

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting - September 7, 2004

A Regular Meeting of the San Clemente City Council was called to order on September 7, 2004 at 6:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

PRESENT DAHL, DOREY, EGGLESTON, MAYOR RITSCHER

ABSENT ANDERSON

STAFF PRESENT George Scarborough, City Manager; Todd Litfin, Deputy City Attorney; Myrna Erway, City Clerk.

CLOSED SESSION

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY COUNCILMEMBER DAHL, CARRIED 4-0, to recess to Closed Session at 6:00 p.m. to discuss the following:

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

Property: San Clemente Pier, 615 Avenida Victoria, San Clemente

Negotiating Parties: Bruce Wegner, Director of Beaches, Parks and Recreation; Carl Kepner, on behalf of Schleppey's at the Pier

Under Negotiation: Price and Terms of Payment

City Manager Scarborough, Deputy City Attorney Litfin, Beaches, Parks and Recreation Director Wegner, and City Clerk Erway were in attendance.

MEETING RECONVENED

Council reconvened at 7:01 p.m., with all members present, except Mayor Pro Tem Anderson.

INVOCATION

Audrey Watson, Orange County Sheriff's Chaplain, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Ritschel led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Proclamation Presentation - Constitution Week**

Mayor Ritschel presented a proclamation to Jeraldine (Jerry) Webb and Barbara Koch, of the San Clemente Island Chapter of the National Society Daughters of the American Revolution, proclaiming September 17 through 23, 2004 as Constitution Week.

B. **Presentation of "Heart of Relay" Award - San Clemente Relay for Life**

Joe Moore, Chair of the Relay for Life in San Clemente, and James Brown, Special Events Manager with the American Cancer Society, presented the "Heart of Relay" award from the American Cancer Society to the City of San Clemente for its help and participation in the San Clemente Relay for Life that was held on July 31, 2004 and August 1, 2004.

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

Mayor Ritschel presented tiles to the following out-going Commission and Committee members:

Dennis Papilion, Planning Commission (1998-2004)
Steven Swartz, Parks and Recreation Commission (2000-2004)
Michael Lichty, Golf Course Committee (2002-2004)
Evie Sutherland, Human Affairs Committee (2000-2004)
Michael Barnes, Coastal Advisory Committee (2002-2004)
Dennis Hannan, Coastal Advisory Committee (2002-2004)
Ron Runolfson, Planning Commission (1998-2004)

D. **Certificates of Recognition - Members of San Clemente's Girls Softball Teams for Advancing to State Tournaments**

Presentation of Certificates of Recognition to the 10U and 12U San Clemente Girls All Star Softball teams which qualified for the California State Tournament for the first time in San Clemente's history:

12 Years and Under

Tiffany Corder
Natalie Fiene
Christine Haynes
Megan Jefferson
Chelsea Luckey
Kailey Secrest
Jessica Nelson
Christina Reyes
Kerri Sheaks
Rachel Stephens
Nikki Tobia

Alex Haynes (Head Coach);
Brad Fiene, Ron Stephens and
Kevin Tobia, Coaches.

10 Years and Under

Anneke Barrie
Desiree Bramlette
Jessica Caldwell
Melissa Donnelly
Jourdan Kadow
Francesca Manzo
Kailey McCasland
Kelly Perryman
Summer Secrest
Carly Stiles
Danielle Weatherholt
Kendall Yamane

Doug Weatherholt (Head
Coach); Bill Stiles and
Michael Yamane, Coaches

2. MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 4-0, to waive reading in full of all Resolutions and Ordinances.

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

None.

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

Proposition 68 (Gaming Revenue Act of 2004)

Joshua Pelzer, on behalf of the "No on 68 Campaign" noted that Council will consider taking a position on Proposition 68 later in the meeting and offered to provide additional information or to answer questions.

5. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 4-0, to approve the Consent Calendar with the removal of 5-F and the deletion of Item 5-I.

A. **City Council Minutes**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 4-0, to approve the City Council minutes of July 20, 2004, July 28, 2004, July 29, 2004 and August 3, 2004.

B. MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 4-0, to receive and file:

- (1) Golf Course Committee minutes of June 3, 2004.
- (2) Zoning Administrator meeting minutes of August 5, 2004 and August 19, 2004.
- (3) Parks and Recreation Commission minutes of July 13, 2004.
- (4) Planning Commission minutes of August 4, 2004.
- (5) Human Affairs Committee minutes of July 14, 2004.
- (6) Coastal Advisory Committee minutes of July 8, 2004.

C. Warrant Register

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 4-0, to approve Wire Transfer No. 273 and Warrants Nos. 759693 through 759862 for the period 7-19-04 through 7-23-04 in the amount of \$1,687,221.14; approve Wire Transfers Nos. 274 and 275 and Warrants Nos. 759863 through 760058 for the period 7-26-04 through 7-30-04 in the amount of \$1,662,580.31; approve Warrants Nos. 760059 through 760193 for the period 8-2-04 through 8-6-04 in the amount of \$1,230,198.73; approve Handwrite Nos. 760194 through 760195, Wire Transfers Nos. 276 and 277, and Warrants Nos. 760196 through 760317 for the period 8-9-04 through 8-13-04 in the amount of \$861,252.46; for a total Warrant Register of \$5,441,252.64.

Payroll Register

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 4-0, to approve Warrant Nos. 314408 through 314498 and Automatic Deposit Advises 131281 through 131472 for the period 7-19-04 through 8-1-04 in the amount of \$337,511.34; approve Warrant Nos. 314499 through 314603 and Automatic Deposit Advises 131473 through 131661 for the period 8-2-04 through 8-15-04 in the amount of \$331,288.07; for a total Payroll Register of \$668,799.41.

D. Contract Amendment - Downtown Visioning and Strategic Planning Services

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 4-0, to:

1. Approve, and authorize the Mayor to execute, the First Amendment to Contract C04-03 by and between the City of San Clemente and Moore, Iacofano and Goltsman, Inc., relating to downtown visioning and strategic planning services, for an additional cost of \$12,920.
2. Approve a transfer of \$12,920 from Account 001-203-44900 (Council Contingency Reserve) to Account 001-431-43690 (Other Professional Services).

E. **Grant Applications - Pedestrian Beach Trail Access Improvements at Dije, El Portal, Mariposa Point, and Lost Winds**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 4-0, to:

1. Adopt Resolution No. 04-72 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING APPLICATION FOR FUNDS FOR THE TRANSPORTATION ENHANCEMENT ACTIVITY (TEA) PROGRAM UNDER THE 1998 TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY FOR THE SAN CLEMENTE PEDESTRIAN BEACH TRAIL PROJECT IMPROVEMENTS ASSOCIATED WITH DIJE ACCESS.
2. Adopt Resolution No. 04-73 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING APPLICATION FOR FUNDS FOR THE TRANSPORTATION ENHANCEMENT ACTIVITY (TEA) PROGRAM UNDER THE 1998 TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY FOR THE SAN CLEMENTE PEDESTRIAN BEACH TRAIL PROJECT IMPROVEMENTS ASSOCIATED WITH EL PORTAL ACCESS.
3. Adopt Resolution No. 04-74 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING APPLICATION FOR FUNDS FOR THE TRANSPORTATION ENHANCEMENT ACTIVITY (TEA) PROGRAM UNDER THE 1998 TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY FOR THE SAN CLEMENTE PEDESTRIAN BEACH TRAIL PROJECT IMPROVEMENTS ASSOCIATED WITH MARIPOSA ACCESS.
4. Adopt Resolution No. 04-75 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING APPLICATION FOR FUNDS FOR THE TRANSPORTATION ENHANCEMENT ACTIVITY (TEA) PROGRAM UNDER THE 1998 TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY FOR THE SAN CLEMENTE PEDESTRIAN BEACH TRAIL PROJECT IMPROVEMENTS ASSOCIATED WITH LOST WINDS ACCESS.

G. **Contract Award - Pier Repair and Main Pump Station Structural Design Services**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 4-0, to approve, and authorize the Mayor to execute, Contract C01-09 by and between the City of San Clemente and TM Engineers, providing for structural design services for the pier and main pump station, Project Nos. 24800 and 25202, in the amount of \$121,295.

