

# CITY OF SAN CLEMENTE

## City Council Minutes

### Regular Meeting - June 19, 2007

A Regular Meeting of the San Clemente City Council was called to order on June 19, 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

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### **CLOSED SESSION**

City Attorney Oderman requested a Closed Session to discuss Closed Session items A through C as listed on the agenda; clarified that Closed Session A relates to potential nuisance abatement and/or code enforcement actions involving the Miramar Theatre property. Closed Session Item D, pertaining to labor negotiations, was removed from the agenda.

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

- A.      CONFERENCE      WITH      LEGAL      COUNSEL      -      ANTICIPATED  
LITIGATION

Initiation of litigation, pursuant to Government Code Section 54956.9(c):  
One Potential Case

*Closed Session items continued on next page*

- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, pursuant to Government Code Section 54956.9(a):

Name of Case: Preserve Shorecliffs Homeowners v. City of San Clemente, et al., OCSC Case No. 06CC09940.

- C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, pursuant to Government Code Section 54956.9(a):

Name of Case: San Clemente Citizens for Integrity in Development v. City of San Clemente, OC Case No. 07CC01287.

City Manager Scarborough, Assistant City Manager Gudgeirsson and City Clerk Erway were in attendance. City Manager Buell was in attendance for Closed Session Item A only.

### **MEETING RECONVENED**

Council reconvened at 7:03 p.m., with all members present.

### **CLOSED SESSION REPORT**

City Attorney Oderman reported that Council discussed the Miramar Theatre, Preserve Shorecliffs Homeowners and San Clemente Citizens for Integrity in Development cases during this evening's Closed Session; advised that no reportable actions were taken.

### **INVOCATION**

Councilmember Knoblock gave the invocation.

### **PLEDGE OF ALLEGIANCE**

Councilmember Knoblock led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Certificate of Recognition - Taylor Battey**

Mayor Dahl presented a Certificate of Recognition to Taylor Battey for submitting a winning poster in the 2007 “Be a Water-Wise Pro...Conserve H2O!” poster/slogan contest that was conducted by the Metropolitan Water District of Orange County (MWDOC).

B. **Trauma Intervention Program Presentation**

Sandy Hill, Community Relations Manager of the Trauma Intervention Program (TIP) explained the functions of the Trauma Intervention Program in providing support to persons affected by crisis situations and introduced the TIP volunteers that serve San Clemente.

C. **Parks and Recreation Month Proclamation**

Mayor Dahl presented a Proclamation to Jeff McConnell, Chair of the Parks and Recreation Commission, declaring the month of July 2007 as “Parks and Recreation Month”.

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**

None.

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

**Bill Thomas - Interest in Reappointment to the Parks and Recreation Commission**

Bill Thomas, San Clemente, explained that he has applied for reappointment to the Parks and Recreation Commission; stated that he will be unable to attend the interview session on July 9, 2007 due to travel plans made several months ago; conveyed that he would appreciate Council considering his experience, contributions and sincere interest in continuing his service on the Commission.

**Pacific Golf Club Development Project Referendum (Signature-Gathering Practices)**

Brenda Miller, San Clemente, asserted that Mr. Rosenfeld is engaging in tactics of physical intervention, bullying and intimidation to prevent citizens from participating in the democratic process; expressed that citizens should not be deprived their right to vote to determine the fate of their community.

City Attorney Oderman explained that complaints about physical intimidation, bullying or assault should be referred to the Orange County Sheriffs Department; stressed that the City is, and must remain, neutral with regard to any referendum campaign activities.

Lt. D'Auria stated that allegations of overaggressive tactics have been made by both sides of the referendum issue; explained that Sheriff representatives have spoken to representatives of both parties to reach an understanding; stated that he has instructed deputies to maintain the peace and enable the democratic process to take place.

Jim Smith, San Clemente, asserted that the Pacific Golf Club project developer is hiring persons from outside San Clemente to hinder the referendum signature-gathering process; asserted that signature-gatherers are being followed and stated that he witnessed one elderly lady being videotaped as she signed the petition; spoke in support of San Clemente citizens being allowed to vote on the issue. In response to Council inquiry, Mr. Smith agreed to provide the City Clerk with a blank copy of the referendum petition.

