

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting - July 11, 2001

A Regular Meeting of the San Clemente City Council was called to order on July 11, 2001 at 6:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

MEETING RECESSED – LACK OF CLOSED SESSION

There being no Closed Sessions to be 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 except Councilmember Ritschel.

PRESENT DAHL*, DOREY, EGGLESTON, MAYOR DIEHL

*Arrived at 7:10 p.m.

ABSENT RITSCHHEL

STAFF PRESENT Mike Parness, City Manager; Myrna Erway, City Clerk;
Joanne Baade, Deputy City Clerk.

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INVOCATION

Chris Smith, Pastor of South Coast Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Dorey led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Recognition of San Clemente High School Grad Nite Sponsors**

Karen Seeker, Grad Night Chair, recognized the City of San Clemente, Police Services and Marblehead Coastal for supporting San Clemente High School's Grad Nite 2001; presented plaques of appreciation to the following:

- Mayor Diehl, on behalf of the City of San Clemente.
- Sgt. Bernardi, Deputy Kevin Christiansen and Jan Sener, Crime Prevention Specialist, on behalf of Police Services.
- Jerry Freeman, Director of Management Information Systems, on behalf of Marblehead Coastal.

B. **Recognition of German Student Interns**

Mayor Diehl presented Certificates of Recognition and City pins to Robert Burghardt and Andy Hengge, students at the University of Public and Financial Administration at Ludwigsburg, Germany, for serving an eight-week internship at the City of San Clemente.

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

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

None.

4. CONSENT CALENDAR

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 4-0, to approve the Consent Calendar with the removal of Items A (City Council Minutes of June 6, 2001), M, N and Q.

A. City Council Minutes

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 4-0, to approve the City Council minutes of June 20, 2001, June 26, 2001 and June 27, 2001.

Note: The June 6, 2001 Council minutes were removed from the Consent Calendar and discussed later in the meeting. See Page 11 of these minutes for Council's action concerning the June 6, 2001 minutes.

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

- (1) Golf Course Committee minutes of June 5, 2001.
- (2) Zoning Administrator minutes of June 26, 2001.
- (3) Coastal Advisory Committee draft minutes of May 10, 2001 and June 14, 2001.
- (4) Parks and Recreation Commission minutes of June 12, 2001.
- (5) Planning Commission minutes of June 19, 2001.

C. Warrant Register

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 4-0, to approve Warrant Nos. 732813 through 732981 for the period 6-11-01 through 6-15-01 in the amount of \$918,681.71; approve Wire Transfers Nos. 59 through 60 and Warrant Nos. 732982 through 733185 for the period 6-18-01 through 6-22-01 in the amount of \$1,960,986.99; approve Warrant Nos. 733186 through 733277 for the period 6-25-01 through 6-29-01 in the amount of \$238,374.20; for a total Warrant Register of \$3,118,042.90.

Payroll Register

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 4-0, to approve Warrant Nos. 308071 through 308166 (Automatic Deposit Advises 117119 through 117283) for the period 6-11-01 through 6-24-01 in the amount of \$253,793.49; for a total Payroll Register of \$253,793.49.

D. **Program Supplements to Administering Agency - State Agreement for Federal-Aid Projects No. 12-5274**

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 4-0, to adopt Resolution No. 01-36 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING PROGRAM SUPPLEMENTS NOS. M003 AND M004 TO ADMINISTERING AGENCY - STATE AGREEMENT FOR FEDERAL AID PROJECTS NO. 12-5274.

E. **Contract Award - Avenida San Luis Rey and Avenida Arlena Street Rehabilitation Projects**

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

1. Approve the plans and specifications for the Avenida San Luis Rey (South El Camino Real to Avenida Santa Margarita) street rehabilitation (Project No. 11130) and the Avenida Arlena (South La Esperanza to cul-de-sac) street rehabilitation (Project No. 11131).
2. Approve, and authorize the Mayor to execute, Contract C01-44 by and between the City of San Clemente and R. J. Noble Company, providing for construction of the San Luis Rey and Avenida Arlena street rehabilitation projects, in the amount of \$341,226.

