

# CITY OF SAN CLEMENTE

## City Council Minutes

### Regular Meeting - December 6, 2005

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

**PRESENT** DAHL, EGGLESTON, RITSCHER, MAYOR ANDERSON

**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 DAHL, SECOND BY COUNCILMEMBER RITSCHER, CARRIED 4-0, to recess to Closed Session to discuss the following:

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

Property: 150 Avenida Magdalena, San Clemente

Agency Negotiator: George Scarborough, City Manager

Negotiating Parties: Dave Donaldson, BeachFire Bar & Grill

City Manager Scarborough, City Attorney Oderman, Assistant City Manager Gudgeirsson, Beaches, Parks and Recreation Director King, Golf Course Manager Nelson, and City Clerk Erway were in attendance.

### **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 Anderson led the Pledge of Allegiance. The Women's Ensemble of San Clemente High School, under the direction of Dr. Phil Theodorou, sang the National Anthem.

A. **Results of Special Municipal Election Held on November 8, 2005**

City Clerk Erway summarized the contents of the Administrative Report.

MOTION BY COUNCILMEMBER RITSCHER, SECOND BY COUNCILMEMBER DAHL, CARRIED 4-0, to adopt Resolution No. 05-89 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECITING THE FACT OF THE SPECIAL ELECTION HELD NOVEMBER 8, 2005, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW.

B. **Oath of Allegiance - Newly-Elected Councilmember**

City Clerk Erway administered the Oath of Allegiance to Councilmember-Elect Steve Knoblock.

Councilmember Knoblock assumed his place at the dais.

C. **Election of Mayor and Mayor Pro Tempore**

City Clerk Erway opened nominations for Mayor.

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to elect Wayne Eggleston to the office of Mayor.

Mayor Eggleston presented a plaque of appreciation to Councilmember Anderson for his service as Mayor, noting that he served with dedication, commitment and integrity.

Mayor Eggleston opened nominations for Mayor Pro Tem.

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER RITSCHER, CARRIED 5-0, to elect Jim Dahl to the office of Mayor Pro Tem.

Councilmember Knoblock announced that he is humbled and honored to be elected to the City Council; expressed regret that the Special Municipal Election was necessary, adding that he wished that Stephanie Dorey's health had enabled her to complete her term; expressed gratitude to his family and campaign supporters; pledged to listen, be reasonable, build consensus when possible, and to be accessible.

Councilmember Anderson reflected on his tenure as Mayor, noting that in the past year, San Clemente grew at a faster percentage rate than any other city in Orange County, with the exception of Tustin and Irvine; opined that the City has done a good job in planning for growth; stated that sales tax and property tax revenues are scheduled to increase by approximately 8% this year; identified major projects that came to fruition last year as well as projects that are nearing completion.

1. **SPECIAL PRESENTATIONS**

A. **Holiday Serenade**

The Women's Ensemble of San Clemente High School, under the direction of Dr. Phil Theodorou, provided a holiday serenade.

B. **Ole Hanson Day Proclamation**

Mayor Eggleston presented a proclamation to Mike Cotter, President of the San Clemente Historical Society, declaring December 6, 2005 as Ole Hanson Day.

2. MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM DAHL, 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)**

**Steiner Academy's Application for a Conditional Use Permit to Operate at 127 Avenida Serra**

Paola Schouten, Dana Point, stated that Steiner Academy is a non-profit and non-denominational developmental school that has been in existence for 1-1/2 years; related that the school utilizes the Steiner-Waldorf method of education; stated that the school has been communicating with the Planning Division since May 2004, but has reached an impasse with respect to its application for a Conditional Use Permit to operate at 127 Avenida Serra; stated that the Planning Division, in a letter dated November 16, 2005, asserted that the site did not meet the requirements for a traditional school; maintained that Steiner Academy is not a traditional school and pointed out that the school does not need an on-site play area.

Council requested that the City Manager meet with Ms. Schouten with respect to this issue.

**Request to Install Swimming Pool at 142 Avenida Granada**

Wendy Gallagher, owner of an Ole Hanson home at 142 Avenida Granada, commented that swimming pools were part of Ole Hanson's vision and requested that she be granted a permit to install a pool at her residence without obtaining a minor Cultural Heritage Permit; noted that the swimming pool at the Ole Hanson Beach Club does not have room to accommodate her business (i.e., Water Babies Swim School).