Charles Mann, San Clemente, asserted that residents are being prevented from participating in the democratic process of obtaining signatures on referendum petitions; stated that the Pacific Golf Club developer is utilizing Club employees, as well as persons hired from outside the City, to intimidate and scare voters so that they do not sign the petition; urged that Council pursue an injunction against such activity.

Mark McGuire stated that volunteers, Pacific Golf Club members, and employees of the landowner are stationing themselves where signature-gatherers are located to provide information to help citizens determine whether or not to sign the petition; stated that he is unaware of the videotaping process that was mentioned, but indicated that he would like to be informed if any overly aggressive measures are being taken so that he can discourage such activity; suggested that the allegations made this evening are not true.

#### **Request for Code Amendment to Limit Use of Eminent Domain in the City**

Andy Price, San Clemente, stated that Proposition 90, that was considered by California voters in November 2006, endeavored to define eminent domain takings by governmental agencies and provide appropriate relief and compensation for such takings; commented that while Proposition 90 was narrowly defeated state-wide, nearly two-thirds of San Clemente voters supported the proposition; recommended that Council agendize the possibility of amending the Code of the City of San Clemente to limit the use of eminent domain in the City in a manner that closely mirrors the contents of Proposition 90; distributed a copy of his comments and suggested Code language (which is on file with the City Clerk).

#### 5. **CONSENT CALENDAR**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve the Consent Calendar with the removal of Items B(2) and H.

##### A. **City Council Minutes**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve the City Council minutes of May 15, 2007 and May 21, 2007.

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

(1) Planning Commission minutes of June 6, 2007.

C. **Warrant Register**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve Warrant Nos. 784858 through 785034 for the period 5-21-07 through 5-25-07 in the amount of \$2,591,313.33; approve Wire Transfers Nos. 463 through 464 and Warrant Nos. 785035 through 785196 for the period 5-28-07 through 6-1-07 in the amount of \$870,693.55; for a total Warrant Register of \$3,462,006.88.

**Payroll Register**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve Warrant Nos. 319237 through 319287, Automatic Deposit Advises 146871 through 147111, for the period 5-21-07 through 6-3-07 in the amount of \$379,612.25; for a total Payroll Register \$379,612.25.

D. **Contract Award - Broadmoor Pressure Reducing Stations Replacement**

City Attorney Oderman stated that the closest improvement is 800' away from Councilmember Donchak's residence and, consequently, she is eligible to participate in the deliberations and vote on the subject agenda item.

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

1. Approve the plans and specifications for the Broadmoor Pressure Reducing Stations Replacement, Project No. 16523.
2. Approve, and authorize the Mayor to execute, Contract C07-27 by and between the City of San Clemente and Zondiros Corporation, providing for the replacement of the Broadmoor Pressure Reduction Stations (Project 16523), Design Option 2, in the amount of \$345,365.

*Action continued on next page*

3. Authorize the City Engineer to execute a Change Order for an additional \$13,000 for Design Option 1 if an easement is obtained at 257 Avenida La Cuesta for the Broadmoor Pressure Reducing Stations Replacement, Project No. 16523.

E. **Release of Improvement Performance Bonds - Camino Viento Fuerte Within Tentative Tract 16517, Talega Associates, LLC**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to adopt Resolution No. 07-39 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE RELEASE OF THE IMPROVEMENT PERFORMANCE BONDS FOR IMPROVEMENTS ON CAMINO VIENTO FUERTE, TALEGA ASSOCIATES, LLC.

F. **Measure M Annual Funding Eligibility - FY 2007/08**

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

1. Approve the Seven-Year Capital Improvement Program.
2. Authorize the City Engineer to certify the City's Pavement Management Plan.
3. Authorize Staff to submit Measure M funding eligibility requirements on behalf of the City of San Clemente in order to continue to receive Measure M funds.
4. Authorize Staff to submit Congestion Management Program eligibility requirements on behalf of the City of San Clemente in order to continue to receive Proposition 111 funds.

