

MEETING RECONVENED

Council reconvened at 7:05 p.m., with all members present.

INVOCATION

Brett Peterson, OCFA Fire Chaplain, gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Eggleston led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

None.

2. MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to waive reading in full of all Resolutions and Ordinances.

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

None.

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

Request for Adoption of New Ordinance Addressing Dog Barking

Richard Metcalf, San Clemente, requested that Council consider adopting Orange County's ordinance relating to barking dogs; reviewed the nuisance caused by barking dogs in his neighborhood and spoke in support of an ordinance that includes penalties; presented a petition signed by 28 persons who support adoption of a new ordinance to address barking dogs.

Mayor Dahl, the City's representative to the Board of Directors of the Coastal Animal Services Authority, advised that CASA intends to monitor the County's Ordinance for 90 days after it becomes effective; estimated that the Ordinance will be considered by the CASA Board in June 2007 and subsequently considered by the City Councils of Dana Point and San Clemente.

5. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve the Consent Calendar. Mayor Pro Tem Anderson registered an abstention on the City Council minutes of December 19, 2006.

A. **City Council Minutes**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 4-0-1 (MAYOR PRO TEM ANDERSON ABSTAINING), to approve the City Council minutes of December 19, 2006.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve the City Council minutes of January 8, 2007.

B. MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to receive and file:

- (1) Golf Course Committee minutes of December 7, 2006.
- (2) Parks and Recreation Commission minutes of January 9, 2007.
- (3) Zoning Administrator meeting minutes of January 10, 2007.
- (4) Coastal Advisory Committee minutes of December 14, 2006.
- (5) Parks and Recreation Commission minutes of December 12, 2006.

C. **Warrant Register**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve Wire Transfers Nos. 433 and 434 and Warrant Nos. 781261 through 781417 for the period 12-18-06 through 12-22-06 in the amount of \$1,389,909.90; approve Warrant Nos. 781418 through 781540 for the period 1-1-07 through 1-5-07 in the amount of \$1,646,014.61; for a total Warrant Register of \$3,035,924.51.

Payroll Register

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve Warrant Nos. 318685 through 318711, Automatic Deposit Advises 144363 through 144573, for the period 12-18-06 through 12-31-06 in the amount of \$344,469.85; for a total Payroll Register of \$344,469.85.

D. **Contract Award - On-Call Inspection Services for Public Works Projects**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C07-01 by and between the City of San Clemente and Transtech Engineers, Inc., providing for on-call inspection services for public works projects on an "as-needed" basis at an hourly rate of \$74.93 per inspector.

E. **Release of Improvement Performance Bonds - Tract 16413 in the Talega Development**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to adopt Resolution No. 07-07 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA AUTHORIZING THE RELEASE OF THE IMPROVEMENT PERFORMANCE BONDS, WITHOUT LIMITATION, FOR TRACT 16413 IN THE TALEGA DEVELOPMENT, STANDARD PACIFIC CORPORATION.

F. **Acceptance of Street Light Replacements on South El Camino Real**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to:

1. Accept the Replacement of Street Lights on South El Camino Real, Project No. 16805, from the contractor, Steiny and Company, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Replacement of Street Lights on South El Camino Real, Project No. 16805. (Contract C06-17)

G. **Development Agreements - Annual Review**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to find that Plaza Pacifica, Monarch, Laing Forster Ranch, Marblehead Coastal and Talega are in compliance with their respective development agreements. (Contracts C89-16, C95-64, C98-61, C98-62 and C98-84)

6. PUBLIC HEARINGS**A. Appeal of Sign Exception Permit 06-402, Marblehead Coastal Plaza San Clemente Master Sign Program**

Continued Public Hearing to consider an appeal of a previously denied application by Villa San Clemente, LLC, which would allow freeway-oriented signs and other signs on the Marblehead Coastal Plaza San Clemente project that exceed the standards of the zoning code. Marblehead Coastal Plaza San Clemente consists of approximately 642,584 square feet of commercial uses including a 120 to 130 room hotel, conference center, theater, restaurants and outlet retail uses. The 50.5-acre project site is located within the Marblehead Coastal Specific Plan-Commercial and is west of the San Diego Freeway (Interstate 5) and northeast of the intersection of Avenida Pico and the future extension of Avenida Vista Hermosa.

City Clerk Erway announced that Staff is recommending that the Public Hearing for Sign Exception Permit 06-402 (Marblehead Coastal Plaza San Clemente Master Sign Program) be continued to the Council meeting of February 20, 2007 to allow time to prepare and present viable signage alternatives to the Council.

Mayor Dahl opened the Public Hearing.

Karen Ahola, San Clemente, urged Council to not approve the proposed signage as she believes it would negatively affect quality of life; recommended that consideration be given to the difference between adequate wayfinding signage and unnecessary advertising billboards; opined that large signage on the rear of the Plaza San Clemente buildings as well as the pole signage as presented are inappropriate for San Clemente.

Richard Boyer, San Clemente, opined that signage at Kaleidoscope is garish and spoke in opposition to similar signage in San Clemente; commented that the proposed signage for Plaza San Clemente will cause regional travelers to develop a negative perception of San Clemente.

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to continue the Public Hearing for Sign Exception Permit 06-402 (Marblehead Coastal Plaza San Clemente Master Sign Program) to the Council meeting of February 20, 2007 to allow time to prepare and present viable signage alternatives to the Council.

7. **UNFINISHED BUSINESS**

A. **Change Order - Richard T. Steed Memorial Park Renovation Contract (Project No. 11401)**

Report from the Beaches, Parks and Recreation Director concerning a Change Order to revise the scope of work and reduce the cost for the Richard T. Steed Memorial Park renovation contract.

