

CITY OF SAN CLEMENTE

City Council Minutes

Adjourned Regular Meeting - December 7, 2004

An Adjourned Regular Meeting of the San Clemente City Council was called to order on December 7, 2004 at 5:30 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

PRESENT

ANDERSON, DAHL*, DOREY, EGGLESTON, MAYOR
RITSCHER

*Arrived at 5:32 p.m.

ABSENT

NONE

STAFF PRESENT

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

CLOSED SESSION

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 4-0, to agendize the following Closed Session since there is a need to take immediate action and the need for action came to the attention of the City subsequent to the agenda being posted:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION.

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

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER DOREY, CARRIED 4-0, to recess to Closed Session at 5:35 p.m. to discuss the following:

A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION.

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

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

Property: 121 Avenida Victoria, San Clemente, California

Negotiating Parties: Dave Lund, Public Works/Economic Development Director on behalf of the City of San Clemente and San Clemente Seniors, Inc.

Under Negotiation: Price and Terms of Payment

City Manager Scarborough, City Attorney Oderman, Community Development Director Holloway, Public Works/Economic Development Director Lund, Interim Beaches, Parks and Recreation Director Mead, Senior Code Compliance Officer Montoya and City Clerk Erway were in attendance.

MEETING RECONVENED

Council reconvened at 7:08 p.m., with all members present.

CLOSED SESSION

City Attorney Oderman reported that the following action was taken during this evening's Closed Session:

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve a settlement agreement with Rancho Mission Viejo, with the inclusion of amendments approved in Closed Session and with the authorization that the City Manager and City Attorney may make additional minor, non-substantive changes to the agreement. An effort is to be made to have the agreement executed by December 9, 2004 which is the deadline to file litigation. If the agreement is not executed by December 9, 2004, the City Attorney is authorized to file litigation. *Note: This agreement will become a public record when fully executed.*

INVOCATION

Sid Bradshaw, Orange County Sheriff's Chaplain, gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Dorey led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Results of General Municipal Election Held on November 2, 2004**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to adopt Resolution No. 94-103 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD NOVEMBER 2, 2004, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW.

B. **Oath of Allegiance - Newly-Elected City Clerk**

Mayor Ritschel administered the Oath of Allegiance to City Clerk-Elect Myrna Erway.

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

City Clerk Erway administered the Oath of Allegiance to Councilmembers-Elect Jim Dahl and Stephanie Dorey and City Treasurer-Elect Pall Gudgeirsson.

D. Election of Mayor and Mayor Pro Tempore

City Clerk Erway opened nominations for the office of Mayor.

Councilmember Dahl nominated Joe Anderson for the office of Mayor. Councilmember Eggleston seconded the nomination.

MOTION BY COUNCILMEMBER RITSCHEL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to close nominations for the office of Mayor.

MOTION BY COUNCILMEMBER RITSCHEL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to appoint Joe Anderson to the office of Mayor.

Mayor Anderson opened nominations for the office of Mayor Pro Tem.

Councilmember Dahl nominated Wayne Eggleston for the office of Mayor Pro Tem. Councilmember Dorey seconded the nomination.

MOTION BY COUNCILMEMBER RITSCHEL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to close nominations for the office of Mayor Pro Tem.

MOTION BY COUNCILMEMBER RITSCHEL, SECOND BY MAYOR ANDERSON, CARRIED 5-0, to appoint Wayne Eggleston to the office of Mayor Pro Tem.

Councilmember Ritschel expressed gratitude to the Council and public for allowing her the opportunity to serve as Mayor; summarized major City projects and accomplishments.

Mayor Anderson presented Councilmember Ritschel with a plaque in recognition of her hard work and able leadership.

E. Eagle Scouts - Christopher C. Carlston and Andrew C. Johnston

Mayor Anderson presented commendations to Christopher C. Carlston and Andrew C. Johnston in recognition of achieving the rank of Eagle Scout.

F. Holiday Serenade

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

2. MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER RITSCHER, 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**

El Camino Real Street Trees

Hal Polak, San Clemente, stated that the City purchased 79 Meleleuca Linarifolia trees for El Camino Real at a cost of \$325 each; asserted that the City could have purchased the trees, in the same five-gallon size, from Plant Depot for \$29 per tree and the trees could have been delivered the next day; asserted that the City received five-gallon sized trees in 3' boxes; questioned how the City will respond to this situation.

