

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting - November 1, 2005

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

PRESENT

DAHL*, EGGLESTON, RITSCHER, 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 RITSCHER, CARRIED 3-0, to recess to Closed Session at 6:00 p.m. to discuss the following:

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; Tina Lowe; Adele Lux, Adele's Café, Inc.

Under Negotiation: Both price and terms of payment.

City Manager Scarborough, City Attorney Oderman, Assistant City Manager Gudgeirsson, Director of Beaches, Parks and Recreation 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.

CLOSED SESSION REPORT

Mayor Anderson announced that there is no reportable action as a result of this evening's Closed Session.

1. SPECIAL PRESENTATIONS

A. Proclamation - Hunger Walk Sunday

Mayor Anderson presented a proclamation to Marie Toland, Executive Director of Family Assistance Ministries, proclaiming November 13, 2005 as Hunger Walk Sunday.

B. Presentation - Orange County Grand Jury Service

Orange County Superior Court Judge Louis A. Rodriguez reported on the Orange County Grand Jury and urged individuals to consider applying for juror service; explained the process by which jurors are selected, summarized the Grand Jury's duties and requirements, and emphasized that Grand Jury service is a full-time position which involves a one-year commitment; stated that the last day to apply is January 13, 2006.

C. **Presentation - Orange County Human Relations Council**

Frank Marmolejo, Director of the Orange County Human Relations Council, summarized the Human Relations Council's annual report, focusing on its involvements in San Clemente over the past year; underscored the importance of investing in human relations infrastructure; presented a Certificate of Recognition to the City in appreciation of its efforts to create a safe and inclusive community in collaboration with Orange County Human Relations.

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

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

Maintenance of the Marine Monument Site

Mayor Pro Tem Eggleston noted that Council previously voted that The Heritage of San Clemente Foundation would maintain the Marine Monument site for a period of three years; proposed that the Foundation, together with other interested parties, including the San Clemente Garden Club, maintain the site in perpetuity; explained that an endowment is being established for maintenance purposes; stated that this issue arose subsequent to the posting of the agenda, and requires action this evening because the Marine Monument will be dedicated on November 12, 2005 and the Foundation would like to announce the maintenance arrangement at the dedication ceremony.

MOTION BY MAYOR PRO TEM EGGLESTON, SECOND BY COUNCILMEMBER DAHL, CARRIED 4-0, to agendize the issue of maintaining the Marine Monument site because there is a need for immediate action and the need for action came to the City's attention subsequent to the agenda being posted.

MOTION BY MAYOR PRO TEM EGGLESTON, SECOND BY COUNCILMEMBER DAHL, CARRIED 4-0, to accept the offer of The Heritage of San Clemente Foundation to maintain the landscaping of the Marine Monument site in perpetuity.

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

Measure D (Reallocation of Proposition 172 Sales Tax Revenues)

Robert Alvarado, San Clemente, urged citizens to support Measure D, which proposes to shift a portion of the County's Proposition 172 sales tax revenues from the County Sheriff-Coroner and District Attorney to the Orange County Fire Authority.

5. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 4-0, to approve the Consent Calendar with the removal of Items G, I and J.

A. **City Council Minutes**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 4-0, to approve the City Council minutes of October 4, 2005 and October 18, 2005.

B. MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 4-0, to receive and file:

- (1) Parks and Recreation Commission minutes of September 13, 2005, September 26, 2005 and October 3, 2005.
- (2) Golf Course Committee minutes of August 4, 2005 and September 1, 2005.
- (3) Coastal Advisory Committee minutes of June 9, 2005, July 14, 2005 and September 8, 2005.
- (4) Zoning Administrator meeting minutes of October 19, 2005.
- (5) Planning Commission minutes of October 19, 2005.

C. **Warrant Register**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 4-0, to approve Wire Transfers Nos. 351 and 352 and Warrant Nos. 770480 through 770673 for the period 10-3-05 through 10-7-05 in the amount of \$953,127.04; approve Warrant Nos. 770674 through 770848 for the period 10-10-05 through 10-14-05 in the amount of \$2,466,814.15; for a total Warrant Register of \$3,419,941.19.

Payroll Register

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 4-0, to approve Warrant Nos. 316906 through 316972, Automatic Deposit Advises 137319 through 137521, for the period 9-26-05 through 10-9-05 in the amount of \$338,023.03; for a total Payroll Register of \$338,023.03.

D. **Records Destruction**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 4-0, to adopt Resolution No. 05-83 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. **Communications Site Lease Renewal - SkyTel (Revenue No. 36224)**

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

1. Approve, and authorize the Mayor to execute, a Communications Site Lease, by and between the City of San Clemente and SkyTel Corp. to enter into another Lease Agreement for two years at a monthly rental rate of \$1,000. (Contract C96-19)
2. Authorize the City Manager to approve future amendments.

