

CITY OF SAN CLEMENTE

City Council Minutes

Special and Regular Meetings - August 15, 2006

A Special Meeting of the San Clemente City Council was called to order on August 15, 2006 at 5:30 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California for the purpose of conducting Closed Sessions.

PRESENT

ANDERSON, DAHL, KNOBLOCK, RITSCHER*, MAYOR
EGGLESTON

* Arrived at 5:35 p.m.

ABSENT

NONE

STAFF PRESENT

George Scarborough, City Manager; Jeff Oderman, City Attorney; Pall Gudgeirsson, Assistant City Manager; Myrna Erway, City Clerk; Joanne Baade, Deputy City Clerk.

CLOSED SESSION

City Attorney Oderman reported that Closed Session Item B relates to two potential code enforcement matters -- one involving Dwinnell's Landscape Materials and the other involving Duke's Griddle and Grill; explained that the other anticipated litigation item pertains to the design contract that the City entered into with David Volz Design for the La Pata/Vista Hermosa Community Park project. Two other items (i.e., Conference with Labor Negotiator and the existing litigation matter of Callan v. City of San Clemente, et al.) were also listed on the agenda.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM DAHL, CARRIED 4-0 (COUNCILMEMBER RITSCHER ABSENT), to recess to Closed Session at 5:32 p.m. to discuss the following:

- A. 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.

- B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code Section 54956.9(c): Three Potential Cases

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

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

City Manager Scarborough, City Attorney Oderman, Assistant City Manager Gudgeirsson and City Clerk Erway were in attendance for all Closed Session items. Beaches, Parks and Recreation Director King was present for the Closed Session concerning the design contract for the La Pata/Vista Hermosa Community Park. Community Development Director Holloway and Code Enforcement Officer Smith were present for the code enforcement actions concerning Dwinell's Landscape Materials.

The Regular Council Meeting convened at 7:05 p.m.

INVOCATION

Marie Toland, of Family Assistance Ministries, gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Anderson led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Presentation of Commendation - San Clemente Lifeguards**

Mayor Eggleston presented a Commendation to Bill Humphreys, Marine Safety Chief, in recognition of San Clemente Lifeguards providing 75 years of unsurpassed protection for visitors of San Clemente beaches.

B. **Certificates of Recognition - Participants of the Volunteer Pier Painting Event**

Mayor Eggleston presented Certificates of Recognition to Marie Toland, Director of Family Assistance Ministries, and Rick Gammell, Church of Jesus Christ of Latter-Day Saints, in appreciation for their on-going volunteer efforts in painting and maintaining the pier.

C. **Presentation of Commendation - Vickie Mierau (Retiring Aquatic Programs Instructor)**

Mayor Eggleston presented a Commendation to Vickie Mierau in appreciation for 20 years of outstanding service as a City Aquatic Programs Instructor.

D. **Recognition of Out-Going Commission and Committee Members**

Mayor Eggleston recognized the following out-going members of City Commissions and Committees and presented City tiles to those in attendance:

Mark Refowitz, Golf Course Committee
Sharon Gonzalez, Human Affairs Committee
Georgia Smith, Human Affairs Committee
Charles Hauswirth, Coastal Advisory Committee.

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)**

La Pata Extension

Paul Henry, San Clemente, stated that he purchased his home in Forster Ranch last year with the understanding that La Pata would be extended on the eastern side of the hill; conveyed his understanding that the expansion may now take place on the western side of the hill; spoke in opposition to a western extension because of concerns with regard to home values, noise and pollution.

Construction at 109 Boca de la Playa

Gwen Waters, San Clemente, voiced concern that the construction project at 109 Boca de la Playa will replace her view of historic North Beach with a view of a parking lot; objected to the negative impact that tall development on Boca de la Playa will have on Buena Vista residents.

Lee Guarrera, San Clemente, stated she represents concerned citizens residing on Boca de la Playa, Los Bolas and Buena Vista; voiced concern with the City's approval of a five-story project at 109 Boca de la Playa; opined that the construction has changed the focal point of the historical area and set a precedent for similar development; recommended that a realistic height limitation be established.

Council requested that City Manager Scarborough contact Ms. Waters and Ms. Guarrera about this issue.

5. **CONSENT CALENDAR**

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve the Consent Calendar with the removal of Items A, B(1), G, I and L.

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

- (2) Zoning Administrator meeting minutes of August 2, 2006.
- (3) Coastal Advisory Committee minutes of July 13, 2006.