H. **Contract Amendment - Water Quality Ordinance Implementation Agreement**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 4-0, to approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C02-25, the Water Quality Ordinance Implementation Agreement (D02-017) by and between the Orange County Flood Control District and the City of San Clemente, to extend the term of the agreement for an additional three-year period.

J. **Notices of Completion - Street Improvement Projects Nos. 14311-14320 and 14323**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 4-0, to:

1. Accept the following street improvement projects: Calle Via Arboleda, Project No. 14311; Via Bandita, Project No. 14312; Via Verbena, Project No. 14313; Via Montezuma, Project No. 14314; Via Montecito, Project No. 14315; Via Casa Loma, Project No. 14316; Via Santo Tomas, Project No. 14317; Via Lado, Project No. 14318; Via Vistosa, Project No. 14319; Calle Grande Vista, Project No. 14320 and Via Nada, Project No. 14323. Contract C04-21

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2. Authorize the Mayor to execute, and City Clerk to record, the Notices of Completion for Calle Via Arboleda, Project No. 14311; Via Bandita, Project No. 14312; Via Verbena, Project No. 14313; Via Montezuma, Project No. 14314; Via Montecito, Project No. 14315; Via Casa Loma, Project No. 14316; Via Santo Tomas, Project No. 14317; Via Lado, Project No. 14318; Via Vistosa, Project No. 14319; Calle Grande Vista, Project No. 14320 and Via Nada, Project No. 14323.

K. **Wellness Program - Municipal Golf Course Resident Privileges for Regular Full-Time City Employees**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 4-0, to adopt Resolution No. 04-82 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING CERTAIN FEES FOR PLAY UPON THE MUNICIPAL GOLF COURSE, AND REPEALING RESOLUTION NO. 04-58.

L. **Contract Award - 2300/2250 South Ola Vista Storm Drain Replacement**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 4-0, to:

1. Approve the plans and specifications for the 2300/2250 South Ola Vista Storm Drain Replacement, Project No. 12803.
2. Approve, and authorize the Mayor to execute, Contract C04-43 by and between the City of San Clemente and Lonerock, Inc., providing for the replacement of the 2300/2250 South Ola Vista Storm Drain, Project No. 12803, in the amount of \$99,735.
3. Authorize the City Engineer to execute change orders, as needed, in an amount not to exceed the contingency amount of \$20,000.
4. Approve a supplemental appropriation of \$95,900 to Account 059-533-45300-000-12803, Storm Drain Utility Depreciation Reserve.

M. **Notice of Completion - Replacement of Five Multi-Space Parking Meters**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 4-0, to:

1. Accept the purchase/installation/replacement of five (5) Multi-Space Parking Meters from Pacific Parking Systems, Inc. (Contract C04-26)
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the purchase/installation/replacement of five (5) multi-space parking meters from Pacific Parking Systems, Inc. (Contract C04-26).
3. Release the \$5,000 cashiers check that was provided by Pacific Parking Systems, Inc. as the security deposit.

N. **Overall Annual Disadvantaged Business Enterprise (DBE) Goal of 10% for Federal Fiscal Year 2004/2005**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 4-0, to adopt Resolution No. 04-76 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM FOR FEDERAL FISCAL YEAR 2004/2005 FOR USE IN DEPARTMENT OF TRANSPORTATION ASSISTED CONTRACTS.

O. **Easement and Maintenance Agreement (Golf Course) - 120-Foot Wide Strip of City Property Located East of Avenida La Pata Between Via Onda and Avenida Vista Hermosa**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 4-0, to:

1. Approve, and authorize the Mayor to execute, the Easement and Maintenance Agreement (Golf Course), by and among the City of San Clemente, Heritage Golf Talega, LLC, and Talega Associates, LLC, relating to an approximately 120-foot wide strip of City property located east of Avenida La Pata between Via Onda and Avenida Vista Hermosa. (E-408)
2. Authorize the City Clerk to submit the Easement and Maintenance Agreement (Golf Course) to the Orange County Recorder's Office for recordation.

