

# CITY OF SAN CLEMENTE

## City Council Minutes

### Regular Meeting - November 1, 2004

A Regular Meeting of the San Clemente City Council was called to order on November 1, 2004 at 6:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

**PRESENT**                      ANDERSON, DAHL, DOREY, EGGLESTON, MAYOR  
RITSCHHEL

**ABSENT**                        NONE

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

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### **CLOSED SESSION**

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to recess to Closed Session at 6:00 p.m. to discuss the following:

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

Name of Case: Sweeney v. City of San Clemente

- B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, pursuant to Government Code Section 54957.

Title: City Manager

*\*Note: The agendaized Closed Session relating to real property negotiations with respect to Dave Cook's Pro Shop was removed from the agenda.*

City Manager Scarborough, City Attorney Oderman, Assistant City Manager Gudgeirsson, City Clerk Erway and Attorney Ron Scaglio were in attendance during the portion of the Closed Session relating to Item A. City Manager Scarborough was in attendance during the portion of the Closed Session relating to Item B.

**MEETING RECONVENED**

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

**INVOCATION**

Marie Toland, Family Assistance Ministries, gave the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Anderson led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Eagle Scouts - Christopher C. Carlston and Andrew C. Johnson**

This item was deferred to a future Council meeting.

B. **Rancho Mission Viejo Development Plan**

Jerry Collamer and Jack Eidt presented Modified Ranch Plan B-8 (the Wild Heritage Plan) for the Rancho Mission Viejo property. During the course of the presentation, Mr. Collamer and Mr. Eidt identified their rationale for favoring Modified Ranch Plan B-8, which included the fact that the plan would avoid development in environmentally sensitive habitats including Chiquita Canyon, Verdugo Canyon and the San Mateo Watershed; explained that various resource agencies and the City of San Clemente also prefer Modified Ranch Plan B-8, while Rancho Mission Viejo favors Ranch Plan B-10. A hard copy of Mr. Collamer's and Mr. Eidt's report, entitled "The Wild Heritage Plan for Rancho Mission Viejo", is on file with the City Clerk.

2. MOTION BY COUNCILMEMBER DAHL, 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**

**North Beach Sand Replenishment Project - Sand Placement Options**

Council requested that potential sand placement options associated with the North Beach Sand Replenishment Project be agendized for the Council meeting of November 16, 2004. At that meeting, Council will determine the beach location(s) at which the imported sand will be placed. Possible locations include the shoreline, rear beach, or stockpiling with the understanding that the sand will be spread in the spring at the conclusion of the storm season.

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

None.

5. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve the Consent Calendar with the removal of 5-H and 5-I and the deletion of Item 5-F.

- A. **City Council Minutes**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve the City Council minutes of October 5, 2004.

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

- (1) Parks and Recreation Commission minutes of September 14, 2004.
- (2) Coastal Advisory Committee minutes of September 9, 2004.
- (3) Zoning Administrator meeting minutes of October 21, 2004.

C. Warrant Register

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve Handwrites Nos. 761662 through 761663, Wire Transfers Nos. 286 through 287, and Warrant Nos. 761494 through 761661 for the period 10-4-04 through 10-8-04 in the amount of \$681,842.86; approve Handwrites Nos. 761866 through 761867 and Warrant Nos. 761664 through 761865 for the period 10-11-04 through 10-15-04 in the amount of \$3,500,217.51; for a total Warrant Register of \$4,182,060.37.

Payroll Register

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve Warrant Nos. 314851 through 314924, Automatic Deposit Advises 132232 through 132424, for the period 9-27-04 through 10-10-04 in the amount of \$312,688.33; for a total Payroll Register of \$312,688.33.

D. Release of Survey Monumentation Bond for Tract 14228, Talega Welcome Center, Talega Associates, LLC

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to adopt Resolution No. 04-91 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE RELEASE OF THE MONUMENTATION BOND FOR TRACT 14228, TALEGA WELCOME CENTER, TALEGA ASSOCIATES, LLC.

E. **Citizens Option for Public Safety Program (COPS)**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve the use of COPS funds for a portion of a patrol deputy's position.

G. **Reclassification of Director of Beaches, Parks and Recreation Position**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to adopt Resolution No. 04-92 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING RESOLUTION NO. 97-09, ADOPTING REVISED SALARY SCHEDULES.