C. **Warrant Register**

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve Wire Transfers Nos. 402 and 403 and Warrant Nos. 777258 through 777480 for the period 7-10-06 through 7-14-06 in the amount of \$2,043,750.88; approve Handwrite No. 777481, Wire Transfer No. 404 and Warrant Nos. 777482 through 777661 for the period 7-17-06 through 7-21-06 in the amount of \$1,319,449.61; for a total Warrant Register of \$3,363,200.49.

Payroll Register

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve Warrant Nos. 318003 through 318079, Automatic Deposit Advises 141617 through 141854, for the period 7-3-06 through 7-16-06 in the amount of \$398,202.02; for a total Payroll Register of \$398,202.02.

D. **Contract Award - Crossing Guard Services**

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C06-40 by and between the City of San Clemente and All City Management Services, Inc., providing for crossing guard services, in an amount not to exceed \$80,000.

E. **Acceptance of Improvements and Bond Release - Traffic Signal at the Intersection of Avenida Vista Hermosa and Avenida Pico**

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to adopt Resolution No. 06-56 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF IMPROVEMENTS AND RELEASE OF BOND FOR THE TRAFFIC SIGNAL LOCATED AT THE INTERSECTION OF AVENIDA VISTA HERMOSA AND AVENIDA PICO, TRACT 13683, IN THE TALEGA DEVELOPMENT.

F. **Final Parcel Maps 2005-270 and 2005-271 - Reenders Condominiums, 101 and 103 Avenida San Fernando**

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

1. Approve Parcel Maps 2005-270 and 2005-271 as they conform to the requirements set forth in the Subdivision Map Act and the previously approved Tentative Parcel Maps.
2. Authorize the City Engineer to execute the Parcel Maps.
3. Authorize the City Clerk to execute and submit for recordation the Parcel Maps with the County of Orange Recorder's Office.

H. **Cooperative Agreement with Orange County Transportation Authority Defining Roles and Responsibilities for the Commuter Rail Station Located at 1850 Avenida Estacion (North Beach)**

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve, and authorize the Mayor to execute, Cooperative Agreement No. C-5-0302 Between the Orange County Transportation Authority and the City of San Clemente, defining the roles and responsibilities for the Commuter Rail Station located at 1850 Avenida Estacion (North Beach).

J. **Request for Fee Waiver for Rental of Park Semper Fi - Soldiers' Angels Foundation Event on July 29, 2006**

City Clerk Erway announced that the Parks and Recreation Commission approved Staff's Recommendation for this item.

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to waive the park rental fees for Soldiers' Angels Foundation associated with the rental of Park Semper Fi on July 29, 2006.

K. **Recreation Facility Rental Procedures and Fees - Review and Revisions**

City Clerk Erway announced that the Parks and Recreation Commission approved Staff's Recommendation for this item.

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to adopt Resolution No. 06-58 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REVISING THE POLICIES AND FEES GOVERNING THE RENTAL OF THE COMMUNITY CENTER, OLE HANSON BEACH CLUB AND THE SENIOR CENTER, AND RESCINDING RESOLUTION NO. 05-66.

M. **FY 2005 Homeland Security Grant Program**

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to adopt Resolution No. 06-59 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, NAMING THE CITY MANAGER AS AN AUTHORIZED AGENT FOR PURPOSES OF EXECUTING HOMELAND SECURITY GRANT PROGRAM DOCUMENTS ON BEHALF OF THE CITY OF SAN CLEMENTE.

N. **Contract Award - Grande Vista Slope Repair**

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

1. Approve the plans and specifications for the Grande Vista Repair, Project No. 27801.
2. Approve, and authorize the Mayor to execute, Contract C06-37 by and between the City of San Clemente and Randall's Backhoe, Inc. providing for repair of the Grande Vista Slope (Project No. 27801), **subject to the execution of a right-of-entry agreement with Vista Del Gado Homeowners Association and license agreements or encroachment permits being issued for concentrated runoff being discharged in a manner and form approved by the City Attorney and City Engineer.**

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**A. City Council Minutes**

Mayor Eggleston referenced the portion of the Council minutes of July 25, 2006 relating to the Policy and Procedure for Max Berg Park Use Management; related his understanding that Council's intent was that Park signage (that explains rules and regulations) be printed in both English and Spanish; noted that the minutes do not reflect that the signs are to be printed in both languages.

MOTION BY MAYOR EGGLESTON, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, that the signs at Max Berg Plaza Park be required to be bilingual.

