

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting - December 5, 2006

A Regular Meeting of the San Clemente City Council was called to order on December 5, 2006 at 6:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

PRESENT

ANDERSON, DAHL, KNOBLOCK*, RITSCHER, MAYOR
EGGLESTON

*Arrived at 6:03 p.m.

ABSENT

NONE

STAFF PRESENT

George Scarborough, City Manager; Jeff Oderman, City
Attorney; Myrna Erway, City Clerk; Joanne Baade, Deputy
City Clerk

CLOSED SESSION

MOTION BY COUNCILMEMBER RITSCHER, SECOND BY COUNCILMEMBER
ANDERSON, CARRIED 4-0, to recess to Closed Session at 6:03 p.m. to discuss the
following:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION, pursuant to
Government Code Section 54957:

Title: City Manager

The City Council was in attendance.

*Note: The agendaized Closed Session relative to Callan v. City of San Clemente, et al. was
not discussed.*

MEETING RECONVENED

Council reconvened at 7:02 p.m., with all members present.

INVOCATION

Marie Toland, Family Assistance Ministries, gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Knoblock led the Pledge of Allegiance.

HOLIDAY SERENADE

The San Clemente High School Madrigals, under the direction of Dr. Phil Theodorou, provided a holiday serenade.

1A. **SPECIAL PRESENTATIONS**

A. **Commendation - Supervisor Tom Wilson**

Mayor Eggleston presented a Commendation to Supervisor Tom Wilson for his successful tenure as the 5th District representative to the Orange County Board of Supervisors.

B. **Certificate of Recognition - Palm Beach Park Residents**

Mayor Eggleston presented a Certificate of Recognition to Jan Withee and Bob Bobst, on behalf of the residents of Palm Beach Park, in appreciation for honoring the United States Marine Corps through the conduct of annual celebrations to commemorate Thanksgiving and the birthday of the United States Marine Corps.

1B. **ELECTION RESULTS, ADMINISTRATION OF OATHS OF ALLEGIANCE, AND ELECTION OF MAYOR AND MAYOR PRO TEMPORE**

A. **Results of General Municipal Election Held on November 7, 2006**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM DAHL, CARRIED 5-0, to adopt Resolution No. 06-80 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD NOVEMBER 7, 2006, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW.

B. **Recognition of Out-Going Councilmember Susan Ritschel**

Mayor Eggleston presented a Commendation, Rick Delanty painting, City tile and a life-time membership to the San Clemente Municipal Golf Course to former Councilmember Susan Ritschel for her outstanding long-term service to the citizens of San Clemente in her capacities as Mayor, Councilmember, Planning Commissioner and Community Design Commissioner.

Michael Kaupp, San Clemente, expressed appreciation to Susan Ritschel for her contributions to the community.

On behalf of the Chamber of Commerce, Mayor Eggleston presented Susan Ritschel with a plaque in recognition of her outstanding service to the City.

Stephanie Dorey, San Clemente, stated that she is proud to have worked with Susan Ritschel on issues facing the City; expressed gratitude to Susan Ritschel for her community service.

C. **Comments from Former Councilmember Susan Ritschel**

Former Councilmember Susan Ritschel reflected on the past 13 years, during which time she has served on the City Council, Planning Commission and Community Design Commission; reflected on issues that faced the City during the past 13 years, noting that one of the greatest challenges has been managing growth; summarized the many accomplishments that the City has enjoyed and expressed pride with the current condition of the City; stated that it has been a pleasure to serve the community; expressed appreciation to the Council, City staff and her family; welcomed Lori Donchak to the Council.

D. **Oath of Allegiance - Newly-Elected Councilmembers**

City Clerk Erway administered the Oath of Allegiance to Councilmembers-Elect Joe Anderson, Lori Donchak, and G. Wayne Eggleston.

