

# **CITY OF SAN CLEMENTE**

## **City Council Minutes**

### **Regular Meeting - January 9, 2007**

A Regular Meeting of the San Clemente City Council was called to order on January 9, 2007 at 6:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

**PRESENT**                      ANDERSON, DONCHAK, EGGLESTON, KNOBLOCK,  
MAYOR DAHL

**ABSENT**                        NONE

**STAFF PRESENT**              George Scarborough, City Manager; Jeff Oderman, City  
Attorney; Myrna Erway, City Clerk; Joanne Baade, Deputy  
City Clerk

### **CLOSED SESSION**

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to recess to Closed Session at 6:00 p.m. to discuss the following:

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, pursuant to Government Code Section 54956.8:

Property:      100 Avenida Victoria, San Clemente

Negotiating Parties: David Lund, Public Works/Economic Development Director and Dr. Marilyn Ditty, Executive Director of South County Senior Services

Under Negotiation: Long Term Lease--Both Price and Terms of Payment

City Manager Scarborough, City Attorney Oderman, Assistant City Manager Gudgeirsson, Public Works/Economic Development Director Lund and City Clerk Erway were in attendance.

**CLOSED SESSION ANNOUNCEMENT - SENIOR CENTER NEGOTIATIONS**

City Attorney Oderman reported that during this evening's Closed Session, Council considered the issue of Senior Center negotiations and provided direction to Staff; advised that no reportable action was taken.

**INVOCATION**

Marie Toland, Family Assistance Ministries, gave the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Anderson led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Commendation - Ray Kunkle, RSVP Coordinator**

Mayor Dahl presented a commendation to Ray Kunkle for his exceptional performance as RSVP Coordinator.

2. MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, 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)**

**Avenida Vista Montana (Concern that Overgrown Vegetation is Blocking Views and Violating the City's Master Landscape Plan for Scenic Corridors)**

Christine Oriente, San Clemente, explained that the City's Master Landscape Plan for Scenic Corridors identifies Avenida Vista Montana as a scenic corridor; asserted that the Richmond Pointe Homeowners Association is allowing the hedges and trees along Avenida Vista Montana to become overgrown, thereby blocking views from the road; presented a petition, signed by 59 area residents, which requests that slope maintenance be enforced.

Council requested that Ms. Oriente provide City Manager Scarborough with information concerning this situation.

**Request to Address Right Hand (Westerly) Turns onto Avenida Vista Hermosa from Southbound Calle Frontera**

Neil Barbanell, San Clemente, asserted that it is dangerous for persons traveling southbound on Calle Frontera to turn right onto Avenida Vista Hermosa; opined that the danger is due to the speed of Vista Hermosa travelers, compounded by the curvature of Vista Hermosa, which provides persons on Calle Frontera with only 150 feet of sight distance; suggested that right turns from southbound Calle Frontera to westbound Vista Hermosa be prohibited against red lights from 7:00 a.m. to 10:00 a.m. weekdays.

Council requested that the City Engineer investigate ways to alleviate the situation described by Mr. Barbanell.

5. **CONSENT CALENDAR**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve the Consent Calendar.

A. **City Council Minutes**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve the City Council minutes of December 5, 2006.

B. MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to receive and file:

- (1) Coastal Advisory Committee minutes of November 9, 2006.
- (2) Golf Course Committee minutes of October 5, 2006 and November 2, 2006.
- (3) Parks and Recreation Commission minutes of November 14, 2006.
- (4) Zoning Administrator meeting minutes of December 20, 2006.
- (5) Planning Commission minutes of December 20, 2006.

C. **Warrant Register**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve Warrant Nos. 780847 through 781055 for the period 12-4-06 through 12-8-06 in the amount of \$2,667,418.36; approve Handwrite No. 781056, Wire Transfers Nos. 431 and 432, and Warrant Nos. 781057 through 781260, for the period 12-11-06 through 12-15-06 in the amount of \$989,056.89; for a total Warrant Register of \$3,656,475.25.

**Payroll Register**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve Warrant Nos. 318632 through 318684, Automatic Deposit Advises 144137 through 144362, for the period 12-4-06 through 12-17-06 in the amount of \$363,875.49; for a total Payroll Register of \$363,875.49.

