

# CITY OF SAN CLEMENTE

## City Council Minutes

### Regular Meeting - September 18, 2007

A Regular Meeting of the San Clemente City Council was called to order on September 18, 2007 at 5:05 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

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

\*Arrived at 5:10 p.m.

**ABSENT**                      NONE

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

\* \* \*

### **PRESENTATION CONCERNING BEST TRAFFIC PRACTICES BY COUNCILMEMBER DONCHAK**

Councilmember Donchak narrated a PowerPoint presentation entitled "A San Clemente Traffic Assessment". A copy of Councilmember Donchak's presentation, dated September 2007, is on file with the City Clerk.

During the ensuing discussion, Councilmembers expressed support for the establishment of a Traffic Task Force, with the following understandings: 1) The Traffic Task Force's work program will be forwarded to Council at a future date for consideration and approval; 2) The Task Force's responsibilities will be limited to discussing methods to improve traffic flow within the City and no traditional Planning Commission responsibilities (such as project review) shall be diverted to the Task Force; 3) The Traffic Task Force shall provide a list of specific traffic recommendations to the Council; 4) The Traffic Task Force will exist for a limited term and then sunset; 5) The Traffic Task Force will ask the Chief of Police for a recommendation for an individual to serve as the Police enforcement representative; 6) The City Clerk will publish a Notice Inviting Applicants to fill the two citizen openings on the Task Force and that notice will identify the function of the Task Force and specifically note that it will not become involved in development review; and 7) The City Clerk will publicize the October 4, 2007 Local Traffic Forum that will take place at the Presbyterian Church on Avenida Palizada from 7:00 p.m. to 9:00 p.m.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to authorize the solicitation of applications for the two citizen members of the Traffic Task Force and authorize the conduct of the Local Traffic Forum workshop on October 4, 2007.

**MEETING RECESSED**

Council recessed at 6:10 p.m. and reconvened at 7:00 p.m., with all members present.

**INVOCATION**

Sid Bradshaw, Orange County Sheriffs Department, gave the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Anderson led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Commendation Presentation - City Clerk Myrna Erway**

Mayor Dahl presented a Commendation to Myrna Erway, City Clerk, in recognition of 22 years of outstanding service to the people of San Clemente.

B. **Constitution Week Proclamation**

Mayor Dahl presented a proclamation to Mary Lou Rodearmel, of the Daughters of the American Revolution (DAR), San Clemente Island Chapter, declaring September 17 through 23, 2007 as "Constitution Week".

**C. Ocean Institute Presentation**

Bill Burger, Institute Vice President and CEO, provided an overview of the Ocean Institute, focusing on programs available; explained that the Institute is currently celebrating its 30<sup>th</sup> anniversary; reviewed the Institute's expansion plans and associated capital campaign.

2. MOTION BY COUNCILMEMBER KNOBLOCK, 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**

**Contract Amendment - Temporary Plan Check Staff Augmentation**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to add the following item to the agenda as Item 8-C 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: Contract Amendment - Temporary Plan Check Staff Augmentation.

*Please refer to Page 18 of these minutes for a continuation of this item.*

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

**Clean Ocean Fee Renewal**

John Dorey, San Clemente, urged citizens to support the Clean Ocean fee, noting that if the fee is not continued, \$2 million will need to be diverted from other necessary City programs.

Bill Hart, San Clemente Clean Ocean Coalition, explained that the clean ocean program has been a success and encouraged citizens to vote in favor of the program's continuation.

5. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve the Consent Calendar with the removal of Item L.

A. **City Council Minutes**

None.

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

- (1) Planning Commission minutes of September 5, 2007.
- (2) Zoning Administrator meeting minutes of September 5, 2007.
- (3) Golf Course Committee minutes of August 2, 2007.

C. **Warrant Register**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve Wire Transfers Nos. 477 through 480 and Warrant Nos. 787244 through 787423 for the period 8-20-07 through 8-24-07 in the amount of \$4,945,766.11; approve Handwrite No. 787607 and Warrant Nos. 787424 through 787606 for the period 8-27-07 through 8-31-07 in the amount of \$942,971.56; for a total Warrant Register of \$5,888,737.67.

