a Commendation, two San Clemente prints by artist Rick Delanty, City tile and a lifetime pass to the San Clemente Municipal Golf Course to former Councilmember Steve Knoblock for his outstanding service to the citizens of San Clemente.

Former Councilmember Steve Knoblock stated that it was an honor to serve the community over the past three years; expressed gratitude to Mayor Anderson and the Council; congratulated Councilmember Baker and Councilmember Dahl for their election and recognized all of the candidates who ran for office for their willingness to serve the City.

B. Oath of Allegiance - Newly-Elected City Clerk

Mayor Anderson administered the Oath of Allegiance to City Clerk-Elect Joanne Baade.

C. Oath of Allegiance - Newly-Elected Councilmembers and City Treasurer

City Clerk Baade administered the Oath of Allegiance to Councilmembers-Elect Bob Baker and Jim Dahl, and City Treasurer-Elect Pall Gudgeirsson.

D. Election of Mayor and Mayor Pro Tempore

City Clerk Baade opened nominations for Mayor.

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER DAHL, to nominate Lori Donchak for the office of Mayor. There being no other nominations, MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to close nominations and elect Lori Donchak to the office of Mayor.

Mayor Donchak expressed gratitude to Council for electing her as Mayor, to Councilmember Anderson for setting a high standard during his service as Mayor, and to her family for its support; stated that her goals for the year include revising the San Clemente General Plan, utilizing electronic media (e-mails and blog postings) to provide the community with greater communication accessibility, and working constructively with the community to solve issues; noted that she will hold Mayor's hours every Monday from 4:00 p.m. to 6:00 p.m., excluding holidays.

Councilmember Baker conveyed thanks to his supporters and recognized the honor of serving the community; stated that he looks forward to working with the community to preserve the Spanish Village by the Sea.

Mayor Donchak opened nominations for Mayor Pro Tem.

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR DONCHAK, CARRIED 5-0, to nominate and elect Jim Dahl to the office of Mayor Pro Tem.

Mayor Donchak presented a plaque to Councilmember Anderson in recognition of his service and dedication as Mayor.

Councilmember Anderson summarized Council's accomplishments during the past year and reviewed projects that are in progress.

E. **Holiday Serenade – San Clemente High School Madrigals**

The San Clemente High School Madrigals performed a series of holiday songs under the direction of Jocelyn Dietsche.

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

Dave Placek, representing SunCal, LLC, read a prepared statement which reported that a New York bankruptcy judge denied SunCal's motion to pursue alternate funding for the Marblehead project; stated that, while issues remain unresolved with Lehman Brothers, SunCal itself is not in bankruptcy; noted that SunCal will continue efforts to secure funding for the project.

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

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

None.

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

“A Day Without A Bag”

Gary Headrick, San Clemente Green, announced that San Clemente Green, as well as other local community groups, will recognize December 18, 2008 as “A Day Without A Bag;” stated that the campaign will encourage the use of reusable shopping bags in order to reduce non-biodegradable plastics in landfills; expressed appreciation to Councilmember Anderson for his support in implementing sustainability practices during his service as Mayor.

Recognition of Former Mayor Anderson and Support for San Clemente Green

Juniel Worthington, San Clemente, expressed appreciation to Councilmember Anderson for his service as Mayor and urged Council to continue to support the efforts of San Clemente Green.

Request for Sidewalks at Calle Sacramento and Calle Los Bolas

George Gregory, San Clemente, requested that a sidewalk be installed at the corner of Calle Sacramento and Calle Los Bolas; conveyed that the volume of pedestrian traffic warrants the addition of sidewalks to the neighborhood; suggested a crosswalk be installed between the casino and the Ole Hanson Beach Club.

5. **CONSENT CALENDAR**

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to approve the Consent Calendar, with the removal of Items 5-A (City Council minutes of November 3, 2008 only), 5-F and 5-L.

A. **City Council Minutes**

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to approve the City Council minutes of November 21, 2008.

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

(1) Parks and Recreation Commission meeting minutes of November 10, 2008.

- (2) Planning Commission Study Session minutes of November 10, 2008 and November 19, 2008.
- (3) Planning Commission meeting minutes of November 19, 2008.

