

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting - September 5, 2001

A Regular Meeting of the San Clemente City Council was called to order on September 5, 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 Dorey.

PRESENT DAHL, EGGLESTON, RITSCHER, MAYOR DIEHL

ABSENT DOREY

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

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INVOCATION

Orange County Sheriff Chaplain Gary Coleman gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Diehl led the Pledge of Allegiance.

A. **Constitution Week Proclamation**

Mayor Diehl presented a proclamation to Carol M. Santell, Constitution Chair of the San Clemente Island DAR, proclaiming September 17 through 23, 2001 as Constitution Week.

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

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

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

Position Statement Regarding the California High Speed Rail Authority Project Alternatives Assessment and Rail Technologies.

See Page 19 of these minutes for a continuation of this item.

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 Item 4-A (City Council Minutes of August 8, 2001).

A. July 25, 2001 City Council Minutes

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

1. Rescind Council's action of August 8, 2001 which approved the City Council minutes of July 25, 2001 as amended.
2. Approve the City Council minutes of July 25, 2001 as originally presented.

August 27, 2001 City Council Minutes

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

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

- (1) Parks and Recreation Commission minutes of July 10, 2001.
- (2) Human Affairs Committee minutes of June 13, 2001.
- (3) Zoning Administrator minutes of August 14, 2001 and August 28, 2001.
- (4) Planning Commission minutes of August 7, 2001 and August 21, 2001.

C. Warrant Register

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 4-0, to approve Wire Transfers Nos. 66 through 67 and Warrant Nos. 734006 through 734182 for the period 7-30-01 through 8-3-01 in the amount of \$723,419.53; approve Warrant Nos. 734183 through 734294 for the period 8-6-01 through 8-10-01 in the amount of \$239,468.72; approve Wire Transfers Nos. 68 through 69 and Warrant Nos. 734295 through 734461 for the period 8-13-01 through 8-17-01 in the amount of \$1,780,386.91; for a total Warrant Register of \$2,743,275.16.

Payroll Register

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 4-0, to approve Warrant Nos. 308363 through 308455 (Automatic Deposit Advises 117614 through 117776) for the period 7-23-01 through 8-5-01 in the amount of \$269,289.33; for a total Payroll Register of \$269,289.33.

D. Participation in Phase 2 of South Orange County Water Reliability Study

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

1. Support the City's participation in the South Orange County Reliability Study.
2. Authorize the appropriation of \$25,000 from the Water Operating Fund to Account 052-461-43890 for the purpose of participating in the City's share of the matching funds.

E. **Contract Award - Street Improvement Projects on Avenida La Cuesta, Calle Sandia, Calle Salida, Calle Del Juego, Calle Escuela and Calle Bella Loma**

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

1. Approve the plans and specifications for the street improvement projects on Avenida La Cuesta from Calle Empalme to Calle Miguel, P.N. 11124; Calle Sandia from Calle Escuela to cul-de-sac, P.N. 11125; Calle Salida from Calle Escuela to cul-de-sac, P.N. 11126; Calle del Juego from Calle Escuela to cul-de-sac, P.N. 11127; Calle Escuela from Avenida Presidio to Calle Miguel, P.N. 11128 and Calle Bella Loma from Avenida La Cuesta to cul-de-sac, P.N. 11129.
2. Approve, and authorize the Mayor to execute, Contract C01-63 by and between the City of San Clemente and All American Asphalt, providing for street improvements on Avenida La Cuesta, P.N. 11124; Calle Sandia, P.N. 11125; Calle Salida, P.N. 11126; Calle del Juego, P.N. 11127; Calle Escuela, P.N. 11128 and Calle Bella Loma, P.N. 11129, in the amount of \$396,396.00.
3. Approve a supplemental appropriation of \$31,000 to Account 042-848-45300-000-11125, Improvements Other Than Buildings, in the Street Improvement Fund for the Calle Sandia Street Improvement.
4. Approve a supplemental appropriation of \$14,000 to Account 042-848-45300-000-11127, Improvements Other Than Buildings, in the Street Improvement Fund for the Calle del Juego Street Improvement.

F. **Contract Award - Design Services for the Water Reclamation Plant Land Outfall Pipeline Repair**

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 4-0, to approve, and authorize the Mayor to execute, Contract C01-59 by and between the City of San Clemente and Carollo Engineers, providing for repair of the Water Reclamation Plant Land Outfall Pipeline, Project No. 11602, in the amount of \$51,559.