**Payroll Register**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve Warrant Nos. 319617 through 319680, Automatic Deposit Advises 148367 through 148614, for the period 8-13-07 through 8-26-07 in the amount of \$412,174.39; for a total Payroll Register of \$412,174.39.

**D. Notice of Completion and Change Order Authorization - Richard T. Steed Memorial Sports Park Renovation**

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

1. Authorize the City Engineer to execute Change Order No. 8 to Contract C06-65 by and between the City of San Clemente and Burge Corporation, relating to the Richard T. Steed Memorial Sports Park Renovation, in the amount of \$6,543.54.
2. Accept the construction of Richard T. Steed Memorial Park Renovation, Project No. 11401.
3. Authorize the City Clerk to release the Performance and Payment Bond once in receipt of the project Warranty Bond in the amount of 25% of the total construction cost.
4. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Richard T. Steed Memorial Park Renovation, Project No. 11401.

**E. Notice of Completion - Water Reclamation Plant (WRP) Land Outfall Cathodic Protection**

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

1. Accept the Water Reclamation Plant (WRP) Land Outfall Cathodic Protection, Project No. 15202.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Water Reclamation Plant (WRP) Land Outfall Cathodic Protection, Project No. 15202. (Contract C05-23)

F. **Contract Award - Dije Beach Access Rebuild, Project No. 15801**

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

1. Approve the plans and specifications for the Dije Beach Access Rebuild, Project No. 15801.
2. Approve, and authorize the Mayor to execute, Contract C07-44 by and between the City of San Clemente and Topline Construction, Inc., relating to the Dije Beach Access Rebuild, Project No. 15801, in the amount of \$68,616.
3. Approve a supplemental appropriation of \$28,140 from the General Fund to Account 001-635-45300-000-15801.

G. **Communications Site Lease Agreement - Royal Street Communications**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve, and authorize the Mayor to execute, the Communications Site Facility Lease, by and between the City of San Clemente and Royal Street Communications, LLC, and authorize the City Manager to approve future amendments provided that the City Manager shall not have the authority to approve a decrease in the rental rate without the prior approval of the Council. (Contract C07-42)

H. **Contract Award - Parking Lot Improvements on Two Lots in the Downtown Area Known as the HRH and Taylor Lots**

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

1. Approve the plans and specifications for the 175 Avenida Cabrillo parking lot (N), Project No. 36801-175.
2. Approve, and authorize the Mayor to execute, Contract C07-45 by and between the City of San Clemente and Haitbrink Asphalt Paving, Inc., providing for construction of parking lot improvements at 175 Avenida Cabrillo (N), Project No. 36801-175, in the amount of \$49,671.84.

I. **Parking Prohibitions Between 113 and 111 East Avenida San Gabriel**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to adopt Resolution No. 07-67 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING "NO PARKING AREAS" ON EAST AVENIDA SAN GABRIEL.

J. **Contract Amendment - WRP Emergency Generator Modifications**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve, and authorize the Mayor to execute, the First Amendment to Contract C06-31 by and between the City of San Clemente and Carollo Engineers, relating to the WRP Emergency Generator Modifications, Project No. 16201. This Amendment increases the contract cost from \$28,709 to \$38,532 (an increase of \$9,823).

K. **Contract Award - City-Wide Classification and Compensation Study**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve, and authorize the City Manager to execute, Contract C07-46 by and between the City of San Clemente and Public Sector Personnel Consultants, providing for the conduct of a City-wide classification and compensation study, in the amount of \$63,000.

M. **Policy and Procedure (Records Management Program) and the Adoption of the Records Retention Schedule)**

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

1. Approve amended Policy No. 104-1 (Records Management Program).
2. Approve the 2007 City of San Clemente Records Retention Schedule, as amended.



**ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**

L. **Policies and Procedures (Mayor and Mayor Pro Tempore and Meetings of the City Council)**

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

1. Approve, and authorize the Mayor to execute, amended Policy No. 1201-1 (Mayor and Mayor Pro Tempore) with the modification that the first sentence of Section 6.1 shall be expanded to read as follows:

“At the first regularly scheduled City Council Meeting in December, the City Clerk shall conduct the election *and open the floor to nominations* for Mayor from among the Council members for the coming year.” *\*Script type reflects added wording.*

2. Approve, and authorize the Mayor to execute, amended Policy No. 1201-2 (Meetings of the City Council), with the revision that the following sentence shall be inserted at the end of Section 4.2:

“No new agenda item shall be initiated after 11:00 p.m. without a majority vote of the City Council.”