Council requested that City Manager Scarborough pursue action against the contractor for a refund.

San Clemente Historical Society Presentations

Lee Van Slyke, San Clemente Historical Society, presented Councilmembers with copies of a book entitled "Fishcarts to Fiestas".

Dena Van Slyke, San Clemente Historical Society, presented Mayor Anderson with two tickets to the "Holiday Historic Home Tour" that will take place on December 11, 2004.

5. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 5-0, to approve the Consent Calendar with the removal of Items 5-B(6), 5-D and 5-M.

A. **City Council Minutes**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 5-0, to approve the City Council minutes of October 18, 2004, November 1, 2004 and November 16, 2004.

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

- (1) Human Affairs Committee minutes of September 8, 2004.
- (2) Parks and Recreation Commission minutes of October 12, 2004.
- (3) Coastal Advisory Committee minutes of October 14, 2004.
- (4) Human Affairs Committee minutes of August 11, 2004 and October 11, 2004.
- (5) Planning Commission minutes of November 17, 2004.

C. Warrant Register

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 5-0, to approve Handwrite No. 762388, Wire Transfers No. 80, Wire Transfers Nos. 290 through 291 and Warrant Nos. 762237 through 762387 for the period 11-1-04 through 11-5-94 in the amount of \$635,561.98; approve Handwrite No. 762389, Warrant Nos. 762390 through 762531, for the period 11-8-04 through 11-12-04 in the amount of \$635,017.50; approve Wire Transfer No. 81, Wire Transfers Nos. 292 through 294 and Warrant Nos. 762532 through 762704 for the period 11-15-04 through 11-19-04 in the amount of \$3,323,474.07; for a total Warrant Register of \$4,594,053.55.

Payroll Register

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 5-0, to approve Warrant Nos. 315007 through 315094, Automatic Deposit Advises 132611 through 132796 for the period 10-25-04 through 11-7-04 in the amount of \$306,457.38; approve Warrant Nos. 315095 through 315180 and Automatic Deposit Advises 132797 through 132988 for the period 11-8-04 through 11-21-04 in the amount of \$308,676.90; for a total Payroll Register of \$615,134.28.

E. Communications Site Lease - Verizon Wireless (Revenue #36291)

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 5-0, to approve, and authorize the Mayor to execute, a Communications Site Lease, by and between the City of San Clemente and Verizon Wireless (Contract C92-43), to enter into another Lease Agreement for two years, increase the monthly rental rate from \$475 to \$500 per month, and authorize the City Manager to approve future amendments.

F. Contract Amendments - Extension of Parks and Beach Maintenance Contracts and Richard T. Steed Memorial Park Landscape Maintenance Contract

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

1. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C94-21 by and between the City of San Clemente and TruGreen Landcare, extending the provision of beach maintenance for a period of three months, from July 1, 2005 to September 30, 2005, in an amount not to exceed \$16,837.
2. Approve, and authorize the Mayor to execute, Amendment No. 3 to Contract C94-21 by and between the City of San Clemente and TruGreen Landcare, to 1) extend the provision of parks maintenance for a period of three months, from July 1, 2005 to September 30, 2005, in an amount not to exceed \$79,521; and 2) extend the provision of park maintenance for Richard T. Steed Memorial Park, on a month-to-month basis, commencing on January 1, 2005, for the period of one year, for a monthly fee not to exceed \$1,800.

G. Notice of Completion - Community Center Kitchen Cabinet Replacement

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

1. Accept the work performed by Sorenson Cabinets and Construction, Inc., for the Community Center kitchen cabinet replacement (Project No. 14501). (Contract C04-45)
2. Authorize the City Clerk to file a Notice of Completion with the County Recorder.

H. **Elimination of Parking Prohibitions - North Side of Camino de Estrella Between Calle Del Sol and Calle Hermosa**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 5-0, to adopt Resolution No. 04-110 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ELIMINATING PARKING PROHIBITIONS ON CAMINO DE ESTRELLA.