J. **Equipment Purchase - 300 KW Portable Generator Set**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to authorize the purchase of a 300 KW Portable Generator Set from Cummins Cal Pacific, Inc., in the amount of \$78,211.

**ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**

F. **Contract Award - Delivery and Supply of Chlor-Alkali Products to the Member Agencies of SOCWA**

This item was removed from the agenda at the request of Staff.

H. Vista Bahia Park - Trap and Skeet Range Lease

MOTION BY COUNCILMEMBER DOREY, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve, and authorize the Mayor to execute, the Trap and Skeet Range Lease, Contract C87-66, by and between the City of San Clemente and the San Clemente Lodge No. 2068 B.P.O.E. Elks, providing a 7-year lease of the trap and skeet range property at Vista Bahia Park, with the lease terminating on December 31, 2011, with the modification that the contract be amended to include the City's standard language with respect to restrictions on the use of polystyrene materials.

I. Contract Award - Permit, Planning and Code Enforcement Software

Following clarification, MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C04-59 by and between the City of San Clemente and CRW Associates, to install and license development permit tracking software, at a cost of \$208,000.

6. PUBLIC HEARINGS

A. General Plan Amendment/Local Coastal Program Land Use Plan Amendment (GPA/LCPA 04-097/Zoning Amendment 04-098), Coastal Canyons and Bluffs

Public Hearing to consider a City-initiated request to amend the City's Coastal Canyon and Coastal Bluff development standards to regulate drainpipes located within Coastal Canyons and landscape thinning and clearing within Coastal Canyons and Coastal Bluffs.

Staff narrated a powerpoint presentation entitled "Coastal Canyons and Bluffs" and responded to Council inquiries. A hard copy of the powerpoint presentation is on file with the City Clerk. The powerpoint presentations were delivered as follows:

- Background and Management Guidelines - Director of Beaches, Parks and Recreation Wegner

- **Drainage Improvements Identified in Management Guidelines as “Areas of Concern” - City Engineer Cameron**
- **Proposed Zoning Amendments and Comparison of City Development Standards versus Typical Coastal Commission Staff Policies - Senior Planner Longenecker**

Discussion ensued relative to the following: 1) Fact that the proposed Code amendment will not enable the City to force people to extend their existing drainpipes, but Staff will be able to ask property owners to do so; 2) Staff will report back to Council in April 2005, at which time Council can determine whether to amortize the non-conforming facilities (which would require property owners to conform within a determined period of time); 3) The proposed Ordinance amendments would result in a permit process that would provide an opportunity for existing non-conforming pipes to be made conforming if the standards of the Ordinance (which include camouflage) are met; 4) Fact that only minor and moderate levels of canyon erosion currently exist; 5) Fact that the City has nuisance procedures in place that could be used to require property owners to remedy any serious erosion problems that develop; 6) Engineering practices available to disperse water to reduce velocity within outfalls and storm drains (e.g., riprap); 7) Lack of positive drainage associated with hundreds of older canyon properties; 8) Whether the Administrative Report adequately addresses habitat (wildlife and plants), water quality, and health and safety; 9) Concern that fertilizer and pesticides drain from canyon properties to canyon bottoms during hard rains, which results in a ponding effect at the end of the canyons near the ocean; 10) Concern that nutrients within the ponds (e.g., fertilizer and pesticides) kill mosquito fish and increase the likelihood of mosquito breeding; 11) fact that 95-98% of canyon properties are already developed; 12) possibility of requiring a filtration system in drainpipes; 13) difficulty of percolating water into the soil because of the City’s clay-like soil conditions; and 14) fact that the Code revisions under consideration this evening will not likely result in the placement of a significant amount of additional water into the ponds.

Council referenced an e-mail that was received from Jim Green, of Orange County Vector Control, that asserted that if urban runoff from excessive irrigation is allowed to feed into the storm water system that it will increase the likelihood of mosquito breeding.

