

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting - November 15, 2005

A Regular Meeting of the San Clemente City Council was called to order on November 15, 2005 at 6:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

MEETING RECESSED – LACK OF CLOSED SESSION

The agendized Closed Session, relating to the City Manager's performance evaluation, was not conducted. City Clerk Erway recessed the meeting to 7:00 p.m.

MEETING CONVENED

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

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.

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INVOCATION

Pastor Walter Reguerin, Hispanic Ministries for Pacific Coast Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Eggleston led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Commendation - San Clemente Exchange Club**

Mayor Anderson presented a Commendation to Gene Osbourne, President, and Eric Berger, Vice President, of the San Clemente Exchange Club, in appreciation of the Club's four decades of outstanding service to the community.

B. **Certificate of Recognition - San Clemente Exchange Club**

Mayor Anderson presented a Certificate of Recognition to Gene Osbourne, President, and Eric Berger, Vice President, of the San Clemente Exchange Club, in appreciation of the Club's contribution and dedication to the Orange County Sheriff's Department in connection with the 2005 Red Ribbon celebration.

C. **Proclamation - Family Week**

Mayor Anderson presented a Proclamation to Laura Rubalcava, San Clemente Family Week Committee, declaring November 20-26, 2005 as "Family Week".

Ms. Rubalcava presented the City with a book of Norman Rockwell paintings that reflect American family life at its best.

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

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

Request for Deletion of Ortega Highway as an Option in the Orange County Transportation Authority, Riverside-Orange County Investment Study

Councilmember Ritschel proposed that Council add an item to this evening's agenda to consider requesting that Ortega Highway be deleted from further consideration as an option in the Orange County Transportation Authority, Riverside-Orange County Investment Study; explained that it has come to the City's attention that the Major Investment Study Committee will likely make a decision on November 18, 2005 concerning routes to be studied further and the City has not yet taken formal action on this matter.

MOTION BY COUNCILMEMBER RITSCHER, SECOND BY COUNCILMEMBER DAHL, CARRIED 4-0, to add the following item to the agenda as Item 8-A 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:

Consideration of requesting that Ortega Highway be deleted from further consideration as an option in the Orange County Transportation Authority, Riverside-Orange County Investment Study.

This item is continued on Page 12 of these minutes.

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

Size and Height Concerns - Residential Construction at 2819 La Ventana

Daniel Clark, San Clemente, stated that his neighbors and he are deeply concerned with the size and height of the home at 2819 La Ventana that is undergoing reconstruction; asserted that the home will change the character of the neighborhood; questioned why the subject home varies to such a significant degree from the five surrounding homes that were reconstructed as a result of the 1993 landslide; requested that Council direct Staff to review the basis for approval and apply the same rules that were applied to the adjacent properties; distributed a letter, dated November 4, 2005, which is on file with the City Clerk.

Council requested that Staff review the plans and specifications for the structure at 2819 La Ventana to ensure that the project complies with the City's building codes.

5. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER RITSCHER, CARRIED 4-0, to approve the Consent Calendar with the removal of Items F and G.

A. **City Council Minutes**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER RITSCHER, CARRIED 4-0, to approve the City Council minutes of November 1, 2005.

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

- (1) Human Affairs Committee minutes of August 10, 2005.
- (2) Golf Course Committee minutes of October 6, 2005.
- (3) Planning Commission minutes of November 2, 2005.

C. **Warrant Register**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER RITSCHER, CARRIED 4-0, to approve Wire Transfers 353 and 354 and Warrant Nos. 770849 through 771056 for the period 10-17-05 through 10-21-05 in the amount of \$1,228,799.10; approve Wire Transfer No. 355 and Warrant Nos. 771057 through 771203 for the period 10-24-05 through 10-28-05 in the amount of \$433,820.02; for a total Warrant Register of \$1,662,619.12.

Payroll Register

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER RITSCHER, CARRIED 4-0, to approve Warrant Nos. 316973 through 317037, Automatic Deposit Advises 137522 through 137725, for the period 10-10-05 through 10-23-05 in the amount of \$339,583.84; for a total Payroll Register of \$339,583.84.

D. **National Incident Management System**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER RITSCHER, CARRIED 4-0, to adopt Resolution No. 05-85 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING THE NATIONAL INCIDENT MANAGEMENT SYSTEM AS THE STANDARD FOR EMERGENCY INCIDENT MANAGEMENT.

E. **Contract Award - Emergency Planning Officer Services**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER RITSCHER, CARRIED 4-0, to approve, and authorize the Mayor to execute, Contract C02-45 by and between the City of San Clemente and James E. Russell, dba Russell & Russell Consulting, LLC, providing for City Emergency Planning Officer services for the period January 1, 2006 to June 30, 2006, for an amount not to exceed \$40,000.