MOTION BY MAYOR EGGLESTON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 5-0, to approve the City Council minutes of July 10, 2006, July 11, 2006, July 12, 2006 and July 25, 2006.

B(1). Planning Commission minutes of July 19, 2006

Council referenced Item 9-C of the Planning Commission minutes of July 19, 2006, which relates to the Annual Certification of Vacancy Rate and Determination of Maximum Number of Condominium Conversions Permitted. Council voiced concern that the Planning Commission's action on this item would allow only three condominium conversions to occur between July 1, 2006 and June 30, 2007.

During the ensuing discussion, it was noted that the City Code requires that the Planning Commission, on an annual basis, determine the residential rental vacancy rate for the City and then apply the vacancy rate factor to a specified formula to determine the number of condominium conversions that can occur during the following year. Council indicated an interest in re-examining the underlying Ordinance to determine if modifications are warranted.

MOTION BY MAYOR EGGLESTON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to table Item 9-C from the Planning Commission minutes.

Council requested that Staff provide a report that addresses possible alternatives.

MOTION BY MAYOR EGGLESTON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 5-0, to approve the balance of the Planning Commission minutes of July 19, 2006 (i.e., all but Item 9-C).

G. **Acceptance of Bond Rider in Lieu of Warranty Bond - Landscape Improvements in Tract 13935 (Talega Development)**

In response to Council inquiry, City Engineer Cameron confirmed that the subject bond is exclusively for landscape and no other obligations are attached to the remainder of the bond.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM DAHL, CARRIED 5-0, to adopt Resolution No. 06-57 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACCEPTING LANDSCAPE IMPROVEMENTS AND A BOND RIDER IN LIEU OF A WARRANTY BOND TO INSURE AGAINST DEFECTS FOR A PERIOD OF ONE YEAR IN TRACT 13935 IN THE TALEGA DEVELOPMENT, TALEGA ASSOCIATES, LLC.

I. **Contract Award - Interim Park Planning Staff Services**

Council discussed the possibility of directing Staff to issue a Request for Proposal in lieu of increasing Pacific Municipal Consultants' contract from \$25,000 to \$68,500. During the course of discussion, Staff explained the impact that a delay in approving consultant work will have on projects, confirmed that the rates proposed by Pacific Municipal Consultants represent industry standards, and noted that Pacific Municipal Consultants is a well-established and reputable company.

MOTION BY COUNCILMEMBER RITSCHER, SECOND BY MAYOR PRO TEM DAHL, CARRIED 5-0, to approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C06-38, by and between the City of San Clemente and Pacific Municipal Consultants, pertaining to interim park planning staff services. This Amendment increases the contract amount from \$25,000 to \$68,500.

L. **Civic Center “Fit Test” Interior Plans for 910 Calle Negocio and 1030 Calle Negocio and Request for Authorization to Proceed to Final Design and Specifications**

Council requested that Staff re-visit the appraisal that was completed for the City Hall property to determine whether the appraised value that was cited is still accurate. Council requested that Staff pay particular attention to the underlying assumptions that were used in developing the appraisal (e.g., heights, number of units, etc.)

Public Works/Economic Development Director responded to Council inquiries relative to the scope of work for the proposed Contract Amendment.

In response to Council inquiry, Dianne Dodge, Gensler (Project Manager for the Adaptive Re-Use for the Calle Negocio Buildings) explained that the next phase (not the phase under consideration this evening) will delve further into interior design development (i.e., schematics); explained that after the schematic plan has been developed, the project cost will be estimated.

Discussion followed relative to whether or not a new City Hall should be pursued.

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

1. Authorize the Mayor to execute Amendment No. 1 to Contract C05-52, by and between the City of San Clemente and Gensler, Newport Beach, relating to the preparation of the final interior and development plans for the proposed Civic Center at 910 Calle Negocio and 1030 Calle Negocio for a total cost not to exceed \$39,350.
2. Approve a transfer of \$13,800 from Account 030-818-47010-000-00000 (Public Facility Construction Fund) and a transfer of \$25,550 from Account 001-203-44900 (Contingency Reserve) and appropriate funds to Account 001-203-43690-000-36810 (Civic Center Study).

Councilmember Ritschel left the dais at 8:05 p.m.

RE-ORDERING OF AGENDA

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 4-0 (COUNCILMEMBER RITSCHER ABSENT) to consider 6-B at this point in the meeting.

Councilmember Ritschel returned to the dais at 8:08 p.m.