G. Contract Amendment - Study/Design of Reservoir No. 8

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

1. Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract C00-01 by and between the City of San Clemente and AKM Consulting Engineers, providing for construction administration and inspection for Reservoir No. 8, as part of the Professional Services Agreement for Calle Real Pump Station, Project No. 10507; Vista Bahia Pump Station, Project No. 10503; Reservoir No. 4, Project No. 10506; Reservoir No. 8, Project No. 10510; and Well No. 6, Project No. 19505. This contract amendment increases the total contract amount from \$195,040 to \$253,339.
2. Approve a supplemental appropriation of \$28,000 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.

H. Award of Contracts - Biosolids Management Service Agreements

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

1. Approve, and authorize the Mayor to execute, Contract C01-65 by and between the Aliso Water Management Agency/South East Regional Reclamation Authority and other Public Entities and Synagro Composting Company of California, Inc. for the transportation and beneficial reuse of wastewater biosolids from treatment facilities.
2. Approve, and authorize the Mayor to execute, Contract C01-66 by and between the Aliso Water Management Agency/South East Regional Reclamation Authority, and Waste Markets Corporation and Arts Disposal Service for standby biosolids management services for AWMA, SERRA and Member Agency treatment facilities.

I. Contract Award - Street Improvement Projects for Calle Neblina Phase I, Calle Neblina Phase II, Calle Familia, Calle Delicada, Calle Pescador, Calle Rica, Calle Robles, Calle De Anza, Calle Fiesta, Calle Pueblo, Calle Villario, Calle Felicidad, and Calle Dorado

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

1. Approve the plans and specifications for the street improvement projects on Calle Neblina from Calle Miguel to Empalme, P.N. 11116; Calle Neblina from Calle Miguel to cul-de-sac, P.N. 11117; Calle Familia from cul-de-sac to cul-de-sac, P.N. 11118; Calle Delicada from cul-de-sac to cul-de-sac, P.N. 11119; Calle Pescador from Calle Miguel to Avenida Presidio, P.N. 11120; Calle Rica from cul-de-sac to cul-de-sac, P.N. 11121; Calle Robles from Empalme to Avenida Presidio, P.N. 11122; Calle De Anza from San Carlos to Avenida Presidio, P.N. 11123; Calle Fiesta from cul-de-sac to Empalme, P.N. 11132; Calle Pueblo from cul-de-sac to cul-de-sac, P.N. 11133; Calle Villario from cul-de-sac to Avenida Presidio, P.N. 11134; Calle Felicidad from cul-de-sac to Avenida Presidio, P.N. 11135; Calle Dorado from Calle Miguel to cul-de-sac, P.N. 11136.
2. Approve the acceleration of Calle Fiesta, P.N. 11132; Calle Pueblo, P.N. 11133; Calle Villario, P.N. 11134; Calle Felicidad, P.N. 11135; and Calle Dorado, P.N. 11136.
3. Approve, and authorize the Mayor to execute, Contract C01-67 by and between the City of San Clemente and All American Asphalt, providing for street improvements on Calle Neblina, P.N. 11116; Calle Neblina, P.N. 11117; Calle Familia, P.N. 11118; Calle Delicada, P.N. 11119; Calle Pescador, P.N. 11120; Calle Rica, P.N. 11121; Calle Robles, P.N. 11122; Calle De Anza, P.N. 11123; Calle Fiesta, P.N. 11132; Calle Pueblo, P.N. 11133; Calle Villario, P.N. 11134; Calle Felicidad, P.N. 11135; and Calle Dorado, P.N. 11136, in the amount of \$1,312,304.41.
4. Approve a supplemental appropriation of \$37,000 to Account 042-848-45300-000-11116, Improvements Other Than Buildings, in the Street Improvement Fund for the Calle Neblina Phase I Street Improvements.