F. **Contract Award - Design Services for Water Reclamation Plant (WRP) Solids Handling Equipment Rehabilitation, WRP Primary Sludge Grinders, and WRP Maintenance Building Waste Disposal Modifications**

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

1. Approve, and authorize the Mayor to execute, Contract C01-45 by and between the City of San Clemente and Carollo Engineers, providing for design services in connection with the Water Reclamation Plant (WRP) Solids Handling Equipment Rehabilitation (Project No. 12604), WRP Primary Sludge Grinders (Project No. 12601) and WRP Maintenance Building Waste Disposal Modifications (Project No. 11903).
2. Approve an appropriation of \$65,000 to Account 175-843-45300-000-11903, Spread Series B - Improvement Fund, Sewer Plant Assessment District, Improvements Other Than Buildings for WRP Maintenance Building Waste Disposal Modifications, Project No. 11903.

G. **Contract Amendment - On-Call Design, Inspection and Contract Administration Services with RBF Consulting**

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 4-0, to approve, and authorize the Mayor to execute, the First Amendment to Contract C00-60, by and between the City of San Clemente and RBF Consulting, relating to on-call design, inspection and contract administration services. This Amendment will increase the not-to-exceed amount of the contract from \$160,000 to \$480,000.

H. **Contract Award - Water Reclamation Plant Reclaimed Water System Valve Replacement**

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

1. Approve the plans and specifications for Water Reclamation Plant Reclaimed Water System Valve Replacement, Project No. 11504.
2. Approve, and authorize the Mayor to execute, Contract C01-46 by and between the City of San Clemente and Atlas Allied, Inc., providing for the Water Reclamation Plant Reclaimed Water System Valve Replacement, Project No. 11504, in the amount of \$74,900.
3. Approve an appropriation of \$110,000 to Account 175-843-45300-000-11504 in the Spread Series B - Improvement Fund, Improvements Other Than Buildings.

I. **Contract Award - Reservoir No. 8 Rehabilitation**

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

1. Approve, and authorize the Mayor to execute, Contract C01-47 by and between the City of San Clemente and S&B Enterprises Company, providing for the rehabilitation of Reservoir No. 8 (Project No. 10510), in the amount of \$285,000.
2. Approve a supplemental appropriation of \$227,000 to Account 052-466-45300-000-10510, Water Depreciation Reserve, Improvements Other Than Buildings, within the Water Fund for Reservoir No. 8 Rehabilitation, Project No. 10510.
3. Approve the plans and specifications for Reservoir No. 8 Rehabilitation, Project No. 10510.

J. **Quitclaim of All Rights to Regional Riding and Hiking Trail Easements in Tracts 14226 and 13917**

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

1. Adopt Resolution No. 01-37 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, QUITCLAIMING ALL RIGHTS TO THE REGIONAL RIDING AND HIKING TRAIL EASEMENTS SHOWN ON TRACTS 14226 AND 13917, TALEGA ASSOCIATES, LLC.
2. Authorize the Mayor to execute and the City Clerk to submit the Quitclaim Deed instruments to the County Recorder for recordation.

K. **Amended Map for Tract 14226 (Standard Pacific), Talega Development**

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

1. Approve the amended map for Tract 14226.
2. Authorize the City Engineer to execute the amended map for Tract 14226.
3. Authorize the City Clerk to execute and submit the amended map for Tract 14226 to the County Recorder for recordation.

L. **Appointment of Director and Alternate Directors for South Orange County Wastewater Authority (SOCWA)**

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 4-0, to adopt Resolution No. 01-38 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPOINTING A DIRECTOR AND ALTERNATE DIRECTORS TO THE SOUTH ORANGE COUNTY WASTEWATER AUTHORITY (SOCWA) JOINT POWERS AGENCY BOARD OF DIRECTORS.

O. **Amendment No. 4 to the OCTA Senior Transportation Agreement**

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

1. Approve, and authorize the Mayor to execute, Amendment No. 4 by and between OCTA and the City of San Clemente for senior transportation services for FY 2001-02. (City Contract C98-59)
2. Approve, and authorize the Mayor to execute, the Third Amendment to the South County Senior Services, Inc. transportation contract with the City of San Clemente for FY 2001-02. (City Contract C98-60)

P. **Contract Award - Reservoir Safety Improvements**

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

1. Approve the plans and specifications for Reservoir Safety Improvements, Project No. 19508.
2. Approve, and authorize the Mayor to execute, Contract C01-49 by and between the City of San Clemente and Tank and Refinery Services, providing for Reservoir Safety Improvements, Project No. 19508, in the amount of \$122,995.
3. Approve a supplemental appropriation of \$53,300 to Account 052-466-45300-000-19508 in the Water Fund Depreciation Reserve, Improvements Other Than Buildings.

