

# CITY OF SAN CLEMENTE

## City Council Minutes

### Regular Meeting - January 18, 2005

A Regular Meeting of the San Clemente City Council was called to order on January 18, 2005 at 6:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

#### PRESENT

ANDERSON, DAHL\*, DOREY, EGGLESTON, MAYOR RITSCHEL

\*Arrived at 6:18 p.m.

#### ABSENT

NONE

#### STAFF PRESENT

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

\* \* \*

#### CLOSED SESSION

MOTION BY COUNCILMEMBER DOREY, SECOND BY COUNCILMEMBER RITSCHEL, CARRIED 4-0, to recess to Closed Session at 6:01 p.m. to discuss the following:

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

Name of Case: Feldman v. City of San Clemente, OCSC Case No. 00CC15186.

#### MEETING RECONVENED

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

**INVOCATION**

Sheriff Chaplain Valerie Jordan gave the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Anderson led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

None.

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

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

None.

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

None.

5. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 5-0, to approve the Consent Calendar with the removal of Item 5-B(1) (Planning Commission minutes of January 5, 2005).

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 21, 2004.

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

- (1) Planning Commission minutes of December 22, 2004.
- (2) Zoning Administrator meeting minutes of January 5, 2005.

C. **Warrant Register**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 5-0, to approve Wire Transfers Nos. 298 and 299 and Warrant Nos. 763132 through 763391 for the period 12-13-04 through 12-17-04 in the amount of \$1,971,029.06; approve Wire Transfers Nos. 300 and 301 and Warrant Nos. 763392 through 763515 for the period 12-20-04 through 12-31-04 in the amount of \$722,718.72; for a total Warrant Register of \$2,693,747.78.

**Payroll Register**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 5-0, to approve Warrant Nos. 315257 through 315332, Automatic Deposit Advises 133178 through 133365, for the period 12-6-04 through 12-19-04 in the amount of \$306,441.60; approve Warrant Nos. 315333 through 315379, Automatic Deposit Advises 133366 through 133547 for the period 12-20-04 through 1-2-05 in the amount of \$305,021.06; for a total Payroll Register of \$611,462.66.

D. **Records Destruction**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 5-0, to adopt Resolution No. 05-05 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE DESTRUCTION OF CERTAIN CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

E. **Communication Site Lease Renewal - Teletrac, Inc.**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 5-0, to approve, and authorize the Mayor to execute, a Communications Site Lease, by and between the City of San Clemente and Teletrac, to enter into another lease agreement for two years, increase the monthly rental rate from \$550 to \$575 per month, and authorize the City Manager to approve future amendments. Contract C92-22

F. **Contract Award - Fourth of July Fireworks Display**

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

1. Approve, and authorize the Mayor to execute, Contract C96-56 by and between the City of San Clemente and Fireworks & Stage FX America, providing for a fireworks display on July 4, 2005, in the amount of \$34,000.
2. Authorize the transfer of \$3,500 from Council Contingency Account 001-203-44900 to Account 001-203-44430.

G. **Contract Award - Janitorial Services**

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

1. Approve, and authorize the Mayor to execute, Contract C05-03 by and between the City of San Clemente and GBS Cleaning Services, Inc., relating to the provision of custodial/janitorial services to designated City facilities, for the period of July 1, 2005 through June 30, 2010, in the total annual amount of \$79,077.99.
2. Approve the extension of the contract in one-year increments, based upon satisfactory performance.
3. Authorize Staff to re-bid this contract every five years, using July 1, 2005 as the base date, unless cancelled sooner, based upon less-than-satisfactory performance.

H. **Resolution of Denial - Minor Architectural Permit (MAP) 04-029, Frank's Auto Collision Center (2101 South El Camino Real)**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 5-0, to adopt Resolution No. 05-03 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DENYING MINOR ARCHITECTURAL PERMIT 04-029, FRANK'S AUTO COLLISION CENTER, A REQUEST TO MODIFY AND RELOCATE ROOF EQUIPMENT FOR AN EXISTING AUTO-RELATED USE IN CONJUNCTION WITH THE INSTALLATION OF AN ODOR ABATEMENT SYSTEM, THE SUBJECT PROPERTY BEING LOCATED AT 2101 SOUTH EL CAMINO REAL.