Action Continued on Next Page

5. Approve a supplemental appropriation of \$60,000 to Account 042-848-45300-000-11118, Improvements Other Than Buildings, in the Street Improvement Fund for the Calle Familia Street Improvement.
6. Approve a supplemental appropriation of \$32,000 to Account 042-848-45300-000-11120, Improvements Other Than Buildings, in the Street Improvement Fund for the Calle Pescador Street Improvement.
7. Approve a supplemental appropriation of \$39,000 to Account 042-848-45300-000-11121, Improvements Other Than Buildings, in the Street Improvement Fund for the Calle Rica Street Improvement.
8. Approve a supplemental appropriation of \$17,000 to Account 042-848-45300-000-11123, Improvements Other Than Buildings, in the Street Improvement Fund for the Calle De Anza Street Improvement.
9. Approve a supplemental appropriation of \$100,000 to Account 042-848-45300-000-11132, Improvements Other Than Buildings, in the Street Improvement Fund for the Calle Fiesta Street Improvement.
10. Approve a supplemental appropriation of \$137,000 to Account 042-848-45300-000-11133, Improvements Other Than Buildings, in the Street Improvement Fund for the Calle Pueblo Street Improvement.
11. Approve a supplemental appropriation of \$70,000 to Account 042-848-45300-000-11134, Improvements Other Than Buildings, in the Street Improvement Fund for the Calle Villario Street Improvement.
12. Approve a supplemental appropriation of \$167,000 to Account 042-848-45300-000-11135, Improvements Other Than Buildings, in the Street Improvement Fund for the Calle Felicidad Street Improvement.
13. Approve a supplemental appropriation of \$143,000 to Account 042-848-45300-000-11136, Improvements Other Than Buildings, in the Street Improvement Fund for the Calle Dorado Street Improvement.

J. **Appointment of City Signatories - Federal Highway Administration, Caltrans, County of Orange and Other Regulatory Agency Projects and Permits**

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 4-0, to adopt Resolution No. 01-44 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE PUBLIC WORKS DIRECTOR AND THE CITY ENGINEER TO EXECUTE AND SIGN VARIOUS STATE AND FEDERAL DOCUMENTS REQUIRED FOR HIGHWAY PROJECTS.

K. **San Clemente Shoreline Feasibility Study**

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 4-0, to approve, and authorize the City Manager to execute, Contract C01-68 by and between the Department of the Army and the City of San Clemente for the San Clemente Shoreline Feasibility Study.

L. **Ethics Policy (Policy and Procedure No. 1202-1)**

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 4-0, to approve Policy and Procedure No. 1202-1, as amended to reflect the 2001 changes in FPPC Regulations.

M. **Contract Award - Temporary Accounting Services**

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 4-0, to approve, and authorize the Mayor to execute, Contract C01-69 by and between the City of San Clemente and Moreland & Associates, providing for temporary accounting services, for an amount not to exceed \$32,000.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

A. **City Council Minutes of August 8, 2001**

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY COUNCILMEMBER RITSCHER, CARRIED 4-0, to amend Page 11 of the minutes of the Council meeting of August 8, 2001 as it relates to Minor Conditional Use Permit 01-071 (Pizza Plus). Specifically, Condition No. 10 of Resolution No. 01-39 is to be expanded to read as follows:

"Staff shall review MCUP 01-071 at 90 and 180 days from the time that the liquor license is issued to ensure compliance with the imposed conditions. A tray memo shall be provided to the City Council and if substantial deviation exists, the issue shall be agendaized for the next available meeting of the City Council."

City Manager Parness explained that Staff will maintain contact with the Applicant to ensure that the City is aware of the date when the sale of alcoholic beverages commences.

5. **PUBLIC HEARINGS**

A. **Lowe's Home Improvement Warehouse - Amendment to Sign Exception Permit 98-124(B)**

Public Hearing to consider a request by the Harlan Laws Corporation to amend the previously approved Master Sign Program and Sign Exception Permit for the Plaza Pacifica shopping center. The proposed amendment contemplates an additional set of channel letters for the Lowe's building. The site is located at 907 Avenida Pico, the legal description being Lots 1 and 20 of Tract 12124 and Lots 1, 2 and A of Tract 12125.

Associate Planner Harris reviewed the contents of the Administrative Report.

Mayor Diehl opened and closed the Public Hearing, there being no one desiring to speak to this issue.

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY COUNCILMEMBER RITSCHER, CARRIED 4-0, to adopt Resolution No. 01-49 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AN AMENDMENT TO SIGN EXCEPTION PERMIT (AM SEP) 98-124(B), LOWE'S AT PLAZA PACIFICA, 907 AVENIDA PICO.