6. **PUBLIC HEARINGS**

A. **General Plan Amendment 07-334, Amendments to the General Plan Land Use Element to Require a Vote of the People Prior to the Redesignation of Land From Open Space to Non-Open Space Uses**

Public Hearing to consider enacting a General Plan Amendment to require a vote of the people in order to change permitted uses of open space lands to non-open space uses.

City Planner Buell narrated a PowerPoint presentation entitled “Open Space Preservation” and responded to Council inquiries. A hard copy of Mr. Buell’s presentation, dated September 18, 2007, is on file with the City Clerk.

Mayor Dahl opened the Public Hearing.

Leslie Harney, San Clemente, stated she purchased her home in 1993 because of the open space below her home and explained that the City considered, but decided against, selling that open space in 2002; opined that open space should be preserved and urged that the resolution be adopted as presented.

Steve Netherby, San Clemente, asserted that development on open space equates to traffic, air pollution, overcrowded beaches, overstressed power and water supplies, crime, higher living costs and a reduced enjoyment of life and place; spoke in support of submitting all future major open space decisions to the voters.

Thomas O'Keefe, San Clemente, stated that he supports open space but questioned why the City isn't considering a bond issue to purchase property for open space; stressed that private property should not be taken without fair compensation and due process of law.

Council clarified that it is not considering a zone change for any property; rather, it is considering the possibility of requiring voter approval for any future conversion of open space to a non-open space use.

Gregg Lipanovich, San Clemente, stated that economic pressure will be applied to City Councils to allow development on open space as the City reaches build out; urged Council to adopt the open space resolution and place the issue on the ballot for a public vote.

Marjorie Sosa, San Clemente, stated that open space is essential to quality of life and should not be for sale.

Charles Mann, San Clemente, spoke on the importance of preserving open space; stated that the proposed ordinance would allow citizens to vote on any proposal to convert open space to developable land; emphasized that open space will become increasingly precious as the City approaches buildout; stated that the proposed ordinance would remain in effect until 2050 since it would be illegal to impose the ordinance in perpetuity; spoke on the importance of respecting zoning laws.

Tom von Grep, San Clemente, conveyed support for the proposed open space ordinance; opined that returning open space designation decisions to the citizenry would be a step toward more democratic governance.

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

In response to Council inquiries, City Attorney Oderman opined as follows:

1. It is not legally necessary for the open space ordinance to sunset in 2050.
2. A Council resolution (including one that requires a vote of the people to redesignate land from open space to non-open space uses) can be changed or revoked by a future vote of the City Council. If such a measure is enacted by the voters, however, the ordinance could only be changed by a subsequent vote of the electorate.
3. If Council adopts the subject resolution tonight, the General Plan will be modified to require proposals to redesignate open space to developable land to be submitted to the voters for approval. The Pacific Golf Club project referendum will appear on the February 5, 2008 ballot, at which time the voters will decide whether or not to approve the project. Even though the Pacific Golf Club project has already been placed on the ballot, it would be consistent with the process that would be established by the action under consideration this evening.
4. Council cannot schedule the open space ordinance for an election at this time because the issue does not appear on the agenda.

Council directed that Staff agendize for the Council Meeting of October 2, 2007 the possibility of scheduling the open space issue for a future election.