D. **Contract Change Order - 221-225 West Marquita Storm Drain Reconstruction, Project No. 13803, for Emergency Storm Drain Reconstruction at 211 West Marquita**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to:

1. Make a finding that an emergency currently exists due to the deteriorated condition of the existing storm drain pipeline. The situation requires immediate action to prevent or mitigate the impairment of property and public services that might otherwise occur if required to incur delays attributed to the typical engineering design and public competitive bidding process.
2. Authorize the City Engineer to execute Change Order No. 1 to Contract C06-30, by and between the City of San Clemente and Zusser Company, for an additional cost not to exceed \$97,610.
3. Approve a supplemental appropriation of \$98,000 to Account 059-553-45300-000-13803, Storm Drain Utility Depreciation Reserve.

E. **Authorization to Apply for Senate Bill 369 - Rubberized Asphalt Concrete Use Grant Program for FY 2006-07 and 2007-08**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to adopt Resolution No. 07-01 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING GRANT APPLICATION FOR SB 369 RUBBERIZED ASPHALT CONCRETE USE GRANT PROGRAM FOR FISCAL YEARS 2006-07 AND 2007-08.

6. **PUBLIC HEARINGS**

A. **Amendment to Site Plan Permit 97-16, Marblehead Coastal Residential Custom Lots**

Public Hearing to consider a request to amend a previously approved residential site plan permit to allow custom architecture on 69 of 313 lots within the Marblehead Coastal property.

Mayor Dahl announced that Colony Cove homeowners have requested that this item be deferred to a future meeting due to their belief that the Public Hearing verbiage was insufficient; advised that the Applicant concurs with continuing this Public Hearing to the Council meeting of February 6, 2007.

Contract Planner Nagel narrated a PowerPoint presentation entitled "Marblehead Coastal Residential Custom Lots" and responded to Council inquiries. A hard copy of Mr. Nagel's presentation is on file with the City Clerk.

Mayor Dahl opened the Public Hearing to those individuals who can't attend the Council meeting of February 6, 2007.

Mary Anne Chern, Colony Cove resident, stated that she appreciates this item being postponed; explained that Colony Cove homes are approximately 1,200 or 1,300 square feet in size and voiced concern that they will be engulfed by huge homes; asserted that large homes will change the community's character and expressed opposition to lot mergers; requested that visual simulations of the project from the Colony Cove vantage point be provided.

There being no others desiring to address Council at this meeting, MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to continue the Public Hearing to the Council meeting of February 6, 2007. *(Note: This item will be readvertised, with a modified project description, for the February 6, 2007 meeting.)*

**B. Marblehead Coastal Mello-Roos Community Facilities District (CFD)**

Public Hearing to consider forming Community Facilities District 2006-1 and incurring bonded indebtedness.

City Clerk Erway announced that the Notice of Public Hearing for this item was published in the Sun Post News on December 29, 2006, posted on the subject property on December 20, 2006, and mailed to the property owner (Sun Cal Marblehead) on December 18, 2006.

Public Works/Economic Development Director Lund reviewed the contents of the Administrative Report and responded to Council inquiries. During the course of his presentation, Mr. Lund advised that the commercial center has been removed from the District's boundary map at the request of the commercial developer; stressed that this change is not substantive in terms of its impact because the commercial center was already exempt from any tax.

Mr. Lund agreed to research and advise Council relative to the entity responsible for maintaining various trails and habitat areas within Marblehead Coastal.

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

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to adopt Resolution No. 07-03 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AUTHORIZING FORMATION OF COMMUNITY FACILITIES DISTRICT NO. 2006-1 OF THE CITY OF SAN CLEMENTE, AUTHORIZING THE LEVY OF A SPECIAL TAX THEREIN, PRELIMINARILY ESTABLISHING AN APPROPRIATIONS LIMIT THEREFOR AND SUBMITTING LEVY OF SPECIAL TAX AND THE ESTABLISHMENT OF THE APPROPRIATIONS LIMIT TO THE QUALIFIED ELECTORS THEROF.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to adopt Resolution No. 07-04 entitled A RESOLUTION 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, DETERMINING THE NECESSITY TO INCUR BONDED INDEBTEDNESS AND SUBMITTING A PROPOSITION TO THE QUALIFIED ELECTORS THEREOF.

City Clerk Erway announced that she concurs with shortening the time period for the subject election and advised that the property owner (SunCal Marblehead, LLC) has provided her with a waiver to the election time period and has consented to the conduct of the election this evening.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to adopt Resolution No. 07-05 entitled A RESOLUTION OF THE CITY OF SAN CLEMENTE, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2006-1 OF THE CITY OF SAN CLEMENTE CALLING A SPECIAL ELECTION FOR THE PURPOSE OF APPROVING A SPECIAL TAX THEREIN, THE ISSUANCE OF BONDS BY SAID DISTRICT AND ESTABLISHMENT OF AN APPROPRIATIONS LIMIT.