Councilmember Donchak noted that San Clemente is a well-managed community; stated that she is blessed to have been elected and to have the opportunity to work with the other members of the Council; encouraged the young people in San Clemente to become involved in the community; stated that her primary goals involve traffic, budget and safe sidewalks; expressed appreciation to those who placed her in a position to serve the City.

E. **Comments from Mayor Eggleston**

Mayor Eggleston stated that it has been an honor and privilege to serve as Mayor; reviewed the City's many accomplishments over the past year; read Ole Hanson's vision, noting that his vision is as true today as it was in 1925; identified current issues facing the City; commented on the importance of respecting the majority will once decisions are made.

Michael Kaupp, San Clemente, congratulated the newly-elected Councilmembers; stated that he is proud of the decorum that Lori Donchak presented during her campaign; explained that he enjoyed working with Lori Donchak on the Planning Commission.

F. **Election of Mayor and Mayor Pro Tempore**

City Clerk Erway opened nominations for Mayor.

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK to nominate Jim Dahl for the office of Mayor.

There being no other nominations, MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to close nominations and appoint Jim Dahl to the office of Mayor.

Mayor Dahl presented a plaque to former Mayor Eggleston in appreciation of his dedication and service as Mayor during 2005-06.

Mayor Dahl opened nominations for Mayor Pro Tem.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EGGLESTON to nominate Joe Anderson for the office of Mayor Pro Tem.

There being no other nominations, Mayor Dahl closed nominations. Council voted unanimously to appoint Joe Anderson to the position of Mayor Pro Tem.

2. MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM 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)**

Request to Post Lyrics to the Song “The Twelve Days After Christmas” on the City’s Website

John Tengdin, San Clemente, requested that the lyrics to the song “The Twelve Days After Christmas”, that was performed this evening by the San Clemente High School Madrigals, be posted on the City’s website.

5. **CONSENT CALENDAR**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve the Consent Calendar with the removal of Items H and I.

A. **City Council Minutes**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve the City Council minutes of November 21, 2006.

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

- (1) Coastal Advisory Committee minutes of October 12, 2006.
- (2) Parks and Recreation Commission minutes of October 10, 2006.

C. **Warrant Register**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve Warrant Nos. 780234 through 780395 for the period 11-6-06 through 11-10-06 in the amount of \$635,771.89; approve Wire Transfers Nos. 426 and 427 and Warrant Nos. 780396 through 780572 for the period 11-13-06 through 11-17-06 in the amount of \$1,997,704.82; for a total Warrant Register of \$2,633,476.71.

Payroll Register

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve Warrant Nos. 318547 through 318596, Automatic Deposit Advises 143694 through 143915, for the period 11-6-06 through 11-19-06 in the amount of \$351,839.52; for a total Payroll Register of \$351,839.52.

D. **Contract Award - WEB Point-of-Sale and Internet Recreation Registration Software**

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

1. Approve the selection and purchase of The Active Network WEB POS and Internet Recreation Registration software for a total cost of \$51,000, consisting of \$37,470 for the Professional Services Agreement with Active Network (software, licenses, first year maintenance, and implementation costs), \$3,530 for estimated travel expenses (not included in the Professional Services Agreement), and \$10,000 for hardware costs (server, switches, cabling, etc.).
2. Approve, and authorize the Mayor to execute, Contract C06-58 by and between the City of San Clemente and The Active Network, relating to the purchase of WEB point-of-sale and internet registration for recreation services software, at a cost not to exceed \$37,470.
3. Approve the transfer of \$51,000 from Council Contingency Account 001-203-44900 to Professional Services, Account 001-142-43690.

E. **Contract Amendment - Consulting Landscape Architect and Park Planner Services (Exception to Competitive Process)**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve, and authorize the Mayor to execute, the First Amendment to Contract C01-50, by and between the City of San Clemente and Richard Fisher Associates, relating to consulting landscape architect and Park Planner services. This Amendment increases the contract amount from \$60,000 to \$120,000 per fiscal year.