I. **Contract Award - Reservoir No. 4 Coating**

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

1. Approve, and authorize the Mayor to execute, Contract C04-63 by and between the City of San Clemente and A. J. Fistes Corporation, providing for the replacement of the coating of Reservoir No. 4, Project No. 25401, in the amount of \$61,195.
2. Approve the specifications for the Reservoir No. 4 Coating project.

J. **Contract Amendment - City Manager Employment**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 5-0, to approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C03-37, the employment agreement by and between the City of San Clemente and George Scarborough.

K. Contract Award - Gasoline Fill Sump and Piping Upgrade Senate Bill (SB) 989

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

1. Approve, and authorize the Mayor to execute, Contract C04-64 by and between the City of San Clemente and Miller Brooks Environmental, Inc., relating to the Gasoline Fill Sump and Piping Upgrade SB 989, Project No. 14801, in the amount of \$199,744.10.
2. Approve the plans and specifications for the Gasoline Fill Sump and Piping Upgrade SB 989, Project No. 14801.
3. Approve a supplemental appropriation of \$260,000 to Account 065-619-45300-000-14801, Fleet Maintenance Fund, Improvements Other Than Buildings for the Gasoline Fill Sump and Piping Upgrade SB 989, Project No. 14801.

L. California Coastal Sediment Management Master Plan

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

1. Approve, and authorize the Mayor to execute, Contract C04-65 by and between the City of San Clemente and the California Department of Boating and Waterways.
2. Authorize Staff to prepare, and the City Manager to execute, a Professional Services Agreement (Contract C04-66) by and between the City of San Clemente and Nobel Consultants, Inc., relating to the collection of sediment data, at a cost not to exceed \$30,000.
3. Approve a transfer in the amount of \$30,000 from Account 001-203-44900 (Council Contingency), to Account 001-641-43690, Other Professional Services, to be reimbursed by the State of California.

N. **Final Map and Subdivision Improvement Agreement - Tract 16629, Talega Village 4C**

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

1. Approve the Final Map for Tract Map 16629 as it conforms to the requirements set forth in the Subdivision Map Act and the approved original and amended Tentative Map.
2. Authorize the Mayor to execute the Subdivision Improvement Agreement.
3. Authorize the City Engineer to execute the Final Map.
4. Authorize the City Clerk to execute and submit for recordation the Final Map with the Orange County Recorder's office.

O. **City Investment Policy 202-1**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 5-0, to adopt revised Investment Policy No. 202-1, the City's Investment Policy, effective December 7, 2004.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

5B(6). Zoning Administrator meeting minutes of November 18, 2004.

Zak Ponsen, San Clemente, referenced the portion of the Zoning Administrator meeting minutes of November 18, 2004 relating to Minor Architectural Permit 04-092, Frank's Auto Collision Center; stated that he resides on Avenida Cornelio, which is adjacent to Frank's Auto Body and Paint; commented that the permit seeks authorization to install a strobic fan in response to an order from AQMD; opined that the design is being proposed without consideration for the public's safety or quality of life; related that he opposes the fan because it is only one or two decibels below the legal level and because it may turn a local odor problem into a greater environmental problem; commented that Our Savior's Lutheran School and Church are located 600' downwind of the facility; urged Council to deny the Minor Architectural Permit.

Geoff Harvey, San Clemente, stated that he resides on Avenida Cornelio, approximately 150 feet away from Frank's Auto; stated that the City has received complaints about noxious fumes from Frank's Auto since 1999; opined that Frank's Auto has outgrown its facility and stated that the City Code specifies that a known nuisance can't be upgraded; voiced concern that his family is exposed to paint fumes.

MOTION BY COUNCILMEMBER RITSCHER, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to call up for review Minor Architectural Permit 04-029, Frank's Auto Collision Center, and to refund the appeal fee that was paid by Mr. Ponsen.

MOTION BY COUNCILMEMBER RITSCHER, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve the balance of the November 18, 2004 Zoning Administrator meeting minutes.

D. Contract Award - Marine Safety Building Repair

Council noted that the cost to repair the sheet piling in front of the Marine Safety building has increased significantly since it was reviewed by the Coastal Advisory Committee and suggested that it may be more cost-effective to relocate the facility. Council indicated a desire to continue this item to enable all options and information to be considered.

MOTION BY COUNCILMEMBER DOREY, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 5-0, to continue this item to the Council meeting of December 21, 2004.