City Clerk Erway announced that she received a ballot from the sole landowner, SunCal Marblehead, LLC. Upon opening the ballot, Ms. Erway announced that SunCal voted "Yes" on the subject issue.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to adopt Resolution No. 07-06 entitled A RESOLUTION OF THE CITY OF SAN CLEMENTE, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2006-1 OF THE CITY OF SAN CLEMENTE DECLARING THE RESULTS OF A SPECIAL ELECTION THEREIN AND DIRECTING RECORDING OF A NOTICE OF SPECIAL TAX LIEN.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to introduce 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.

C. **Implementation Agreement for Development Agreement for Marblehead Coastal Property**

Public Hearing to consider a request to authorize the execution of an Implementation Agreement for the Development Agreement between SunCal Marblehead, LLC and the City for updates to the previously approved Development Agreement. (Contract C98-61)

Contract Planner Nagel announced that the City Attorney's Office has made a minor modification to the Implementation Agreement, noting that a strike-out version of the revised document has been placed on the dais. Mr. Nagel explained the revision, which relates to a modified definition of the term "Park and Trail Improvements". During the course of his presentation, Mr. Nagel presented a PowerPoint presentation entitled "Marblehead Coastal Implementation Agreement" (a copy of which is on file with the City Clerk) and responded to Council inquiries.

Mayor Dahl opened the Public Hearing.

Mark McGuire, on behalf of the Applicant, stated that the original Development Agreement specified that the Applicant provide \$1 million toward the sports park and \$1 million toward the Pico Park, but explained that they are now going to build the parks for the City; reported that the habitat areas, once established, will be managed by the Center for Natural Lands Management, which has an endowment of approximately \$1.35 million; noted that the Applicant has the obligation over the next five to seven years to establish the habitat. With regard to trails, Mr. McGuire advised that there are a couple private trails and one private park between two residential enclaves; stated that because the City did not want to take on certain trail segments and parks as public parks, those amenities will be maintained by the HOA but will be open to the public; stated the fences

along the trails will be maintained by the HOA, but the City would maintain the trail itself.

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

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to introduce 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, as revised to include the version of the Implementation Agreement that was presented this evening. *(Note: The Implementation Agreement that was introduced is dated, for reference purposes only, as January 1, 2007.)*

7. **UNFINISHED BUSINESS**

A. **Marblehead Coastal Facilities Acquisition Agreement**

Report from the Public Works/Economic Development Director and the Assistant City Manager concerning the possibility of approving the Acquisition Agreement by and between the City of San Clemente and SunCal Marblehead, LLC, relating to City of San Clemente Community Facilities District No. 2006-1.

Public Works/Economic Development Director Lund reviewed the contents of the Administrative Report.

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve, and authorize the Mayor to execute, the Acquisition Agreement (Contract C05-18) by and between the City of San Clemente and SunCal Marblehead, LLC, relating to the City of San Clemente Community Facilities District No. 2006-1 of the City of San Clemente.

B. **Civic Center Feasibility Study**

Report from the Public Works/Economic Development Director concerning the schematic design, design development and order of magnitude costs for the adaptive reuse of 910 and 1030 Calle Negocio as a Civic Center. (Contract C05-52)

Public Works/Economic Development Director Lund reviewed the contents of the Administrative Report and responded to Council inquiries.

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 4-1 (COUNCILMEMBER KNOBLOCK VOTING NOE), to direct Staff to negotiate a revised scope of work with Gensler for the preparation of construction plans and specifications and submit this proposal for Council funding consideration in the City's Fiscal Year 2007-08 Budget.

8. **NEW BUSINESS**

A. **Fee Waiver Request - Marina Ranch Church (657 Camino de los Mares, Suites 130 and 241)**

Report from the Community Development Director concerning a request by Marina Ranch Church for the City to waive Conditional Use Permit filing fees (\$1,761) for the Church to operate at 657 Camino de los Mares, Suites 130 and 241.

Terry Miller, Senior Pastor at Marina Ranch Church, reviewed the rationale behind his request for a waiver of filing fees for a Conditional Use Permit for Marina Ranch Church. Details relating to Mr. Miller's request are contained in his letter, dated November 10, 2006, which was attached to the Administrative Report for this item.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve a waiver of the Conditional Use Permit filing fee of \$1,761 for Marina Ranch Church.