Following discussion, MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to adopt Resolution No. 07-68 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADDING A NEW POLICY 1.9.18 TO SECTION IV.A.9 AND A NEW SECTION V.Y TO THE LAND USE ELEMENT OF THE CITY OF SAN CLEMENTE GENERAL PLAN REQUIRING CITY VOTER APPROVAL OF GENERAL PLAN AMENDMENTS, SPECIFIC PLAN AMENDMENTS, SPECIFIC PLAN ADOPTIONS AND ZONING AMENDMENTS THAT CHANGE THE PERMITTED USES OF OPEN SPACE LANDS TO NON-OPEN SPACE USES, with modifications as follows:

1. The fourth “Whereas” on Page 2 shall be modified to read as follows: “WHEREAS, the City Council desires to assure the long-term preservation of ~~the City’s~~ Open Space Areas; and”
2. Paragraph 1, under the fifth “Whereas” on Page 2 shall be modified to read as follows: “*It is important to* ~~The the~~ unique character of San Clemente and the quality of life of its residents ~~depend on protecting~~ *to protect* the significant environmental, aesthetic, and recreational benefits that the designated Open Space Areas provide to the community; and”
3. The sixth “Whereas” on Page 2 shall be modified to read as follows: “WHEREAS, the long-term preservation of the Open Space Areas is a matter of ~~great~~ concern to the community and the City Council desires to assure the residents of San Clemente that Open Space Areas will not be converted to Non-Open Space Uses without the approval of the City’s voters, subject to certain exceptions set forth herein; and”
4. The first sentence of the fifth paragraph on Page 3 shall be modified to read as follows:

‘I 1.26 Except as expressly provided hereinbelow, ~~until December 31, 2050,~~ no amendment to the City’s General Plan, any adopted Specific Plan, or the City’s Zoning Ordinance, that reclassifies all or any portion of any publicly owned or privately owned Open Space Area to Non-Open Space Uses and no new Specific Plan or zone change that reclassifies all or any portion of any publicly owned or privately owned Open Space Area to Non-Open Space Uses shall be effective until such General Plan amendment, Specific Plan amendment, Zoning Ordinance amendment, Specific Plan adoption, or zone change, as applicable, has been submitted to and approved by the City’s voters at a general or special municipal election.”

**MEETING RECESSED**

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

**B. Zoning Amendment 07-343 (One Wall Standing) - Alteration, Demolition and Reconstruction of Nonconforming Structures**

Public Hearing to consider amending the Zoning Ordinance of the City of San Clemente to clarify to what extent an existing, nonconforming structure may be modified prior to it being considered intentionally demolished. This Zoning Amendment proposes to clarify the Zoning Ordinance by establishing a definition for “demolition,” add cross-references, and establish a clear, quantifiable threshold that, when triggered, would require the removal of nonconforming structures and building elements.

City Planner Buell narrated a PowerPoint presentation entitled “Zoning Amendment Alteration, Demolition and Reconstruction of Nonconforming Structures” and responded to Council inquiries. A hard copy of Mr. Buell’s presentation, dated September 18, 2007.

Mayor Dahl opened the Public Hearing.

Pam Baker, San Clemente, urged Council to support the proposed ordinance.

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

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to introduce Ordinance No. 1448 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADDING SECTION 17.32.060, AMENDING SECTIONS 17.32.050, 17.72.080 AND 17.88.030, AND TABLE 17.32.050A OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO THE INTENTIONAL DEMOLITION OF NONCONFORMING STRUCTURES (07-343).

C. **2006-07 Consolidated Annual Performance Evaluation Report for Expenditure of Community Development Block Grant Funds (CDBG)**

Public Hearing to consider adopting the 2006-07 Consolidated Annual Performance Evaluation Report (CAPER) for expenditure of CDBG funds.

Housing Coordinator Davis provided an overview of the Administrative Report and responded to Council inquiries.

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

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve and adopt the 2006-07 Consolidated Annual Performance Evaluation Report (CAPER) for submittal to the Department of Housing and Urban Development.

7. **UNFINISHED BUSINESS**

A. **Financial and Organizational Planning Workshop**

Report from the City Manager concerning the possibility of scheduling a Financial and Organizational Planning Workshop.

City Manager Scarborough reviewed the contents of the Administrative Report.

Council scheduled the Financial and Organizational Planning Workshop to be held on October 30, 2007 from 2:30 p.m. to 8:30 p.m. Consequently, the Joint Meeting of the Council, Parks and Recreation Commission and Coastal Advisory Committee, that was originally scheduled to take place on October 30, 2007, was cancelled.

8. **NEW BUSINESS**

A. **Steed Park Food and Beverage Concession Agreement**

Report from the Director of Beaches, Parks and Recreation concerning the possibility of entering into a lease agreement for the Steed Park Food and Beverage Concession.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to defer this item to the Council meeting of October 2, 2007.

