

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting - February 1, 2005

A Regular Meeting of the San Clemente City Council was called to order on February 1, 2005 at 6:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

PRESENT

DAHL*, DOREY, EGGLESTON, RITSCHEL,
MAYOR ANDERSON

*Arrived at 6:01 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

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

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

Name of Case: Montoya v. City of San Clemente, et al., OCSC Case No. 04CC08963

City Manager Scarborough, City Attorney Oderman, Assistant City Manager Gudgeirsson, Public Works/Economic Development Director Lund and City Clerk Erway were in attendance. Mayor Pro Tem Eggleston did not attend the Closed Session due to a potential conflict of interest.

INVOCATION

Marie Toland, Family Assistance Ministry, gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Ritschel led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Jim Johnson - Wall of Recognition**

Mayor Anderson presented a Certificate of Recognition to Mimi Johnson posthumously naming Jim Johnson to the City's Wall of Recognition.

2. MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 5-0, to waive reading in full of all Resolutions and Ordinances.

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

Change Order Contingency Fund Authorization - New Fire Station #59

MOTION BY COUNCILMEMBER DOREY, SECOND BY COUNCILMEMBER RITSCHER, CARRIED 5-0, to add the following item to the agenda 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: "Change Order Contingency Fund Authorization - New Fire Station #59."

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

1. Approve a supplemental appropriation of \$60,000 to Account 030-818-45300-000-13002.
2. Approve, and authorize the City Manager to execute, Change Orders, as needed, in an amount not to exceed the contingency of \$60,000.

CLOSED SESSION REPORT

City Attorney Oderman noted that Council discussed the pending litigation matter of Montoya v. City of San Clemente, et al. during this evening's Closed Session; explained that Council gave direction to the City Attorney's Office with regard to potential resolution of the case.

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

South Coast Air Quality Management District - Introduction of San Clemente's Representative

Debra Reed, Orange County Public Affairs Representative for the South Coast Air Quality Management District, stated that she is the point of contact if the City has any questions or concerns about air quality issues; distributed copies of the District's calendar which was created with the theme "Color My World with Healthy Air".

5. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 5-0, to approve the Consent Calendar.

A. **City Council Minutes**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 5-0, to approve the City Council minutes of December 15, 2004 and January 4, 2005.

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

- (1) Parks and Recreation Commission minutes of December 14, 2004.
- (2) Planning Commission minutes of January 5, 2005 and January 19, 2005.

Minutes listing continued on next page

- (3) Human Affairs Committee minutes of November 10, 2004 and December 8, 2004.
- (4) Coastal Advisory Committee minutes of November 11, 2004 and December 9, 2004.
- (5) Zoning Administrator meeting minutes of January 19, 2005.

C. **Warrant Register**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 5-0, to approve Warrant Nos. 763516 through 763722 for the period 1-3-05 through 1-7-05 in the amount of \$979,965.31; approve Wire Transfers Nos. 302 and 303 and Warrant Nos. 763723 through 763861 for the period 1-10-05 through 1-14-05 in the amount of \$1,013,467.45; for a total Warrant Register of \$1,993,432.76.

Payroll Register

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 5-0, to approve Warrant Nos. 133548 through 315462 for the period 1-3-05 through 1-16-05 in the amount of \$316,105.09; for a total Payroll Register of \$316,105.09.

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

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 5-0, to approve, and authorize the Mayor to co-sign with the member agencies of SOCWA, Contract No. C05-04, the Contract Services Agreement Between South Orange County Wastewater Authority (SOCWA) and Jones Chemical Incorporated for the Delivery and Supply of Chlor-Alkali Products to the Member Agencies of SOCWA.

E. **Contract Amendment - Master Contract Services Agreement for the Delivery and Supply of Water Treatment Chemicals to the Member Agencies of SOCWA**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 5-0, to approve, and authorize the Mayor to co-sign with the member agencies of SOCWA, Amendment No. 1 to Contract C04-09, the Master Contract Services Agreement Between South Orange County Wastewater Authority (SOCWA) and Polydyne for the Delivery and Supply of Water Treatment Chemicals to the Member Agencies of SOCWA.

F. **Cooperative Agreement - Definition of Roles and Responsibilities for the Commuter Rail Station Located at 1850 Avenida Estacion (North Beach)**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 5-0, to approve, and authorize the Mayor to execute, City Contract No. C05-05, Cooperative Agreement No. C-2-1042 between the Orange County Transportation Authority and the City of San Clemente, defining the roles and responsibilities for the Commuter Rail Station located at 1850 Avenida Estacion (North Beach).

G. **Contract Amendment - Jamboree Housing's Mendocino Apartments Regulatory Agreement**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 5-0, to authorize the City Attorney to prepare, and the Mayor to execute, an Amendment to Jamboree Housing's Mendocino Apartments Regulatory Agreement (Contract C00-08) to increase the allowable household income within the three categories by 10%.

6. **PUBLIC HEARINGS**

None.

7. **UNFINISHED BUSINESS**

A. **Property Owner Appeal of Staff Denial of a Sidewalk Waiver for 217 Avenida San Antonio**

Report from the Public Works/Economic Development Director concerning a property owner appeal of staff denial of a sidewalk waiver for the property located at 217 Avenida San Antonio.

Public Works/Economic Development Director Lund reviewed the contents of the Administrative Report and responded to Council inquiries.

