

**MINUTES
NOVEMBER 4, 2008
SAN JUAN CAPISTRANO CITY COUNCIL
REGULAR MEETING**

CLOSED SESSION: None

RECESS UNTIL 6:30 P.M.

BUSINESS SESSION

Mayor Soto called the Regular Meeting of the City Council of the City of San Juan Capistrano to order at 6:32 p.m. in the City Council Chamber. Council Member Hribar led the Pledge of Allegiance; and Council Member Allevato gave the invocation.

ROLL CALL

COUNCIL MEMBERS PRESENT: Sam Allevato, Tom Hribar, Dr. Londres Uso, Mayor pro tem Mark Nielsen and Mayor Joe Soto

COUNCIL MEMBERS ABSENT: None

Agenda items are presented in the originally agendized format for the benefit of the minutes' reader, but were not necessarily heard in that order.

CITY COUNCIL COMMENTS AND ORAL REPORTS

Council Member Allevato reported attending the 40th anniversary celebration for Marco Forster School.

Council Member Hribar announced campaign efforts for Yes on Measure Y; and a recent contract award to test feasibility of a desalinization plant.

OPEN SPACE COMMITTEE REPORT

Mayor pro tem Nielsen reported Open Space Committee presentation and discussion of pursuing potential grants; announced a change in meeting start time to 6:30 p.m. and meetings will continue to be held the first Monday monthly.

ANNOUNCEMENTS OF COMMUNITYWIDE INTEREST

Karen Crocker, Community Services Director, announced the following upcoming communitywide events:

- Chamber of Commerce Business Breakfast Series
- The Second Saturday Art Fair

- The Multicultural Art Series
- Chamber of Commerce Evening Networking Mixer
- City sponsored E-Waste Collection Event and Holiday Light Exchange
- Veterans Day Ceremony

INTRODUCTIONS AND PRESENTATIONS

1. COMMUNITY RESPONSE TEAM (CERT) 2008 GRADUATES PRESENTED WITH CERTIFICATES OF APPRECIATION (610.40)

Michael Cantor, Senior Management Analyst, recognized the San Juan Capistrano Reserve Firefighters and the 2008 graduates of the Community Response Team program; and Mayor Soto presented the graduates with certificates of appreciation.

2. NOVEMBER 2008 PROCLAIMED NATIVE AMERICAN HERITAGE MONTH BY MAYOR SOTO (610.40)

Mayor Soto proclaimed November 2008 as Native American Heritage Month.

3. COMMISSIONERS PRESENT AT THE MEETING (110.10)

Mayor pro tem Nielsen introduced the following individuals in attendance: Ron Denman and Ilse Byrnes, Parks, Recreation and Equestrian Commission; Robert Cardoza, Planning Commission; Les Blair, Council Liaison to the San Juan Seniors; and Rick Robinson, Division Chief of Orange County Fire Authority.

ORAL COMMUNICATIONS

Joan Irvine Smith, 28650 Ortega Highway, inquired into the status of the Toll Road extension and the Ortega Highway widening, and announced the Rancho Mission Viejo Riding Park received a three year extension for their operations. Nasser Abbaszadeh, Public Works Director, reported that a hearing had been scheduled for January 14, 2008 regarding the Ortega Highway widening. Council Member Uso inquired into the potential for annexing the riding park and a public/private partnership.

Scott Smith, representing *Americare Ambulance*, introduced their service and business operations.

Dusty Otero, city resident, suggested installation of park benches in the downtown and discussed requirements for leaders of Native American tribes.

CONSENT CALENDAR

Council Action: Moved by Council Member Allevato, seconded by Council Member Hribar, and carried unanimously, 5-0, to approve items 1 through 7 as recommended by staff.