Council requested that the City Manager contact Ms. Gallagher to discuss her request.

5. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 5-0, to approve the Consent Calendar with the removal of Items D, H and J and the deletion of Item F.

A. **City Council Minutes**

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 5-0, to approve the City Council minutes of November 15, 2005.

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

- (1) Parks and Recreation Commission minutes of October 11, 2005.
- (2) Planning Commission minutes of November 16, 2005.
- (3) Zoning Administrator meeting minutes of November 16, 2005.

C. **Warrant Register**

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 5-0, to approve Wire Transfers Nos. 356 and 357 and Warrant Nos. 771204 through 771404 for the period 10-31-05 through 11-4-05 in the amount of \$1,270,851.78; approve Warrant Nos. 771405 through 771597 for the period 11-7-05 through 11-11-05 in the amount of \$1,522,960.47; approve Handwrite No. 771598 and Wire Transfers Nos. 358 and 359 and Warrant Nos. 771599 through 771760 for the period 11-14-05 through 11-18-05 in the amount of \$3,084,243.63; for a total Warrant Register of \$5,878,055.88.

**Payroll Register**

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 5-0, to approve Warrant Nos. 317038 through 317089 and Automatic Deposit Advises 137726 through 137928 for the period 10-24-05 through 11-6-05 in the amount of \$335,284.34; approve Warrant Nos. 317090 through 317144, Automatic Deposit Advises 137929 through 138134, for the period 11-7-05 through 11-20-05 in the amount of \$337,682.29; for a total Payroll Register of \$672,966.63.

E. **Final Map and Subdivision Improvement Agreement - Tract 16334 in Talega**

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

1. Approve the Final Map for Tract Map 16334 as it conforms to the requirements set forth in the Subdivision Map Act.
2. Authorize the Mayor to execute the Subdivision Improvement Agreement.
3. Authorize the City Engineer to execute the Final Map.
4. Authorize the City Clerk to execute and submit for recordation the Final Map with the Orange County Recorder's office.

G. **Notice of Completion - Control Room Emergency Repair and Construction**

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

1. Accept the Computer Room emergency repair and construction project from the contractor, Compel.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Computer Room. Contract C05-19

I. **Program Supplement Agreement No. M002 Revision 3 to Administer the Agency-State Agreement for Federal Aid Project No. 12-5274 Covering the Preliminary Engineering Phase for the Rail Corridor Pedestrian Beach Trail, Federal Project No. STPLER-5274(008), City Project No. 11410**

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

1. Adopt Resolution No. 05-90 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. M002 REVISION 3, TO ADMINISTER THE AGENCY-STATE AGREEMENT FOR FEDERAL AID PROJECT NO. 12-5274 FOR PRELIMINARY ENGINEERING FOR THE RAIL CORRIDOR PEDESTRIAN BEACH TRAIL, FEDERAL PROJECT NO. STPLER-5274 (008), CITY PROJECT NO. 11410.
2. Accept revenues in the estimated amount of \$200,000 in Account 012-000-33900-000-11410.

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

D. **Clubhouse Design**

Golf Course Manager Nelson reviewed the background and current status of the proposed Municipal Golf Course clubhouse project.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to approve the final design plans for the new clubhouse at the Municipal Golf Course and authorize Staff and the Burge Corporation to advance the project through the bid phase and report back after bid openings.

F. **Declaration of Obsolete Cell Phones as Surplus**

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

H. **Easement Agreement Acceptance - 403 West Avenida de los Lobos Marinos Storm Drain Rehabilitation**

Council noted that the City can presently use the existing storm drain easement in perpetuity; voiced concern that if the proposed easement is approved, and the property owner decides to build on the property, the City would be required to bear the cost to expand the sewer line (including paying for associated Coastal Commission permits).

City Engineer Cameron responded that Engineering staff has been working with the subject property owner for several years, with much of the discussion involving the property owner's concern that granting an easement could preclude his ability to maximize use of the property; confirmed that the agreement would obligate the City to relocate the storm drain if the property owner decides to build on top of the storm drain.