**G. Contract Award - Sidewalk Repair Program**

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

1. Approve the specifications for the Sidewalk Repair Program.
2. Approve, and authorize the Mayor to execute, Contract C07-28 by and between the City of San Clemente and Jose E. Pereira, providing for the Sidewalk Repair Program, in the amount of \$118,330.

**I. Establishment of Appropriations Limit for FY 2007-08**

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

1. Approve selection of the following annual adjustment factors:
  - a. Population increase for the City of San Clemente.
  - b. Increase in California per-capita personal income.
2. Adopt Resolution No. 07-40 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING AN APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA CONSTITUTION.

**J. Establishment of Required RDA Findings and Adoption of City Agreement for FY 2007-08**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to adopt Resolution No. 07-41 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AN AGREEMENT WITH THE SAN CLEMENTE REDEVELOPMENT AGENCY RELATING TO THE AGENCY'S 2007-08 CAPITAL IMPROVEMENT PROGRAM BUDGET.



K. **FY 2007-08 Police Services Contract**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C93-16, an Agreement by and between the City of San Clemente and the County of Orange, providing for police services for FY 2007-08.

L. **Payment of Fire Station 59 Alarm/Alerting System**

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

1. Approve payment of \$18,846.34 to the County of Orange, in care of the Orange County Fire Authority.
2. Approve a supplemental appropriation of \$18,500 to Account 030-818-45300-000-13002 for payment of the alarm/alert system.

M. **City Golf Course Clubhouse Financing**

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

1. Approve a short-term loan in the amount of \$2.5 million from the Reserve for In-Lieu Parking (Public Facilities Construction Fee Fund) to the Golf Course Capital Improvement Reserve. The maximum term of the loan shall be 12 months, with the interest rate tied to the LAIF rate effective July 1, 2007 (currently 5.25%).
2. Authorize Staff to proceed with the issuance of Certificates of Participation, approved by Council on May 15, 2007, when the original terms approved by Council can be met.

**ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION****B(2). Zoning Administrator Meeting Minutes of June 6, 2007.**

Council referenced the Molly Bloom project (Minor Architectural Permit 07-087/Minor CUP 07-209) that was considered at the Zoning Administrator meeting of June 6, 2007 and continued to the Zoning Administrator meeting of June 20, 2007; noted that Molly Bloom's has amplified music and is now proposing an outdoor patio; requested that the Zoning Administrator be alerted to the fact that an application has been filed for an 82-unit senior housing project at 2350 S. El Camino Real (which is directly across the street from Molly Bloom). Council requested that the Zoning Administrator consider the noise factor associated with the subject application and ensure that the design promotes a quiet zone for the seniors.

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to receive and file the Zoning Administrator meeting minutes of June 6, 2007.

**H. Contract Award - San Gorgonio Park Field Renovation**

Park Planner Shaw advised that the correct amount of the proposed contract with Lehman Construction is \$906,771, as opposed to \$901,771 as was reflected in the Administrative Report; responded to Council inquiries relative to coordination of the project with the San Clemente Little League.

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

1. Approve the plans and specifications for the San Gorgonio Field Renovation project, City Project No. 15103.
2. Approve, and authorize the Mayor to execute, Contract C07-29 by and between the City of San Clemente and Lehman Construction, providing for the renovation of the San Gorgonio Park field (Base Bid and Alternates C, D, E and F), in the amount of \$906,771.
3. Authorize Staff to issue a Notice to Proceed.

**6. PUBLIC HEARINGS****A. Appeal of Minor Exception Permit 06-490, Lamphere Residence (2727 Via Vistosa)**

Public Hearing to consider an appeal of the Zoning Administrator's approval of a reduced street side, side yard setback for an addition to an existing single family residence within the Single Family Low Density (RL-11) Zoning District with a Coastal Zone Overlay (CZ) located at 2727 Via Vistosa, the legal description being Lot 52 of Tract 4628.

Associate Planner Nicholas reviewed the contents of the Administrative Report and responded to Council inquiries relative to the proposed project. The discussion focused around square footages of neighboring properties, square footage computations for the subject residence, and interpretation and implementation of Condition of Approval No. 7.