B. Abandonment 01-038, Vintage Shores Abandonment - 366 Camino de Estrella

Public Hearing to consider a request for a summary vacation of unused public street right-of-way adjacent to 366 Camino de Estrella, the legal description being portions of Lot V, Block A of Tract 883.

Senior Planner Delcamp reviewed the contents of the Administrative Report.

Mayor Diehl opened and closed the Public Hearing, there being no one desiring to speak to this issue.

MOTION BY COUNCILMEMBER RITSCHER, SECOND BY MAYOR PRO TEM DAHL, CARRIED 4-0, to adopt Resolution No. 01-50 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING ABANDONMENT 01-038, VINTAGE SHORES, A REQUEST FOR THE SUMMARY VACATION OF UNUSED PUBLIC RIGHT-OF-WAY ADJACENT TO 366 CAMINO DE ESTRELLA.

C. Coastal Commission Suggested Modifications to MU-3 Amendments - Local Coastal Program Amendment 00-147 and General Plan Amendment 00-145

Public Hearing to consider a City-initiated General Plan and Local Coastal Program amendment to: 1) alter the regulations for mixed-use projects (commercial with residential) on small lots (lots of 12,000 sq. ft. or less) and mixed-use projects with historic structures in the MU-3 area of Downtown San Clemente. Most of the area affected by this amendment is located in the coastal zone, and, therefore, an amendment to the City's Local Coastal Program is required. The purpose for this Public Hearing is the City Council's acceptance of the California Coastal Commission's suggested modifications to GPA 00-145 and LCPA 00-147.

Associate Planner Main reviewed the contents of the Administrative Report, noting that the Planning Commission concurred with the Coastal Commission's suggested modifications at its meeting of September 4, 2001; related that the Coastal Commission staff requested that Section 2.B.2. of the proposed City resolution be expanded to include the word "primary" before the word "coastal". During the course of discussion, Council and Staff noted that punctuation changes are also needed, to enable Section 2.B.2. to read as follows: "The project site is far away from the *primary* coastal visitor-serving areas of the City and the loss of potential commercial areas will not inhibit the City's ability to provide a full range of coastal visitor-serving uses."

Mayor Diehl opened the Public Hearing.

John Tengdin, San Clemente, stated that he received written notice of the August 6, 2001 Coastal Commission hearing concerning the MU3 issue on August 3, 2001; voiced concern that the agenda for that meeting indicated that the Coastal Staff was recommending denial because the Coastal Staff can only accept or deny an application in its entirety -- even if the area of disagreement involves only clerical changes; cautioned that Council not make any changes to the proposed resolution which may result in a processing delay.

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

MOTION BY COUNCILMEMBER RITSCHER, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 4-0, to adopt Resolution No. 01-51 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING THE COASTAL ELEMENT OF THE CITY'S GENERAL PLAN TO ACCEPT AND CARRY OUT COASTAL COMMISSION SUGGESTED MODIFICATIONS TO LOCAL COASTAL PROGRAM AMENDMENT 00-147 (SCT-MAJ-2-01), DOWNTOWN MIXED USE STANDARDS, with the modification that Section 2.B.2. be revised to read as follows: "The project site is far away from the primary coastal visitor-serving areas of the City and the loss of potential commercial areas will not inhibit the City's ability to provide a full range of coastal visitor-serving uses."

6. **ORAL COMMUNICATIONS**

None.

7. **UNFINISHED BUSINESS**

None.

8. NEW BUSINESS

A. San Clemente Historical Society - Tile Murals on Public Property

Report from the Beaches, Parks and Recreation Director concerning the San Clemente Historical Society's proposal for a fundraiser that involves the placement of individually sold and painted tiles on City property.

Beaches, Parks and Recreation Director Wegner narrated a powerpoint presentation entitled "Historical Society Tile Mural Request." A hard copy of Mr. Wegner's presentation is on file with the City Clerk.

Bill Thomas, Chair of the Beaches, Parks and Recreation Commission, stated that the Commission unanimously approved the proposal for individually designed and painted tiles, but denied the request for a professionally designed, single-subject mural; conveyed the reasoning behind the Commission's preference for individually created tiles.