City Attorney Oderman explained that when the City was developed in the 1920s and 1930s, a number of streets were built along the coastal canyons, adding that storm drain facilities (that are substandard by today's standards) were constructed to transport storm water from the streets to the canyons; noted that virtually all of the storm drain facilities have deteriorated; explained that there never were any dedicated easements and explained that ownership rights and maintenance/repair responsibilities have been a matter of disagreement; stated that the proposed agreement represents a compromise, which Staff believes represents the least expensive way to deal with the current liability and substandard drainage condition.

Following discussion, MOTION BY COUNCILMEMBER RITSCHER, SECOND BY MAYOR PRO TEM DAHL, CARRIED 5-0, to:

1. Authorize the Mayor to execute, and the City Clerk to record, the Grant of Easement and Temporary Construction Easement for the 403 West Avenida de los Lobos Marinos Storm Drain Rehabilitation, Project No. 12805. Deed #415
2. Direct Staff to report back to Council relative to the magnitude of other similar situations in the City.



**J. Contract Awards - Building Plan Check Services**

In response to Council inquiry, Building Official Jorgensen explained that Staff proposes to retain four firms to provide building plan check services because the companies tend to draw employees from a common pool and an employee that works for one company today may work for one of the other companies tomorrow; stated that all companies have been meeting timelines; noted that Staff makes assignment adjustments, when necessary, as a result of user input; explained that contrary to the belief of some citizens, consultants receive a fixed fee for plan processing, as opposed to being paid hourly, and hence they do not benefit from repeated plan reviews; explained that supplemental hourly fees are applied only on very large projects that require more than three reviews.

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

1. Approve, and authorize the Mayor to execute, Contract AC-247 by and between the City of San Clemente and Charles Abbott & Associates, relating to building plan check services, in the amount of \$45,000.
2. Approve, and authorize the Mayor to execute, Contract AC-248 by and between the City of San Clemente and Harris & Associates, relating to building plan check services, in the amount of \$45,000.
3. Approve, and authorize the Mayor to execute, Contract AC-249 by and between the City of San Clemente and Esgil Corporation, relating to building plan check services, in the amount of \$25,000.
4. Approve, and authorize the Mayor to execute, Contract AC-250 by and between the City of San Clemente and Berryman & Henigar, Inc., relating to building plan check services, in the amount of \$10,000.

6. **PUBLIC HEARINGS**

A. **Tentative Parcel Map 2005-270/Tentative Parcel Map 2005-271, Reenders Condominium Conversion (101 and 103 Avenida San Fernando)**

Public Hearing to consider a request to allow two adjacent one-lot subdivisions of two existing duplexes for condominium conversion purposes at 101 and 103 Avenida San Fernando, the legal description being Lots 6 and 7 of Block 4 of Tract 900.

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

Council requested that photographs of properties be included in future Administrative Reports.

Mayor Eggleston opened the Public Hearing.

Steve Reenders, Applicant, concurred with the Administrative Report and accepted Council's proposal that the Foothill South Tollroad be added to the list of disclosures in Condition No. 18-d.

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

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

1. Adopt Resolution No. 05-91 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP (TPM) 2005-270, REENDERS CONDOMINIUM CONVERSION, A REQUEST TO ALLOW A ONE-LOT SUBDIVISION FOR CONDOMINIUM PURPOSES FOR AN EXISTING DUPLEX LOCATED AT 101 AVENIDA SAN FERNANDO, with the modification that Condition 18-d be modified to add the Foothill/South Tollroad to the list of disclosures.

*Action continued on next page*

2. Adopt Resolution No. 05-92 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP (TPM) 2005-271, REENDERS CONDOMINIUM CONVERSION, A REQUEST TO ALLOW A ONE-LOT SUBDIVISION FOR CONDOMINIUM PURPOSES FOR AN EXISTING DUPLEX LOCATED AT 103 AVENIDA SAN FERNANDO.

B. **Historic Property Preservation Agreement (HPPA) 05-197, Van Der Watt Residence - 904 Buena Vista**

Public Hearing to consider a request by the owner of an historic property at 904 Buena Vista to enter into an HPPA 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 35, Block 3 of Tract 794.

Associate Planner AhSing reviewed the contents of the Administrative Report; recommended that Condition No. 5 be amended to read as follows: "Provide landscaping at the base of the chain link fence along the north property line"; responded to Council inquiries.