F. **Acceptance of Street and Storm Drain Improvements and a Bond Rider in lieu of a Warranty Bond for a Portion of Avenida Talega**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to adopt Resolution No. 06-81 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA ACCEPTING THE STREET AND STORM DRAIN IMPROVEMENTS AND A BOND RIDER IN LIEU OF A WARRANTY BOND TO INSURE AGAINST DEFECTS ON A PORTION OF AVENIDA TALEGA BETWEEN CALLE PORTOFINO AND THE AVENIDA TALEGA BRIDGE, TALEGA ASSOCIATES, LLC.

G. **Final Map 16691 - Commerce Center Condominium Conversion, 940 and 942 Calle Negocio**

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

1. Authorize the City Engineer to execute Final Map 16691.
2. Authorize the City Clerk to execute and submit for recordation the Final Map with the Orange County Recorder's Office.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**H. Contract Award - Avenida Pico Corridor Widening Engineering Services**

In response to Council inquiry, Staff explained that Phase I of the proposed contract involves the development of at least three preliminary design alternatives for widening Avenida Pico between Calle Del Cerro and the I-5 Freeway, while Phase II of the project involves the preparation of final plans for the preferred alternative; explained that Staff proposes to only authorize Phase I services to proceed at this time; stated that the price and scope of work for Phase II (as currently set forth in the proposed contract) provides for a basic design and noted that the scope of work could increase if the preferred alternative necessitates a more-complex process; noted that the contract as written will give the City the flexibility to lock in a price for Phase II basic services, but would not give APA the opportunity to increase its price; stressed that the proposed contract does not commit the City to proceed with APA for Phase II; stated that Phase II will come back to Council for approval and Council will be able to direct Staff to solicit additional proposals in the event there is any concern about the competitiveness of the price.

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C06-59 by and between the City of San Clemente and APA Engineering, Inc., providing for engineering services in connection with the Avenida Pico Corridor widening project, for an amount not to exceed \$229,235.

I. **Fire Station No. 60 and San Clemente Senior Center - Authorization to Proceed with Construction Documents and Establishment of “No Parking” Areas on Avenida Victoria**

Council indicated support for the project, but voiced concern that the City is failing to set a positive example with regard to providing adequate parking, especially in the downtown area; spoke in support of shuttles and conducting large gatherings in the Community Center, as opposed to the Senior Center, to alleviate the parking impact. Council commended the project architect for the quality of the architecture.

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

1. Direct Staff to proceed with construction documents for Fire Station No. 60 and the San Clemente Senior Center.
2. Adopt Resolution No. 06-82 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 VICTORIA.

6. **PUBLIC HEARINGS**

A. **Tentative Parcel Map 2006-236, Buena Vista Condominium Conversion (1008 Buena Vista)**

Public Hearing to consider a request to allow a one-lot subdivision of a duplex (pending remodel from the current fourplex) in an existing building located within the Residential Medium (RM) zone at 1008 Buena Vista, the legal description being Lot 36 of Block 4 of Tract 794.

Associate Planner Tai reviewed the contents of the Administrative Report.

Mayor Dahl opened the Public Hearing.

John Stafford, San Clemente, stated that he has resided in Apartment #1 of 1008 Buena Vista for 2-1/2 years; voiced concern that the proposal will displace two families; noted that the subject units will probably sell for \$750,000, thereby taking the units out of the realm of affordability for median-income families who desire to reside near the beach.

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

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to adopt Resolution No. 06-83 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP (TPM) 2006-236, BUENA VISTA CONDOMINIUM CONVERSION, A REQUEST TO ALLOW A ONE-LOT SUBDIVISION FOR CONDOMINIUM PURPOSES FOR AN EXISTING DUPLEX (PENDING REMODEL FROM A FOURPLEX) LOCATED AT 1008 BUENA VISTA.