6. **PUBLIC HEARINGS**

A. **Zoning Amendment 06-334, Garage and Accessory Building Setbacks**

This item was considered after Agenda Item 6-B. Please refer to Page 15 of these minutes.

B. Conditional Use Permit 03-028/Site Plan Permit 03-029/Cultural Heritage Permit 03-030/Encroachment Permit 03-031/General Plan Amendment 03-032, Specific Plan Amendment 03-033, Ocean Pointe Resort and Spa - 533 Avenida Victoria

Public Hearing to consider a request to allow the demolition of the historic Beachcomber Motel and the construction of a new 46,000 square-foot Spanish resort hotel to include subterranean parking, 73 guest rooms, retail and restaurant uses all on a 1.07 acre bluff top site, located within the Pier Bowl Specific Plan, at 533 Avenida Victoria, the legal description being Lots 64-68, Block 1 of Tract 785. The request also includes General Plan and Specific Plan amendments to allow a building height of five stories where currently a maximum height of one story is permitted.

Mayor Eggleston reported that he lives 900' from the site of the subject project, noting that the threshold distance that triggers a required abstention is 500'; advised that he obtained an independent appraisal that determined that the development would not affect the value of his property since it is located on a different street and would not affect his view; stated that he provided the appraisal documents to the Fair Political Practices Commission which, in turn, informed him that if he did not feel he has a conflict of interest, that he could participate in the decision-making process; conveyed that he does not believe he has a conflict of interest and that he will participate in the deliberations and vote this evening.

Bruce Jordan, representing Mr. Laidlaw, the project owner, noted that a letter has been sent to the City requesting a continuance of this item because 1) they did not receive a copy of the Administrative Report until August 14, 2006; and 2) they had requested at the Planning Commission hearing that a number of items be addressed, but those items were not addressed in the Administrative Report and they have not had sufficient time to address those issues themselves; related that the Applicant requested that the following issues be considered: 1) Variation in historical conclusions between the Brian Smith and Chattel reports; 2) Number of inconsistent arguments and contradictions between prior Staff and current Staff positions without benefit of explanations.

Senior Planner Pechous stated that he listened to the audio tape of the Planning Commission hearing, but did not hear a request from the Applicant for the City to address specific issues. Mr. Pechous referenced the long history of the project and its multiple iterations and acknowledged that some changes in Staff's position have taken place over time for various reasons. With respect to variations in the historical analyses between the City's and Applicant's consultants, Mr. Pechous explained that the Brian Smith Associates report was prepared at a time when CEQA law was quite different, but that report still determined that the project is an historic resource that is locally significant; explained that Robert Chattel, in his review of the SeaCliff project (which indirectly covered the Beachcomber property) opined that the Brian Smith Associates report did not adequately address certain issues relating to the site's tourist-related functions during the World War II period; noted that an historic resource survey was conducted by Leslie Heumann in 1995 that identified the Beachcomber as a cultural resource that may be significant on a State-wide basis; noted that Historic Resources Group re-evaluated the City's historic resources and determined that the project probably has State-wide historical significance and may also have national significance; noted that all four of the consultants agree that the Beachcomber is a locally significant historic resource, even though Brian Smith, in his initial assessment, did not think that it would be eligible for the national or state registers.

Community Development Director Holloway clarified that it's the Applicant's responsibility to address the issues it raised at the Planning Commission hearing; explained that the proper protocol would be for the Applicant to write a letter containing information that it wishes to raise and Staff would attach that letter to the Administrative Report.

Mayor Eggleston opened the Public Hearing.

Mike Cotter, President of the San Clemente Historical Society, stated that the fact that the City placed the property on its historical list makes it automatically eligible for the State register and subject to CEQA; stated that CEQA prohibits demolition of an historical structure if a feasible alternative exists; asserted that the only way that the City can allow the demolition of an historical structure is to conclude, based on a preponderance of the evidence, that the building is either not historically significant or that no alternatives to demolition exist; urged that the City inform the developer that demolition is not an option.

Robert Laidlaw, Owner, requested that the application be continued for 60 days.

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 3-2 (COUNCILMEMBER RITSCHER AND MAYOR EGGLESTON VOTING NOE), to grant the request for a 60-day continuance. Consequently, the Public Hearing was continued to the Council meeting of October 17, 2006.

A. **Zoning Amendment 06-334, Garage and Accessory Building Setbacks**

Continued Public Hearing to consider a request for amendments to Title 17, Zoning Ordinance of the Municipal Code, for development standards for accessory structures/buildings, setbacks for street-facing garages/carports for mobile home neighborhoods, setbacks for street-side yard setbacks for garages/carports and required parking for single-family residences constructed prior to April 4, 1962. These items were previously considered in Zoning Amendment 06-047, Phase II amendment.