H. Contract Award - Street Improvement Project Nos. 16339, 16340, 16341, 16342 and Major Street Maintenance

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

1. Approve the plans and specifications for contract award for Major Street Maintenance, Project No. 43477, and the following Street Improvement Projects:
 - Avenida San Carlos from El Levante to Avenida Presidio (Project No. 16339)
 - Calle Cortez from San Carlos to Avenida Presidio (Project No. 16340)
 - Calle Sonora from Avenida Presidio to End (Project No. 16341)
 - Calle De Soto from Avenida Presidio to Avenida Salvador (Project No. 16342)
2. Approve, and authorize the Mayor to execute, Contract C05-66 by and between the City of San Clemente and All American Asphalt, providing for the construction of Street Improvement Project Nos. 16339, 16340, 16341, 16342, Major Street Maintenance, in the amount of \$618,481.
3. Approve a supplemental appropriation of \$80,000 to Account 042-848-45300-000-16339, Improvements Other Than Buildings, in the Street Improvement Fund for the Avenida San Carlos Street Improvement.
4. Approve a supplemental appropriation of \$32,000 to Account 042-848-45300-000-16341, Improvements Other Than Buildings, in the Street Improvement Fund for the Calle Sonora Street Improvement.

I. Notice of Completion - Calle Del Cerro Street Improvement

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

1. Accept the Calle Del Cerro Street Improvement, Project No. 15311.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for Calle Del Cerro Street Improvement, Project No. 15311. (Contract C05-25)

J. Notices of Completion - Las Bolas Storm Drain Improvements (Project No. 13802) and Hacienda/Calle Colina Water System Replacement (Project No. 24400)

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

1. Accept the Las Bolas Storm Drain Improvements, Project No. 13802, and Hacienda/Calle Colina Water System Replacement, Project No. 24400.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notices of Completion for the Las Bolas Storm Drain Improvements and the Hacienda/Calle Colina Water System Replacement. (Contract C05-16)

K. City Investment Policy 202-1

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER RITSCHER, CARRIED 4-0, to adopt revised Investment Policy No. 202-1, effective November 15, 2005.

L. **New Class and Compensation Rate and Addition of One Position - San Clemente-Dana Point Animal Services Authority**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER RITSCHER, CARRIED 4-0, to adopt Resolution No. 05-86 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING RESOLUTION NO. 97-09, ADOPTING A REVISED SALARY SCHEDULE TO ADOPT THE CLASSIFICATION OF ANIMAL HEALTH TECHNICIAN, APPROVING THE CLASS SPECIFICATION FOR THE NEW CLASS AND APPROVING THE ADDITION OF ONE LIMITED TERM, PART-TIME POSITION.

M. **City Representative - Downtown Business Association (DBA) Board of Directors**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER RITSCHER, CARRIED 4-0, to authorize the City Clerk to advertise the vacancy, and conduct interviews, if necessary, on December 20, 2005, prior to the regular 7:00 p.m. Council meeting.

N. **City Representative - Orange County Vector Control District**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER RITSCHER, CARRIED 4-0, to authorize the City Clerk to advertise the vacancy, and conduct interviews, if necessary, on December 20, 2005, prior to the regular 7:00 p.m. Council meeting.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

F. **Contract Award - Beaches and Parks Playground Equipment Repair**

City Clerk Erway announced that the name of the recommended contractor has changed from James Clark, Inc. to Jamey Clark, Inc.

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER RITSCHER, CARRIED 4-0, to approve, and authorize the Mayor to execute, Contract C00-83 by and between the City of San Clemente and Jamey Clark, Inc., providing for repair of playground equipment for a period of five years, at a cost not to exceed \$40,000 per year.

G. **Sale of Surplus City-Owned Property at 250 West Avenida Palizada**

In response to Council inquiry, Public Works/Economic Development Director Lund explained that the \$19,000 value of the property is reflective of land restrictions and the irregular shape of the parcel; advised that conditions on the grant deed prevent development from occurring on the property, with the exception of a fence, placement of irrigation systems and landscaping; stressed that the property will be used as a passive, landscaped area; pointed out that if the City needs to service the drainage facility, it will tear out any improvements on the property, and the owner will need to replace those improvements at his own expense.

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

1. Declare Parcel No. 692-051-06 surplus to City needs.
2. Authorize the Mayor to execute a Grant Deed and Easement Agreement conveying the property located at 250 West Avenida Palizada to Pacific Diversified Investments for the amount of \$19,000. Deed #414
3. Direct that the sale proceeds of \$19,000 be placed in Account 001-000-39120, Sale of Other Assets.

6. PUBLIC HEARINGS

A. 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 COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 4-0, to continue the Public Hearing on CUP 04-040 to the Council meeting of December 6, 2005, to allow Staff to finalize its analysis.