1. MOTION TO READ ORDINANCES BY TITLE ONLY APPROVED.
2. MINUTES APPROVED: CITY COUNCIL SPECIAL MEETING OF OCTOBER 16, 2008
3. MINUTES APPROVED: CITY COUNCIL REGULAR MEETING OF OCTOBER 21, 2008
4. NEW DEVELOPMENT APPLICATIONS STATUS REPORT – MONTH ENDING OCTOBER 15, 2008, RECEIVED AND FILED (440.10)
5. JOHN GRANT CLAIM: DENIED BASED UPON THE INVESTIGATION AND RECOMMENDATION OF THE CITY'S INSURANCE ADJUSTER, CARL WARREN & COMPANY (170.70)
6. SPAULDING PROPERTIES CLAIM: DENIED BASED UPON THE INVESTIGATION AND RECOMMENDATION OF THE CITY'S INSURANCE ADJUSTER, CARL WARREN & COMPANY (170.70)
7. ACCOUNTS PAYABLE WARRANTS DATED OCTOBER 23, 2008, IN THE TOTAL AMOUNT OF \$2,152,501.06; AND PAYROLL WARRANTS DATED OCTOBER 17, 2008, IN THE TOTAL AMOUNT OF \$333,346.13, RECEIVED AND FILED (300.30)
8. CONSIDERATION OF APPLICATION OF VEHICLE CODE AND DESIGNATION OF GOLF CART USAGE ON PRIVATE STREETS (MARBELLA PROPERTY OWNERS ASSOCIATION (TRACTS 12954 & 13532) ITEM WITHDRAWN FROM THE AGENDA (590.40)
9. PERSONAL SERVICES AGREEMENT FOR CIVIL ENGINEERING SERVICES FOR THE EASTERN WELLS AND PIPELINE PROJECT WITH AKM CONSULTING ENGINEERS, IN THE AMOUNT OF 375,761, APPROVED; AND THE CITY MANAGER OR HIS DESIGNEE, AUTHORIZED TO APPROVE INCREASES DUE TO CHANGES TO THE SCOPE OF WORK UP TO TEN PERCENT OF THE AGREEMENT COST (CIP NO. 775) (600.30)

John O'Donnell, Utilities Director, and Joe Mankawich, Associate Engineer, provided an agenda report and responded to questions.

Council Discussion:

- Well testing and pilot procedures
- Well capacity and production goals (600 gpm per well)
- Potential need to reassess process for determining goals
- Potential problems
- Participation by proposed Ventanas project

Dave Adams, City Manager, emphasized that goals are established for well production and are not guaranteed.

Council Action: Moved by Mayor pro tem Nielsen, seconded by Council Member Hribar, and carried unanimously to approve a Personal Services Agreement for Civil Engineering Services for the eastern Wells and Pipeline Project (CIP No. 775) to AKM Consulting Engineers in the amount of \$375,761; and the City Manager, or his designee, to approve increases due to changes in the scope of work, up to 10% of the agreement cost.

PUBLIC HEARINGS:

1. CONSIDERATION OF CODE AMENDMENT 08-002, AN AMENDMENT TO SECTION 9-5.103(C) UPDATING THE IN-LIEU AFFORDABLE HOUSING FEES CITY COUNCIL PRIORITY NO. 6A (CONTINUED FROM SEPTEMBER 2, 2008) – CONTINUED TO DECEMBER 16, 2008 (430.45)

Council Action: Moved by Mayor pro tem Nielsen, seconded by Council Member Uso, and carried unanimously to continue consideration of code amendment 08-002 to December 16, 2008.

RECESS AND RECONVENE

Council recessed to convene the San Juan Capistrano Community Redevelopment Agency meeting and reconvened following the agency's business.

ADMINISTRATIVE ITEMS:

G1. COMMUNITY DEVELOPMENT DIRECTOR

- a. ORDINANCE AMENDING TITLE 1 OF THE MUNICIPAL CODE RELATED TO NUISANCE ABATEMENT EXPENSES AND ESTABLISHING AN ADMINISTRATIVE CITATION PROGRAM: FIRST READING AND INTRODUCTION APPROVED (585.10)

Steven Apple, Community Development Director, provided a summary of the agenda report.

Written Communications:

- Correspondence of October 31, 2008, Cameron Greiner, supporting the staff recommendation.

Meg Monahan, City Clerk, read the title of the ordinance.

Council Comment:

- Ordinance will apply to violations of the entire Municipal Code with initial focus will on Community Development issues

Council Action: Moved by Mayor pro tem Nielsen, seconded by Council Member Uso, and carried unanimously to approve first reading and introduction of an ordinance entitled, "AN ORDINANCE OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA, AMENDING TITLE 1 OF THE SAN JUAN CAPISTRANO MUNICIPAL CODE TO PROVIDE FOR THE RECOVERY OF NUISANCE ABATEMENT EXPENSES AND THE ADOPTION OF AN ADMINISTRATIVE CITATION PROGRAM."

ORDINANCES:

1. **ORDINANCE NO. 947 ADOPTED:** PERTAINING TO SOLAR HEATING FOR SWIMMING POOLS (1020.10)

Meg Monahan, City Clerk, read the title of the Ordinance.

Council Comment:

- Benefit for residents with pools

Council Action: Moved by Council Member Hribar, seconded by Council Member Uso, and carried unanimously to adopt **Ordinance No. 947** entitled, "AN ORDINANCE OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA, ADDING SECTION 8-6.03 TO CHAPTER 6 OF TITLE 8 OF THE SAN JUAN CAPISTRANO MUNICIPAL CODE PERTAINING TO SOLAR HEATING FOR SWIMMING POOLS."