In response to Council inquiry, City Attorney Oderman opined that the inclusion of proposed Condition of Approval No. 7 (which specifies that the rear patio and second story balcony cannot have any screening, curtains, or enclosures of any kind) is within Council's discretion because it is reasonably related to the overall issue of size and massing; noted that the Zoning Administrator also had the discretion to impose the subject Condition.

Mayor Dahl opened the Public Hearing.

Danna Lamphere, property owner, stated that the purpose of the 60 sq. ft. enclosure is to protect her children and pets from the danger posed by the closeness of the space to the property edge; voiced concern that the discussion at the Zoning Administrator hearing focused on the previously-permitted and constructed patio space, as opposed to the proposal to enclose the 60 sq. ft. space; explained that the patio draperies were installed to control the sun because her husband and she have health issues that are negatively impacted by direct sunlight; voiced concern that Condition No. 7 prohibits them from installing draperies, or other screenings, on the patio if they wish to construct the 60 sq. ft. enclosure; distributed photographs of the property. In response to Council inquiries, Ms. Lamphere stated that she does not intend to enclose the rear patio or the second story balcony; reviewed the linear feet of the drapery panels when extended; advised that

the home was approximately 1500 sq. ft. when she purchased it and that additions were accomplished without changing the original footprint; noted that the lot coverage of the home, including the patio, is only 35% even though 50% lot coverage is allowed.

Kirk Nelson, Design Intervention (project architect), stated that the nook space and patio cover are independent and separately-approved processes; asserted that he was not provided the opportunity to rebut the Zoning Administrator's determination to approve the application for the nook enclosure provided no enclosure of the patio take place; stated that the applicant does not intend to keep the draperies closed on a daily, on-going basis. In response to Council inquiry, Mr. Nelson explained that the patio cover is designed to support a live load as required by Code; requested that Council not set a precedent on the property that is inconsistent with the Building Code and rights allotted to adjacent properties.

Al Cullen, San Clemente, opined that the property is not compatible with the neighborhood; presented a petition, signed by 19 residents of Via Vistosa, that requested that Council not approve the subject Exception Permit; explained that the property has been expanded in piecemeal fashion and voiced concern that the property does not conform to the City's sidewalk standards.

Joan Linder, San Clemente, stated that she resides above the subject property; asserted that the neighbors were not informed that a second story or patio would be constructed on the property; voiced concern that additional expansion will occur; suggested that the patio space will be enclosed in the future since it is already equipped with a television, ceiling and mirror; stated that the massive vertical posts could support a second floor; urged that Council not allow the patio space or the second floor balcony to be enclosed.

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

During the ensuing discussion, Councilmembers noted that patio draperies are permitted throughout the City without permits. It was further noted that no application has been filed for any structural modification to the patio.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR DAHL, to adopt Resolution No. 07-42 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, UPHOLDING AN APPEAL OF MINOR EXCEPTION PERMIT 06-490, LAMPHERE RESIDENCE, TO ALLOW FOR THE CONTINUATION OF A NONCONFORMING SIDE YARD SETBACK FOR THE ENCLOSURE OF 60 SQUARE FEET, LOCATED AT 2727 VIA VISTOSA, with the deletion of Condition No. 7. (Staff is to prepare a resolution that conforms to Council's action.)

In response to Council inquiry, Ms. Lamphere stated that although she does not intend to enclose the balcony, she does not want to waive the rights of any subsequent purchaser of the property; commented that if second stories are determined to be permissible in Shorecliffs, she does not want her property to be the only home with a second-story restriction.

Council clarified that the motion on the floor does not impose a restriction on a future balcony enclosure; noted that Ms. Lamphere, or any subsequent owner of the property, would be required to apply to the City if a balcony enclosure is desired.

In response to Council inquiry, Staff advised that structural enclosure of the patio space would require an over-the-counter building permit -- but would not involve a discretionary review; noted that the Applicant could obtain a building permit for the patio enclosure and then apply for a permit to allow the 60 sq. ft. enclosure.

THE MOTION ON THE FLOOR WAS VOTED ON AND CARRIED 5-0.

**B. Rental Fees for Steed Park**

Public Hearing to consider establishing rental fees for use of Steed Park by residents, organizations, and commercial entities.

Recreation Manager Dicandia reviewed the contents of the Administrative Report.

Mayor Dahl opened the Public Hearing.