P. **Lease Extension - Pier Bait and Tackle (Schleppy's on the Pier)**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 4-0, to approve, and authorize the Mayor to execute, the Second Amendment and Assignment and Assumption of Amended Lease by and between the City of San Clemente, Carlos A. Kepner and Jasmin A. Kepner, and Pierside Schleppy's, Inc. Contract C87-72

Q. **Assignment of the City Manager as San Clemente's Project Representative for the Segunda Deshecha Canada (MO2) Urban Runoff Treatment Facility**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 4-0, to:

1. Adopt Resolution No. 04-77 entitled A RESOLUTION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ASSIGNING CITY OF SAN CLEMENTE'S PROJECT REPRESENTATIVE AS REQUIRED BY THE CLEAN BEACHES GRANT PROGRAM.
2. Approve a budget adjustment increasing revenue by \$1.8 million to Clean Ocean Fund Account No. 057-000-33465 (California Clean Water Protection Act).
3. Approve an appropriation of \$1.8 million to Account 057-543-45300-000-14804 (Segunda Deshecha Canada (MO2) Urban Runoff Treatment Facility), Project No. 14804, in the Clean Ocean Fund.

R. **NPDES Stormwater Program Shared Costs Budget for FY 2004-05**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 4-0, to approve the proposed NPDES Stormwater Program Shared Costs Budget for FY 2004-05.

S. **Position Creation - Administrative Intern I for Water Quality Program**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 4-0, to approve the addition of an Administrative Intern I position in the Clean Ocean Fund.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

F. **Talega Park No. 2 (Liberty Park) and Talega Park No. 3 (Tierra Grande Park) - Substantial Completion and Extension of Building Permits**

Pat Hayes, Talega Associates, referenced a letter, dated September 7, 2004, from Talega Associates that was delivered to the City earlier today (the letter is on file with the City Clerk); requested that the definition of "substantial completion" be modified; reviewed the status of Liberty Park, noting that it is 95% complete; requested that in consideration of the fact that Talega has installed sod on the soccer field and has incurred an increase in cost for Liberty Park (from \$1.3 million to \$2.7 million), that the City allow Talega to resume pulling building permits when the park is complete except for the items identified in Talega's letter of September 7, 2004.

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY COUNCILMEMBER DAHL, CARRIED 4-0, to:

1. Allow an additional 100 buildings permits to be issued to Talega upon the substantial completion of Liberty Park, except for the following:
 - a) Installation of the sewer pump station.
 - b) The small portion of the sidewalk that is currently being re-designed at the entrance to the upper parking lot.
 - c) The striping of the basketball and tennis courts that is currently on hold pending investigation of some minor surface cracks.
 - d) Two back-ordered tennis court light heads and two back-ordered light standards.
 - e) Handrail on top of Wall "B".
 - f) Two ballfield dugout gates.
 - g) Small masonry monument wall at entry.
 - h) Completion of the sewer manhole and upper 30 feet of the driveway into the park due to re-design.
 - i) Items considered by City staff to be minor in nature.

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2. Authorize that building permits be issued to Talega Associates LLC beyond the current limit of 3,200 building permits to 3,600 building permits for Tierra Grande Park.

I. **Cost Sharing Agreement with Sea Pointe Estates Homeowners' Association for Geotechnical Testing and Pilot Dewatering Program**

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

6. **PUBLIC HEARINGS**

A. **Negative Declaration for the Segunda Deshecha Canada (MO2) Urban Runoff Treatment Facility, Project No. 14804**

Public Hearing to consider approving a Negative Declaration for the Segunda Deshecha Canada (MO2) Urban Runoff Treatment Facility to be located at the concrete boxed section of the Segunda Deshecha Canada (MO2) Flood Control Channel at North Beach downstream of Avenida Pico.

City Engineer Cameron reviewed the contents of the Administrative Report and responded to Council inquiries; stated that the subject Negative Declaration was open for public comment through September 2, 2004 and the only response was from Caltrans stating that it has no comment.

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

MOTION BY COUNCILMEMBER DOREY, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 4-0, to adopt Resolution No. 04-78 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING NEGATIVE DECLARATION FOR SEGUNDA DESHECHA CANADA (MO2) URBAN RUNOFF TREATMENT FACILITY PROJECT NO. 14804.