Council requested that Staff investigate and report back as to whether the Mills Act allows interior improvements to be required as a condition to the HPPA. Additionally, Council requested that future Administrative Reports relating to HPPA applications include the amount of anticipated tax savings.

Mayor Eggleston opened the Public Hearing.

Marius Van Der Watt, San Clemente, stated his home was built in 1928 and conveyed that he has agreed to complete the identified improvements within one year.

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

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

1. Adopt Resolution No. 05-93 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 05-197 FOR THE PROPERTY LOCATED AT 904 BUENA VISTA, with the modification that Condition No. 5 be amended to read as follows: "Provide landscaping at the base of the chain link fence along the north property line".
2. Authorize the Mayor to execute the Historic Property Preservation Agreement once the filing fee is paid to the City.

C. **Historic Property Preservation Agreement (HPPA) 05-167, DuBois Residence - 126 East Escalones**

Public Hearing to consider a request by the owners of an historic property at 126 East Escalones to enter into an HPPA with the City to preserve their 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 4 of Tract 793.

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

Mayor Eggleston opened the Public Hearing.

Dan and Jacqueline DuBois, San Clemente, stated that their home will again be included in this year's Ole Hanson Historic Home Tour and stated that they have also been invited to participate in the Haunted San Clemente Home Tour in October; expressed appreciation to Staff for their assistance.

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

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

1. Adopt Resolution No. 05-94 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 05-167 FOR THE PROPERTY LOCATED AT 126 EAST ESCALONES.
2. Authorize the Mayor to execute the Historic Property Preservation Agreement once the filing fee is paid to the City.

D. **Historic Property Preservation Agreement (HPPA) 05-198, Dilani Residence - 420 Cazador Lane**

Public Hearing to consider a request by the owners of an historic property at 420 Cazador Lane to enter into an HPPA with the City to preserve their 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 13, Block 3 of Tract 785.

Mayor Eggleston stated that although he resides on Cazador Lane, he lives far enough from the property in question that he is able to vote on this matter.

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

Mayor Eggleston opened the Public Hearing.

Michael Hume and Dorsaye Dilani, San Clemente, stated that they are the new owners of the subject property; noted that the property requires extensive repairs, explaining that they have plans for the walls as well as plans for improving the appearance of the home; expressed gratitude to Staff for their efforts; stated that they purchased the residence because of their love for Spanish architecture and their desire to restore the home.

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

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

1. Adopt Resolution No. 05-95 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 05-198 FOR THE PROPERTY LOCATED AT 420 CAZADOR LANE.
2. Authorize the Mayor to execute the Historic Property Preservation Agreement once the filing fee is paid to the City.

E. **Historic Property Preservation Agreement (HPPA) 05-053, Gallagher Residence - 142 Avenida Granada**

Public Hearing to consider a request by the owner of an historic property at 142 Avenida Granada to enter into an HPPA 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 33, Block 6 of Tract 779.

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

Mayor Eggleston opened the Public Hearing.

Wendy Gallagher, San Clemente, stated that she would like to build a swimming pool on the property; requested an exception to the requirement to obtain a Cultural Heritage Permit since a swimming pool is not a structural improvement.

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

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

1. Adopt Resolution No. 05-96 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 05-053 FOR THE PROPERTY LOCATED AT 142 AVENIDA GRANADA.
2. Authorize the Mayor to execute the Historic Property Preservation Agreement once the filing fee is paid to the City.

F. **Historic Property Preservation Agreement (HPPA) 05-195, Faragallah Residence - 235 West El Portal**

Public Hearing to consider a request by the owner of an historic property at 235 West El Portal to enter into an HPPA 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 24, Block 4 of Tract 794.

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

Mayor Eggleston opened the Public Hearing.

Joan Warschauer, on behalf of Mrs. Faragallah, stated that her friend is looking forward to being part of the San Clemente community.

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

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

1. Adopt Resolution No. 05-97 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 05-195 FOR THE PROPERTY LOCATED AT 235 WEST EL PORTAL.
2. Authorize the Mayor to execute the Historic Property Preservation Agreement once the filing fee is paid to the City.

**MEETING RECESSED**

Council recessed at 9:00 p.m. and reconvened at 9:10 p.m., with all members present.