Eric Elizalde, San Clemente, stated that he organizes 18-20 baseball tournaments per year throughout Southern California; commented that he resides in San Clemente and would like to conduct his tournaments in San Clemente; pointed out that tournaments promote tourism and benefit the economy; stated that the rental fees proposed are commensurate with the fees that he pays elsewhere; urged Council to approve the rental fees as proposed.

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

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to adopt Resolution No. 07-43 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING THE POLICIES AND FEES GOVERNING THE RENTAL OF STEED PARK, with the modification that Non-Resident/Non-Profit organizations with a substantial presence of San Clemente residents will be eligible for the Resident/Non-Profit rental rates.

C. **FY 2007-08 City and Redevelopment Agency Budgets**

Public Hearing to consider adopting the City and Redevelopment Agency Budgets for FY 2007-08.

MOTION BY COUNCILMEMBER/RDA DIRECTOR KNOBLOCK, SECOND BY COUNCILMEMBER/RDA DIRECTOR EGGLESTON, CARRIED 5-0, to convene the Redevelopment Agency at 9:00 p.m. to meet in Joint Session with the City Council.

City Manager/RDA Executive Director Scarborough and Assistant City Manager Gudgeirsson narrated a PowerPoint presentation entitled "FY 2007-08 Budget Public Hearing and Adoption", a hard copy of which is on file with the City Clerk.

During the course of discussion, Council requested the following: 1) That future budgets identify Capital Outlay and Major Maintenance funding separately, as opposed to lumping the two items into Non-Operating Expenditures; and 2) That Staff develop a beach cleanliness rating system.

Mayor/RDA Chair Dahl opened the Public Hearing.

Guy Varriano, Vice President of the Board of Trustees of the Casa Romantica Cultural Center, stated that Burge Corporation proposed a cost of \$1.6 million to complete Phase II of the Casa improvements; related that the Board of Trustees determined to use in-house resources to complete the Phase II improvements to save approximately \$1 million; reviewed projects completed during the past six months; noted that the current lease agreement with the RDA provides that the Casa, as a tenant, is responsible for all maintenance and repairs; stated that the Board did not understand the cost impact of maintaining the property and structures when it entered into the lease agreement; stated that Staff has identified long-term maintenance items that the Board is not prepared to pay from its annual budget; requested that the RDA set aside \$30,000 annually to cover long-term major maintenance of the Casa.

Ed Ewart, Executive Director of South County Outreach, requested that the RDA authorize a grant of \$2,500 from Redevelopment Agency Housing Funds to support South County Outreach's Transitional Housing Program.

During the course of discussion, the RDA requested that Casa representatives meet with City Manager/RDA Executive Director Scarborough to review long-term capital expenditures that are needed for the Casa Romantica. It was suggested that it may be appropriate for the RDA, as landlord, to assume responsibility for the Casa's structural maintenance and repairs with the tenant maintaining responsibility for operation-related expenses.

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:

1. Adopt Resolution No. 07-44 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING AND APPROVING THE BUDGET FOR THE CITY OF SAN CLEMENTE FOR THE 2007-08 FISCAL YEAR.
2. Adopt Resolution No. 07-45 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING REVISED SALARY SCHEDULES AND NEW AND REVISED CITY CLASSIFICATIONS AND AMENDING RESOLUTION NO. 97-09 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH.

MOTION BY RDA DIRECTOR EGGLESTON, SECOND BY RDA DIRECTOR ANDERSON, CARRIED 5-0, to adopt Resolution No. RDA-07-02 entitled A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN CLEMENTE REDEVELOPMENT AGENCY, ADOPTING AND APPROVING THE BUDGET FOR THE SAN CLEMENTE REDEVELOPMENT AGENCY FOR THE 2007-08 FISCAL YEAR, with the inclusion of \$30,000 for major maintenance of the Casa Romantica. Casa Romantica representatives are to meet with the City Manager/RDA Executive Director and Staff to determine the types of CASA capital expenditures that are to be set aside on an annual basis.



**MEETING RECESSED**

The Council and Redevelopment Agency recessed at 9:37 p.m. and reconvened at 9:45 p.m., with all members present.

