

CITY OF SAN CLEMENTE

City Council Minutes

Adjourned Regular Meeting - May 17, 2005

An Adjourned Regular Meeting of the San Clemente City Council was called to order on May 17, 2005 at 6:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

PRESENT

DAHL*, DOREY, EGGLESTON, RITSCHER, MAYOR
ANDERSON

*Arrived at 6:02 p.m.

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

Council recessed to Closed Session at 6:00 p.m. to discuss the following:

- A. CONFERENCE WITH LABOR NEGOTIATOR, pursuant to Government Code Section 54954.5(f):

Agency Representative: Pall Gudgeirsson, Assistant City Manager

Employee Organizations: San Clemente City Employees Association, Management Employees, Mid-Management Employees and Confidential Employees.

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

Name of Cases: Callan v. City of San Clemente, et al., OCSC Case No. 01CC07556 and Johnson v. City of San Clemente, et al., OCSC Case No. 01CC015381.

Closed Session items continued on next page

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

Name of Case: People v. Robbins, Case No. 05SMO1097

City Manager Scarborough, City Attorney Oderman, Assistant City Manager Gudgeirsson, Public Works/Economic Development Director Lund, Community Development Director Holloway, City Engineer Cameron, Building Official Jorgensen and City Clerk Erway were in attendance.

MEETING RECONVENED

Council reconvened at 6:50 p.m., with all members present.

PRESENTATION OF PROPOSED FY 2005-06 CITY BUDGET

City Manager Scarborough noted that the proposed FY 2005-06 City budget is balanced and includes full funding of all current service levels as well as funding of the previously approved Vital Few Priorities. City Manager Scarborough and Assistant City Manager Gudgeirsson narrated a powerpoint presentation entitled "FY 2005-06 Proposed Budget", a hard copy of which is on file with the City Clerk.

Council questioned the reasoning behind the 17% reduction in the Contractual Services budget for the Parks, Beaches and Recreation Department. Staff stressed that no decreases in services are proposed for FY 2005-06, but indicated that a detailed explanation will be provided at the budget workshop.

GENERAL SESSION

The General Session was called to order by Mayor Anderson at 7:05 p.m.

INVOCATION

Janis Schofield, Orange County Sheriffs Department Chaplain, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Anderson led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Commendation Presentation - Coach Bill Hartman, San Clemente High School**

Mayor Anderson presented a Commendation to Coach Bill Hartman, of San Clemente High School, in appreciation for 31 years of outstanding service to the students of San Clemente High School.

B. **Proclamation Presentation - Neighborhood Watch Month**

Mayor Anderson presented a proclamation to Jan Sener, Director of Crime Prevention, and Janet Dunford, Crime Prevention Specialist, declaring the month of May as Neighborhood Watch Month. The following persons were then recognized for their support and contributions to the Neighborhood Watch program and Certificates of Appreciation were presented to those persons in attendance:

- Jim Russell, Emergency Planning Officer
- Tony Montoya, on behalf of the Code Enforcement Division of the City of San Clemente
- Steve Geidt, Chief Executive Officer of Saddleback Memorial Medical Center, San Clemente Campus (formerly San Clemente Hospital)
- Oscar Gutierrez, Neighborhood Watch Clean-up Program.

Councilmember Dorey and Kenny Nielsen, on behalf of the Watershed Task Force, presented honoraria to Oscar Gutierrez and Carla Gutierrez for helping to clean the neighborhood in the vicinity of Las Palmas School and Max Berg Park.

5. CONSENT CALENDAR

MOTION BY COUNCILMEMBER RITSCHER, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to remove Items 5-F and 5-J from the agenda and approve the balance of the Consent Calendar.

A. City Council Minutes

MOTION BY COUNCILMEMBER RITSCHER, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve the City Council minutes of April 19, 2005 and Joint Council/Planning Commission minutes of April 28, 2005.

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

(1) Zoning Administrator meeting minutes of May 4, 2005.