C. **Warrant Register**

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to approve Wire Transfer Nos. 560 and 561, and Warrant Nos. 798001 through 798154, for the period 10-27-08 through 10-31-08 in the amount of \$2,236,839.35; and Warrant Nos. 798155 through 798330 for the period 11-3-08 through 11-7-08 in the amount of \$616,304.84; for a total Warrant Register of \$2,853,144.19.

Payroll Register

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to approve Warrant Nos. 321117 through 321140, and Automatic Deposit Advises 156104 through 156356, for the period 10-20-08 through 11-2-08 in the amount of \$405,078.37; for a total Payroll Register of \$405,078.37.

D. **Reappropriation of Prior Year Encumbrances**

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

1. Approve the reappropriation of the encumbrances outstanding at June 30, 2008 in the total amount of \$59,044,575, and the commitments not formally encumbered in the total amount of \$24,352,615, both as indicated on the report entitled "Encumbrances/Commitments Outstanding as of June 30, 2008," dated November 18, 2008, which is on file with the City Clerk.
2. Approve the reappropriation of revenues in the amount of \$19,991,305.
3. Approve the reappropriation of the transfers in/out between funds of \$16,383,190.

E. **Policy and Procedure 202-1 – Investment Policy**

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to adopt revised City Investment Policy 202-1, effective December 2, 2008.

G. **Notice of Completion – Sewer System Rehabilitation, Project No. 24200; Storm Drain Rehabilitation at 224-226 Avenida Palizada, Project No. 18003; and Storm Drain Rehabilitation at 2321-2322 and Rear of Calle La Serna, Project No. 26001**

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

1. Accept the construction of the Sewer System Rehabilitation, Project No. 24200; Storm Drain Rehabilitation at 224-226 Avenida Palizada, Project No. 18003; and Storm Drain Rehabilitation at 2321-2322 and rear of Calle La Serna, Project No. 26001, Contract No. C08-26, from the contractor, Insituform Technologies, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the above-referenced projects.
3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Engineering Division that no liens have been levied against Insituform Technologies, Inc.
4. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

H. **Parking Prohibition Along Camino Capistrano Between El Camino Real and Via Breve, and on Via Cascadita at Via Socorro**

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to adopt Resolution No. 08-93 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 CAMINO CAPISTRANO AND ON VIA CASCADITA.

I. **Contract Award – Street Rehabilitation at Portico Del Norte and Portico Del Sur, Project No. 19316**

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

1. Approve the plans and specifications for Street Rehabilitation for Portico Del Norte and Portico Del Sur, Project No. 19316.
2. Approve, and authorize the Mayor to execute, Contract No. C08-59, by and between the City of San Clemente and All American Asphalt, Inc., providing for Street Rehabilitation for Portico Del Norte and Portico Del Sur, Project No. 19316, in the amount of \$629,239.

J. **Contract Amendment – Delivery and Supply of Chlor-Alkali Products**

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to approve, and authorize the Mayor to execute as a member agency of South Orange County Wastewater Authority (SOCWA), the First Amendment to, and assumption by Olin Corporation dba Olin Chlor-Alkali Products of the Contract Services Agreement between SOCWA and other public entities, and provider for the Delivery and Supply of Chlor-Alkali Products to SOCWA Wastewater Treatment Facilities, Contract No. C06-53.

K. **Contract Amendment – On-Call Inspection Services**

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to approve, and authorize the Mayor to execute, the First Amendment to Contract No. C06-64, by and between the City of San Clemente and R.P.O. Consulting, Inc., providing for On-Call Inspection Services. This amendment will extend the contract term for an additional two calendar years and will increase the contract to an amount not to exceed \$135,000 per year.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**A. City Council Minutes of November 3, 2008**

Councilmember Eggleston announced that he would abstain from voting on the November 3, 2008 City Council minutes because he did not attend that meeting.

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0-1 (COUNCILMEMBER EGGLESTON ABTAINING), to approve the City Council minutes of November 3, 2008.