B. **Historic Property Preservation Agreement 06-415, Casa Dos Palmas (214 Avenida Monterey)**

Public Hearing to consider a request by the property owner of 214 Avenida Monterey to enter into a Mills Act agreement with the City of San Clemente. The Mills Act agreement ensures the proper maintenance of the historic resource, while potentially providing benefits to the property owner in the form of lower property taxes. The legal description of the subject property is Lot 34, Block 21 of Tract 779.

Associate Planner Ah Sing narrated a PowerPoint presentation entitled "Historic Property Preservation Agreement 06-415, Casa Dos Palmas" and responded to Council inquiries. A hard copy of Mr. Ah Sing's presentation, dated December 5, 2006, is on file with the City Clerk.

Mayor Dahl opened the Public Hearing.

Dena Van Slyke, Owner/Applicant, reviewed the contents of her letter that contains eight points of criticism about the City's Historic Property Preservation Agreements (Attachment 8 to the Administrative Report); spoke in opposition to the "due on sale" clause within the Mills Act contracts (which requires that all restorations be completed prior to sale of the property) and asserted that the subject provision is inconsistent with State law; stated that the text of the Historic Property Preservation Agreement specifies that the current aluminum windows be replaced with true divided light windows, but Exhibit C specifies that the windows be replaced with double-hung style windows.

Lee Van Slyke, San Clemente, asserted that the existing "due on sale" clause will stifle interest in Mills Act applications.

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

Council discussed the “due on sale” clause and expressed willingness to further consider the subject clause at a future date.

In response to Council inquiry, City Attorney Oderman noted that persons do not have a right to a Mills Act contract and the decision to approve or disapprove contracts is a matter of Council discretion; explained that the Mills Act specifies that the contract can include provisions that Council feels necessary in order to effectuate the purposes of the Act.

Council requested that Staff obtain information and report back to Council relative to the actual amount of tax relief that was experienced by prior recipients of Mills Act contracts.

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

1. Adopt Resolution No. 06-84 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 06-415 FOR THE PROPERTY LOCATED AT 214 AVENIDA MONTEREY, with the modification that the contract wording be modified to reference that replacement windows be “traditionally designed wood frame” windows.
2. Authorize the Mayor to execute the Historic Property Preservation Agreement once the filing fee is paid to the City. (Contract C97-68)

C. **Historic Property Preservation Agreement 06-418, Boss Residence (146 Avenida Pelayo)**

Public Hearing to consider a request by the property owner of 146 Avenida Pelayo to enter into a Mills Act agreement with the City of San Clemente. The Mills Act agreement ensures the proper restoration and maintenance of the historic resource, while potentially providing benefits to the property owner in the form of lower property taxes. The legal description of the subject property is Lot 22, Block 2 of Tract 820.

Associate Planner Ah Sing narrated a PowerPoint presentation entitled "Historic Property Preservation Agreement 06-418, Boss Residence" and responded to Council inquiries. A hard copy of Mr. Ah Sing's presentation, dated December 5, 2006, is on file with the City Clerk.

Mayor Dahl opened the Public Hearing.

Aaro Boss, Owner/Applicant, expressed concern that if he were forced to relocate due to unforeseen hardship, the Mills Act contract would require him to make all restoration improvements prior to the sale of his property.

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

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

1. Adopt Resolution No. 06-85 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 06-418 FOR THE PROPERTY LOCATED AT 146 AVENIDA PELAYO.
2. Authorize the Mayor to execute the Historic Property Preservation Agreement once the filing fee is paid to the City. (Contract C97-68)

D. **Historic Property Preservation Agreement 06-434, Cotton Residence (238 W. Canada)**

Public Hearing to consider a request by the property owner of 238 W. Canada to enter into a Mills Act agreement with the City of San Clemente. The Mills Act agreement ensures the proper restoration and maintenance of the historic resource, while potentially providing benefits to the property owner in the form of lower property taxes. The legal description of the subject property is Lot 17, Block 3 of Tract 794.