(2) Planning Commission minutes of May 4, 2005.

C. Warrant Register

MOTION BY COUNCILMEMBER RITSCHER, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve Handwrite Nos. 766294 through 766295, Wire Transfers Nos. 320 through 323, and Warrant Nos. 766079 through 766293, for the period 4-18-05 through 4-22-05 in the amount of \$2,076,029.31; approve Warrant Nos. 766296 through 766476 for the period 4-25-05 through 4-29-05 in the amount of \$692,263.88; for a total Warrant Register of \$2,768,293.19.

Payroll Register

MOTION BY COUNCILMEMBER RITSCHER, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve Warrant Nos. 315877 through 135093, Automatic Deposit Advises 134899 through 135093, for the period 4-11-05 through 4-24-05 in the amount of \$319,137.51; for a total Payroll Register of \$319,137.51.

D. **Contract Award - On-Call Inspection Services**

MOTION BY COUNCILMEMBER RITSCHER, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C04-71 by and between the City of San Clemente and MBF Consulting, Inc., providing for on-call inspection services.

E. **Parking Prohibitions - West Canada and Avenida de la Estrella**

MOTION BY COUNCILMEMBER RITSCHER, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to adopt Resolution No. 05-33 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING "NO PARKING AREAS" ON WEST CANADA AND AVENIDA DE LA ESTRELLA.

G. **Contract Award - Calle Del Cerro Street Improvement**

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

1. Approve the plans and specifications for contract award for Street Improvement Project No. 15311.
2. Approve, and authorize the Mayor to execute, Contract C05-25 by and between the City of San Clemente and All American Asphalt, relating to street improvements on Calle Del Cerro (Project No. 15311) in the amount of \$644,800.

H. **Release of Monumentation Bond - Tract 15947, Talega Associates, LLC**

MOTION BY COUNCILMEMBER RITSCHER, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to adopt Resolution No. 05-34 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE RELEASE OF THE MONUMENTATION BOND FOR TRACT 15947, TALEGA GOLF COURSE, TALEGA ASSOCIATES, LLC.

I. **Bond Release - Tract 16282, Planning Area 4, The Reserve North at Forster Highlands, LLC, Shea Homes**

MOTION BY COUNCILMEMBER RITSCHER, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to adopt Resolution No. 05-35 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACCEPTING THE DEDICATED SEWER AND WATER IMPROVEMENTS AND AUTHORIZING THE RELEASE OF THE IMPROVEMENT BONDS FOR TRACT 16282, PLANNING AREA 4, THE RESERVE NORTH AT FORSTER HIGHLANDS, LLC, SHEA HOMES.

K. **Customer Service Specialist I/II - Adoption of Flexible Class Series**

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

1. Adopt Resolution No. 05-36 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING RESOLUTION NO. 97-09, ADOPTING REVISED SALARY SCHEDULES AND ESTABLISHING THE NEW CLASSIFICATION OF CUSTOMER SERVICE SPECIALIST I.
2. Amend Flexible Staffing Policy No. 601-2-3, Section 4.1 to include the class series of Customer Service Specialist I/II.
3. Approve the reclassification of six Customer Service Specialists to Customer Service Specialist II and one Accounting Specialist I to Customer Service Specialist I.

L. **Beer and Wine Sales at Calafia Beach Park Concession - Resolution and Lease Amendment**

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

1. Adopt Resolution No. 05-37 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE SALE OF BEER AND WINE AT THE CALAFIA BEACH PARK CONCESSION.
2. Approve, and authorize the Mayor to execute, the Fifth Amendment to Concession Agreement for the Calafia Beach Park Concession between the City of San Clemente and Carl Kepner. (Contract C87-69)

ITEMS REMOVED FROM THE CONSENT CALENDAR

F. **Contract Award - Prima Deshecha (MO1) Letter of Map Revision (LOMR) for Flood Plain Boundaries**

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

J. **Contract Award - Organization/Operations Assessment of Beaches, Parks and Recreation Department**

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

6. **PUBLIC HEARINGS**

A. **Tentative Tract Map 16274/Site Plan Permit 05-041/Conditional Use Permit 05-015, Coastline Building - 1520 N. El Camino Real**

Public Hearing to consider a request to allow a subdivision for condominium purposes for a previously approved 46,850 square-foot mixed-use project, to include 9,264 square feet of commercial space and 16 residential units, located at 1520 North El Camino Real, the legal description being Lots 4-8, Block 1 of Tract 821.