Steven Swartz, San Clemente, expressed support for the concept of individualized tiles, but voiced concern with a pre-determined, paint-by-the-numbers option; suggested that it would be difficult to sell tiles associated with a professionally designed mural and opined that it would be unfair to give exclusive rights to one non-profit organization in the City.

Michael Kaupp, San Clemente, related his preference for the concept of professionally designed murals as opposed to murals that consist of individually designed tiles.

Blythe Welton, San Clemente Historical Society, stated that the tile mural program, especially the concept involving professionally designed murals, is receiving positive community response; commented that the murals will provide a beautiful addition to the Pier area and noted that the proceeds will help to keep the Historical Society's museum open; opined that the proposal represents community involvement at its best since many people can join together to create a beautiful work of art; spoke in support of utilizing the bulb-out areas on Avenida Del Mar for individually designed tiles; stated that the mural artists, Rick Delanty and Mary McMenamin, are donating their services. In response to Council inquiry, Ms. Welton agreed to set aside a portion of the profits in a reserve fund for long-term maintenance of the tiles.

It was the consensus of Council that the tile mural program should begin in the Pier Bowl area, with the understanding that other public areas in the City could be considered as future mural sites (including opportunities for individually designed and painted tiles) if the initial project is successful.

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

1. Approve a request from the San Clemente Historical Society to install, manage and maintain professionally designed single-subject tile murals to be painted by individuals, families or organizations under professional supervision.
2. Approve the placement of two murals on the decorative walls at the Parque Del Mar (Pier Bowl) entrance to the below-grade pedestrian railroad crossing as art in public places and as a fundraiser.
3. Authorize the Director of Beaches, Parks and Recreation to finalize and sign a letter agreement with conditions of approval on behalf of the City.
4. Approve the waiver of the required \$125 encroachment permit fee.

B. **Historical Red Tile Sidewalks**

Report from the Director of Beaches, Parks and Recreation concerning historical red tile sidewalks within public rights-of-way.

Beaches, Parks and Recreation Director Wegner narrated a powerpoint presentation, entitled "Red Tile Sidewalks". A hard copy of Mr. Wegner's presentation is on file with the City Clerk.

Michael Kaupp, San Clemente, stated that he is aware of a source that can reproduce, with authenticity, the terra cotta sidewalk tiles which are currently located in the City's historic residential neighborhoods; urged that red tile sidewalks be retained since they represent an architecturally defining element of the community; stated that 87% of the individuals that he polled felt that historic sidewalks should be retained, even though an additional cost would be borne by homeowners; spoke in support of a preservation ordinance and stated that San Clemente is the only city in South Orange County that requires its homeowners to pay for sidewalks.

Mary McMEnamin, San Clemente, stated that one of the reasons she moved to San Clemente was the community's charming ambience and architectural heritage; commented that the City's original sidewalks are a part of the City's heritage and warrant preservation.

Donald Prime, San Clemente, stated that he circulated a petition for the preservation of the City's red tile sidewalks on Gaviota and Valencia, noting that 45 of 52 persons contacted signed the petition; stated that he has watched Council meetings for two years and has noticed a pattern of disconnect between staff positions and the community's wishes; urged that Council declare that the City's heritage is to be preserved and require that Staff consider the affect of all major issues on the preservation of the City's heritage.

Arleen Ross, San Clemente, read a statement from Rae LaForce, the Vice President of Preservation for the San Clemente Historical Society. Ms. LaForce's statement asserted that the City's prime assets, apart from its coastal location and climate, are its unique history and distinctive architecture; spoke in support of the creation of a red tile sidewalk preservation and replacement program.

Dena Van Slyke, San Clemente, stated that she is a professional realtor that specializes in historic properties; opined that properties that maintain historic tiles possess greater value; spoke in support of efforts to maintain the integrity and ambience of historic properties; offered to help locate and distribute replacement tiles.

William Ayer, San Clemente, voiced concern that non-continuous sidewalks promote children to walk in streets and urged that the City embark on a sidewalk improvement program to enhance safety; recommended that salvageable historic sidewalks be identified and preserved.

Following discussion, Council directed that Staff develop a sidewalk replacement program that incorporates the preservation of historic tile sidewalks for Council consideration at a future meeting. In developing the historic tile preservation aspect of the program, Staff is to work with the various stakeholders and develop a participation incentive plan. Additionally, Staff is to determine, on a street-by-street basis, the percentage of red tile sidewalks that exist.