B. Tentative Parcel Map 2004-132, Iglesia Subdivision (141-143 Calle Iglesia)

Public Hearing to consider a request to subdivide one parcel into two for a property developed with two industrial buildings located within the Rancho San Clemente Business Park. The subject property is located at 141-143 Calle Iglesia, the legal description being Lot 11 and a portion of Lot 12, Tract 13467 as shown on a map recorded in Book 633, Pages 44 to 47 of Miscellaneous Maps of the Orange County Recorder.

Assistant Planner Cunningham 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 COUNCILMEMBER DOREY, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 4-0, to adopt Resolution No. 04-79 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 2004-132, IGLESIA SUBDIVISION, A REQUEST TO SUBDIVIDE ONE PARCEL INTO TWO FOR A PROPERTY DEVELOPED WITH TWO INDUSTRIAL BUILDINGS LOCATED AT 141-143 CALLE IGLESIA.

C. Tentative Parcel Map 2004-156, Stiles Condominiums (318 Cazador Lane)

Public Hearing to consider a request to allow a one-lot subdivision for condominium purposes for a residential duplex now under construction at 318 Cazador Lane, the legal description being Lot 25, Block 2 of Tract 785.

Councilmember Eggleston stated that he will recuse himself from participating on this item because he owns property near the subject site. Councilmember Eggleston left the Council Chambers at 8:02 p.m.

Assistant Planner Cunningham 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 3-0-1 (COUNCILMEMBER EGGLESTON ABSTAINING), to adopt Resolution No. 04-80 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 2004-156, STILES CONDOMINIUMS, A REQUEST TO ALLOW A ONE-LOT SUBDIVISION OF AIR SPACE FOR CONDOMINIUM PURPOSES FOR TWO RESIDENTIAL DWELLING UNITS AT 318 CAZADOR LANE.

Councilmember Eggleston returned to the dais at 8:15 p.m.

7. **UNFINISHED BUSINESS**

None.

8. **NEW BUSINESS**

A. **Amendment to the California Public Employees' Retirement System Contract for Local Safety Lifeguard Members**

Report from the Assistant City Manager concerning an amendment to the California Public Employees' Retirement System contract for local safety lifeguard members.

Councilmember Dahl stated that he would recuse himself from participating on this item and left the Council Chambers at 8:15 p.m.

Human Resources Manager Taylor reviewed the contents of the Administrative Report.

MOTION BY COUNCILMEMBER DOREY, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 3-0-1 (COUNCILMEMBER DAHL ABSTAINING), to:

1. Approve, and authorize the Mayor to execute, a Resolution of Intention to approve an amendment to contract between the Board of Administration California Public Employees' Retirement System and the City Council City of San Clemente.
2. Introduce Ordinance No. 1294 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM REGARDING THE SAN CLEMENTE LOCAL SAFETY LIFEGUARD MEMBERS.

Councilmember Dahl returned to the dais at 8:20 p.m.

B. Liquefied Natural Gas (LNG) Receiving Terminal Off the Coast of Camp Pendleton

Report from the Assistant City Manager concerning a proposed project consisting of a Liquefied Natural Gas receiving terminal and an underwater pipeline that would run along coastal waters of the cities of San Clemente and Dana Point.

Assistant to the City Manager Ferguson reviewed the contents of the Administrative Report.

Mayor Ritschel read a letter from Congressman Ken Calvert which stated his reasons for opposing the proposed LNG facility.

Duane Cave, SDGE and Southern California Gas, stated that he is attending this evening's meeting for informational purposes, noting that they have no knowledge about how the proposed LNG facility will work.

Fred Vote, San Clemente, asserted that it would be premature to take a position in opposition to the LNG facility since a formal proposal has not yet been made; commented that he was a rocket engineer for 30 years and opined that LNG, while not danger free, is not as dangerous as kerosene and gasoline; urged Council to keep an open mind.

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY COUNCILMEMBER DAHL, CARRIED 4-0, to adopt Resolution No. 04-81 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE OPPOSING A LIQUEFIED NATURAL GAS RECEIVING TERMINAL PROPOSED OFF OF THE COAST OF CAMP PENDLETON.