F. **Contract Award - Office and Field Engineering Services for Seaview Estates Repair**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 4-0, to approve, and authorize the Mayor to execute, Contract C05-63 by and between the City of San Clemente and G&F Consulting Engineers, Inc., relating to office and field engineering services for Seaview Estates Repair, for an amount not to exceed \$52,939, **subject to approval by the City Attorney, City Engineer and the City's insurance carrier.**

H. **Contract Award - Design Services for Richard T. Steed Memorial Park Renovation**

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

1. Approve, and authorize the Mayor to execute, Contract C05-65 by and between the City of San Clemente and Hirsch & Associates, relating to design services to be performed in connection with the Steed Park Field Renovation, Project No. 11401, in the amount of \$95,200.
2. Authorize Staff to proceed with the design for the Steed Park Renovation Project.

K. **Equipment Purchase - Fire Station 59 Furniture, Fixtures and Equipment**

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

1. Approve a supplemental appropriation of \$45,000 to Account 030-818-45300-000-13002 for furniture, fixtures and equipment for Fire Station 59.
2. Approve a budget adjustment of \$15,000 to Account 030-000-36850 from the Orange County Fire Authority.

L. **Reappropriation of Prior Year Encumbrances**

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

1. Approve the reappropriation of the encumbrances outstanding at June 30, 2005 in the total amount of \$15,971,535.10, and the commitments not formally encumbered in the total amount of \$15,525,974.90, both as indicated in the Administrative Report.
2. Approve the reappropriation of grant revenues of \$3,183,090.00.
3. Approve the reappropriation of the transfers in/out between funds of \$1,559,600.26.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

G. **Contract Award - Design of Well No. 8**

Following a description of the project by City Engineer Cameron, MOTION BY MAYOR ANDERSON, SECOND BY COUNCILMEMBER DAHL, CARRIED 4-0, to approve, and authorize the Mayor to execute, Contract C05-64 by and between the City of San Clemente and Daniel Boyle Consulting Engineers, relating to the design of Well No. 8, Project No. 16522, in the amount of \$129,791.

I. **Recreation Facility Rental Procedures and Fees**

Recreation Manager Mead explained that Staff is modifying its recommendation to include a 50% non-profit discount for prime-time package rates at the Community Center and Ole Hanson Beach Club; responded to Council inquiries.

George Key, San Clemente, voiced concern that veterans organizations cannot afford the current Community Center rental fees; conveyed support for the cost reductions proposed by Staff and suggested that the City increase rental fees gradually according to the cost of living, instead of imposing periodic 125% increases.

MOTION BY COUNCILMEMBER RITSCHER, SECOND BY COUNCILMEMBER DAHL, CARRIED 4-0, to approve the following interim solutions to provide relief to non-profit organizations who provide a valued service to the community. This will also provide Staff with time to develop formal resolutions and policy changes for review and consideration by Council at a future meeting:

1. Authorize the City Manager and/or the Beaches, Parks and Recreation Director to refund deposits for those groups that are unable to reach a rental agreement with the City and for other circumstances that are not in the control of the applicant.
2. Authorize that the 50% non-profit discount be available for the prime-time package rates.
3. Change the resident discount for both private and non-profit rentals from the existing 10% to 25%. This discount is available for all rates, including the prime-time package rates.
4. Authorize the Beaches, Parks and Recreation Director to reduce a fee by 25%, and authorize the City Manager to waive an additional 25%, when the fee waiver is in the best interest of the City and the organization. This discount is not cumulative; it is to be applied to the already appropriately discounted rate. A complete fee waiver would remain under the authority of the Council.
5. Grant organizations, with existing established events that are eligible for fee waivers under the partnership or special event process, a temporary waiver for their 2006 event with the understanding the complete partnership and special event process will be completed for future years.

J. Downtown Business Association (DBA) "Puttin on the Glitz" Partnership Event

C. J. Jacinto, on behalf of the Downtown Business Association, urged that the City partner with the DBA for the "Puttin on the Glitz" event in 2005 as well as future years; responded to Council inquiries.

MOTION BY COUNCILMEMBER RITSCHER, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 4-0, to approve the Downtown Business Association's "Puttin on the Glitz" as a Partnership Event, which includes fee waivers for 2005 and in perpetuity, subject to annual reviews consistent with other partnership events.