I. **Orange County Combined Transportation Funding Program Applications**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 5-0, to adopt Resolution No. 05-08 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE SUBMITTAL OF THE COMBINED TRANSPORTATION FUNDING PROGRAM APPLICATIONS FOR FISCAL YEARS 2005/06 TO 2009/10 TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY.

J. **Special Event Request: "San Clemente Challenge"**

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

1. Approve the "San Clemente Challenge" special event, co-sponsored by the Friends of San Clemente Beaches, Parks and Recreation Foundation, to be held on Saturday, May 14, 2005.
2. Authorize the expenditure of Beaches, Parks and Recreation Department staff time, equipment and supplies and the Orange County Sheriff support of the event.

K. **Natural Hazard Mitigation Plan**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 5-0, to adopt Resolution No. 05-06 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING THE CITY OF SAN CLEMENTE NATURAL HAZARD MITIGATION PLAN.

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

B(1). **Planning Commission Minutes of January 5, 2005**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 5-0, to defer the Planning Commission minutes of January 5, 2005 to the Council meeting of February 1, 2005.

6. **PUBLIC HEARINGS**

A. **Abandonment 04-082, Vacation of a Portion of Calle Altea within Tracts 13683 and 13684**

Continued Public Hearing to consider a request by Talega Associates to vacate previously recorded street segments of Calle Altea, located between the Talega Golf Course and Camino La Pedriza within Tracts 13683 and 13684.

Public Works/Economic Development Director Lund reviewed the contents of the Administrative Report.

Mayor Anderson opened the Public Hearing.

Rick Moen, San Clemente, requested the names of the three private property owners whose properties abut the Calle Altea right-of-way and would acquire portions of the right-of-way if Calle Altea is vacated; opined that Calle Altea should remain a public road.

City Attorney Oderman confirmed that the names of the three property owners is public record. It was agreed that Mr. Moen will contact the City Manager to obtain the names of the subject individuals.

MOTION BY COUNCILMEMBER DOREY, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to continue the Public Hearing concerning AB 04-082 (Vacation of a Portion of Calle Altea) to the Council meeting of February 15, 2005.

B. **Tentative Parcel Map 2001-203/Site Plan Permit 04-182/Conditional Use Permit 04-183, La Paloma Condominiums - 255 La Paloma**

Public Hearing to consider a request to allow a Tentative Parcel Map for condominium purposes for a previously approved triplex located at 255 La Paloma, the legal description being Lot 28, Block 17 of Tract 793.

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 COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 5-0, to adopt Resolution No. 05-07 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 2001-203/SITE PLAN PERMIT 04-182/CONDITIONAL USE PERMIT 04-183, LA PALOMA CONDOMINIUMS, A REQUEST FOR A ONE LOT SUBDIVISION FOR RESIDENTIAL CONDOMINIUM PURPOSES LOCATED AT 255 LA PALOMA.

7. **UNFINISHED BUSINESS**

A. **Funding Transfer - Emergency Computer Room Repair**

Report from the Assistant City Manager concerning budget transfers to fund the emergency repair of the computer room.

Information Systems Analyst Brower reviewed the contents of the Administrative Report.

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 5-0, to approve a transfer of \$167,270 from Account 001-203-44900, Council Contingency Fund, to Account 063-241-45300, Information Technology, Improvements Other Than Buildings, for the purpose of funding the computer room repair.



B. Contract Award - U.S. Army Corps of Engineers Feasibility Study Lobbyist

Report from the Beaches, Parks and Recreation Director concerning the possibility of retaining a lobbyist to work on behalf of the City and the U.S. Army Corps of Engineers to obtain funding for the San Clemente Shoreline Feasibility Study.

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

Howard Marlowe, President of Howard Marlowe & Company, summarized his company's lobbying efforts on behalf of the City to obtain funding for the San Clemente Shoreline Feasibility Study; noted that the City is seeking \$388,000 in FY 2006 for the San Clemente Shoreline Protection Program and explained the need to compete for limited financial resources; stated that significantly more money will be needed from the federal government as the project moves into the construction phase; stressed the importance of convincing decision makers and their staff members that the beach renourishment project is important and worthy of funding.

Chuck Hauswirth, San Clemente, stated the Corps of Engineers divided the City's shoreline into 10 "Reaches" and voiced concern that the Corps is focusing on Reaches 1 through 8, while disregarding Poche Beach (Reach 10).

It was agreed that Staff will meet with Mr. Hauswirth to discuss the issue.