Senior Civil Engineer Outwin explained that the City Engineer and she had a lengthy discussion with Jim Green relative to water quality and health and safety issues; noted that Mr. Green sent a subsequent e-mail which described Vector Control's policies in more depth; noted that Mr. Green apologized for being inflammatory in his first e-mail since he did not consider issues, such as landslides; explained that there are two types of ponds: 1) the smaller ponds that are formed within canyons at drainpipes (i.e., the type of ponds that Orange County Vector Control was addressing), and 2) the larger scour ponds at the beach (that are historic and require a multi-agency effort to address); noted that Vector Control's position is that it is the property owner's responsibility to allow Vector Control on site in order to address ponding, either through spraying or by placing mosquito fish in the ponds; noted that 95% of pipes are already installed, but that new pipes could be installed with riprap, or other kind of velocity dissipater. With respect to water quality, Ms. Outwin suggested that it is probably better to direct water to the street or storm drain system if the pollutant of concern is bacteria because bacteria levels in the storm drain system are already quite high; suggested that it would probably be better to allow water to flow to the canyon bottoms if the pollutant of concern is pesticides and fertilizers since some of the water could be absorbed and volatilize.

Mayor Ritschel opened the Public Hearing.

Steven Helfer, San Clemente, read a letter, dated November 1, 2004, which is on file with the City Clerk; asserted that the Coastal Element criteria relating to the second defensible fire area of 100' from any structures is confusing, since the first defensible area is 30' and, consequently, the secondary area is actually 70'; stated that the criteria states that "nominal trimming of native vegetation is allowed - plants shall not be trimmed down to the root stalk"; opined that the two statements are contradictory and requested clarification; voiced concern that insufficient trimming of native vegetation will create a fire hazard.

Jerry Weeks, San Clemente, read a letter, dated November 1, 2004, relating to the preservation of canyons and bluffs (which is on file with the City Clerk); suggested that the scope of the Ordinance should be expanded to regulate the aesthetics for rear yards which are clearly visible in canyons; voiced particular concern with the aesthetics of a rear yard in Trafalgar Canyon and presented a photograph of the subject property.



Michael Hazzard, San Clemente, suggested that allowing untreated urban runoff to pass through drainpipes into the canyon may violate the City's NPDES Permit; voiced concern that over irrigation violates the portion of the California Constitution which expressly prohibits the non-beneficial use of water. At the conclusion of the Public Hearing, Staff responded that the situations described by Mr. Hazzard would not violate either the California Constitution or the City's NPDES Permit.

Gail Burke, San Clemente, expressed appreciation for the City's efforts to protect coastal bluffs and canyons; urged Council to consider the fact that some property owners plant grass in the canyons which, when mowed, disturb nesting birds.

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

Council requested that City Attorney Oderman determine the existing Code requirements relating to backyard storage being visible from canyons and/or public rights-of-way.

Following discussion, MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY COUNCILMEMBER DOREY, CARRIED 5-0, to:

1. Adopt Resolution No. 04-93 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT (GPA)/LOCAL COASTAL PROGRAM LAND USE PLAN AMENDMENT (LCPA) 04-097, CONSISTING OF AMENDMENTS TO THE COASTAL ELEMENT OF THE GENERAL PLAN TO ALLOW DRAINPIPES IN COASTAL CANYONS AND LANDSCAPE THINNING AND CLEARING IN COASTAL CANYONS AND BLUFFS, with the modification that the following modifications be incorporated into Attachment A, "Changes to Coastal Element for GPA/LCPA 094-097":
  - Chapter 3, Section V11.15, Subsection d shall be expanded to include the following sentence following "including visual impacts": "Where practical, when extensions are made to existing drainpipes, the entire length of pipe shall be brought into conformance with this Section".

*Action continued on next page*

- Chapter 3, Section V11.20, Subsection c shall be expanded to read as follows: "Nominal trimming of native vegetation is allowed. In no case shall plants be trimmed down to the root stalk, unless in-concept approved by the City Planner and approved by the California Coastal Commission."
2. Introduce Ordinance No. 1296 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING ZONING AMENDMENT 04-098 TO AMEND: 1) ZONING ORDINANCE SECTION 17.56.050(2), COASTAL ZONE OVERLAY DISTRICT - COASTAL CANYON SETBACK, TO CONDITIONALLY ALLOW DRAINPIPES LOCATED WITHIN COASTAL CANYONS AND 2) ZONING ORDINANCE SECTION 17.56.050(6), COASTAL ZONE OVERLAY DISTRICT - COASTAL BLUFF AND CANYON PRESERVATION, TO ALLOW LANDSCAPE THINNING AND CLEARING WITHIN COASTAL CANYONS AND BLUFFS, with the following modifications:
- Section 3 shall be expanded to include the following verbiage after "including visual impacts": "Where practical, when extensions are made to existing drainpipes, the entire length of pipe shall be brought into conformance with this Section."
  - Section 4.d.3 shall be expanded to read as follows: "Nominal trimming of native vegetation is allowed. In no case shall plants be trimmed down to the root stalk, unless in-concept approved by the City Planner and approved by the California Coastal Commission."