F. Exclusive Negotiating Agreement – Miniature Golf Facility at La Pata/Vista Hermosa Community Park

Councilmember Baker questioned the rationale behind the proposal that the City enter into an Exclusive Negotiating Agreement (ENA) for the potential establishment of a lease agreement for the development and operation of a miniature golf facility at the La Pata/Vista Hermosa Community Park; voiced concern that the City is not proposed to receive compensation in return for the ENA and the City has not issued a Request for Proposals to invite others to submit a plan for use of the property.

During the ensuing discussion, Councilmembers advised as follows: 1) Council previously determined that the community benefit that would be derived from the miniature golf facility would serve as adequate compensation for the privilege to install a miniature golf facility; 2) It was Scott Melcher's idea to build a miniature golf course, he contributed a significant amount of work toward the concept, and no one else has come forward with a miniature golf course concept; 3) Mr. Melcher needs to engage in additional work to determine if the project can come to fruition; 4) Topographical challenges on the subject land render it unsuitable for development of baseball or soccer fields; 5) Leasing the land could provide the City with a revenue stream for the term of the lease; and 6) The ENA is for a 180-day period and Council will consider the terms of the lease agreement at the conclusion of negotiations.

Scott Melcher, San Clemente, responded to questions from Council regarding the design timeline for the miniature golf project.

MOTION BY COUNCILMEMBER BAKER, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to continue consideration of the Exclusive Negotiating Agreement for a miniature golf facility at the La Pata/Vista Hermosa Community Park to the Council meeting of December 16, 2008. During the interim period, Councilmember Baker will meet with Staff to obtain additional information concerning the background and concept of Mr. Melcher's proposal.

L. Contract Award – Park Maintenance

Beaches and Parks Manager Reed reviewed the contents of the Administrative Report and responded to Council inquiries; noted that Staff is recommending that Council enter into a two-year contract with TruGreen LandCare that will extend from January 1, 2009 through December 31, 2010 (as opposed to December 2011 as reflected in the Administrative Report).

City Manager Scarborough reviewed that Spectrum Care advised Council in May 2008 that it was unable to continue the contract and would cease services in 30 days; noted that if Spectrum Care acted unilaterally to terminate that it would have been in breach of its contract with the City; advised that Council met in Closed Session to evaluate its legal options, but ultimately determined to not pursue a breach of contract case because of concerns with regard to legal costs, time delays, and the possibility that the quality of Spectrum Care's performance would deteriorate and that the quality of the City's playing fields would suffer; advised that the City's opportunity to sue ended when this decision was made.

Larry Culbertson, San Clemente, voiced concern that the proposed contract with TruGreen LandCare will cost the City \$246,000 more per year than the contract with Spectrum Care; opined that if the City did not want to force Spectrum Care to honor its contract that the City should have pursued legal recourse; opined that TruGreen LandCare is not a competent service provider; recommended that a liquidated damages clause be included in all City contracts and that the City should utilize E-Verify to certify the employment eligibility of contract workers; suggested that the payment terms of City contracts be restructured to provide graduated increases on an annual basis to encourage performance and longevity.

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

1. Approve, and authorize the Mayor to execute, Contract No. C08-36, by and between the City of San Clemente and TruGreen LandCare, providing for landscape maintenance of City parks for a period of two years (January 1, 2009 through December 31, 2010) in an amount not to exceed, over the two-year term, \$1,614,216 (\$807,108 annually), and designate an annual not-to-exceed amount of 25% of the basic contract amount (\$201,777 annually), for supplemental work as needed with all supplemental work done by proposal and based on the unit service costs included in Attachment F of the contract proposal.

(Action continued on next page)

2. Approve the use of \$183,000 from sports fields renovations and the Parque Del Mar turf renovation project this fiscal year to assist in providing funding to award the Park Maintenance contract without standard service level decreases.
3. Approve an appropriation of \$80,000 from the RDA Capital Project Fund, Account 086-865-47470-000-29102, for the turf renovation of Parque Del Mar.
4. Direct Staff to confer with the City of Mission Viejo in approximately six months to determine its success with the E-Verify employment verification method.

6. **PUBLIC HEARINGS**

A. **513 Avenida Victoria (Peters Condominium Conversion) - Tentative Parcel Map 2007-205**

Public Hearing to consider a request for the conversion of three apartments into condominiums to allow for individual ownership. The subject property is within the Pier Bowl Specific Plan-Residential High Density/Architectural Overlay (PBSP-RH-A), located at 513 Avenida Victoria, the legal description being Lot 8 and 9, Block 3 of Tract 785.