Associate Planner Ah Sing narrated a PowerPoint presentation entitled "Zoning Amendment 06-334, Text Amendments to Title 17 of the Municipal Code (Garage Items)" and responded to Council inquiries. A hard copy of Mr. Ah Sing's presentation is on file with the City Clerk.

Mayor Eggleston opened the Public Hearing.

Charli McCord, San Clemente, opined that it is unfair to restrict owners of older structures with one-car garages or carports from expanding or improving their properties; voiced concern that proposed Ordinance 1323 would negatively affect home values and limit the amount of tax revenue that the City receives.

Scott Bening, San Clemente, stated that he has been a developer/contractor for 30 years and voiced concern that restricting expansion of homes with one-car garages could cause more problems than it solves; stated that in the past several years, his neighborhood has started to expand and improve and property values have increased considerably; urged that Council consider alternative ways to achieve its goals, such as implementing a permit parking program.

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

Council requested that Staff analyze the feasibility of establishing a Minor Exception Permit process whereby tandem parking could be considered in expansion situations when configuration of a lot or home prevents side-by-side parking.

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

1. Introduce Ordinance No. 1321 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 17 OF THE SAN CLEMENTE MUNICIPAL CODE, RELATING TO STREET-FACING SETBACKS FOR GARAGES AND CARPORTS FOR MOBILE HOME NEIGHBORHOODS (A PORTION OF ZONING AMENDMENT 06-334).
2. Adopt Resolution No. 06-60 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DIRECTING THE PLANNING COMMISSION TO RESCIND RESOLUTION PC 96-50 PERTAINING TO AN INTERPRETATION OF THE PLANNING COMMISSION REGARDING FRONT YARD SETBACKS FOR GARAGES AND CARPORTS.
3. Introduce Ordinance No. 1322 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 17 OF THE SAN CLEMENTE MUNICIPAL CODE, RELATING TO STANDARDS FOR ACCESSORY BUILDINGS/STRUCTURES (A PORTION OF ZONING AMENDMENT 06-334).
4. Refer proposed Ordinance No. 1323 back to Staff for further consideration and refinement.

B. **Conditional Use Permit 03-028/Site Plan Permit 03-029/Cultural Heritage Permit 03-030/Encroachment Permit 03-031/General Plan Amendment 03-032, Specific Plan Amendment 03-033, Ocean Pointe Resort and Spa - 533 Avenida Victoria**

This item was considered earlier in this meeting. Please refer to Page 13 of these minutes.

C. **Historic Property Preservation Agreement 06-198, Carrera Residence - 215 La Paloma, Unit #1**

Public Hearing to consider a request by the owner of a City designated historic structure to enter into a Mills Act agreement with the City of San Clemente. The property is located at 215 La Paloma, Unit #1, the legal description being Unit 1 an undivided 1/3rd interest in and to Parcel 1 of Parcel Map 89-269, as per map recorded in Book 258, Pages 45 and 46 of Parcel Map, in the Office of the County Recorder of said county.

Associate Planner Ah Sing narrated a PowerPoint presentation entitled "Historic Property Preservation Agreement 06-198, Carrera Residence" and responded to Council inquiries. A hard copy of Mr. Ah Sing's presentation, dated August 15, 2006, is on file with the City Clerk.

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

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM DAHL, CARRIED 5-0, to adopt Resolution No. 06-62 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 06-198 FOR THE PROPERTY LOCATED AT 215 LA PALOMA, UNIT 1.

D. **Tentative Parcel Map 2006-109, Sagona Condo Conversion - 518 Avenida Victoria**

Public Hearing to consider a request to allow a one-lot subdivision of airspace for condominium conversion purposes at an existing residential duplex in the Residential High (RH) zone located at 518 Avenida Victoria, the legal description being Lot 20 of Block 4 of Tract 785.

Assistant Planner Wright reviewed the contents of the Administrative Report and responded to Council inquiries.

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

MOTION BY COUNCILMEMBER RITSCHER, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to adopt Resolution No. 06-63 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP (TPM) 2006-109, SAGONA CONDO CONVERSION, A REQUEST TO ALLOW A ONE-LOT SUBDIVISION FOR CONDOMINIUM PURPOSES FOR AN EXISTING DUPLEX LOCATED AT 518 AVENIDA VICTORIA.