7. **UNFINISHED BUSINESS**

A. **Contract Award - Rail Corridor Pedestrian Trail Phase II Construction, Project No. 11410, Federal Project No. STPLER 5274 (008)**

Report from the Public Works/Economic Development Director concerning the possibility of entering into a contract for the construction of Phase II of the Rail Corridor Pedestrian Trail.

The City Council and Redevelopment Agency met in Joint Session to consider this item.

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

Council/RDA expressed an interest in providing a transition in the vicinity of the narrow portion of the coastal trail near Marine headquarters to enable bicyclists to egress the trail and utilize the access road.

City Manager/RDA Executive Director Scarborough stated that Staff will develop a plan for improvements to the Pier Bowl area and will identify RDA funding available to complete those improvements.

Lorry Leigh Belhumeur, San Clemente, on behalf of the Mariposa Task Force and Mariposa community, conveyed support for the Phase II construction contract; requested that the City follow through on its assurances that the Mariposa beach access will become a reality; opined that the project represents a prudent usage of RDA funds; noted that the beach trail is needed to facilitate establishment of the Quiet Zone.

Robert Baker, San Clemente, requested that the coastal trail be named after Stephanie Dorey.

Council/RDA responded that John Dorey has requested that the trail not be named after Stephanie Dorey at this time; pointed out that a group is being formulated to consider naming of the trail.

Ken Nielsen, San Clemente, opined that the coastal trail is the best thing to ever happen to San Clemente; commented on the significant amount of usage that the trail experiences and expressed support for the proposed contract.

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

1. Approve, and authorize the Mayor to execute, Contract C07-30 by and between the City of San Clemente and John S. Meek Company, Inc., providing for the Rail Corridor Pedestrian Trail Phase II Construction Project No. 11410, Federal Project No. 5274 (008), in the amount of \$3,177,191.
2. Approve a transfer of \$1,017,000 in the General Fund (Account 001-203-47012-000-11410) for Rail Corridor Pedestrian Trail Phase II Construction Project No. 11410 Federal Project No. 5274 (008).
3. Approve a transfer of \$2,000,000 in RDA Funds (Account 086-865-47012-000-11410:086-000-39310:087-805-48350) for Rail Corridor Pedestrian Trail Phase II Construction Project No. 11410 Federal Project No. 5274 (008).

**REDEVELOPMENT AGENCY RECESSED**

MOTION BY RDA DIRECTOR KNOBLOCK, SECOND BY RDA DIRECTOR EGGLESTON, CARRIED 5-0, to recess the Redevelopment Agency at 10:10 p.m.

**8. NEW BUSINESS****A. Election for Continuation of the Existing Clean Ocean Fee**

Report from the Public Works/Economic Development Director concerning an election for continuation of the existing Clean Ocean Fee.

Principal Civil Engineer Bonigut reviewed the contents of the Administrative Report and responded to Council inquiries.

Council expressed an interest in considering the possibility of banning San Clemente restaurants from using Styrofoam (the use of Styrofoam is already prohibited within City facilities and at City-sponsored events). Staff responded that it is monitoring other beach cities that are developing bans on the usage of Styrofoam by restaurants to gain insight as to issues that may arise and agreed to keep Council apprised of Staff's progress.

Bill Hart, San Clemente, urged support for continuation of the Clean Ocean Fee, noting that the program prevents 4,000 tons of trash from reaching the beach each year; noted that the cost of the program is only 16 cents per day per property.

Ken Nielsen, San Clemente, conveyed support for the Clean Ocean Fee, explaining that he has been satisfied with Staff's performance; noted that the beach is San Clemente's greatest resource.

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

1. Authorize and direct Staff to begin the process for conducting an election, pursuant to the requirements of Proposition 218, to seek property owner approval of the proposed continued Clean Ocean Fee.
2. Approve, and authorize the Mayor to execute, Contract C07-31 by and between the City of San Clemente and Koppel & Gruber, providing for Clean Ocean Fee continuation balloting services, in an amount not to exceed \$46,000. The remaining proposed expenditure above the proposal cost of \$41,700 would cover mailing costs for any additional property owners not identified in the preliminary proposal estimate.