R. **Contract Award - Professional Consulting Services to Secure Proposition 12 and 13 Grant Funding**

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

1. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract AC-140 by and between the City of San Clemente and Molendyk & Associates, extending the period to provide consulting assistance to obtain Proposition 12 and 13 bond grants from July 1, 2001 to December 31, 2001, for an additional cost of \$9,000.
2. Authorize the City Attorney to prepare Amendment No. 1 to Contract AC-140.
3. Approve a supplemental appropriation of \$9,000 from Council Contingency Account 001-203-44900 to Account 001-641-43690 to fund the request.

S. **Award of Contracts - Construction Period Design Support Services to Replace La Rambla and Linda Lane Sewage Pump Stations, Relief Sewers, and Beach Trunk Manholes**

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

1. Approve, and authorize the Mayor to execute, Contract C01-51 by and between the City of San Clemente and HDR Engineering Inc., providing for construction period design support services to replace La Rambla and Linda Lane Sewage Pump Stations, Relief Sewers, and Beach Trunk manholes, Project Nos. 17601, 17602 and 16616, in the amount of \$116,939.
2. Approve, and authorize the Mayor to execute, Contract No. C01-52 by and between the City of San Clemente and AKM Consulting Engineers, providing for construction period design support services to replace La Rambla and Linda Lane Sewage Pump Stations, Relief Sewers, and Beach Trunk manholes, Project Nos. 17601, 17602 and 16616, in the amount of \$39,390.
3. Approve, and authorize the Mayor to execute, Contract C01-53 by and between the City of San Clemente and Leighton and Associates, providing for construction period design support services to replace La Rambla and Linda Lane Sewage Pump Stations, Relief Sewers, and Beach Trunk manholes, Project Nos. 17601, 17602 and 16616, in the amount of \$91,540.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

A. **City Council Minutes of June 6, 2001**

Council referred the draft Council minutes of June 6, 2001 back to Staff with direction to expand the portion of the minutes relating to the Request for Proposals for assessment of possible sites for civic uses. Specifically, the minutes are to specifically reference that the analysis of potential civic center sites should include downtown locations and not be limited to the high school site.

M. **Special Event Request; Skateboard Tournament Co-Sponsored with the Friends of San Clemente Beaches, Parks and Recreation Foundation**

In response to Council inquiry, Staff clarified that the Foundation will charge skateboarders to enter the Skateboard Tournament, however, the Beaches, Parks and Recreation Department does not intend to impose a fee on the Foundation to operate the event at Steed Park.

MOTION BY COUNCILMEMBER DOREY, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 4-0, to:

1. Approve the special event permit request submitted by the Friends of San Clemente Beaches, Parks and Recreation Foundation to hold a skateboard tournament at the Ralphs Skate Court located at Richard T. Steed Memorial Park on September 22, 2001 from 7:00 a.m. to 7:00 p.m.
2. Consider the event to be a City Special Event since the Foundation's purpose is to support beaches, parks and recreation services in San Clemente.
3. Authorize the expenditure of Beaches, Parks and Recreation Department staff time, equipment and supplies to support the event.

N. **Contract Award - Economic Analysis of Beach Spending and the Recreational Benefits of Beaches in San Clemente**

Council requested that Dr. King include the economic impact of the coastal trail in his analysis of the economic value of San Clemente's beaches.

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

1. Approve, and authorize the Mayor to execute, Contract C01-48 by and between the City of San Clemente and Dr. Philip King, providing for an economic analysis of beach spending and recreational benefits of beaches in San Clemente, at a cost not to exceed \$25,100.
2. Approve utilization of the Department of Boating and Waterways grant to fund the work.

Q. **Contract Award - Coastal Canyons and Bluffs Management Plan**

Council noted that the Scope of Services for the preparation of the Coastal Canyons and Bluffs Guidelines and Management Plan indicates that the canyons located at Linda Lane, T-Street, Riviera and Calafia will be inventoried and questioned the rationale for excluding other canyons that were discussed at the Beach Ad Hoc Committee meetings, such as Montalvo and Palizada.

Staff responded that all canyons within the coastal zone (with the exception of Marblehead Coastal) will be inventoried, but noted that the emphasis will be on primary canyons; explained that Marblehead Coastal will not be included since it is undergoing a separate environmental review and is devoid of structures.