MEETING RECESSED

Council recessed at 9:05 p.m. and reconvened at 9:15 p.m., with all members present except Councilmember Dorey.

8. **NEW BUSINESS**

C. **Policy and Procedure 702-2 - Management of Beach Facilities**

Report from the Director of Beaches, Parks and Recreation concerning the possibility of adopting a Policy and Procedure pertaining to the management of beach facilities.

Marine Safety Manager Humphreys narrated a powerpoint presentation concerning the management of beach facilities and responded to Council inquiries. A hard copy of Mr. Humphreys' presentation, dated September 5, 2001, is on file with the City Clerk.

Council requested that Policy and Procedure 702-2 be expanded to include a definition of "Protective Measures".

Bill Hart, Chair of the Coastal Advisory Committee, stated that the proposed policy represents a significant work product on the part of the Coastal Advisory Committee; commented that the beaches are receding without any indication that the trend will reverse; stated that the Committee received public commentary and gave full consideration to the options of retreat versus facility protection; opined that the proposed policy recognizes the value of recreational facilities on the beach and attempts to maintain those facilities as much as possible; pointed out that the proposed policy is well-reasoned and provides a contingency plan to be utilized in the event future circumstances threaten facilities; noted that the policy is flexible and urged Council adoption.

Steven Swartz, Coastal Advisory Committee member, stated that the Coastal Committee voted three-to-two to recommend the proposed policy, noting that one of the absent members provided the Committee with a thorough position statement; commented that the Committee attempted to strike a balance between conservation and service to the individuals who use the beaches; related that the draft policy attempts to provide a strong structure while allowing a degree of flexibility.

Tom Pezman, Coastal Advisory Committee member, explained that he voted against the proposed policy because of his belief that the Committee rushed to judgment; opined that a policy is needed in regard to sand replenishment; stated that the proposed policy embraces the concept of sand-retention devices, adding that the community does not want breakwaters, groins or jetties; related that he opposes the placement of hard structures on the beach and opposes the proposed policy because it leaves that option open.

Ken Nielsen, Coastal Advisory Committee member, opined that some structures, such as restrooms, are needed on the beach; related that he opposed the policy because two Committee members were not present; stated that a great deal of work went into the policy and related his belief that it is a good document.

Helen Wilson McCue, San Clemente, stated that one of the reasons that sand is eroding from Mariposa Point is because the railroad dumps rocks at that location; spoke in opposition to the relocation of any City facilities to the inland side of the railroad tracks because safety would be compromised if persons were required to cross railroad tracks in order to access various facilities; voiced concern that it would be particularly difficult for the elderly and disabled to cross the tracks.

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER RITSCHER, CARRIED 4-0, to approve, and authorize the Mayor to execute, Policy and Procedure 702-2 entitled "Management of Beach Facilities."

- D. Position Statement - California High Speed Rail Authority Project Alternatives Assessment and Rail Technologies *Note: This item was added to the agenda earlier in the meeting. See Page 2 of these minutes for a summary of that action.*

City Planner Hare narrated a powerpoint presentation entitled CHSRA/SCAG Rail Comment. A hard copy of Mr. Hare's presentation, dated September 5, 2001, is on file with the City Clerk.

Bill Hart, San Clemente, applauded the City's efforts to proactively address the subject issue; stated that the California High Speed Rail Board will decide which alternatives to eliminate from consideration; urged that the City promote the position that the beach is not a feasible location for high speed rail activity.

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER RITSCHER, to:

1. Approve, and authorize the Mayor to execute, a letter to the California High Speed Rail Authority which expresses the City's opposition to any project that would increase traffic or propose physical improvement of the existing rail right-of-way within San Clemente and conveys that the City's preference is that the existing rail facilities be relocated away from their current location between the bluffs and the sea. The draft letter (as contained in the Administrative Report) is to be amended to state that the C1a. (beach) alignment should be eliminated from consideration and any I-5 right-of-way bypass must be in the form of a tunnel.
2. Approve, and authorize the Mayor to execute, a letter to the Southern California Association of Governments (SCAG) requesting study of alternatives to the Amtrak proposal on double tracking on the coast.
3. Determine that the positions referenced in the above letters reflect City policy and authorize Staff to submit additional letters that are consistent with the policy statements contained within the CHSRA and SCAG letters.