Additionally, Council directed that Staff analyze and report back to Council by April 2005 with regard to the non-conforming uses within canyons, potential ponding solutions, feasibility of dissipating the velocity within the outfalls and storm drains, as well as the potential for implementing a filtration system.

**MEETING RECESSED**

Council recessed at 9:15 p.m. and reconvened at 9:20 p.m., with all members present.

**B. Historic Property Preservation Agreement 04-112, Chapman Residence - 120 Avenida Algodon**

Public Hearing to consider a request by the owner of an historic property at 120 Avenida Algodon to enter into an Historic Property Preservation Agreement with the City to preserve the historic residential building and potentially obtain property tax relief as a preservation incentive in accordance with applicable provisions of State law and City ordinances. The legal description of the property is Lot 21, Block 10 of Tract 779.

Assistant Planner AhSing reviewed the contents of the Administrative Report.

Council requested to be provided with the level of tax reduction that is provided by the Mills Act. Staff is to also analyze the pros and cons associated with requiring that property improvements be completed upon sale of the property, and to ascertain whether the Mills Act would permit such a requirement. Additionally, Staff is to report back to Council in terms of timing and costs associated with implementing a software program to ensure that improvements are completed in a timely manner. Council is to receive a report concerning software program implementation before any additional Historic Property Preservation Agreements are submitted to Council for consideration (with the exception of one that is scheduled to be presented to Council at its meeting of November 16, 2004).

Mayor Ritschel opened the Public Hearing.

In response to Council inquiry, C. Christine Chapman, Applicant, commented that it would be possible to impose, as a contingency of the sale of the property, that the current owner implement the agreed-upon improvements or incur a penalty of 12.5%.

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

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

1. Adopt Resolution No. 04-94 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 04-112 FOR THE PROPERTY LOCATED AT 120 AVENIDA ALGODON.
2. Authorize the Mayor to execute, and the City Clerk to record, the Historic Property Preservation Agreement once the filing fee is paid to the City.

C. **Historic Property Preservation Agreement 04-119, Van Slyke Residence - 209 Avenida Granada**

Public Hearing to consider a request by the owner of an historic property at 209 Avenida Granada to enter into an Historic Property Preservation Agreement with the City to preserve the historic residential building and potentially obtain property tax relief as a preservation incentive in accordance with applicable provisions of State law and City ordinances. The legal description of the property is Lot 5, Block 18 of Tract 779.

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

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

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

1. Adopt Resolution No. 04-95 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 04-119 FOR THE PROPERTY LOCATED AT 209 AVENIDA GRANADA.

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2. Authorize the Mayor to execute, and the City Clerk to record, the Historic Property Preservation Agreement once the filing fee is paid to the City.

D. **Historic Property Preservation Agreement 04-120, Boullion/Rodriguez Residence - 202 Avenida Miramar**

Public Hearing to consider a request by the owner of an historic property at 202 Avenida Miramar to enter into an Historic Property Preservation Agreement with the City to preserve the historic residential building and potentially obtain property tax relief as a preservation incentive in accordance with applicable provisions of State law and City ordinances. The legal description of the property is Lot 15, Block 13 of Tract 779.

Assistant Planner Ah Sing reviewed the contents of the Administrative Report.

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

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

1. Adopt Resolution No. 04-96 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 04-120 FOR THE PROPERTY LOCATED AT 202 MIRAMAR.
2. Authorize the Mayor to execute, and the City Clerk to record, the Historic Property Preservation Agreement once the filing fee is paid to the City.

E. **Tentative Parcel Map 2003-129/Conditional Use Permit 04-106/Site Plan Permit 04-131, Jarvis Condominiums - 123 Avenida Florencia and 1503 Calle Mirador**

Public Hearing to consider a request to allow a one lot subdivision for condominium purposes for an existing fourplex located at 123 Avenida Florencia and 1503 Calle Mirador, the legal description being Lot 1, Block 4 of Tract 820.