MEETING RECESSED

Council recessed at 9:25 p.m. and reconvened at 9:30 p.m., with all members present.

7. **UNFINISHED BUSINESS**

None.

8. **NEW BUSINESS**

A. **Miniature Golf Proposal for the La Pata/Vista Hermosa Park Site**

Report from the Beaches, Parks and Recreation Director concerning a proposal from Scott Melcher for the design, construction and operation of a miniature golf facility within the La Pata/Vista Hermosa Park site.

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

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER RITSCHER, CARRIED 5-0, to refer Mr. Melcher's proposal to the Parks and Recreation Commission and request recommendations regarding the following two important issues: (1) Possibility of amending the La Pata/Vista Hermosa Park Master Plan of Development, which was adopted in December 2004, to eliminate the Group Picnic Area and replace it with a miniature golf designation; and (2) Possibility of agreeing to Mr. Melcher's request to engage in exclusive negotiations or creating a competitive process to select a potential developer and development plan.

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

Condominium Conversion Project at 139 Avenida Florencia

George Gregory, San Clemente, explained his intention to convert his apartments at 139 Avenida Florencia to condominiums; reviewed difficulties that he has encountered in processing his application through the City, focusing on staffing changes and the lack of flexibility in Engineering's requirements; expressed a desire to learn more about the North Beach rehabilitation project.

Council requested that the City Manager meet with Mr. Gregory concerning his project.

10. REPORTS**A. Commissions and Committees****(1) Appointment of Parks and Recreation Commissioner**

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 5-0, to appoint Bob Maltinsky (who was interviewed by Council at its meeting of July 12, 2006) to fill the vacancy created by the resignation of Tim Shaw (term to expire June 2008).

(2) Joint Council, Commissions and Committees Meeting - August 29, 2006

MOTION BY COUNCILMEMBER RITSCHER, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-1 (MAYOR EGGLESTON VOTING NOE), to schedule a Joint Meeting of the Council, Commissions and Committees to be held on August 29, 2006 at 7:00 p.m. in the Ole Hanson Room of the Community Center.

B. City Manager**(1) First Council Meeting in November 2006 (Date Change)**

MOTION BY COUNCILMEMBER RITSCHER, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to reschedule the first Council meeting in November to Monday, November 6, 2006 since Tuesday, November 7, 2006 is Election Day.

(2) Presentation of Final FY 2006/07 City Budget Document

Assistant City Manager Gudgeirsson presented the FY 2006/07 City Budget.

C. **City Attorney**

None.

D. **Council Members**

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

MOTION BY COUNCILMEMBER RITSCHER, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to appoint Mayor Eggleston as the Voting Delegate, and Mayor Pro Tem Dahl as the Voting Alternate, for the League of Cities Annual Conference on September 6-9, 2006.

Council received copies of the League of Cities Resolutions in its agenda packet. No objections to the Resolutions were expressed.

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

None.

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

Mayor Pro Tem Dahl noted that fires are underway in Los Angeles and Ventura Counties and reported on the deployment of OCFA strike teams to provide assistance.

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

Mayor Pro Tem Dahl reported on animals available for adoption at the San Clemente-Dana Point Animal Shelter and expressed gratitude to the Shelter's staff, veterinarians and volunteers; advised that this year's Tail of Two Cities (Ruffin it at the Ritz) will be held on September 29, 2006 at the Ritz Carlton Hotel in Dana Point.

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

None.

(6) **Councilmember Items.**

None.

11. **RESOLUTIONS/ORDINANCES**

A. **Ordinance No. 1320 (Second Reading) - Zoning Amendment 06-076**

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to adopt Ordinance No. 1320 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING ZONING AMENDMENT 06-076, AMENDING THE ZONING MAP TO CONVERT 1.5 ACRES OF PROPERTY ZONED PRIVATE OPEN SPACE-INLAND CANYON (OS3-IC) TO MEDIUM-LOW DENSITY RESIDENTIAL-PLANNED RESIDENTIAL DEVELOPMENT (RML-PRD), TO ACCOMMODATE THE CREATION OF 14 NEW MOBILE HOME LOTS.

12. **ADJOURNMENT**

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 5-0, to adjourn at 9:58 p.m. to an Adjourned Regular Meeting to be held on August 29, 2006 at 7:00 p.m. in the Ole Hanson Room of the Community Center, located at 100 N. Seville, San Clemente, for the purpose of meeting in Joint Session with the City's Commissions and Committees.

The next Regular Meeting will be held on September 5, 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