Assistant Planner Gates narrated a PowerPoint presentation entitled "Historic Property Preservation Agreement 06-434, Cotton Residence" and responded to Council inquiries. A hard copy of Ms. Gates' presentation, dated December 5, 2006, is on file with the City Clerk.

Mayor Dahl opened the Public Hearing.

Leslie Cotton, Owner/Applicant, voiced concern with the "due on sale" clause within the Mills Act contract, adding that it is unlikely that he would have pursued the Historic Property Preservation Agreement if he had known about the provision when he began the process; stated that he will save \$1,500 in taxes as a result of entering into the contract, but added that he will be required to pay \$12,000 to \$15,000 to replace windows if it is necessary for him to sell his home in the future; requested that he only be required to replace those windows that are visible from the street.

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

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

1. Adopt Resolution No. 06-86 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 06-434 FOR THE PROPERTY LOCATED AT 238 WEST CANADA.
2. Authorize the Mayor to execute the Historic Property Preservation Agreement once the filing fee is paid to the City. (Contract C97-68)

E. **Historic Property Preservation Agreement 06-449, Casa de Cazador (412 Cazador Lane)**

Public Hearing to consider a request by the property owner of 412 Cazador Lane to enter into a Mills Act agreement with the City of San Clemente. The Mills Act agreement ensures the proper restoration and maintenance of the historic resource, while potentially providing benefits to the property owner in the form of lower property taxes. The legal description of the subject property is Lot 25, Block 3 of Tract 785.

Councilmember Eggleston stated that he resides more than 500' from the subject property and, consequently, will participate in the deliberations and vote on this item.

Assistant Planner Gates narrated a PowerPoint presentation entitled "Historic Property Preservation Agreement 06-449, Warner House" and responded to Council inquiries. A hard copy of Ms. Gates' presentation, dated December 5, 2006, is on file with the City Clerk.

Mayor Dahl opened the Public Hearing.

Dena Van Slyke, Applicant, stated that the property owner does not believe that the garage door warrants replacement, and suggested instead that the trim be repainted; voiced concern with the proposed requirement that the rain gutters be U-shaped since rain gutters did not exist in the 1920s and the current gutters are functional and have an interesting shape; asserted that the awning brackets (that were used to hold the trellis that was removed because of termite damage) should be allowed to remain since it is likely that the next owner will want a trellis to provide privacy from the condominium development at the rear of the property; stated that the property owner cannot afford to pay \$15,000 to make the improvements cited in the proposed Mills Act contract before she sells the house; voiced concern that without a Mills Act contract, a future owner may not care about preserving the home.

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

Following discussion, MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 4-1 (COUNCILMEMBER EGGLESTON VOTING NOE), to:

1. Adopt Resolution No. 06-87 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 06-449 FOR THE PROPERTY LOCATED AT 412 CAZADOR LANE.
2. Authorize the Mayor to execute the Historic Property Preservation Agreement once the filing fee is paid to the City. (Contract C97-68)

RE-ORDERING OF AGENDA

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to consider Agenda Item 7-A (Financial Support for San Clemente Roller Hockey) at this point in the meeting.

- F. **Historic Property Preservation Agreement 06-466, Shahbazian Residence (245 Del Poniente)**

This item was considered later in the meeting. Please refer to Page 19 of these minutes for a summary of that discussion.

7. **UNFINISHED BUSINESS**

A. **Financial Support for San Clemente Roller Hockey**

Report from the Beaches, Parks and Recreation Director concerning proposed financial support for San Clemente Roller Hockey.

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

Larry Corwin, San Clemente Roller Hockey, stated that San Clemente Roller Hockey has successfully negotiated a one-year extension to its lease at the same rate of rent; opined that the rate of subsidy being requested from the City will be sufficient; urged Council support and responded to Council inquiries.