**MEETING RECESSED**

Council recessed at 8:50 p.m. and reconvened at 9:05 p.m., with all members present.

B. **San Clemente Pedestrian Beach Trail Usage Regarding Dogs and Bicycles**

Report from the Directors of Beaches, Parks and Recreation and Community Development concerning use of the San Clemente Pedestrian Beach Trail by dogs and bicycles.

City Clerk Erway announced a correction to the proposed Ordinance that was provided to Council with the agenda packet. Specifically, Section 1 of the proposed Ordinance should reference Municipal Code Section 6.08.020, instead of Municipal Code Section 6.36.020.

Senior Planner Pechous and Marine Safety Chief Humphreys reviewed the contents of the Administrative Report. During the course of Staff's presentation, Marine Safety Chief Humphreys explained that the Ordinance as proposed provides for the following:

- 1) Dogs would be allowed on the entire trail throughout the year, with the exception of major summer holidays and major City-sponsored events. Current City Codes require that dogs not be left unattended, dogs be kept on leashes not longer than 6', a pedestrian (not a bike rider) must be in control of the dog and owners must clean up immediately after their dogs.
- 2) Bicycles would be permitted on the entire trail for most of the year, with the exception of the Mariposa boardwalk and the asphalt area at the base of the pier. During summer months, individuals would need to walk their bicycles from the pier to the area just past T Street. Additionally, the proposed Ordinance prohibits reckless riding, limits speed to a maximum of 10 MPH, and prohibits leaving bicycles unattended.

Staff (consisting of Senior Planner Pechous, Marine Safety Chief Humphreys, Lt. Paul D'Auria, Director of Animal Services Gilliland and Park Planner Shaw) responded to Council inquiries.

Council discussion ensued relative to the following: 1) Possibility of removing the landscaping and irrigation on the portion of the trail immediately north of the pier to the Marine Safety headquarters to increase the usable trail width by approximately two feet; 2) Desirability of proactively enforcing vandalism and loitering; 3) Possibility of taking proactive measures to reduce the occurrence of graffiti; 4) Possibility of requiring a handler's leash (approximately 2-1/2' in length), instead of a 6' leash, to increase animal control; 5) Possibility of allowing individuals to ride bicycles on the service road; 6) Criteria for recognizing and enforcing the 10 MPH speed limit for bicycles; 7) Desire for prompt installation of the trail signage; 8) Number/location of doggy bag dispensers; 9) Hours of trail operation; and 10) Proposed public education, monitoring, enforcement and violation penalties.

Steve Smith, San Clemente, asserted that multiple dogs being controlled by one person is problematic and suggested that a one-dog/one-leash requirement be implemented; voiced concern that doggy bag dispensers are not located on the boardwalk or the Mariposa access way; suggested that double-wide strollers create an impediment on the boardwalk.

Regina Hurley, San Clemente, stated that she wants to enjoy the trail with her dog and urged Council to approve the recommendation of the Parks and Recreation Commission or create a pier bypass for dog walkers.

Rich Hurley, San Clemente, requested that pedestrians be allowed to utilize the trail with their dogs.

Greg Lipanovich, San Clemente, presented a petition, signed by approximately 500 persons, who support the rules being recommended by the Parks and Recreation Commission; stated that the proposed rules are reasonable and asserted that 95% of the population will abide by reasonable rules; pointed out that dog walkers can pull in their 6' leashes when they need to exert more control over their dogs.

Kathryn Stovall Dennis, Oversight Chair for the Railroad Corridor Safety Education Panel, requested that Council approve Staff's recommendation; spoke in support of allowing dogs on the beach portion of the trail to decrease the likelihood that persons will walk close to the railroad tracks; urged that Council consider installing design elements, such as railroad ties, along the edge of the service road to demark a boundary between the beach and the service road; voiced concern that the encroachment of landscaping onto the trail reduces the amount of available walk space; recommended that Council implement safeguards to allow issues to be revisited in the future.

Mary Hill, San Clemente, recommended that additional doggy bag dispensers be installed; explained that she has Multiple Sclerosis and utilizes a service dog; noted that the Ordinance requires that dogs be under the control of a "pedestrian" and questioned whether she would qualify as a "pedestrian" when she uses her electric scooter.