Associate Planner Orduna reviewed the contents of the Administrative Report and responded to Council inquiries.

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

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to adopt Resolution No. 04-97 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP (TPM) 2003-129/CONDITIONAL USE PERMIT (CUP) 04-106/SITE PLAN PERMIT (SPP) 04-131, JARVIS CONDOMINIUMS, A REQUEST TO ALLOW A ONE LOT CONDOMINIUM SUBDIVISION FOR AN EXISTING FOUR-PLEX LOCATED AT 123 AVENIDA FLORENCIA AND 1503 CALLE MIRADOR.

F. **Amendment to Tentative Tract Map 16334/Amendment to Site Plan Permit 02-092/Amendment to Tentative Tract Map 16336/Amendment to Site Plan Permit 02-093 (Northernmost Portion of Talega Near the Intersection of Avenida Talega and Camino Tierra Grande)**

Public Hearing to consider a request by Talega Associates, LLC to amend previously approved residential tentative tract maps and site plans to allow the relocation of three residential lots, adjust grading amounts, modify street grades and revise a condition of approval. This application is generally located in the northernmost portion of Talega near the intersection of Avenida Talega and Camino Tierra Grande. The Donna O'Neill Land Conservancy is immediately east of TTM 16334, TTM 16368 and TTM 16369.

AND

**Amendment to Tentative Tract Map 16334/Amendment to Tentative Tract Map 16335/Amendment to Tentative Tract Map 16336/Amendment to Tentative Tract Map 16368/Amendment to Tentative Tract Map 16369 (Northernmost Portion of Talega near the Intersection of Avenida Talega and Camino Tierra Grande)**

Public Hearing to consider a request by Talega Associates, LLC to amend a previously approved condition of approval for five tentative tract maps to delete certain obligations for improvements to Avenida Talega. This application is generally located in the northernmost portion of Talega near the intersection of Avenida Talega and Camino Tierra Grande. The Donna O'Neill Land Conservancy is immediately east of TTM 16334, TTM 16368 and TTM 16369.

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

Mayor Ritschel opened the Public Hearing.

Pat Hayes, Talega Associates, responded to Council inquiries by stating that it would cost \$263,000 to complete the 1,200 foot extension of Avenida Talega, explaining that the cost is limited to actual street improvements since most of the grading is complete; explained that the extension of Avenida Talega, if completed, would be routed through a buffer that runs adjacent to the Donna O'Neill Land Conservancy.

In response to Council inquiry, City Attorney Oderman stated that the City would not be obligated to complete Avenida Talega if the County wanted it to be completed.

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

**MOTION BY MAYOR PRO TEM ANDERSON, 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. 04-98 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AMENDMENT TO TENTATIVE MAP 16334, SITE PLAN PERMIT 02-092 AND VARIANCE 02-181 IN PLANNING AREAS D-2, D-100, E-2, E-5, E-6 AND E-8 OF THE TALEGA SPECIFIC PLAN.
3. Adopt Resolution No. 04-99 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AMENDMENT TO TENTATIVE MAP 16335 AND SITE PLAN PERMIT 02-091 IN PLANNING AREAS A-1, A-3, A-5 AND C-3 OF THE TALEGA SPECIFIC PLAN.

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4. Adopt Resolution No. 04-100 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AMENDMENT TO TENTATIVE MAP 16336 AND SITE PLAN PERMIT 02-093 IN PLANNING AREAS A-4, D-1, D-99, D-100, E-1, E-2, E-3 AND E-4 OF THE TALEGA SPECIFIC PLAN.
5. Adopt Resolution No. 04-101 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AMENDMENT TO TENTATIVE MAP 16368 AND SITE PLAN PERMIT 02-118 IN PLANNING AREAS E-2 AND E-7 OF THE TALEGA SPECIFIC PLAN.
6. Adopt Resolution No. 04-102 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AMENDMENT TO TENTATIVE MAP 16369 AND SITE PLAN PERMIT 02-119 IN PLANNING AREAS G-9, G-12 AND F-1 OF THE TALEGA SPECIFIC PLAN.