Councilmember Eggleston recused himself from deliberations on this item because he owns property within 500' of the subject project; left the Chambers at 8:31 p.m.

Associate Planner Wright reviewed the contents of the Administrative Report.

Mayor Donchak opened and closed the Public Hearing, there being no one desiring to speak on this item.

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 4-0-1 (COUNCILMEMBER EGGLESTON ABSTAINING), to adopt Resolution No. 08-94 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 2007-205, PETERS CONDOMINIUM CONVERSION, A REQUEST TO ALLOW A ONE-LOT SUBDIVISION FOR THE CONVERSION OF AN EXISTING TRIPLEX INTO CONDOMINIUMS ON A PROPERTY LOCATED AT 513 AVENIDA VICTORIA.

Councilmember Eggleston returned to the dais at 8:35 p.m.

B. **126 Avenida Del Reposo (Truman Condominium Conversion) - Tentative Parcel Map 2008-133**

Public Hearing to consider a request for the conversion of three apartments into condominiums to allow for individual ownership. The subject property is within the Residential-Medium (RM) Density zoning district at 126 Avenida Del Reposo, the legal description being Lot 12, Block 4 of Tract 820.

Associate Planner Wright reviewed the contents of the Administrative Report.

Mayor Donchak opened and closed the Public Hearing, there being no one desiring to speak on this item.

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to adopt Resolution No. 08-95 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 2008-133, TRUMAN CONDOMINIUM CONVERSION, A REQUEST TO ALLOW A ONE-LOT SUBDIVISION FOR THE CONVERSION OF AN EXISTING TRIPLEX INTO CONDOMINIUMS ON A PROPERTY LOCATED AT 126 AVENIDA DEL REPOSO.

C. **124 Avenida Del Reposo (Schantz Condominium Conversion) - Tentative Parcel Map 2008-134**

Public Hearing to consider a request for the conversion of three apartments into condominiums to allow for individual ownership. The subject property is within the Residential-Medium (RM) Density zoning district at 124 Avenida Del Reposo, the legal description being Lot 11, Block 4 of Tract 820.

Associate Planner Wright reviewed the contents of the Administrative Report.

Mayor Donchak opened and closed the Public Hearing, there being no one desiring to speak on this item.

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to adopt Resolution No. 08-96 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 2008-134, SCHRANTZ CONDOMINIUM CONVERSION, A REQUEST TO ALLOW A ONE-LOT SUBDIVISION FOR THE CONVERSION OF AN EXISTING TRIPLEX INTO CONDOMINIUMS ON A PROPERTY LOCATED AT 124 AVENIDA DEL REPOSO.

7. **UNFINISHED BUSINESS**

A. **Shorecliffs Fences and Walls**

Report from the Community Development Director concerning the possibility of regulating the height of fences/walls to maintain private views in the Shorecliffs neighborhood.

Associate Planner Jones narrated a PowerPoint presentation entitled "Fence/Wall Heights Within the Shorecliffs Neighborhood." A hard copy of Mr. Jones' presentation, dated December 2, 2008, is on file with the City Clerk.

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

1. Take no further action to amend the Zoning Code for the Shorecliffs neighborhood.
2. Direct Staff to prepare an advisory letter asking the 12 property owners in the Shorecliffs neighborhood that have the ability to erect a fence/wall that may obstruct adjacent owners' private views to be considerate of the views of their adjacent neighbors.

B. **Beach Trash Receptacle Program**

Report from the Beaches, Parks and Recreation Director concerning the possibility of implementing a program for beach trash and recycling receptacles.

Beaches and Parks Manager Reed and Assistant City Engineer Bonigut reviewed the contents of the Administrative Report and responded to questions by Council.

Larry Culbertson, San Clemente, urged Council to not contract with Adopt-A-Beach due to his belief that advertising on the beach is inappropriate; recommended that the City obtain 71 trash containers and 71 recycling containers instead of obtaining 51 recycling containers and 92 trash containers as recommended by staff; requested that Police Services increase its enforcement of scavenging violations on the beach and suggested that trash and recycling pick-up occur in the evening instead of in the morning.