Leo Galcher, San Clemente, spoke in opposition to allowing bicycles on the trail since some areas are less than 3' wide and numerous bike trails exist elsewhere in the City; stated that he passed a bicycle on the trail recently and the bicycle's pedal narrowly missed his knee while passing.

Bob Costello, San Clemente, commented that the trail is designed to be multi-use, safe and dog friendly; conveyed support for the recommendation before Council; distributed a flyer describing the Carpinteria Bluffs trail which welcomes dogs (on file with the City Clerk).

Doris Warner, San Clemente, noted that dogs are not allowed on the beach and opined that they should be allowed on the trail.

Shari Sinclair, San Clemente, spoke in support of opening the pier area so that she can walk from the north to the south.

Barbara Moore, San Clemente, urged that dogs be allowed on the entire trail; stated that a standard 6' leash is an appropriate length.

John Dorey, San Clemente, urged that bicycles not be allowed between the pier and the volleyball courts because the trail is narrow in that area; suggested that bicycles be allowed on the service road.

Matt Johnson, San Clemente, opined that the trail can't support mixed use; voiced concern that conflicts and dangers will increase as usage of the trail increases.

In response to Council inquiry, City Attorney Oderman opined that the City would have no liability for dog bites or bicycle accidents provided the trail is properly signed at regular intervals.

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to introduce 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, with the proviso that Council receive monthly reports and review trail activity at the end of a six-month probationary period.

Staff is to inform Council relative to the following: 1) When trail signage will be installed; 2) Possibility of removing the landscaping from the narrow portion of the trail; 3) Possibility of creating a border along the edge of the service road to demark a boundary between the beach and the service road; and 4) Possibility of allowing bicycles on the service road (as opposed to allowing bicycles on the narrow area of the trail which could conflict with pedestrians and dogs).

**MEETING RECESSED**

Council recessed at 10:25 p.m. and reconvened at 10:28 p.m., with all members present.

C. **Contract Award - Richard T. Steed Memorial Park Renovation, Project No. 11401**

Report from the Director of Beaches, Parks and Recreation concerning a Change Order relating to the Richard T. Steed Memorial Park renovation project.

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

Bill Stiles, President of San Clemente Girls Softball, opined that Richard T. Steed Memorial Park has been “forgotten” in contrast to other City parks; stated that funding for Steed Park has been diverted to other projects over the years and the budget that remains is insufficient to correct deferred maintenance; recommended that Council define a realistic budget for Steed Park and allocate needed funds; urged that the park that was named for slain police officer Richard T. Steed should receive adequate funding.

Mark McGuire, San Clemente, stated that his daughter is entering San Clemente Girls Softball and urged that the City seek opportunities to allow as much of the park improvements to be completed as possible.

Following discussion relative to the rationale for pursuing value engineering efforts subsequent to awarding a contract, MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to:

1. Approve, and authorize the Mayor to execute, Contract C06-65 by and between the City of San Clemente and Burge Corporation, pertaining to the renovation of Richard T. Steed Memorial Park, as set forth in the base bid from Burge Corporation, in the amount of \$1,526,802.56.
2. Authorize Staff to issue a “Notice to Proceed” to the Burge Corporation.

*Action continued on next page*

3. Direct Staff to work with the Burge Corporation to develop a Change Order to reduce the overall project cost without compromising the intent of the project.
4. Direct Staff to return to Council on January 23, 2007 with the Change Order reflecting a revised scope of work for the base bid along with only those alternates that are deemed feasible.

D. **Request for Council Direction to Award or Reject a Construction Contract for the Rail Corridor Pedestrian Trail Phase II, Project No. 11410, Federal Project No. STPLER 5274 (008)**

Report from the Public Works/Economic Development Director concerning approval or rejection of a construction contract for Phase II of the Rail Corridor Pedestrian Trail.

City Engineer Cameron reviewed the contents of the Administrative Report and responded to Council inquiries.

**CONTINUATION OF MEETING PAST 11:00 P.M.**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to continue the meeting past 11:00 p.m.

Bob Rountree urged Council to find the necessary funds and approve the contract for Phase II of the trail project.

Sheryl Leverich, San Clemente, commented that the boardwalk has altered the Mariposa access area in a positive manner and stressed the importance of completing the access; explained the importance of the trail to the community and noted that the Mariposa access area has become a focal point for the trail.

Michael Metcalf, Member of the Mariposa Task Force, pointed out that the City has not always been successful in achieving cost reductions when projects are redesigned and rebid; suggested the possibility of deferring the project to the next fiscal year or pursuing grant opportunities.