COUNCILMANIC ITEMS:

1. **COMMUNITY ISSUES COMMITTEE REPORT:**

Dave Adams, City Manager, reviewed the agenda report and discussed the feasibility of the City's participation in each proposed approach to community issues. Steven Apple, Community Development Director; Nasser Abbaszadeh, Public Works Director; and Lt. Dan Dwyer, Chief of Police Services, responded to questions.

Public Comment supporting stronger regulations and enforcement of issues discussed:

- Patrick Crowley, city resident
- Marsh Norman, city resident
- Tony Brown, city resident
- Orrie Brown, city resident

Council discussion:

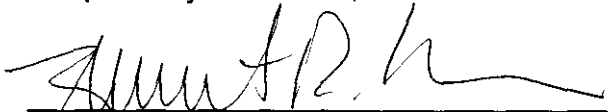
- E-Verify:
 - Supported use of the E-Verify system by the City contractors, providing information about the system to business license applicants, forwarding requests.
 - Staff to return to Council with appropriate legislation to enact a program.
 - Potential for higher costs to the city for services.
- Housing Occupancy/Overcrowding:
 - State regulations limit restrictions City could impose
 - Work Home Owners Associations (HOA) in enforcing Codes Covenants & Restrictions (CC&Rs); reporting converted garages
 - Enforcement/prosecution difficulty
- Overcrowding/Parking Impacts
 - Aesthetics related to on-street parking; safety issue
 - Limit parking on Camino Capistrano 3 to 5 am: will redistribute parking impacting other neighborhoods
 - Large vehicle parking could be provided under a paid permit program on private property; or by the Community Redevelopment Agency
 - CC&Rs and City restrictions force cars on the street; abundance of parking can contribute to overcrowding
 - Pursue with involvement of Transportation Commission
- Working with Other Agencies & Driver/Road Safety
 - School resource officer can work with CUSD in pedestrian safety
 - Marco Forster School traffic safety improvements will be installed with anticipated grant funds – FY 2010-2011
 - The City can look into changing how violators are processed by the Orange County Sheriff's Department
 - The City should work with the sheriff to revise processing of violators to increase public safety
 - City will continue checkpoints based on receipt of grants
 - Improvements to the El Adobe crosswalk are in the current CIP budget
 - The City aggressively tows cars driven by unlicensed drivers
- Gang Crimes/Tagging
 - The City's graffiti ordinance supplements the state law with defined
 - New TARGET program involves portable camera to document tagging
 - Gang Injunction: City has current San Juan Grip program – gang injunction to reduce gang activity

- Transient Issues: Transient laws are being enforced. The City has fewer problems than other cities. Need to monitor transients living in the creek beds
- Train Speeds – regulated by Federal Railroad Administration. Train speeds cannot be regulated by local communities.

ADJOURNMENT

There being no further business, Mayor Soto adjourned the meeting at 9:03 p.m. to Tuesday, November 18, 2008 at 5:30 p.m. for Closed Session and 6:30 p.m. for the Public business session in the City Council Chamber.

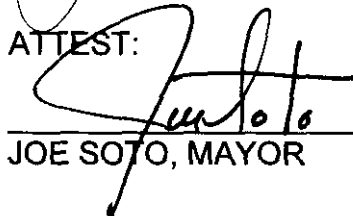
Respectfully submitted,



MARGARET R. MONAHAN, CITY CLERK

Approved: November 18, 2008

ATTEST:



JOE SOTO, MAYOR


**NOTICE OF A CONTINUED PUBLIC HEARING
OF THE CITY COUNCIL
OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA**

NOTICE IS HEREBY GIVEN, that the City Council of the City of San Juan Capistrano, California, continued the following Public Hearing

Consideration of Code Amendment 08-002, an Amendment to Section 9-5.103(c) Updating the In-Lieu Affordable Housing Fees (**City Council Priority No. 6A**) **TO BE CONTINUED TO DECEMBER 16, 2008** (430.45)

From the Regular Meeting of November 4, 2008, 5:30 p.m., to the Regular Meeting to be held December 16, 2008 at 5:30 p.m. in the City Council Chamber, 32400 Paseo Adelanto, San Juan Capistrano.

DATED: November 5, 2008




Margaret R. Monahan, City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF SAN JUAN CAPISTRANO)

SS **AFFIDAVIT OF POSTING**

I, MARGARET R. MONAHAN, City Clerk of the City of San Juan Capistrano, do hereby declare that the above Notice was posted at or near the door of the City Council chamber on November 5, 2008, 2008 within 24 hours of adjournment of the above-named meeting.

I declare under penalty of perjury that the foregoing is true and correct.



Margaret R. Monahan, City Clerk