During the ensuing discussion, it was noted that the recycling and trash discards will be picked up and commingled in one truck (due to the infeasibility of utilizing

two separate trucks). Following pick-up, the recycling and trash materials will be delivered to a Materials Recycling Facility (MRF) where the trash and recyclables will be separated. It was noted that the City is trying to increase source separation and that providing separate containers helps to encourage the consistent practice of separating trash from recyclables. It was agreed that Staff will explore the possibility of separate pick-up of recyclables and trash and/or the possibility of utilizing one color of bag insert for recycling containers and another color of bag insert for trash containers so that the contents can be picked up by one truck, but remain separated.

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-1 (COUNCILMEMBER BAKER VOTING NOE), to:

1. Approve an appropriation of \$18,410 for the purpose of new fixed placement and flexible location trash receptacles from the General Fund undesignated fund balance to Account 001-631-42490 in the amount of \$9,520 and to Account 001-636-42490 in the amount of \$8,880.
2. Accept a grant from the County of Orange in the amount of \$19,340 in the Clean Ocean Fund to Account 057-000-33790 for new fixed and flexible placement recycling receptacles.
3. Approve an appropriation of \$19,340 in the Clean Ocean Fund to Account 057-541-42490.
4. Approve an additional appropriation of \$6,000 for the purchase of 41 additional recycling containers. This increase in funding will enable a total of 92 recycling containers to be placed on the beach (which will match the number of trash containers that will be placed on the beach). One recycling receptacle and one trash receptacle are to be placed side-by-side at each collection site.

8. **NEW BUSINESS**

A. **Preliminary Processing Timeline for the LAB Playa Del Norte Project at North Beach**

Report from the Community Development Director concerning preliminary project timelines for the LAB Playa Del Norte project at North Beach.

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

Bill Hart, San Clemente, suggested that monthly progress reports on the Playa Del Norte project be provided at Council meetings to ensure that the community is kept up to date on the project.

John Tengdin, San Clemente, urged Council to consider creating a separate timeline for the major elements that pertain to the parking study.

Linda Sadeghi, LAB Holding, stated that the LAB is committed to work as a united team with the City and the community to realize the vision that the community has reconfirmed through Measure W.

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 5-0, to receive and file the Preliminary Processing Timeline for the LAB Playa Del Norte Project at North Beach, with the amendment that Staff agendaize progress reports pertaining to the LAB project and North Beach Parking Study on a monthly basis commencing with the City Council meeting of January 20, 2009. This status report is to be agendaized under “Special Presentations” to help the community remain up to date on the project.

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**

Councilmember Anderson announced that he has been nominated to serve on the California League of Cities Environmental Quality Policy Committee.

(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

Mayor Pro Tem Dahl expressed gratitude 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 animal shelter.

(5) Transportation Corridor Agencies Status Report

None.

(6) Councilmember Items**Pier Bowl Parking Lots and Parking Meter Hours of Operation**

Councilmember Eggleston stated that the Pier Bowl upper and lower parking lots do not require parking fees after 5:00 p.m. but meters on the street require payment until 7:00 p.m.; voiced concern that it is dark in the evening during the winter months and that it is difficult for people to read the meters after dark; suggested that uniform hours of operation for meters and parking lots be established; requested the matter be agendaized for discussion.

Holly Jolly Hoopla and City Tree Lighting Event

Mayor Pro Tem Dahl announced that the City will host the Holly Jolly Hoopla on December 6, 2008 beginning at 1:30 p.m., followed by the official City tree lighting at 4:55 p.m.

MEETING RECESSED

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to recess at 9:25 p.m. to a meeting of the San Clemente Redevelopment Agency.

MEETING RECONVENED

Council reconvened at 9:35 p.m. with all members present.

11. RESOLUTIONS/ORDINANCES

None.

12. ADJOURNMENT

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to adjourn at 9:35 p.m. in memory of Jim Holbert.

The next Regular Council Meeting will be held on December 16, 2008 in the Council Chambers located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be discussed at 5:30 p.m. The General Session will begin at 7:00 p.m.

CITY CLERK of the City of
San Clemente, California

MAYOR of the City of
San Clemente, California