G. **Site Plan Permit 03-188/Cultural Heritage Permit 03-189/Conditional Use Permit 03-190, Gutierrez Building - 209 Avenida Del Mar**

Continued Public Hearing to consider a request to allow a major remodel and a waiver of required parking spaces for an existing commercial building located within the Central Business/Architectural Overlay Districts at 209 Avenida Del Mar, the legal description being Lots 4, 5, 35 and 36 of Block 17 of Tract 779.

City Clerk Erway announced that the Applicant has requested that this item be continued to the Council meeting of November 16, 2004.

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to continue the Public Hearing concerning Site Plan Permit 03-188/Cultural Heritage Permit 03-189/Conditional Use Permit 03-190 (Gutierrez Building at 209 Avenida Del Mar) to the Council meeting of November 16, 2004.

**H. Fee Increase for Parking Citations and Alarm Monitoring Fees**

Public Hearing to consider increasing fees for parking citations and alarm monitoring fees.

Lt. Hunt reviewed the contents of the Administrative Report and responded to Council inquiries.

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

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

1. Adopt Resolution No. 04-104 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING CERTAIN FEE SCHEDULES FOR ALARM MONITORING, COMMUNICATIONS SITE LEASE FEES, AND EXCESSIVE FALSE ALARM CHARGES FOR POLICE SERVICES AND RESCINDING RESOLUTION NO. 93-64.
2. Adopt Resolution No. 04-105 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, INCREASING THE FEE SCHEDULE ON PARKING CITATIONS FOR CALIFORNIA VEHICLE CODE VIOLATIONS IN THE CITY OF SAN CLEMENTE, with the understanding that the Resolution will be revised to reflect that the fine for violation of California Vehicle Code (CVC) 22522 (Handicapped Access Ramp) shall be \$325.

7. **UNFINISHED BUSINESS**

A. **Marine Corps Monument - Parque Del Mar**

Report from the Beaches, Parks and Recreation Director concerning the design, name, funding and maintenance of the Marine Corps Monument at Parque Del Mar.

Councilmember Eggleston stepped down from the dais and refrained from deliberations on this item because of his affiliation with the Heritage of San Clemente Foundation.

Beaches, Parks and Recreation Director Wegner reviewed the contents of the Administrative Report.

Wayne Eggleston, Executive Director of the Heritage of San Clemente Foundation, reviewed the history of the concept of the Marine monument and presented a visual representation of the proposed monument; reviewed the reasons that the Parque Del Mar site was selected and the name "Park Semper Fi" was selected; stated that \$70,000 of their \$125,000 goal has been raised thus far.

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

1. Approve the design for a Marine monument and associated gardens at Parque Del Mar on two undeveloped parcels totaling .68 acres (APN 692-012-32 consisting of .31 acres and APN 692-012-34 consisting of .37 acres).
2. Approve that the monument be named "Park Semper Fi".
3. Approve funding of the design and development of the monument by the Heritage of San Clemente Foundation at no cost to the City.
4. Approve that the Heritage of San Clemente Foundation maintain the Park Semper Fi monument for the first three years at no cost to the City, with the City assuming full cost for maintenance of Park Semper Fi after the initial three years.

Councilmember Eggleston returned to the dais.

**B. Valencia Median Island Renovation**

Report from the Beaches, Parks and Recreation Director concerning renovation of the Valencia median island.

Director of Beaches, Parks and Recreation Wegner reviewed the contents of the Administrative Report; explained that Staff is recommending that two bid alternates be included for the median island project; stated that the bid provided by BelAire West Landscaping, while constituting the lowest base bid, was approximately \$2,000 higher than another bid when the alternate costs are added; explained that State law requires that base bids be used to determine successful bidders; stated that Diversified Landscape (the company that submitted the lowest bid when the two alternates are considered), has submitted a letter to the City.

In response to Council inquiry, City Attorney Oderman stated that the competitive bidding laws are intended to avoid the potential that an awarding body could manipulate bid alternates in order to ensure that a favored bidder is providing the low bid; stated that to avoid such a situation, the law, as interpreted by the courts, requires that the low bidder be considered to be the one submitting the lowest base bid.