B. Amendment to Site Plan Permit 02-091, John Laing Homes Replacement Architecture, Camino Viento Fuerte/Avenida Talega

Public Hearing to consider a request by John Laing Homes to replace previously approved architecture within portions of Talega Village 4, located north of Avenida Talega, the legal description being Lots 1 to 42 of Tract 16570.

Planning Consultant Nagel reviewed the contents of the Administrative Report and responded to Council inquiries.

Council requested that future administrative reports for replacement architecture include a color representation of both the previously-approved architecture as well as the newly-proposed architecture.

Council requested to be advised as to the number of lots that remain to be developed in Talega.

Mayor Anderson opened the Public Hearing.

Craig Smith, on behalf of John Laing Homes, noted that the project has been reviewed by the Planning Commission and Design Review Sub-Committee; offered to answer questions.

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

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

1. Find that the previous environmental documentation prepared for the Talega Specific Plan Amendment sufficiently addresses each of the proposed projects.
2. Adopt Resolution No. 05-87 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AMENDMENT TO SITE PLAN PERMIT 02-091 JOHN LAING HOMES VILLAGE 4-D REPLACEMENT ARCHITECTURE.

7. UNFINISHED BUSINESS

None.

8. **NEW BUSINESS**

- A. **Consideration of requesting that Ortega Highway be deleted from further consideration as an option in the Orange County Transportation Authority, Riverside-Orange County Investment Study**

This item was added to the agenda earlier in the meeting. Please refer to Page 3 of these minutes for that action.

Council discussed the fact that the Ortega Highway expansion option is estimated to cost between \$3.4 billion and \$4.6 billion, but will only benefit 23,000 vehicles daily. During the course of discussion, Council noted that most employment centers are located in central Orange County and opined, therefore, that it does not make sense to expend significant resources to expand a road that will lead travelers to south Orange County.

MOTION BY COUNCILMEMBER RITSCHER, SECOND BY COUNCILMEMBER DAHL, CARRIED 4-0, to adopt Resolution No. 05-88 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING DELETION OF ORTEGA HIGHWAY FROM FURTHER CONSIDERATION AS AN OPTION IN THE ORANGE COUNTY TRANSPORTATION AUTHORITY, RIVERSIDE-ORANGE COUNTY, MAJOR INVESTMENT STUDY.

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.**

None.

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

None.

(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; expressed appreciation to the veterinarians for the considerable hours that they donate to the shelter; reported on the success of this year's "A Tail of Two Cities" fundraiser.

(5) Transportation Corridor Agencies Status Report.

Councilmember Dahl reported that it appears that the draft EIR for the Foothill/South Transportation Corridor will be considered for certification in mid-January 2006; stated that it may be a few more months before an alignment is selected.

(6) Councilmember Items.

Metrolink Expansion

Councilmember Ritschel reported that the OCTA Board adopted a Metrolink expansion program for Orange County, noting that this will be significant in terms of increasing commuter rail capabilities in Orange County, Los Angeles and the inland empire; stated that she has asked OCTA staff to analyze what it would take to bring a couple additional cars to San Clemente to supplement current service.

Commendation to Wayne Eggleston for his Marine Monument Efforts

Council noted that the marine monument was dedicated on November 12, 2005 and commended Mayor Pro Tem Eggleston for his great work in connection with the creation of the marine monument as well as the successful dedication event.

11. RESOLUTIONS/ORDINANCES

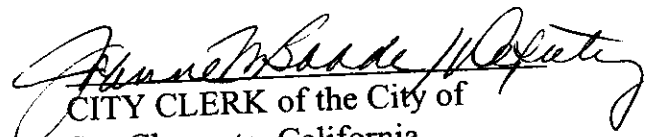
A. Ordinance No. 1307 (Second Reading) - Establishment of Setback Standards for Ancillary Improvements to Coastal Canyon and Bluff Properties

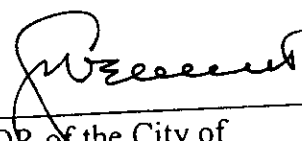
MOTION BY COUNCILMEMBER RITSCHER, SECOND BY COUNCILMEMBER DAHL, CARRIED 4-0, to adopt Ordinance No. 1307 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING ZONING AMENDMENT 05-119 TO ESTABLISH SETBACK STANDARDS FOR ANCILLARY IMPROVEMENTS TO COASTAL CANYON AND BLUFF PROPERTIES.

12. ADJOURNMENT

MOTION BY MAYOR ANDERSON, SECOND BY COUNCILMEMBER RITSCHER, CARRIED 4-0, to adjourn at 7:50 p.m. to an Adjourned Regular Meeting to be held on November 29, 2005 at 4:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, for the purpose of conducting a Closed Session concerning the City Manager's performance evaluation.

The next Regular Meeting will be held on December 6, 2005 in the Council Chambers. 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