*Action continued on next page*

3. Direct Staff to mail written notices of the proposed fee continuation to the record owners of each identified parcel upon which the fee is proposed, as required by law, and establish a public hearing date of August 21, 2007, to consider continuing the Clean Ocean Fee.

B. **Code Amendment - Removal of Vehicles from Park Parking Lots After Curfew Hours**

Report from the Beaches, Parks and Recreation Director concerning the possibility of amending the Code of the City of San Clemente to provide for the removal of vehicles from park parking lots after curfew hours.

Beaches and Parks Manager Reed summarized the contents of the Administrative Report.

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to introduce Ordinance No. 1338 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 9.12 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO REMOVAL OF VEHICLES IN PARK PARKING LOTS AFTER CURFEW HOURS.

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

**“One-Wall-Standing” Remodels**

Robert Baker, San Clemente, distributed photographs of two neighboring homes in the T Street area -- one that was constructed according to current setbacks and one home that was remodeled while retaining one wall (which enabled the remodel to occur according to former setback requirements); noted that he previously addressed Council about his concerns relating to “one-wall-standing” remodels and requested an update on the issue.

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to agendize the “one-wall-standing” issue for a future Council meeting.

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.**

City Manager Scarborough noted that the City is pursuing, with Congressman Calvert's active support, \$7 million in federal funding to advance the City's recycled water program; noted that the issue is presently in markup in the Appropriations Committee.

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

None.

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

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

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

Mayor Dahl reported that the Boards of Directors of the Transportation Corridor Agencies hired Thomas Margrow as the TCA's Chief Executive Officer.

Mayor Dahl advised that he was selected Chair of the San Joaquin Hills Transportation Corridor Agency Board.

(6) **Councilmember Items.**

**South Orange County Major Investment Study Update**

Mayor Pro Tem Anderson reported that copies of the most-recent South Orange County Major Investment Study have been placed in Council's mail trays; noted that the Avenida Pico interchange is included in the study as a listed project.

**Possibility of Establishing an Internal Finance Advisory Committee**

Councilmember Knoblock suggested that Council consider creating an internal finance advisory committee to provide assistance on financial oversight issues.

**11. RESOLUTIONS/ORDINANCES****A. Ordinance No. 1336 (Second Reading) - Pacific Golf Club Residential Development**

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY COUNCILMEMBER DONCHAK to revise the Development Agreement for the Pacific Golf Club residential development to add a provision that, with the developer's approval, would provide that Woodridge LLC fund the La Pata extension in the amount of \$1 million in addition to the other contributions so stated by the developer.

In response to Council inquiry, City Attorney Oderman explained that if Council desires to change the terms of the development agreement, the developer would need to consent to the changes and the Ordinance would need to be re-introduced.

THE MOTION ON THE FLOOR WAS VOTED ON AND **FAILED 2-3** (COUNCILMEMBER KNOBLOCK, MAYOR PRO TEM ANDERSON AND MAYOR DAHL VOTING NOE).

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY MAYOR DAHL, CARRIED 3-2 (COUNCILMEMBERS DONCHAK AND EGGLESTON VOTING NOE), to adopt Ordinance No. 1336 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE DEVELOPMENT AGREEMENT FOR THE PACIFIC GOLF CLUB RESIDENTIAL DEVELOPMENT.

**12. ADJOURNMENT**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to adjourn at 10:55 p.m. to an Adjourned Regular Meeting to be held on Monday, June 25, 2007 at 6:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, for the purpose of interviewing and making selections to fill vacancies on the Investment Advisory Committee, Planning Commission and Coastal Advisory Committee.

A subsequent Adjourned Regular Meeting will be held on July 9, 2007 at 6:00 p.m. in the Council Chambers, for the purpose of interviewing and making selections to fill vacancies on the Golf Course Committee, Parks and Recreation Commission, Human Affairs Committee and Donna O'Neill Land Conservancy.

Because of the Fourth of July holiday, the next Regular Council Meeting will be held on **July 10, 2007** in the Council Chambers. Closed Session items will be discussed at 6:00 p.m. The General Session will begin at 7:00 p.m.

**The second Regular Council Meeting in July will be held on July 24, 2007 in the Council Chambers.**

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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