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

1. Approve, and authorize the Mayor to execute, Contract C04-60 by and between the City of San Clemente and BelAire West Landscape, relating to the renovation of the street median island landscaping on the 100 and 200 blocks of Avenida Valencia, in an amount not to exceed \$82,541.75.
2. Approve a transfer of \$39,556 from Account 001-203-44900 (Council Contingency) to Account 001-634-43425-000-25104.

8. **NEW BUSINESS**

A. **Purchasing Policy Revisions**

Report from the Assistant City Manager concerning revisions to the City's Purchasing Policy.

Purchasing and Budget Officer Elston reviewed the contents of the Administrative Report and responded to Council inquiries.

Council requested to be provided with monthly reports that identify contracts over \$10,000 that have been approved by the City Manager.

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

1. Introduce Ordinance No. 1297 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 3.40.050 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO PURCHASING.
2. Approve Policy No. 201-2-1, Purchasing Policies and Procedures for Supplies, Materials and Equipment.
3. Approve Policy No. 201-2-2, Purchasing Policies and Procedures for Public Works Projects.
4. Approve Policy No. 201-2-3, Selection of Professional Services Contractors.
5. Approve Policy No. 201-2-4, Purchasing Policies and Procedures for the Disposition of Surplus City Property.
6. Approve Policy No. 201-2-5, Purchasing Policies and Procedures for Emergency Purchases.

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

None.

10. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

- (1) **Presentation of the Fourth Quarter Financial Report for FY 2003-04, the First Quarter Financial Report for FY 2004-05, and the Revenue Handbook.**

Assistant City Manager Gudgeirsson narrated a powerpoint presentation concerning the Fourth Quarter Financial Report for FY 2003-04, the First Quarter Financial Report for FY 2004-05, and the Revenue Handbook. A hard copy of Mr. Gudgeirsson's presentation, dated November 1, 2004, is on file with the City Clerk.

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve the Fourth Quarter Financial Report for FY 2003-04 and the First Quarter Financial Report for FY 2004-05.

C. **City Attorney**

None.

D. **Council Members**

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

Mayor Ritschel reported on Proposition 1A, the Local Government Funding Protection Act, noting that this legislation has been officially supported by the San Clemente City Council.

(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 Shelter; expressed appreciation to the volunteers, veterinarians and staff of the shelter.

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

Councilmember Dahl advised that the comment period on the draft Environmental Impact Report for the 241 Foothill-South Transportation Corridor has ended; explained that the locally preferred alternative is anticipated to be determined in early 2005; stated that the Chief Executive Officer position with the TCA has not yet been filled and explained that Wally Kreutzen, current CEO, has agreed to remain with the Authority for an additional 10 days.

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

None.

(7) **Councilmember Items.**

**Duke's (Utility Box)**

Councilmember Eggleston requested that Staff investigate the newly-constructed utility box outside the front door of Duke's; suggested that the large utility box is poorly placed and could hinder the ability of the Sheriff's Department to view operations within the business.

**GMA 11 Meeting on December 9, 2004**

Mayor Pro Tem Anderson stated that he is unable to attend the GMA 11 meeting on December 9, 2004 and advised that Councilmember Eggleston has agreed to attend in his place. Council concurred.

**New Street Trees on El Camino Real**

Mayor Ritschel advised that new street trees are currently being planted on El Camino Real.

11. **RESOLUTIONS/ORDINANCES**

None.



**MEETING RECESSED**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to recess to a meeting of the Redevelopment Agency at 10:55 p.m.

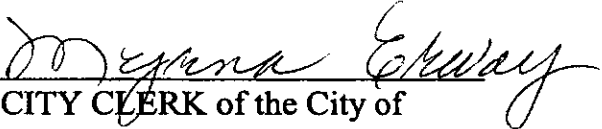
**MEETING RECONVENED**

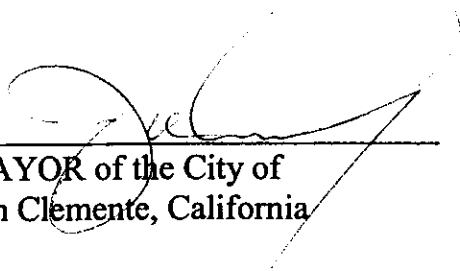
Council reconvened at 11:00 p.m., with all members present.

12. **ADJOURNMENT**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to adjourn at 11:00 p.m.

The next Regular Meeting will be held on November 16, 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