MOTION BY COUNCILMEMBER DOREY, SECOND BY MAYOR PRO TEM DAHL, CARRIED 4-0, to approve, and authorize the Mayor to execute, Contract C01-50 by and between the City of San Clemente and Richard Fisher Associates, providing for completion of a management plan relating to coastal canyons and bluffs, in the amount of \$18,500.

5. **PUBLIC HEARINGS**

A. **Pizza Plus - Minor Conditional Use Permit 01-071**

Public Hearing to consider the Zoning Administrator's action approving a request for a Minor Conditional Use Permit to allow the sale and consumption of beer and wine indoors at an existing restaurant located at 612 Avenida Victoria, Suite D-E, the legal description being Lots 4-5, Block 12 of Tract 785.

Community Development Director Holloway reviewed the contents of the Administrative Report.

Mayor Diehl opened the Public Hearing.

Morty Baravati, Pizza Plus (Applicant), requested that Council approve Staff's recommendation.

Phil Falcetti, Director of the Community Alliance Network which does the prevention work for the National Council on Alcoholism and Drug Dependence, urged that Council re-evaluate the amount and density of alcohol outlets in the Pier Bowl area to facilitate public health and safety; stated that recent statistics reveal that San Clemente ranks third out of the 34 Orange County cities in terms of the number of alcohol outlets per capita.

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

In response to Council inquiries, Morty Baravati advised as follows: 1) Pizza Plus is a family-owned business, as opposed to a franchise; 2) There are three Pizza Plus operations in San Clemente, none of which serve alcoholic beverages; and 3) The current floor plan of the restaurant varies from that contained in the Administrative Report because roll-away counters were added for the Fourth of July. Moreover, Mr. Baravati went on to state that the neighbors are attempting to force him out of the area; opined that he is being penalized because of existing problems in the neighborhood and suggested that the City enforce Code regulations on businesses that are breaking the law; stated that his Pier Bowl customers desire beer/wine service and he wants to accommodate them.

Following discussion, MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY COUNCILMEMBER DOREY, **FAILED 2-2** (MAYOR PRO TEM DAHL AND MAYOR DIEHL VOTING NOE), to deny Minor Conditional Use Permit 01-071, with the following findings:

- 1) The floor plan included in the Administrative Report does not reflect the current floor plan, which includes a candy counter.
- 2) Pizza Plus is not a full-service restaurant, such as Cassano's or Sonny's.
- 3) A high concentration of beer/wine and liquor licenses exist in the Pier Bowl area which have contributed to a significant number of alcohol-related crimes in the area.

~~During the course of discussion, City Manager Parness stated that it is misleading to compare San Clemente's number of alcohol centers on a per-capita basis with inland communities because San Clemente is a beach community that experiences millions of visitors.~~

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 4-0, to re-open and continue the Public Hearing concerning Conditional Use Permit 01-071 to the Council Meeting of July 25, 2001 to allow a full contingent of Councilmembers to be present.

In preparation for the July 25, 2001 Council meeting, Staff is to investigate the floor plan issue and draft resolutions of both approval and denial for Council consideration.

B. **113 Coronado Lane (Nevins Partnership) - Conditional Use Permit 01-061/Cultural Heritage Permit 01-062/Tentative Tract Map 16125**

Public Hearing to consider a request to develop a mixed-use project on two vacant lots totaling 6,400 square feet, which consists of 4 two-bedroom residential condominiums and one 710 square foot commercial space, within a four level structure. The proposal includes pedestrian access open to the public from Coronado Lane to Alameda Lane. The subject property is a through lot, located at 113 Coronado Lane, the legal description being Lots 8 and 9, Block 11 of Tract 785.

Associate Planner Harris reviewed the contents of the Administrative Report and responded to Council inquiries relative to the following: 1) Impact of the height and mass of the proposed building on the adjacent historic structure; 2) relationship of the height of the proposed project in comparison to the surrounding neighborhood; and 3) Fact that all required parking will be provided on-site and hence a parking waiver is not needed.

City Clerk Erway announced that a letter from Dan Bogoshian, dated July 10, 2001, has been placed on the Council dais. A copy of the subject letter is on file with the City Clerk.

Mayor Diehl opened the Public Hearing.

Phil Schwartz, planner on behalf of Dan Bogoshian (property owner of the historic building located immediately south of the proposed project) questioned the rationale for situating a freestanding 700 square foot commercial facility in the heart of a residential area; questioned the type of commercial use that could operate in a facility of only 700 square feet; presented a letter, dated July 11, 2001, which is on file with the City Clerk.