G. **2005 Urban Water Management Plan**

Public Hearing to consider the adoption of the 2005 Urban Water Management Plan.

Utilities Manager Howard reviewed the contents of the Administrative Report.

In response to Council inquiry, Matt Stone, of the Metropolitan Water District of Orange County, stated that the cost to desalinate sea water has been reduced with improved technology; stated that desalination remains somewhat more expensive than importing water, but the time may be near when desalination could represent an element of the Orange County water portfolio since desalinated water is not affected by drought or remote service interruptions; stated that MWDOC is in the early stages of assessing the feasibility of various project concepts.

Council requested to be provided with a magnitude of scale concept of the total amount that citizens pay for water and the cost of a desalination facility.

Mayor Eggleston opened the Public Hearing.



John Tengdin, San Clemente, stated that the Municipal Code contains year-round water conservation measures, which include a provision that restricts landscape watering to alternate days; voiced concern that the City is not including Code requirements in its education campaign; voiced concern that the table on Page 49 of the Urban Water Management Plan reflects that the Ordinance provisions apply only during emergency conditions.

Water Conservation Specialist Clatfelter reviewed water education programs that have been implemented over the past five years.

During the course of discussion, Council expressed a desire to promote prudent water usage. Suggestions raised included the possibility of using water bills to inform citizens about water conservation methods and partnering with the Capistrano Unified School District (i.e., students could produce educational videos that could be played on Channel 30).

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

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 5-0, to adopt Resolution No. 05-98 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING THE URBAN WATER MANAGEMENT PLAN PURSUANT TO AB 797, with the modification that the chart on Page 49 of the Urban Water Management Plan be brought into conformance with the water conservation measures contained within the City Code.

H. **Conditional Use Permit 04-040, Sprint PCS Wireless Telecommunication Facility Atop Traffic Signal at the Northeast Corner of Pacific Coast Highway (El Camino Real) and Camino Capistrano (35904½ El Camino Real)**

Continued Public Hearing to consider an appeal of the Planning Commission action denying Conditional Use Permit 04-040, a request to install a wireless communication facility at the northeast corner of Pacific Coast Highway (El Camino Real) and Camino Capistrano. The facility would consist of a six-foot high canister, with antennas concealed inside, located atop a replacement traffic signal, streetscape improvement, and the installation of two electronic equipment cabinets on the southeast corner of Pacific Coast Highway and Camino Capistrano.

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to continue the Public Hearing on Conditional Use Permit 04-040 to the Council meeting of January 10, 2006, to allow Staff to finalize its analysis.

Council requested a status report relative to this item.

7. **UNFINISHED BUSINESS**

None.

8. NEW BUSINESS

A. Contested Water Utility Bill - Forster Ranch Master Association (FRMA)

Report from the Public Works/Economic Development Director concerning a water utility bill being contested by the Forster Ranch Master Association. The contested bill covers the billing cycle of July 23, 2004 to August 23, 2004.

Utilities Manager Howard reviewed the contents of the Administrative Report and responded to inquiries.

Wayne Schramm, President of the Forster Ranch Master Association, stated the Association received a water bill for over \$13,000 while their average bill is under \$400 per month; stated that Spectrum Landscaping inspected the valve system but did not find any malfunctions; expressed confidence that the problem was caused by the meter; pointed out that the Association's water bill returned to a normal level the following month without any repair or change; responded to Council inquiries.

Jim Hinton, Forster Ranch Master Association Board Member and Landscape Committee Chairperson, provided an overview of the Association's water system; reported that the homeowner that resides at the bottom of the V-ditch reported that water did not run down the ditch, despite the City's readings that three million gallons of water passed through the pipe.

Christopher Coyle added that the homeowner at the bottom of the V-ditch experiences flooding conditions even when it rains.

John Tengdin, San Clemente, noted that the Utilities Manager indicated that he could not explain the high water reading other than that the water passed through the meter; voiced concern that if the Forster Ranch Master Association is not required to pay, that the cost will be passed onto other rate payers; suggested that the City lower the Association's bill to its normal amount plus the actual cost that the City paid for the additional water.

Ron Sukut, San Clemente, stated that he lives across the street from the meter; commented that he had a water leak last August that involved several thousand gallons of water; pointed out that his water leak could be heard and that it flooded his neighbor's yard; opined that residents in the cul-de-sac would have noticed if a significant water leak had occurred.