B. **Beach Trail Status Report**

Report from the Director of Beaches, Parks and Recreation concerning the status of the City's beach trail.

Beaches, Parks and Recreation Director King narrated a PowerPoint presentation entitled "Beach Trail Status Report". A hard copy of Mr. King's presentation, dated September 18, 2007, is on file with the City Clerk.

Council requested that Staff investigate the possibility of installing a bicycle trail from the base of the pier north to the Corto Lane railroad crossing.

Discussion ensued relative to the following: 1) Process for issuing warnings for trail violations; 2) Importance of consistent enforcement; 3) Fact that crews are removing the cactus that could come into contact with individuals that traverse the trail; 4) Importance of expeditious graffiti removal, the problem associated with its rapid return, and the possibility of installing surveillance cameras near the pier; 5) Concern that railroad crews spray and kill the California native plants along the trail; 6) Fact that the subcommittee is recommending that bicycles and dogs be allowed to continue to use the trail; and 7) Need for a comprehensive sign program that does not include excessive signage.

John Dorey, Railroad Corridor Safety Panel, expressed that he is pleased with the trail; stated that all users need to co-exist; opined that the Riviera crossing needs to be modified to include a fence or other barrier as well as stairs; suggested that the City needs to re-address the Quiet Zone once the crossings are complete.

Bill Hart, San Clemente, commended the decision to construct the trail out of soft material; stated that most people are courteous and that comments about the trail have been nearly 100% positive; reiterated the need to redesign the Riviera crossing, possibly with barriers, fences, handrails, and stairs.

Tom Wicks, San Clemente, noted that the trail from Corto Lane to the pier is narrow and in need of being addressed; opined that maintenance will become a problem in the year's ahead; expressed support for Staff's recommendations.

Helen McCue, San Clemente, cited maintenance concerns and conveyed her opposition to allowing dogs and bicycles on the trail.

Kathryn Stovall Dennis, San Clemente, spoke in support of the development of a comprehensive sign program, adding that many people on the trail are simply confused as to what is expected of them; stated that stroller groups, when placed three or four abreast, block the trail; recommended that consideration be given to whether smoking should be allowed on the trail due to the fire hazard; suggested that bicycle racks should be installed at key locations.

Art Ambrose, San Clemente, spoke in support of tolerance and allowing everyone to use the trail; suggested that only one sign be installed that states "Please act with common sense and courtesy"; urged Council to not overregulate this community asset.

In response to Council inquiry, CASA Manager Gilliland explained that dog waste is one of the hardest violations to catch, but noted that officers monitor the trail every day; pointed out that dog waste bags are available on all City trails.



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

1. Continue with Phase II as scheduled. The total Phase II project cost is approximately \$5.7 million.
2. Evaluate the narrow portions of the trail, including the Riviera trail access “chute”, to determine if widening is possible. Staff will evaluate costs and return to Council with recommendations.
3. Monitor and advise Council with regular status reports.
4. Expand the year-round “bike walk zone” from the base of the pier north to the Corto Lane railroad crossing.
5. Construct a trail modification to improve access between the trail and the Marine Safety parking area. The estimated cost is \$6,000.
6. Further evaluate the need for additional trail fencing in the Riviera area to address illegal and unsafe crossings of the railroad tracks. Until a design is approved, the cost is unknown.
7. Complete the installation of “no trespassing” signs written in English and Spanish with fine amounts at regular intervals. The estimated cost is \$8,000.
8. On the beach side of the trail, include directional arrows leading people to improved access points. The estimated cost is \$3,500.
9. Continue with the “multi-agency” enforcement approach as described in the Administrative Report.
10. Add additional “No Trespassing” signs as described above. The estimated cost is \$8,000.
11. Monitor Memorial Day and Labor Day weekend “no dog” prohibition on beach portions of the trail and return to Council in the future with a recommendation.

12. Revise maintenance contract specifications as necessary and directed. This may increase the cost dependent upon increased requirements which are unknown at this time.
13. Provide for pedestrian safety during construction, limiting access when necessary.
14. Direct Staff to solicit formal request for proposals for a long-term Beach Trail Maintenance contract.