M. Roxy Women's Surfing Contest at T-Street

Allan Seymour, Capistrano Beach, offered to answer questions relative to the proposed five-year Roxy T-Street Women's Surf Contest.

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

1. Approve a Roxy T-Street Women's Surf Contest to be held annually for a five-year period beginning in 2005, on the first weekend of April, except when the local two-week spring break falls on this weekend requiring the surf contest to be conducted one week earlier than the local two-week spring break.
2. Authorize Staff to issue a conditional Special Event Permit to Allan Seymour, President of Allan Seymour Productions, Inc., on a yearly basis, for each of the approved five years.

6. PUBLIC HEARINGS

A. Tentative Parcel Map 2004-216/Conditional Use Permit 04-102/Site Plan Permit 04-159, Loma Lane Condominiums - 118 Loma Lane

Public Hearing to consider a request to allow a one-lot subdivision for condominium purposes for an existing duplex located at 118 Loma Lane, the legal description being Lot 10, Block 1 of Tract 784.

Assistant Planner Cunningham reviewed the contents of the Administrative Report.

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

MOTION BY COUNCILMEMBER RITSCHER, SECOND BY COUNCILMEMBER DOREY, CARRIED 5-0, to adopt Resolution No. 04-111 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 2004-216/CONDITIONAL USE PERMIT 04-102/SITE PLAN PERMIT 04-159, LOMA LANE CONDOMINIUMS, A REQUEST TO ALLOW A ONE-LOT SUBDIVISION OF AIR SPACE FOR CONDOMINIUM PURPOSES FOR TWO RESIDENTIAL DWELLING UNITS AT 118 LOMA LANE.

B. Amendment to Site Plan Permit 02-091/Amendment to Site Plan Permit 02-092/Amendment to Site Plan Permit 02-093, Standard Pacific Replacement Architecture in Talega Villages 4 and 5

Public Hearing to consider three concurrent requests by Standard Pacific Homes to replace architecture within portions of three previously approved site plans. The proposed projects are generally located north of Avenida Talega near Camino Viento Fuerte and Camino Tierra Grande.

Planning Consultant Nagel reviewed the contents of the Administrative Report and responded to Council inquiries.

Mayor Anderson opened the Public Hearing.

Ted McGiven, Standard Pacific, concurred with Staff's recommendations.

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

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

1. Find that the previous environmental documentation prepared for the Talega Specific Plan Amendment sufficiently addresses each of the proposed projects.
2. Adopt Resolution No. 04-112 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AMENDMENT TO SITE PLAN PERMIT 02-091 STANDARD PACIFIC VILLAGE 4 REPLACEMENT ARCHITECTURE.
3. Adopt Resolution No. 04-113 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AMENDMENT TO SITE PLAN PERMIT 02-092 STANDARD PACIFIC VILLAGE 5 REPLACEMENT ARCHITECTURE.

Action continued on next page

4. Adopt Resolution No. 04-114 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AMENDMENT TO SITE PLAN PERMIT 02-093 STANDARD PACIFIC VILLAGE 5 REPLACEMENT ARCHITECTURE.

C. Weed Abatement - 2004 Billing

Public Hearing to consider protests or objections to the costs of the abatement of weeds, rubbish, refuse and dirt upon streets, sidewalks, parkways and private property within the City of San Clemente and to the assignment of these costs to the properties on which the abatement was completed.

Code Compliance Manager Montoya reviewed the contents of the Administrative Report.

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

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 5-0, to confirm the Weed Abatement report and authorize the Weed Abatement Contract Administrator to bill the property owners the amounts indicated in the report.

D. 2004-05 Community Development Block Grant Applications

Public Hearing to consider a request to approve the submittal of five grant applications for Community Development Block Grant (CDBG) funds to the County of Orange for the 2005-06 fiscal year.

Housing Coordinator Davis reviewed the contents of the Administrative Report and responded to Council inquiries.

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

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

1. Authorize the City Manager to execute the applications for the City's 2005-06 CDBG grant funds.
2. Authorize the Mayor to execute the CDBG contracts as submitted by Staff with final funding amounts. (Contract C04-67)
3. Authorize the Mayor to execute extensions or amendments of contracts when needed to enable payment of approved contracts.
4. Adopt Resolution No. 04-115 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE CITY'S 2005-06 APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS AND AUTHORIZING SUBMISSION OF SUCH APPLICATION TO THE COUNTY OF ORANGE.