John Marron, Vice President of the Forster Ranch Master Association, stated that it would take 27.39 days for water to pass through a 2-inch pipe at the rate of 80 gallons per minute.

Mike Shirll, Bemus Landscape (current landscaper), stated that Forster Ranch utilizes a deluge irrigation system; stated that he has made repairs to the system since his company assumed landscape responsibility in March.

Following discussion, MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to direct Staff to analyze strategies that would reduce the Forster Ranch Master Association's water bill for the billing cycle of July 23, 2004 to August 23, 2004, with the stipulation that the amount of the reduction be applied toward the FRMA's purchase of a weather-based irrigation system.

Council stressed that it does not want the cost of the water to be passed onto other rate payers.

The City Attorney noted that the proposed arrangement with the FRMA will require a written agreement that will be submitted to Council at a future meeting for approval.

**MEETING CONTINUED PAST 11:00 P.M.**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER RITSCHER, CARRIED 5-0, to extend the Council meeting past 11:00 p.m.

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

None.

10. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. **City Attorney**

**CLOSED SESSION REPORT - Lease of Restaurant Facility at the Golf Course Clubhouse**

City Attorney Oderman reported that the following action was taken during this evening's Closed Session:

MOTION BY MAYOR PRO TEM EGGLESTON, SECOND BY COUNCILMEMBER DAHL, CARRIED 4-0, to authorize Staff to execute a non-binding letter of intent with Dave Donaldson for the lease of the restaurant facility at the golf course clubhouse. Council directed Staff to return to Council with a formal lease document for consideration.

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 noted that individuals can participate in the Spirit of Love toy drive by dropping off unwrapped gifts at any fire station.

Mayor Pro Tem Dahl reported that a fire occurred earlier today at Camp Pendleton; noted that the fire entailed approximately 25 acres on the east side of the base.

(4) **San Clemente-Dana Point Animal Services Authority.**

Mayor Pro Tem Dahl reported on animals available for adoption at the San Clemente-Dana Point Animal Shelter; expressed appreciation to the shelter staff, volunteers and veterinarians; encouraged individuals to license and chip their dogs.

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

Mayor Pro Tem Dahl advised that the Foothill/Eastern TCA released a subsequent Environmental Impact Report (SEIR) for the Foothill/South Tollroad; related that several federal resource agencies have made a preliminary determination that the green alignment is the least environmentally damaging alternative; stated that the Foothill/Eastern Board will consider certifying the SEIR, and the locally preferred alternative, at its meeting on January 12, 2006 at 9:30 a.m. at the Mission Viejo City Hall.

(6) **Appointment of Representatives to Various Regional Commissions, Boards and Committees.**

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR EGGLESTON, CARRIED 5-0, to continue this item to the Council meeting of December 20, 2005 at 6:30 p.m.

(7) Councilmember Items.

Councilmember Dahl urged all citizens to be fire safe.

11. RESOLUTIONS/ORDINANCES

None.

MEETING RECESSED

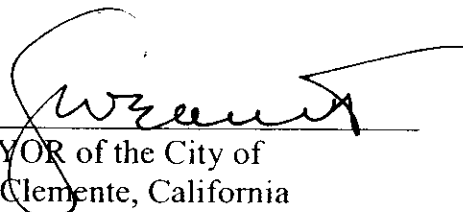
MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to recess at 11:20 p.m. to a meeting of the Redevelopment Agency.

MEETING RECONVENED

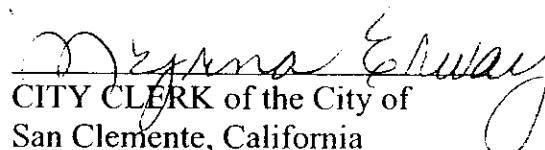
Council reconvened at 11:23 p.m., with all members present.

12. ADJOURNMENT

Council adjourned at 11:25 p.m., in memory of Major Ray Mendoza, to an Adjourned Regular Meeting to be held on December 20, 2005 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be discussed at 6:00 p.m. **Interviews and selection of City representatives to serve on the Orange County Vector Control Board and Downtown Business Association Board of Directors will take place at 6:30 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