Dan Bogoshian, owner of the adjacent historic building, commented on the large scale of the proposed development; stated he is attempting to improve his historic structure that has experienced deferred maintenance over the years; commented that he tried to develop a relationship with the Applicant and his architect to better understand the proposal but found them to be uncooperative.

Gary Button, Pier Bowl resident, opined that the proposed FAR ratio is too massive for the location; commented that the Pier Bowl Specific Plan states that an FAR variance is permitted only if a substantial public benefit is provided; suggested that only project residents and nearby residents will use the proposed public beach walkway and opined that the construction of a wall-type structure around the patio or courtyard area will make it appear to be private; opined that the proposed pedestrian bulb-out at the corner of Avenida Del Mar and Coronado Lane will hinder the ability of large vehicles to maneuver the turn.

John Hammond stated he resides directly behind the proposed project on Alameda Lane; opined that the project is too high and the pedestrian bulb-out will impede trash truck accessibility to the area; stated the walkway should not be considered a public benefit since it will not be used by the general public.

Rick Anderson, owner of the Casa Tropicana Bed and Breakfast-Inn, noted that the 10' wide easement terminates directly across from his property; voiced concern that pedestrians will be funneled onto his property, thereby invading the privacy of his guests and posing a security risk.

Jack Nevins, Managing Partner of the Nevins Partnership (Applicant), accepted the proposed conditions of approval and expressed willingness to work to allay concerns; pointed out that many of the improvements to the project were initiated by the Planning Commission and Staff; urged Council approval.

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

During the ensuing discussion, Councilmember(s) commented on the following: 1) Possibility of modifying the General Plan, with Coastal Commission approval, to delete the requirement for a commercial component in the subject project since the difficulties associated with such use outweigh the benefits; 2) Whether sufficient public benefit exists to justify an FAR in excess of 1.0; 3) Although the bulb-out concept has been deemed by Traffic Engineering staff to be workable, the OCFA has not reviewed the design to determine if emergency vehicle access will be impeded; and 4) Concern that the City is expected to maintain the landscaping on the bulb-out once constructed.

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 3-1 (MAYOR DIEHL VOTING NOE), to deny Conditional Use Permit 01-061/Cultural Heritage Permit 01-062/Tentative Tract Map 16125, with the understanding that Staff will prepare a Resolution of Denial for Council consideration at the next Council meeting. **Note: Council reconsidered this action following the recess. A summary of the subsequent action on this item is located immediately following the recess on this page of the minutes.*

MEETING RECESSED

Council recessed at 8:50 p.m. and reconvened at 9:00 p.m., with all members present except Councilmember Ritschel.

B. 113 Coronado Lane (Nevins Partnership) - Conditional Use Permit 01-061/Cultural Heritage Permit 01-062/Tentative Tract Map 16125

Note: This item was continued from earlier in the meeting. See Pages 15-17 of these minutes for a summary of the previous deliberations.

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 4-0, to reconsider Council's action to deny CUP 01-061/CHP 01-062/TTM 16125.

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 4-0, to refer the project back to the Planning Commission for review and re-submittal to the Council. Council provided the following guidance to the Planning Commission to assist in its consideration of the application:

- The FAR of the project should be reduced to 1.0, or as close to 1.0 as possible.
- The pedestrian bulb-out situation needs to be analyzed.*
- The public amenities as currently proposed, or as modified by the Applicant, should be scrutinized.*
- The feasibility of eliminating the requirement for a commercial component should be investigated. In particular, the City Attorney was requested to review and interpret the Pier Bowl Specific Plan to determine whether the commercial component of the project can be waived under the current rules.

**Note: Staff pointed out that a reduction of the project FAR to 1.0 will eliminate the requirement for public amenities and hence public access and bulb-out issues may become moot.*

6. **ORAL COMMUNICATIONS**

Utilization of Wave Energy Converters to Solve Beach Erosion

Professor James Wilson, San Clemente, suggested the possibility of installing wave energy converter(s) to solve the beach erosion problem in the vicinity of the Marine Safety Headquarters; stated the device would convert the mechanical motion of the waves into electrical energy; stated the device reduces wave action, which results in a reduction in the long shore current and sediment transport; stated he has been working with the system for approximately 15 years, noting that it has been tested in other countries, such as Scotland and Australia.