Steve Smith related that the Coastal Conservancy has indicated that it is leaning toward contributing approximately \$1 million toward the underpass, but this has not been accounted for since a commitment has not been made; suggested that more money will likely be available than current figures indicate; suggested that it is more cost-effective for the same contractor to complete a construction project.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to:

1. Reject the bid of T. B. Penick and Sons, Inc. for the Rail Corridor Pedestrian Trail Phase II project.
2. Approve, and authorize the City Manager to negotiate and execute, a contract amendment to Contract C00-92, by and between the City of San Clemente and Borthwick, Guy, Bettenhausen, relating to professional services for the value-engineering, redesign and rebidding of the Rail Corridor Pedestrian Trail Phase II project.

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.**

Mayor Dahl reported on the OCFA's effective response to the recent 15-acre fire at the 241 and Oso Parkway.

(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, volunteers and veterinarians.

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

Mayor Dahl reported that core testing for geological analysis is taking place along the southern City limits on Camp Pendleton.

(6) **Appointment of Representatives to Various Regional Commissions, Boards and Committees.**

Council appointed representatives to various regional Commissions, Boards and Committees as follows:

<b><u>Committee/Commission</u></b>	<b><u>Representative(s)</u></b>
California Coastal Coalition/Offshore Oil/Desalinization	Mayor & Mayor Pro Tem
California Joint Powers Insurance Authority	Anderson
City/CUSD Liaison Committee	Donchak/Knoblock
Coastal Animal Services Authority (CASA)	Dahl/Eggleston (alt.)
Downtown Business Association Board of Directors	John Tengdin (voting member) Eggleston (non-voting liaison)
Economic Development	Anderson & Eggleston
GMA 11 (Measure M \$ Allocation)	Anderson
Investment Advisory Committee	Anderson
Landmarks Preservation Task Force	Dahl & Eggleston
League of Cities	
- O.C. Monthly	All Council
- City Selection	Mayor
Legislative Delegate Program	
(Representative to Senate District 38)	Mayor & Mayor Pro Tem
(Representative to 73 <sup>rd</sup> Assembly District)	Mayor & Mayor Pro Tem
O.C. Emergency Operational Area Council	Mayor & Mayor Pro Tem
O.C. Fire Authority JPA	Knoblock (Alternate to be determined at a later date)
O.C. Library Task Force	Donchak/Knoblock (alt.)
O.C. Sr. Citizens Advisory Council	VACANT
Transportation Committee	
O.C. Vector Control	Anderson
Donna O'Neill Conservancy	Leon Baginski
Orange County Waste Management Committee	Knoblock (Supervisorial Appointee - expires 7/1/07)
Social Service/Community Service Budget Committee	Donchak

*Listing continued on next page*

South Orange County Association of Mayors	Mayor
South Orange County Rail Working Group (SOCRWG)	Anderson & Knoblock
Talega Joint Powers Authority (JPAT)	Anderson, Dahl & Knoblock
Transportation Corridor JPA (San Joaquin)	Dahl & Anderson
Transportation Corridor JPA (Foothill)	Dahl & Anderson
Transportation Corridor JPA (Board)	Dahl & Anderson
Transportation Corridor (Ciñco Cities)	Dahl & Anderson
Wall of Recognition	Eggleston

(7) **“Around Town” Productions**

Councilmember Eggleston urged other Councilmembers to become involved in the “Around Town” productions.

Mayor Dahl noted that Ken Nielsen is interested in helping to create an “Around Town from the Sea” program.

(8) **Councilmember Items.**

None.

11. **RESOLUTIONS/ORDINANCES**

A. **Ordinance No. 1323 (Second Reading) - Water Conservation**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to adopt Ordinance No. 1323 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 13.12 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO WATER CONSERVATION.

**MEETING RECESSED**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY MAYOR DAHL, CARRIED 5-0, to recess to a meeting of the Redevelopment Agency at 11:35 p.m.

Council reconvened at 11:36 p.m., with all members present.

12. **ADJOURNMENT**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to adjourn at 11:36 p.m. in memory of Stu Nickell. The next Regular Meeting will be held on **January 23, 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.

*\*Council previously rescheduled its Regular Meetings for the month of January 2007 to the second and fourth Tuesdays, instead of the first and third Tuesdays.*

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CITY CLERK of the City of  
San Clemente, California

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MAYOR of the City of  
San Clemente, California