Associate Planner Orduna 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 MAYOR PRO TEM EGGLESTON, SECOND BY COUNCILMEMBER DOREY, CARRIED 5-0, to adopt Resolution No. 05-38 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE TRACT MAP (TTM) 16274/SITE PLAN PERMIT (SPP) 05-014/CONDITIONAL USE PERMIT (CUP) 05-015, COASTLINE BUILDING, A REQUEST TO ALLOW A ONE-LOT SUBDIVISION FOR CONDOMINIUM PURPOSES FOR AN APPROVED MIXED-USE PROJECT LOCATED AT 1520 NORTH EL CAMINO REAL.

B. **Mitigated Negative Declaration for 221-225 West Marquita Storm Drain Reconstruction, Project No. 13803**

Public Hearing to consider a City-initiated project to replace a deficient portion of the existing storm drain at 221-225 West Marquita and replace it with approximately 85 feet of new 18 to 24-inch diameter high density polyethylene pipe.

City Engineer Cameron 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 RITSCHER, SECOND BY COUNCILMEMBER DOREY, CARRIED 5-0, to adopt Resolution No. 05-39 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING A MITIGATED NEGATIVE DECLARATION FOR THE "221-225 WEST MARQUITA STORM DRAIN RECONSTRUCTION", PROJECT NO. 13803.

C. **Building Division Fees Related to Building Construction - Reorganization and Consolidation**

Public Hearing to consider reorganizing and consolidating permit fee schedules (Building, Electrical, Mechanical, Plumbing, Pool and Spa) to simplify administration of fees. No fee increases or changes to current charges are proposed at this time.

Building Official Jorgensen reviewed the contents of the Administrative Report.

Council discussion ensued relative to the possibility of giving future consideration to the possibility of reducing or waiving building fees for specific projects in the Redevelopment Area that provide a community benefit.

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. 05-40 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING BUILDING, ELECTRICAL, MECHANICAL, PLUMBING, POOL AND SPA PERMIT FEE SCHEDULES FOR CERTAIN APPLICATION, REVIEW AND INSPECTION SERVICES PROVIDED BY THE CITY.

7. **UNFINISHED BUSINESS**

A. **Historic Landmarks Preservation Ordinance - Task Force Selection and Project Update**

Report from the Community Development Director concerning a project update, and selection of a task force, relating to the preparation of an Historic Landmarks Preservation Ordinance.

Associate Planner Luna reviewed the contents of the Administrative Report.

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

1. Appoint Mayor Pro Tem Eggleston and Councilmember Dahl to serve as Council's representatives on the Historic Landmarks Task Force.
2. Concur with the work program identified in the Administrative Report, dated May 17, 2005, which is on file with the City Clerk.
3. Direct that the Planning Commission select two members to serve on the task force and direct that the Parks and Recreation Commission select one member to serve on the task force.
4. Direct Staff to contact the San Clemente Historical Society to select one representative.
5. Direct Staff to solicit applications from the general public wishing to serve on the task force and authorize the two Councilmembers that serve on the task force to select the four members-at-large (one at-large member is to be an historic property owner).

8. **NEW BUSINESS**

None.

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

None.

10. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

(1) **Presentation of the FY 2004/05 Third Quarter Financial Report**

Assistant City Manager Gudgeirsson narrated a PowerPoint presentation entitled "FY 2004-05 3rd Quarter Report" and responded to Council inquiries. A hard copy of Mr. Gudgeirsson's presentation, dated May 17, 2005, is on file with the City Clerk.