6. PUBLIC HEARINGS

A. Coastal Canyon and Bluff Setback Standards for Ancillary Improvements - General Plan Amendment/Local Coastal Program Land Use Plan Amendment (GPA/LCPA) 05-118/Zoning Amendment 05-119

Public Hearing to consider an amendment of the City's Coastal Element of the General Plan and an amendment of the City's Zoning Ordinance to establish Coastal Canyon and Bluff setback provisions for ancillary improvements such as decks, patios, patio covers, freestanding walls, fences, and gates, fountains, flag poles, stairways, and similar ancillary improvements as determined appropriate by the City Planner.

Senior Planner Longenecker reviewed the contents of the Administrative Report and responded to Council inquiries.

Council requested that Staff ensure that the definitions of "bluff edge setback" and "canyon edge setback" within the Zoning Ordinance are clearly defined and readily understandable.

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 DAHL, CARRIED 4-0, to:

1. Adopt Resolution No. 05-84 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT (GPA)/LOCAL COASTAL PROGRAM LAND USE PLAN AMENDMENT (LCPA) 05-118, TO ESTABLISH SETBACK STANDARDS FOR ANCILLARY IMPROVEMENTS TO COASTAL CANYON AND BLUFF PROPERTIES.
2. Introduce 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.

7. **UNFINISHED BUSINESS**

None.

8. **NEW BUSINESS**

None.

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

None.

10. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

(1) **Presentation of the City's 1st and 4th Quarter Financial Reports.**

Finance Manager Rendina narrated a powerpoint presentation entitled "FY 2004-05 4th Quarter Report and FY 2005-06 1st Quarter Report" and responded to Council inquiries. A hard copy of the presentation, dated November 1, 2005, is on file with the City Clerk.

Council requested to be provided with a memorandum that recaps the past two years in terms of the amount of gross revenues that drive sales tax.

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.**

Councilmember Ritschel reminded citizens to check the batteries in their smoke alarms whenever the time changes.

(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 reviewed the Shelter's hours of operation; expressed gratitude to the shelter's volunteers, staff and veterinarians; noted that the Tail of Two Cities will be held on November 5, 2005 at the Laguna Niguel Country Club.

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

Councilmember Dahl reported that the California State Park and Recreation Commission will conduct a hearing on November 3, 2005 at 7:00 p.m. in the Community Center relative to the proposal to extend the Foothill/South toll road into South Orange County.

(6) **Councilmember Items.**

Orange County-Riverside Major Investment Study Report

Councilmember Ritschel reported on the Orange County-Riverside Major Investment Study, noting that she sits on the Major Investment Study Committee in her capacity as an OCTA Board Member; reviewed potential scenarios being considered to improve transportation between the two counties, noting that no decisions have been made; related that she is working to have the Ortega Highway improvement option removed from the table; noted that Mayor Anderson wrote a letter expressing his objection to improvements to Ortega Highway, which was read into the record at the October 28, 2005 Committee meeting.

Marine Monument Dedication

Mayor Pro Tem Eggleston reported that the Marine Monument dedication will take place on November 12, 2005 at noon at Parque Semper Fi; summarized the day's activities and estimated that several thousand people will attend; advised that shuttle service is available from the Community Center to the Pier Bowl.

11. **RESOLUTIONS/ORDINANCES**

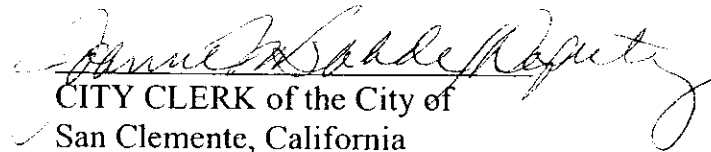
A. **Ordinance No. 1306 (Second Reading) - Building Regulations Regarding Public Safety Radio System Coverage**

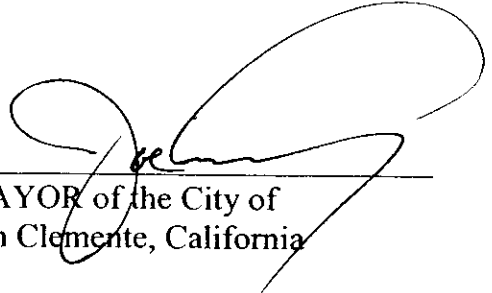
MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER RITSCHER, CARRIED 4-0, to adopt Ordinance No. 1306 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING THE SAN CLEMENTE MUNICIPAL CODE BY ADDING A NEW CHAPTER 8.80, ENTITLED BUILDING REGULATIONS, REGARDING PUBLIC SAFETY RADIO SYSTEM COVERAGE.

ADJOURNMENT

Council adjourned at 8:25 p.m. in memory of Madge Johnson, San Clemente's Matriarch.

The next Regular Meeting will be held on November 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