Council requested that Professor Wilson explain the concept of wave energy conversion to Tom Bonigut, Senior Civil Engineer, as well as the Coastal Advisory Committee.

Reduction of Trash to Maintain Ocean Quality

Ken Nielsen stated the Coastal Advisory Committee appointed him to research the problem of trash as it relates to its ultimate deposit in the ocean; distributed copies of flyers that are being distributed by the City of Dana Point in both English and Spanish to bring attention to the importance of reducing urban runoff to protect ocean quality; stated that the City of Dana Point received two grants to fund its public information effort and suggested that San Clemente may benefit from a similar program.

7. **UNFINISHED BUSINESS**

None.

8. **NEW BUSINESS**

A. **Downtown El Camino Real and Downtown Alleys Revitalization Project**

Report from the Community Development Director concerning the revitalization of downtown El Camino Real and downtown alleys, which include the possible initiation of amendments to the Code of the City of San Clemente concerning newspaper racks and blade signs, and the initiation of amendments to the General Plan Urban Design Guidelines regarding downtown sidewalk paving patterns.

Associate Planner Luna narrated a powerpoint presentation entitled "City of San Clemente Downtown Revitalization." A hard copy of Ms. Luna's presentation, dated July 11, 2001, is on file with the City Clerk.

Bill Crook, The Collaborative West, reviewed the conceptual alley plan as described in the Administrative Report.

Claudia Carol, Kathryn Spitz Associates, reviewed the conceptual downtown El Camino Real plan as described in the Administrative Report.

In response to Council inquiry, Nikki Dorchester, Kimbly-Horn and Associates, provided a general overview of the preliminary drainage and grading concept for the bulb-outs, noting that a couple of the bulb-outs still need to be resolved; asserted that the drainage plan is workable.

During the ensuing discussion, Councilmember(s) discussed their opinions concerning the following: 1) Fact that the alley project is funded with approximately \$70,000 in CDBG grants, which can only be used for the alleyways; 2) Pros and cons associated with blocking alleys to vehicular traffic; 3) Possibility of installing blinking lights in pedestrian walkways to facilitate safety in the early stages of development; 4) Possibility of addressing the visual pollution associated with the existence of newsracks at an earlier stage in the process; 5) Desirability of eliminating utility poles from the alleys at some point in the future; 6) Possibility of incorporating artistic features in the pedestrian area between Avenida Del Mar and the back parking lots to encourage people to park their vehicles in the rear lots and walk to Avenida Del Mar; 7) Importance of ensuring that landscaping in the parkways remains attractive via the use of hearty plants and/or situating the vegetation in areas unlikely to be used as walkways; 8) Desirability of planting fast-growing trees; 9) Desirability of retaining old sidewalks to the extent possible; 10) Fact that iron street furniture is proposed, in lieu of wood, because it better characterizes the Spanish theme; 11) Amount of retrofitting needed on Avenida Del Mar to make the concept work as well as the impact of the associated "down time" on Del Mar businesses; and 12) Issues associated with locating a bulb-out on Avenida Del Mar near its intersection with El Camino Real (i.e., drainage challenges, as well as the possibility of vehicles bottleneaking on El Camino Real if they cannot turn readily onto Avenida Del Mar.)

John Tengdin, Chairman of the Downtown 2000 Revitalization Committee, noted that Council accepted the Committee's recommendations in March of 2000; explained that the El Camino Real project was paramount in importance to the Committee; concurred with the conceptual drawings under consideration since they include the Committee's concepts for bulb-outs, street trees and street furniture; urged acceleration of the following aspects of the proposal: 1) Revision of the General Plan to replace the present sidewalk specifications; and 2) Implementation of the blade sign proposal on Avenida Del Mar; pointed out that Staff is recommending that blade signs be allowed in addition to existing signage only if the existing signs comply with current standards and grandfathered signs are corrected.

MOTION BY COUNCILMEMBER DOREY, SECOND BY MAYOR PRO TEM DAHL, CARRIED 4-0, to adopt Resolution No. 01-41 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONCEPT PLANS SUBMITTED FOR THE EL CAMINO REAL ENHANCEMENT PROJECT AND THE DOWNTOWN ALLEY PROJECT AND INITIATING AMENDMENTS TO THE MUNICIPAL CODE REGARDING NEWSPAPER RACKS AND BLADE SIGNS AND INITIATING AMENDMENTS TO THE GENERAL PLAN URBAN DESIGN GUIDELINES REGARDING DOWNTOWN SIDEWALK PAVING PATTERNS.