7. UNFINISHED BUSINESS

None.

8. NEW BUSINESS

A. New Cigarette Ash Urns for City Beaches

Report from the Beaches, Parks and Recreation Director concerning the purchase of new cigarette ash urns for City beaches.

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

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

1. Approve the new cigarette urns, with the direction that the urns contain identifying information (such as the universal "no smoking" sign in laser etching) to enable persons to readily identify the containers as cigarette urns.
2. Direct Staff to purchase and replace the existing urns along City beaches.

B. Marine Life Protection Act

Report from the Beaches, Parks and Recreation Director concerning implementation of the Marine Life Protection Act.

Marine Safety Chief Humphreys reviewed the contents of the Administrative Report.

Councilmember Dahl distributed for the record a letter from the California Fisheries Coalition to the State of California Resources Agency, dated December 3, 2004.

Nancy Hastings, Southern California Field Coordinator for the Surfrider Foundation, noted that the Marine Life Protection Act was created in 1989; stated that the resolution before Council relates to the implementation of existing law and requests that the Administration, if it desires to move forward with the law, include all parties, such as the science community and all interested stakeholder groups, including fishing and recreational interests.

Joe Geever, Southern California Regional Manager with Surfrider Foundation, reviewed his background with the fishing industry, resource economics, law school, and work with the National Oceanic and Atmospheric Administration; stated that he is available to respond to questions relating to the Marine Life Protection Act.

April Wakeman, attorney representing United Anglers of Southern California and member of the Dana Angling Club, stated she also represents Walter and William Wakeman who are students at Marblehead Elementary and Shorecliffs Middle Schools in San Clemente; stated that the goal of United Anglers is to ensure that children, such as Walter and William, will be able to fish; stated that the Marine Life Protection Act does not mandate marine life reserves, but rather mandates a state marine life protection plan, which they support; noted that many ways exist to preserve fish (e.g., limiting the number of fish caught and size regulations), and suggested that those methods be taken before a closure is imposed; asserted that a prohibition on fishing will affect San Clemente's economy; noted that other factors, such as runoff, also affects the fish population.

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

1. Adopt Resolution No. 04-116 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SUPPORTING IMPLEMENTATION OF THE MARINE LIFE PROTECTION ACT (MLPA).
2. Direct Staff to forward Resolution No. 04-116 to the California Department of Fish and Game.

9. ORAL COMMUNICATIONS (PART TWO)

None.

10. REPORTS

A. Commissions and Committees

None.

B. City Manager

None.

C. City Attorney

None.

D. Council Members

(1) Orange County Division, California League of Cities Issues.

None.

(2) Council Position on Legislative Issues.

None.

(3) Orange County Fire Authority Status Update.

None.

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

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

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

Councilmember Dahl stated that William Woollett, former CEO, is serving as the Transportation Corridor Agencies' Chief Executive Officer until a permanent CEO is appointed.

(6) **Integrated Waste Management District Report.**

None.

(7) **Downtown Noise Task Force - Membership Appointments**

Mayor Pro Tem Eggleston stated that Councilmember Ritschel and he are in the process of developing a membership slate for the Downtown Noise Task Force; advised that Councilmember Ritschel and he will propose that three resident members, instead of two, be appointed.

MOTION BY COUNCILMEMBER RITSCHER, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 5-0, to continue the membership appointments to the Downtown Noise Task Force to the Council meeting of December 21, 2004.

(8) **Councilmember Items.**

Councilmember Ritschel reported that she will attend her first San Diego Regional Water Quality Control Board meeting tomorrow.

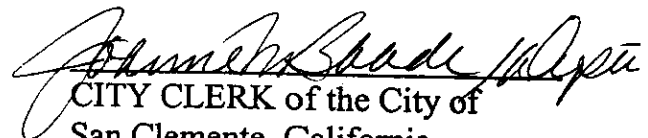
1. **RESOLUTIONS/ORDINANCES**

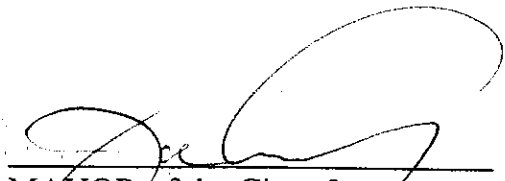
None.