Park Planner Shaw reviewed the contents of the Administrative Report and responded to Council inquiries.

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY MAYOR DAHL, **FAILED 2-3** (MAYOR DAHL, COUNCILMEMBER DONCHAK AND COUNCILMEMBER KNOBLOCK VOTING NOE), to approve Staff's recommendation (which did not include a tot lot) as follows:

1. Authorize the transfer of \$322,069 from the unrestricted fund balance in the General Fund to the Parks Acquisition and Development Fund.
2. Authorize the appropriation of an additional \$322,069 into the Richard T. Steed Park renovation project, Account 031-862-45300-000-11401.
3. Approve, and authorize the Mayor to execute, Change Order No. 1 to Contract C06-65, by and between the City of San Clemente and Burge Corporation, for a net deduction of \$97,058. This deduction would reduce Burge's contract to \$1,429,744.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve Staff's recommendation, with the addition of a tot lot for an additional \$72,319. By virtue of this modification (together with the associated increase in administrative charges and contingency funding), Council took action as follows:

1. Authorized the transfer of \$407,405 from the unrestricted fund balance in the General Fund to the Parks Acquisition and Development Fund.
2. Authorized the appropriation of an additional \$407,405 into the Richard T. Steed Park renovation project, Account 031-862-45300-000-11401.
3. Approved, and authorized the Mayor to execute, Change Order No. 1 to Contract C06-65, by and between the City of San Clemente and Burge Corporation, for a net deduction of \$24,739. This deduction reduces Burge's contract to \$1,502,063.

8. **NEW BUSINESS**

None.

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

None.

10. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. **City Attorney**

None.

D. **Council Members**

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

None.

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

None.

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

Councilmember Knoblock reported on recent fires that were caused by lint in dryers; explained that this is a primary cause of residential fires and encouraged citizens to be expeditious about removing lint.

Councilmember Knoblock advised that ten new members will join the Orange County Fire Authority Board.

(4) **San Clemente-Dana Point Animal Services Authority.**

Mayor Dahl reported on animals available for adoption at the San Clemente-Dana Point Animal Shelter and expressed gratitude to the Shelter's staff, veterinarians and volunteers.

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

Councilmember Knoblock requested that City Attorney Oderman provide Council with a brief summary of the three pending litigation matters involving the toll roads.

(6) **Councilmember Items.**

Appointment of Representative to OCTA's South Orange County Major Investment Study Group

Mayor Pro Tem Anderson requested that the February 6, 2007 Council agenda include "Appointment of Representative to OCTA's South Orange County Major Investment Study Group"; explained that Susan Ritschel was formerly the City's representative to this body; conveyed willingness to represent the City on the Study Group.

Youth Task Force Meeting Report

Councilmember Donchak reported on her attendance at a Youth Task Force meeting on January 18, 2007; commended Principal Civil Engineer Hindiyeh for the well-organized nature of the meeting; stated that methods of improving the safety of youth who cross from the Mendocino Apartments to the park across the street will be explored.

Status Report - Alignment of Avenida La Pata

Councilmember Knoblock requested a tray memo that provides an update on the La Pata alignment as well as a map of the newest alignment proposal.

Burglaries in Talega

In response to Council inquiry, Acting Police Chief D'Auria reported on recent burglaries in Talega; noted that nine burglaries have taken place since December 18, 2006 -- five of which involved model homes and four of which involved private residences; advised that enforcement is being increased and a public education effort is underway.

Trail Feedback/Quiet Zone Progress

Councilmember Eggleston reported that he walked the pedestrian trail on Sunday and surveyed persons concerning their opinions about the trail; advised that feedback concerning the trail was extremely positive; stated that a number of people who live adjacent to the railroad tracks expressed concern about train noise and suggested that the Sun Post News publish periodic progress reports with regard to the Quiet Zone.

Avenida Vista Hermosa - Deer Crossing Signs and Activation of Speed Sensors

Council requested that “Deer Crossing” signs be installed along Avenida Vista Hermosa between Camino Vera Cruz and Avenida La Pata. Additionally, Council requested to be informed as to the date that speed sensors are expected to be activated on Avenida Vista Hermosa.

11. RESOLUTIONS/ORDINANCES**A. Ordinance No. 1327 (Second Reading) - Levying Special Taxes Within Community Facilities District No. 2006-1**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to adopt Ordinance No. 1327 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2006-1 OF THE CITY OF SAN CLEMENTE LEVYING SPECIAL TAXES WITHIN COMMUNITY FACILITIES DISTRICT NO. 2006-1 OF THE CITY OF SAN CLEMENTE.

B. **Ordinance No. 1325 (Second Reading) - Implementation Agreement for Development Agreement for Marblehead Coastal**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to adopt Ordinance No. 1325 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE IMPLEMENTATION AGREEMENT FOR DEVELOPMENT AGREEMENT FOR MARBLEHEAD COASTAL.

C. **Ordinance No. 1326 (Second Reading) - Dogs on Public Property and Use of Bicycles and Other Activities on the Pier, Beach Access Road and Beach Trail**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to adopt Ordinance No. 1326 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTIONS 6.08.020 AND 12.32.130 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO DOGS ON PUBLIC PROPERTY, AND THE USE OF BICYCLES AND OTHER ACTIVITIES ON THE PIER, BEACH ACCESS ROAD AND BEACH TRAIL.

12. **ADJOURNMENT**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to adjourn at 7:45 p.m. to a Joint Council/Commissions/Committees meeting to be held on January 30, 2007 at 7:00 p.m. in the Community Center, located at 100 N. Seville, San Clemente.

The next Regular Meeting will be held on February 6, 2007 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