THE MOTION ON THE FLOOR CARRIED 3-1 (COUNCILMEMBER EGGLESTON VOTING NOE, citing agreement with the letter except the portion that proposes the retention of Alternative C-4 (Foothill Toll Corridor).

9. **REPORTS**

A. **Commissions and Committees**

(1) **Coastal Advisory Committee Vacancies**

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 4-0, to establish October 17, 2001 at 6:00 p.m. in the Council Chambers as the date, time and place to interview and appoint residents to fill two vacancies on the Coastal Advisory Committee.

B. **City Manager**

None.

C. **City Attorney**

None.

D. **Council Members**

(1) **Orange County Division, California League of Cities Issues.**

Mayor Diehl explained that Councilmember Ritschel will be sworn into office as the First Vice President of the Orange County Division on September 7, 2001.

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

None.

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

Councilmember Ritschel distributed an update report concerning issues involving the Orange County Fire Authority; related her intent to recap OCFA matters at the end of each month via a written report and distribute the material to Council.

(4) **Coastal Animal Services Authority Status Update.**

Mayor Pro Tem Dahl reported on animals available for adoption at the San Clemente Animal Shelter; expressed appreciation to the shelter volunteers and veterinarians.

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

None.

(6) **Councilmember Items.**

A. **Federal Funding for Beach Restoration**

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER RITSCHER, CARRIED 4-0, to adopt Resolution No. 01-52 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SUPPORTING THE FUNDING ALLOCATION PROPOSED AND APPROVED BY THE HOUSE OF REPRESENTATIVES AND REQUESTING THE ESTABLISHMENT OF A DEDICATED FUNDING SOURCE FOR BEACH RESTORATION.

10. RESOLUTIONS/ORDINANCES

A. Ordinance No. 1255 (Second Reading) - City's Conflict of Interest Code

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 4-0, to adopt Ordinance No. 1255 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 2.24 AND APPENDIX A OF CHAPTER 2.24 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO THE CITY'S CONFLICT OF INTEREST CODE.

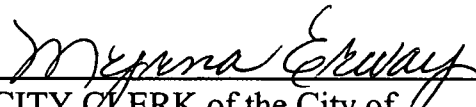
MEETING RECESSED


Council recessed to a meeting of the Redevelopment Agency at 10:50 p.m. and reconvened at 10:51 p.m., with all members present except Councilmember Dorey.

11. ADJOURNMENT

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 4-0, to adjourn at 10:51 p.m. to a Joint Council/Planning Commission meeting to be held on September 17, 2001 at 7:00 p.m. in the Community Center Auditorium, located at 100 N. Seville, San Clemente, for the purpose of considering the revised Marblehead Coastal Development Plan.

The next Regular Meeting will be held on **September 26, 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

CITY OF SAN CLEMENTE

AFFIDAVIT OF POSTING
ORDER OF ADJOURNMENT OF MEETING

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS.
CITY OF SAN CLEMENTE)

I, Myrna Erway, declare as follows:

That I am the City Clerk of the City of San Clemente; that at a Regular Meeting of the City Council held on September 5, 2001, said meeting was adjourned to the time and place specified in the Notice of Adjournment attached hereto; and that on September 6, 2001, at the hour of 8:30 a.m., a copy of said order was posted at a conspicuous place near the door at which said meeting was held.

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

Executed on September 6, 2001 at San Clemente, California.


MYRNA ERWAY
City Clerk

NOTICE OF ADJOURNMENT
EXCERPT FROM THE MINUTES OF THE CITY COUNCIL
MEETING OF SEPTEMBER 5, 2001

A Regular City Council Meeting was held in the Council Chambers, located at 100 Avenida Presidio, San Clemente on September 5, 2001.

ROLL CALL PRESENT: DAHL, EGGLESTON, RITSCHER, MAYOR DIEHL

ROLL CALL ABSENT: DOREY

Adjournment

The City Council adjourned to an Adjourned Regular Meeting to be held on September 17, 2001 at 7:00 p.m. in the Community Center Auditorium, located at 100 N. Seville, San Clemente, for the purpose of meeting in Joint Session with the Planning Commission concerning the revised Marblehead Coastal Development Plan.

The next Regular Meeting will be held on September 26, 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.


MYRNA ERWAY
City Clerk