Following discussion, MOTION BY COUNCILMEMBER RITSCHER, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 4-1 (COUNCILMEMBER DOREY VOTING NOE), to deny the waiver to the sidewalk requirement for the property located at 217 Avenida San Antonio.

8. NEW BUSINESS

A. Ordinance Introduction - Installation of Cigarette Litter Receptacles Outside Bar Establishments Within the Del Mar "T" Zone

Report from the Community Development Director concerning the possibility of enacting an Ordinance to require the installation of cigarette litter receptacles outside bar establishments within the City's Del Mar "T" Zone.

Community Development Director Holloway reviewed the contents of the Administrative Report and responded to Council inquiries.

MOTION BY COUNCILMEMBER DOREY, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to introduce Ordinance No. 1298 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADDING CHAPTER 8.66 OF THE SAN CLEMENTE MUNICIPAL CODE TO REQUIRE THE INSTALLATION OF LITTER RECEPTACLES ON AND/OR OUTSIDE OF BAR ESTABLISHMENTS LOCATED IN THE CITY'S T-ZONE.

9. ORAL COMMUNICATIONS (PART TWO)

None.

10. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

(1) **FY 2004-05 2nd Quarter Report**

Assistant City Manager Gudgeirsson narrated a powerpoint presentation entitled "FY 2004-05 Mid-Year Report" and responded to Council inquiries. A hard copy of Mr. Gudgeirsson's presentation is on file with the City Clerk.

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

1. Approve the FY 2004-05 2nd Quarter Report.
2. Approve and authorize the recommended mid-year adjustments detailed in the FY 2004-05 2nd Quarter Report.

C. **City Attorney**

None.

D. **Council Members**

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

None.

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

None.

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

Councilmember Ritschel announced that a celebration of the Orange County Fire Authority's 10th anniversary will be held on March 10, 2005 at the Tustin Ranch Golf Club; noted the event will raise funds for the Orange County Fire Authority Firefighter Memorial.

(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's volunteers, staff and veterinarians.

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

None.

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

None.

(7) **Councilmember Items.**

Supplies for United States Servicemen and Servicewomen

Mayor Pro Tem Eggleston advised that he received an e-mail from a marine expressing gratitude for items that people have sent for the servicemen and servicewomen in Iraq; commented that service personnel could use additional items such as razors, shaving cream, toothbrushes, phone cards, etc.

Banner Program to Honor Fallen Soldiers

Mayor Pro Tem Eggleston advised that the American Heroes Tribute in San Juan Capistrano is sponsoring a program to honor the men and women who gave their lives in Iraq; stated that each fallen soldier's name, rank, branch of service, and photograph will be included on a flag-size banner that will be erected on lighted poles across America; stated that more than 1,300 tribute banners will be raised in San Diego and Orange County for 30 days commencing on Memorial Day 2005; stated that after the 30-day period has elapsed, the banners will be relocated to other sites throughout the country until they finally arrive in Washington, D.C. on Memorial Day 2006; stated that the American Heroes Tribute would like to install banners on El Camino Real on Memorial Day 2005.

City Manager Scarborough advised that Staff will review the proposal and either implement the program or, if necessary, return to Council for approval.

New York State Museum Exhibit - World Trade Center Recovery

Councilmember Dorey advised that an exhibit from the New York State Museum concerning the World Trade Center Recovery will be displayed at the Casa Romantica from April 15, 2005 to July 10, 2005; noted that a reception will be held on April 16, 2005.

Our Savior's Lutheran School - Recipient of Blue Ribbon Award

Councilmember Dorey congratulated Our Savior's Lutheran School for receiving the Blue Ribbon Award.

Parking Passes/Ambulance Subscription Program

Councilmember Dahl reminded citizens to obtain 2005 parking passes because the grace period for 2004 passes has expired; stated that families can subscribe to the City's ambulance subscription program for a cost of \$35 per year.

California Coastal Conservancy Grant for Coastal Trail

Councilmember Ritschel commended City staff for securing an additional \$500,000 last week from the California Coastal Conservancy for the coastal trail project.

West Nile Virus

Mayor Anderson noted that he is the City's representative to the Orange County Vector Control District; explained that current weather conditions are favorable for mosquito breeding; urged that citizens remove standing water to hinder breeding and consequently reduce the potential for an outbreak of West Nile Virus.

11. **RESOLUTIONS/ORDINANCES**

None.

MEETING RECESSED

Council recessed at 7:54 p.m. to a meeting of the Redevelopment Agency.

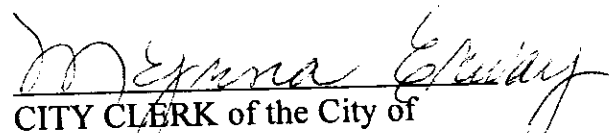
MEETING RECONVENED

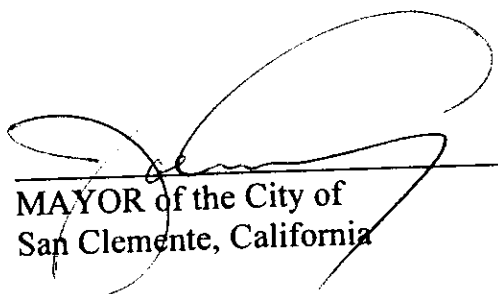
Council reconvened at 7:55 p.m., with all members present.

12. **ADJOURNMENT**

There being no further business, Council adjourned at 7:55 p.m.

The next Regular Meeting will be held on February 15, 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.


CITY CLERK of the City of
San Clemente, California


MAYOR of the City of
San Clemente, California