- C. **Contract Amendment - Temporary Plan Check Staff Augmentation** (This item was added to the agenda earlier in the meeting. Please refer to Page 3 of these minutes for a summary of that action.)

Building Official Jorgensen reviewed the contents of the Administrative Report.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve, and authorize the Mayor to execute, Amendment No. 1 to Contract AC-341 by and between the City of San Clemente and Bureau Veritas North America, to provide temporary plan check augmentation, increasing the limit on total payments authorized to an amount not to exceed \$50,000.

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

None.

10. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. **City Attorney**

**Preserve Shorecliffs Case Update**

City Attorney Oderman reported that the Preserve Shorecliffs case is now fully briefed on appeal; stated that the oral argument is scheduled for October 23, 2007 and that an opinion will likely be issued by that court within 90 days from that date.

**Lawsuit Filed - 404 Avenida San Juan Subdivision**

City Attorney Oderman reported that Council denied a four-lot subdivision proposal for the property at 404 Avenida San Juan at its meeting of July 24, 2007; reported that the property owner has filed a lawsuit against the City challenging that action.

D. **Council Members**

(1) **Council Position on California League of Cities Issues.**

Councilmembers reported on their attendance at the California League of Cities Conference that was held from September 5, 2007 to September 7, 2007 in Sacramento.

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

None.

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

Mayor Dahl introduced Gina Aubrey, who was recently appointed to the position of Battalion Chief.

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

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

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

Mayor Dahl reported that CEO Tom Margrow is currently meeting with federal representatives in Washington, D.C.

(6) **Councilmember Items.**

**West Nile Virus**

Mayor Pro Tem Anderson, the City's representative to the Orange County Vector Control District, reported that the peak mosquito breeding season is nearing an end; provided statistics concerning West Nile Virus, noting that Orange County has had only three human cases and no cases were reported in San Clemente; spoke on the importance of promptly removing standing water to eliminate potential mosquito breeding grounds.

**Signage Program Concerning Fire Hazard at Cristianitos**

Councilmember Donchak reported that she met with Larry Rannals and Tim Hoover, Camp Pendleton Fire Chief, concerning the possibility of establishing a signage program to alert persons traveling at Cristianitos about the fire danger associated with tossing cigarette butts; stated that Mr. Rannals and Chief Hoover are supportive of a joint City/Camp Pendleton effort in this regard and are seeking San Clemente's opinions about the content of the signage.

11. **RESOLUTIONS/ORDINANCES**

A. **Ordinance No. 1445 (Second Reading) - Historic Preservation of Cultural Resources and Landmarks**

Bob Laidlaw, San Clemente, stated that imposing historical designations on commercial properties is infeasible; urged that Council delete his property from the historic properties list.

Council explained that it will consider the historic properties list at its meeting of October 2, 2007.

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 4-0-1 (COUNCILMEMBER DONCHAK ABSTAINING), to adopt Ordinance No. 1445 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA AMENDING SECTION 17.16.100, 17.16.110, 17.16.120, 17.16.160, 17.16.780, 17.56.020, 17.72.100, 17.88.030 AND ADDING SECTION 17.16.175 OF THE MUNICIPAL CODE RELATING TO HISTORIC PRESERVATION OF CULTURAL RESOURCES AND LANDMARKS (06-481), subject to Staff confirming that the Ordinance is consistent with Council's action of September 4, 2007 to not change the provisions of adjacency from the current Ordinance. (*Note for the Record: Staff subsequently determined that Ordinance No. 1445 was consistent with Council's action of September 4, 2007.*)

B. **Ordinance No. 1447 (Second Reading) - Conversion of Residential Duplex and Multiple Family Rental Units to Condominium and Time Share Use**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to adopt Ordinance No. 1447 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 16.40.10 OF THE SAN CLEMENTE MUNICIPAL CODE, RELATING TO THE CONVERSION OF RESIDENTIAL DUPLEX AND MULTIPLE FAMILY RENTAL UNITS TO CONDOMINIUM AND TIME SHARE USE.

12. **ADJOURNMENT**

MOTION BY MAYOR DAHL, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to adjourn at 11:20 p.m. The next Regular Meeting will be held on October 2, 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