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

1. Approve, and authorize the Mayor to execute, Contract C04-04 by and between the City of San Clemente and Howard Marlowe & Company, to assist the City in pursuing its request for Congressional funding of a U.S. Army Corps of Engineers Feasibility Study of its shoreline, for an amount not to exceed \$40,200.
2. Authorize expenditures in the amount of \$40,200 from Account 001-641-43690.

8. **NEW BUSINESS**

A. **Participation in South Orange County Integrated Regional Water Management Group and Application for Proposition 50 Grant Funds**

Report from the Public Works/Economic Development Director concerning participation in the South Orange County Integrated Regional Water Management Group and application for Proposition 50 grant funds.

City Engineer Cameron reviewed the contents of the Administrative Report and responded to Council inquiries.

MOTION BY MAYOR PRO TEM EGGLESTON, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to receive and file the Administrative Report, dated January 18, 2005.

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

None.

10. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. City Attorney

Closed Session Report - Feldman v. City of San Clemente

City Attorney Oderman stated that during this evening's Closed Session, Council authorized the City Attorney's office to negotiate a potential settlement to the appeal of the case entitled Feldman v. City of San Clemente.

D. Council Members

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

None.

(2) Council Position on Legislative Issues.

None.

(3) Orange County Fire Authority Status Update.

Councilmember Dahl reported that a structure fire occurred in Forster Ranch today, noting that one sprinkler head successfully alerted the resident and kept the fire contained until the OCFA arrived.

(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; stated that the Wag-a-Thon will take place on March 12, 2005 at Dana Point Harbor.

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

None.

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

Councilmember Dorey stated that access to the Prima Deshecha Landfill was delayed recently due to the inability of vehicles to pass through Ortega Highway.

(7) **Councilmember Items.**

**City's 1957 Float in the Tournament of Roses Parade**

Mayor Pro Tem Eggleston displayed a photograph of the float that the City of San Clemente sponsored in the 1957 Tournament of Roses Parade.

**Handicap Parking Space in Front of Del Mar Post Office**

Mayor Pro Tem Eggleston requested that Staff evaluate the possibility of installing a handicap parking space in front of the post office on Del Mar.

**California Coastal Conservancy Allocation Toward Coastal Trail**

Councilmember Ritschel reported that Senior Planner Pechous and she met last week with the Executive Director of the California Coastal Conservancy; reported that the California Coastal Conservancy staff will recommend that the Conservancy Board allocate \$500,000 toward the construction of the coastal trail.

**Regional Public Forum Concerning Possibility of Closing Various Military Bases in California**

Mayor Pro Tem Eggleston reported that he represented the City of San Clemente at a Regional Public Forum on January 13, 2005 in Oceanside to urge that Camp Pendleton not be closed.

**Beach Clean-Up Project**

Councilmember Dorey reported on the success of last weekend's beach clean-up project that was sponsored by the Surfrider Foundation and the Watershed Task Force; reported on the functions and activities of the Watershed Task Force.

**Sand Pick-Up Locations**

Councilmember Dahl noted that sandbags are available at all fire stations, but sand is only available at City Hall; requested that sand be made available at additional sites, particularly at the north end of the City.

**Lighting at San Geronio Park**

Councilmember Dahl requested that Staff investigate why lights are turned on at San Geronio Park at 10:00 p.m. and 11:00 p.m. even when it is raining and no one is present.

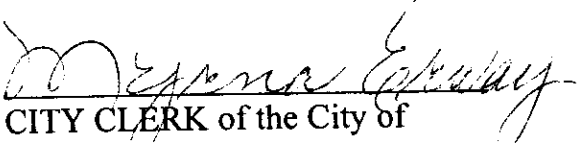
11. **RESOLUTIONS/ORDINANCES**

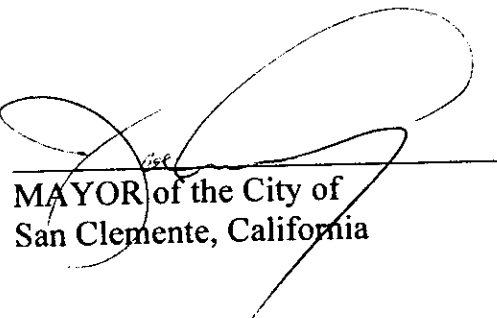
None.

12. ADJOURNMENT

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 5-0, to adjourn at 8:00 p.m.

The next Regular Meeting will be held on February 1, 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