C. **Updates to the City's Conflict of Interest Code and Ethics Policy**

Report from the City Clerk concerning proposed amendments to the City's Conflict of Interest Code and Ethics Policy.

City Clerk Erway reviewed the contents of the Administrative Report.

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 4-0, to:

1. Introduce Ordinance No. 1295 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 2.24 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO THE CITY'S CONFLICT OF INTEREST CODE.
2. Adopt Revised Policy and Procedure 1202-1, the Code of Ethics Policy for City Officials (Elected and Appointed).

D. **Historic Landmarks Preservation**

Report from the Community Development Director concerning possible preparation of an historic landmark preservation ordinance, General Plan and/or Zoning Amendment and retainer of an architectural historian.

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

MOTION BY COUNCILMEMBER DOREY, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 4-0, to:

1. Initiate the preparation of an Historic Landmark Preservation Ordinance that provides the method and criteria by which the City may designate landmarks and protect them.
2. Initiate the preparation of a General Plan and/or Zoning Amendment that address the protection and preservation of historic/cultural resources and structures deemed by the City as historic landmarks.

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3. Initiate the preparation of a Request for Proposal to hire an architectural historian to update the existing historical survey, facilitate the public workshop process, and review and comment on the Historic Landmark Preservation Ordinance prepared by Staff.

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.**

and

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

City Manager Scarborough provided a status report on Proposition 1A, (State Constitutional Amendment to Protect Local Government Dollars), which will appear on the November 2004 ballot.

1. **Consideration of Taking a Position on Proposition 68 - The Gaming Revenue Act of 2004**

MOTION BY COUNCILMEMBER DOREY, SECOND BY COUNCILMEMBER DAHL, CARRIED 4-0, to oppose Proposition 68 (Gaming Revenue Act of 2004).

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

Councilmember Dahl and Mayor Ritschel reported that the first annual Flame Relay will take place from September 11, 2004 through October 23, 2004 to benefit the OCFA Fire Memorial Fund.

(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 volunteers, staff and veterinarians.

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

Councilmember Dahl stated that over 8,000 comments have been received on the draft Environmental Impact Report for the 241 Foothill-South Transportation Corridor.

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

Councilmember Dorey reported on a meeting conducted by the Self-Haul Task Force relating to the diversion of self-haul waste from County landfills to processing facilities; commented that the Self-Haul Task Force's report will be presented to the Waste Management Commission on September 9, 2004; stated that she will provide Council with copies of an article entitled "Landfill Fees Can Boost Recycling, Grand Jury Says" and the Grand Jury report.

(7) Councilmember Items.

Councilmember Dahl noted that resurfacing on the I-5 is anticipated to be completed tonight.

Mayor Ritschel reported that a skateboard competition, that was co-sponsored by the City and Beaches, Parks and Recreation Foundation, was held at Steed Park on September 11, 2004; reported on the success of Operation Backpack, which collected backpacks for the children of San Onofre Elementary School on Camp Pendleton.

11. RESOLUTIONS/ORDINANCES

A. Ordinance No. 1293 (Second Reading) - Establishment of Speed Limits on City Streets

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 4-0, to adopt Ordinance No. 1293 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 10 OF THE MUNICIPAL CODE CONCERNING SPEED ZONES ON CITY STREETS.

MEETING RECESSED

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 4-0, to recess to a meeting of the Redevelopment Agency at 9:10 p.m.


MEETING RECONVENED

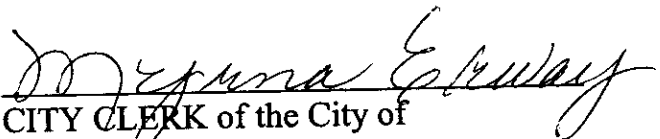
Council reconvened at 9:15 p.m., with all members present, except Mayor Pro Tem Anderson.

12. Adjournment

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 4-0, to adjourn at 9:15 p.m., in memory of Eva Riley, to an Adjourned Regular Meeting to be held on September 14, 2004 at 6:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, for the purpose of interviewing candidates and making an appointment to fill a vacancy on the Planning Commission.

The next Regular Meeting will be held on September 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.


MAYOR of the City of
San Clemente, California


CITY CLERK of the City of
San Clemente, California