The following individuals addressed Council concerning the benefits of the San Clemente Roller Hockey facility and urged that Council provide financial support:

Eric Taylor
Paul Rosenfield
Quinn and Bill Hatoff
Mark Kassity
Glen Sussman

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

1. Approve the request of the Beach Cities Hockey Foundation for financial support for a one-year trial period in the amount of \$2,500 per month.
2. Direct Staff to work with the City Attorney to finalize a formal agreement for financial support and authorize the Mayor to execute the agreement. (Contract C06-60)

Action continued on next page

3. Approve a transfer of \$15,000 from Council Contingency Account 001-203-44900 to Recreation Other Contractual Services Account 001-624-43890-000-37807.
4. Direct the Foundation to provide quarterly reports on the financial status of the program, as well as progress made in expansion and/or involvement of other community organizations in the use of the facility.
5. Commend the efforts of the leadership of the Foundation and the property landlord for cooperating and continuing the existing rent.

PUBLIC HEARINGS (CONTINUED)

F. Historic Property Preservation Agreement 06-466, Shahbazian Residence (245 Del Poniente)

Public Hearing to consider a request by the property owner of 245 Del Poniente to enter into a Mills Act agreement with the City of San Clemente. The Mills Act agreement ensures the proper restoration and maintenance of the historic resource, while potentially providing benefits to the property owner in the form of lower property taxes. The legal description of the subject property is Lot 23, Block 3 of Tract 794.

Associate Planner Ah Sing narrated a PowerPoint presentation entitled "Historic Property Preservation Agreement 06-466, Shahbazian Residence" and responded to Council inquiries. A hard copy of Mr. Ah Sing's presentation, dated December 5, 2006, is on file with the City Clerk.

Council requested that the proposed agreement clarify that all planted-on fascia, including the planted-on fascia located on the garage, is to be removed.

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

Following discussion, MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR DAHL, CARRIED 5-0, to re-open and continue the Public Hearing to the Council meeting of December 19, 2006, with the direction that the City's historic resources consultant determine whether the residence is historic and the reasons therefor.

8. **NEW BUSINESS**

None.

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

None.

10. **REPORTS**

A. **Commissions and Committees**

- (1) **Consideration of scheduling a date/time to interview candidates and appoint one citizen to fill an unexpired term on the Planning Commission.**

This item was deferred to the Council meeting of December 19, 2006.

B. **City Manager**

None.

C. **City Attorney**

Unauthorized Use of City Seal

City Attorney Oderman stated that Council, at its last meeting, requested that he provide a report concerning unauthorized use of the City seal; explained that an incident occurred prior to the November 7, 2006 election, whereby a mailer was distributed that included the City seal and was compiled in such a fashion as to falsely indicate that it was a public document; conveyed that unauthorized use of the City seal violates a number of laws; stated that Council has expressed its intention to protect the City seal against unauthorized use and advised that the City Attorney's Office will pursue efforts to stop any future violations.

D. **Council Members**

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

None.

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

None.

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

Chief Kris Concepcion provided an update on regional wildfires and the deployment of OCFA personnel.

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

Mayor Dahl reported on animals available for adoption at the San Clemente-Dana Point Animal Services Authority; expressed appreciation to the shelter veterinarians, staff and volunteers.

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

None.

(6) **Councilmember Items.**

San Clemente High School - Public Service Announcements

Councilmember Knoblock reported on the possibility of students of San Clemente High School's video department producing public service announcements for the City, OCFA, etc.; explained that the school's principal and video production manager have indicated an interest in pursuing this opportunity; stated that this matter will be presented to Council in the future.

11. **RESOLUTIONS/ORDINANCES**

None.

MEETING RECESSED

Council recessed to a meeting of the Redevelopment Agency at 10:25 p.m. and reconvened at 10:30 p.m., with all members present.

12. **ADJOURNMENT**

Council adjourned at 10:29 p.m. in memory of Monsignor John Sammon. The next Regular Meeting will be held on December 19, 2006 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.

CITY CLERK of the City of
San Clemente, California

MAYOR of the City of
San Clemente, California