B. **Linda Lane Park Nuisance Water Diversion and Handicap-Parking Improvements Project - Status of Contract with Low-Bidder and Possibility of Contract Re-Award**

Report from the City Engineer concerning the possibility of re-awarding the contract for the Linda Lane Park Nuisance Water Diversion and Handicap-Parking Improvement project in the event the low bidder (B. R. Day Construction, Inc.), is unable to complete the project before the end of the summer season.

City Engineer Cameron reported that the president of B. R. Day Construction, Inc., the low bidder for the Linda Lane Park Nuisance Water Diversion and Handicap-Parking improvement project, has experienced an illness in his family that will prevent him from beginning the diversion project for at least two months; recommended that if Council wants the project to begin sooner, that it rescind the award to B. R. Day Construction and re-award the contract to Brongo Construction, the second lowest bidder; related that Brongo Construction's bid was for \$39,500, which represents an increase of \$1,746 over the bid submitted by B. R. Day Construction; stated that Brongo Construction can begin work on the project the first of August.

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

1. Rescind the award of the Linda Lane Park Nuisance Water Diversion and Handicap-Parking improvement project to B. R. Day Construction, Inc.
2. Approve, and authorize the Mayor to execute, Contract C01-32 by and between the City of San Clemente and Brongo Construction, relating to construction of the Linda Lane Park Nuisance Water Diversion and Handicap-Parking improvement project, in the amount of \$39,500.

9. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. **City Attorney**

(1) **SB 975 (Alarcon) - "California Infrastructure and Economic Development Bank"**

Assistant to the City Manager Reinsimar reviewed the contents of the Administrative Report.

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 4-0, to oppose SB 975 (Alarcon), "California Infrastructure and Economic Development Bank."

(2) **Rutan & Tucker Representation of WL Homes, et al.**

Report from the City Attorney's Office concerning the possibility of Council authorizing Rutan & Tucker to represent WL Homes, et al., in the defense of a private lawsuit filed by certain homeowners in the Pacific San Clemente Homeowners Association.

MOTION BY MAYOR PRO TEM DAHL, SECOND BY MAYOR DIEHL, to approve Rutan & Tucker's representation of WL Homes, et al., subject to the condition that Rutan & Tucker obtain a written consent from WL Homes, et al., that Rutan & Tucker can continue to represent the City in any existing and future matters that are or may be adverse to WL Homes.

SUBSTITUTE MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 4-0, to continue the issue of Rutan & Tucker representation of WL Homes, et al. to the Council Meeting of July 25, 2001.

D. **Council Members**

(1) **Consideration of Council Position on Orange County Division California League of Cities Issues.**

None.

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

None.

(3) **Orange County Fire Authority Status Update.**

Mayor Pro Tem Dahl announced that the four-person paramedic units are now in operation.

(4) Coastal Animal Services Authority Status Update.

Mayor Pro Tem Dahl reported on animals available for adoption at the San Clemente Animal Shelter; reminded citizens to obtain licenses for their dogs and expressed appreciation to the shelter assistants.

(5) Transportation Corridor Agencies Status Report.

Mayor Pro Tem Dahl noted that the groundbreaking for the Glenwood/Pacific Interchange will take place on July 22, 2001.

(6) Councilmember Items.

Councilmember Eggleston encouraged citizens to dine and shop in San Clemente and noted that he had an excellent meal at the Beefcutter.

Councilmember Dorey stated that she visited and enjoyed Guicho's Eatery, which is a new restaurant in San Clemente.

Mayor Pro Tem Dahl commended La Siesta restaurant on South El Camino Real.

10. RESOLUTIONS/ORDINANCES

None.

MEETING RECESSED

Council recessed to a meeting of the Redevelopment Agency at 10:30 p.m.

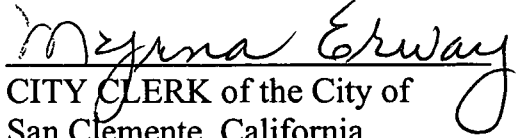
MEETING RECONVENED


Council reconvened at 10:31 p.m., with all members present except Councilmember Ritschel.

11. **ADJOURNMENT**

There being no further business, Council adjourned at 10:31 p.m.

The next Regular Meeting will be held on **July 25, 2001 (Note Date Change)** 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