12. ADJOURNMENT

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER RITSCHER, CARRIED 5-0, to adjourn at 9:40 p.m. to an Adjourned Regular Meeting to be held on December 15, 2004 at 7:00 p.m. in the Community Center Auditorium, located at 100 N. Seville, San Clemente, California, for the purpose of meeting in Joint Session with the Planning Commission and Parks and Recreation Commission relative to the La Pata/Vista Hermosa Park Master Plan.

The next Regular Meeting will be held on December 21, 2004 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

CITY OF SAN CLEMENTE

Redevelopment Agency Minutes

Regular Meeting – December 7, 2004

A Regular Meeting of the San Clemente Redevelopment Agency was called to order on December 7, 2004 at 9:40 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

1. ROLL CALL

PRESENT: Directors - DAHL, DOREY, EGGLESTON, RITSCHEL,
CHAIRPERSON ANDERSON

ABSENT: Directors - NONE

* * *

2. APPROVAL OF MINUTES

MOTION BY DIRECTOR DAHL, SECOND BY DIRECTOR EGGLESTON, CARRIED 5-0, to approve the Redevelopment Agency minutes of October 19, 2004 and November 1, 2004.

3. WARRANT REGISTER

MOTION BY DIRECTOR DAHL, SECOND BY DIRECTOR EGGLESTON, CARRIED 5-0, to approve the Warrant Register.

4. UNFINISHED BUSINESS

None.

5. **NEW BUSINESS**

A. **Redevelopment Agency Annual Report 2003-04**

Housing Coordinator Davis reviewed the contents of the Administrative Report.

MOTION BY DIRECTOR DAHL, SECOND BY DIRECTOR RITSCHEL, CARRIED 5-0, to:

1. Approve the Redevelopment Agency Annual Report and Independent Financial Audit for FY 2003-04.
2. Determine that the planning and administrative expenses are necessary for the production, improvement, or preservation of low and moderate income housing.

B. **Contract Award - Marine Safety Building Repair**

MOTION BY DIRECTOR DAHL, SECOND BY DIRECTOR DOREY, CARRIED 5-0, to continue this item to the Redevelopment Agency meeting of December 21, 2004.

6. **PUBLIC HEARINGS**

A. **Redevelopment Agency Five-Year Implementation Plan 2004-05 - 2008/09**

Public Hearing to consider adoption of the Redevelopment Agency Five-Year Implementation Plan for 2004-05 - 2008/09.

Housing Coordinator Davis reviewed the contents of the Administrative Report.

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

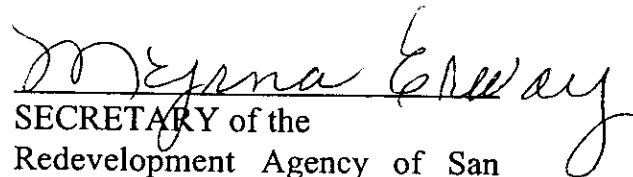
MOTION BY DIRECTOR DAHL, SECOND BY DIRECTOR EGGLESTON, CARRIED 5-0, to adopt Resolution No. RDA 04-03 entitled A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN CLEMENTE REDEVELOPMENT AGENCY ADOPTING THE FIVE YEAR IMPLEMENTATION PLAN FOR 2004-2009 FOR REDEVELOPMENT PROJECT AREA NO. 1.

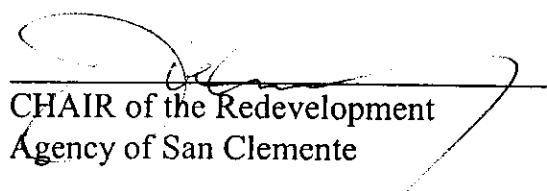
7. ORAL COMMUNICATIONS

None.

8. ADJOURNMENT

MOTION BY DIRECTOR RITSCHER, SECOND BY DIRECTOR DAHL, CARRIED 5-0, to adjourn at 9:55 p.m.


SECRETARY of the
Redevelopment Agency of San
Clemente


CHAIR of the Redevelopment
Agency of San Clemente