

Special meeting of the City Council of the City of San Clemente, California, Council Chambers, Civic Center Building, 100 Avenida Presidio, Monday, June 16, 1980, at 7:00 P.M., Mayor Karoline Koester presiding.

ROLL CALL

PRESENT: Council Members - LIMBERG, MECHAM, O'KEEFE, AND KOESTER
ABSENT: Council Members - NONE

Also Present: George A. Carvalho, City Manager; Max L. Berg, City Clerk; Michael J. Bartlett, City Attorney; Edward Putz, Public Works Director-City Engineer; and Lawrence J. Lawson, Building and Planning Director

SPECIAL BUSINESS

Subject: 77-(119) - PUC Decision Regarding Application to Abolish an Existing Pedestrian Underpass.

IN RE: Consideration and review of PUC decision regarding the City's application to abolish an existing pedestrian underpass, and, in place thereof, to construct a pedestrian at-grade crossing over the right-of-way of the Atchison, Topeka, and Santa Fe Railway Company.

Mayor Koester noted that the purpose of the Special Meeting was to discuss whether the City should modify the design of the park at this point during construction as a result of the PUC decision granting the City an at-grade crossing in the pier bowl area.

In response to the Mayor's request for a briefing of the PUC decision, the City Attorney reviewed the history of this subject, noting that in 1975 the City retained Los Angeles Attorney Wyman Knapp as special legal counsel to represent the City in applying with the PUC to permit abolishment of the existing pedestrian underpass and to construct a pedestrian at-grade crossing over the right-of-way at the pier; that this application was eventually denied by the PUC in 1977; subsequently an application was made to reopen the hearing with a modified request based on the RDA area plans which were approved in late 1977; that after that time there apparently was some lack of communication in that the City changed its plans based on certain Propositions which passed resulting in inadequate funds being available to proceed with the initial plan; and that the PUC decision rendered last week authorizes a portion of what the City had requested, but is not consistent with the plans that the City has adopted and proceeded with to landscape the pier bowl area.

The City Attorney continued that the decision authorizes elimination of the vehicular at-grade crossing at the lifeguard station which primarily serves vehicles for the pier, concession stands and the lifeguard station, and by removing it another at-grade crossing 255 feet northerly from the pier can be constructed which would allow pedestrian and limited vehicular access with adequate warning devices to be installed at City expense. The City Attorney noted that Attorney Knapp feels the decision also means the City would be required to remove the underpass crossing at the pier.

Mayor Koester stated the matter would not be of an emergency situation except for the fact that the City has authorized construction of a park in the pier bowl area, that construction of the at-grade crossing at the location authorized by PUC will impact and change the park layout; that one of the main concerns has been to have an at-grade crossing for people who are not ambulatory or cannot negotiate steps; and that people have crossed the tracks from various points which is very dangerous and difficult to control.

In discussing possible alternatives, the City Attorney advised that it was Attorney Knapp's feeling that to substantially change the location of the authorized dual purpose at-grade crossing would require an additional hearing before the PUC; that the involved cost would be difficult to determine at this time; and noting that it has already cost substantial money and taken over 5 years to reach this point.

The City Manager advised that Staff met Wednesday at the site to access the various alternatives available to the City in terms of the decision by the PUC; that they explored a number of options in relation to the current park project, noting that the progress of the project to date is almost 80% completed; that it was Staff's determination it would be ill-advised to curtail work on the project at this time for modification of the PUC plan; and it was his recommendation that we complete the park and at the same time initiate some discussion as to what would be the most viable approach for possible changing of the at-grade crossing location and still be in conformance with the PUC decision. Possible options available would be to close the Marine Safety crossing and close the underground crossing ending up with one crossing for both pedestrians and vehicles somewhere in between; request modification to allow the crossing approximately 100' northerly of the current undercrossing; or try to convince the PUC that a pedestrian crossing should be located in that area and retain the Marine Safety crossing at the current location; and try to determine the most compatible approach and proceed to the PUC with suggested modification.

The Public Works Director outlined on a map four alternative ways to implement the PUC decision, describing the work to be done to tie into the access road which would be costly, and noting that the major problem concerned the grade and that the beach access came right out at the picnic area; and that the present pier park plan was approved by the Coastal Commission and any further deviations would need their approval.

Following lengthy discussion, it was suggested inquiry be made into the possibility of negotiating with PUC to see if a slight modification would be agreeable which would involve CALTRANS, AMTRAK and Santa Fe Railway, and IT WAS THEN MOVED BY COUNCILMAN O'KEEFE, SECONDED BY COUNCILMAN MECHAM to accept Staff recommendation to allow existing park improvements to be completed and authorize the City Attorney to pursue informal negotiations with the various parties involved and report back; with the alternatives to be considered being an at-grade crossing for emergency vehicles where it now exists and a public pedestrian crossing at or near the pier if possible; or the alternative of a combined crossing in the vicinity of the train waiting station or approximately 100' northerly of the pier.


During discussion as to relative costs the City Attorney advised that it will cost about \$72,000 just for the safety devices and \$2,000 per year for maintenance.

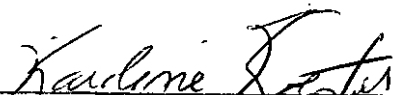
The Mayor then asked for public comments and Dr. Joe Coss, Chairman of the Ad Hoc Committee to study the pier bowl beautification, stated that he felt all members of the Committee would approve of the motion. Ida Hunt added that the citizens of San Clemente have worked too hard and too long to get an at-grade crossing which is very much needed.

The Mayor than called for the QUESTION WHICH CARRIED with Mayor Koester voting "NO."

ADJOURNMENT

IT WAS MOVED BY COUNCILMAN MECHAM, SECONDED BY MAYOR KOESTER, AND UNANIMOUSLY CARRIED that the meeting be adjourned at 7:55 P.M.


CITY CLERK and ex-officio
Clerk of the City Council


MAYOR and President
of the City Council