Council requested that Staff explain why the FY 2004/05 Third Quarter Financial Report indicates that revenue in the Clean Ocean Fund is only 28% of budget and expenditures only 21% of budget.

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER RITSCHER, CARRIED 5-0, to approve the FY 2004/05 Third Quarter Financial Report.

C. City Attorney

Final Settlement Agreement - People v. Robbins (Code Violations at 516 Elena Lane)

City Attorney Oderman reported that Council, during this evening's Closed Session, approved (by a vote of 4-0-1 with Mayor Pro Tem Eggleston abstaining) a final Settlement Agreement in the case of People v. Robbins; explained that the subject Settlement Agreement provides for the phased correction of a variety of code violations at 516 Elena Lane.

Callan v. City of San Clemente and Johnson v. City of San Clemente

City Attorney Oderman stated that no action was taken during this evening's Closed Session with regard to the Callan and Johnson cases.

D. Council Members

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

Mayor Anderson advised that at the last Orange County Division meeting, he volunteered to represent the Council on the Measure M Renewal Committee.

(2) Council Position on Legislative Issues.

Councilmember Ritschel expressed appreciation to Governor Schwarzenegger for his proposed funding of Proposition 42 revenues, noting that \$1.3 billion will be allocated towards transportation.

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

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

Councilmember Dahl reported that the EIR for the Foothill/South Transportation Corridor is still pending.

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

Councilmember Dorey noted that Council approved the waste management plan for construction and demolition projects in 2003; stated that 25,777 tons of debris entered the landfill facility and 12,629 tons left the facility, for a diversion rate of 49%; noted that this diversion level is helping the City meet its AB 949 requirements; stated that self-haul is still being discussed, noting that the Cities of San Clemente and San Juan Capistrano are both having difficulty with self-haul taking up landfill space; reported that the issue of self-haul will be considered by Orange County's City Managers and the Board of Supervisors; stated that a Pilot Food Waste Facility has been established next to the Prima Deshecha Landfill.

(7) **Councilmember Items.**

Councilmember Ritschel reported on the success of the Talega Circuit Bicycle Race.

Mayor Pro Tem Eggleston reported on his recent attendance at the California Preservation Conference in Riverside.

Mayor Pro Tem Eggleston stated that the Marine Monument at Parque Semper Fi was approved by the California Coastal Commission; stated that the dedication ceremony is scheduled for November 12, 2005 at noon.

Councilmember Dorey advised that the 5K Walk/Run will take place on June 11, 2005.

Councilmember Dahl advised that on May 19, 2005 at 6:30 p.m., he will be on "Life and Times" on KCET to discuss the Foothill/South Transportation Corridor.

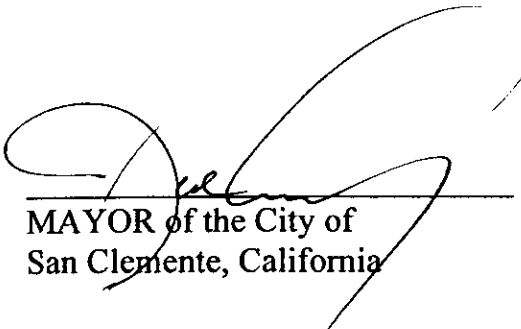
11. **RESOLUTIONS/ORDINANCES**

None.

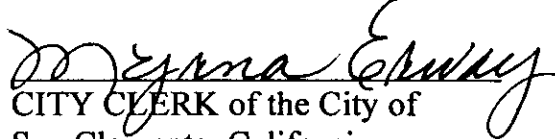
12. **ADJOURNMENT**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 5-0, to adjourn at 8:35 p.m. in memory of Leo Fessenden, to an Adjourned Regular Meeting to be held on June 1, 2005 at 4:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, for the purpose of conducting a workshop on the proposed FY 2005/06 City budget.

The next Regular Meeting will be held on June 7, 2005 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