

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting – March 3, 2009

A Regular Meeting of the San Clemente City Council was called to order on March 3, 2009 at 5:30 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by City Clerk Baade.

City Clerk Baade recessed the meeting until 6:00 p.m. The meeting was reconvened at 6:00 p.m. with Mayor Donchak presiding.

PRESENT: ANDERSON, BAKER, DAHL*, EGGLESTON, MAYOR DONCHAK

*Arrived at 6:05 p.m.

ABSENT: NONE

STAFF PRESENT: George Scarborough, City Manager; Jeff Oderman, City Attorney; Joanne Baade, City Clerk; Eileen White, Recording Secretary

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CLOSED SESSION

City Attorney Oderman requested a Closed Session to discuss the items that appear on the agenda; explained that Closed Session Item B relates to a contract performance issue with Nelson/Nygaard.

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 4-0, 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: 9-acre site located at the northwest corner of Avenida La Pata and Avenida Vista Hermosa.

Negotiating Parties: George Scarborough, City Manager and Molly McKee, Target Corporation.

Closed Session items continued on next page

B. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

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

The full Council, City Manager Scarborough, City Attorney Oderman, Assistant City Manager Gudgeirsson, Community Development Director Holloway and City Clerk Baade were present during the entire Closed Session.

MEETING RECONVENED

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

INVOCATION

Valerie Jordan, Orange County Sheriff's Department Chaplain, gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Anderson led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Proclamation Presentation – Arbor Day**

Mayor Donchak presented a Proclamation to San Clemente Rotary Club President Dennis C. Lindeman and Club Services Director Reuben Casey, declaring March 7, 2009 as Arbor Day in San Clemente.

B. **Presentation by Mothers Against Drunk Driving (MADD) of Honoraria to Sheriff Deputies for Exceeding 25 DUI Arrests in 2008**

Paola Morales, MADD Orange County and National Boardmember, presented honoraria to the following Sheriff Deputies for exceeding 25 DUI arrests in 2008:

Deputy Paul McHugh	52 Arrests
Deputy Jeremiah Prescott	36 Arrests
Deputy Sherri Gilman	30 Arrests
Deputy Shane Stewart	29 Arrests

C. **Presentation by SunCal, LLC – Status of the Marblehead Residential/SunCal Project**

Dave Placek, SunCal, LLC, explained that the Marblehead residential/SunCal project is basically in a holding pattern until the bankruptcy court authorizes expenditures or Lehman Brothers negotiates for disposition of assets, which could include Marblehead Coastal.

Council directed that SunCal updates be agendized for the first Council meeting of each month, instead of being agendized for two Council meetings per month.

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

None.

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

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

None.

5. **CLOSED SESSION REPORT – CITY ATTORNEY**

City Attorney Oderman stated that no reportable actions were taken during the Closed Session portion of the meeting.

6. **PUBLIC HEARINGS**

A. **213 Avenida Del Mar (Nick's Restaurant) - Conditional Use Permit 08-314/Cultural Heritage Permit 08-315**

Public Hearing to consider a request to convert a previous retail store (The Rug Gallery) into a new restaurant. Improvements include a façade remodel, a 667 square foot open patio dining area within the existing building envelope, and a new trash enclosure. The project site is located at 213 Avenida Del Mar within the Mixed Use, Central Business and Architectural Overlay (MU3-CB-A-CZ) zoning districts.

City Planner Pechous narrated a PowerPoint presentation entitled "Nick's Restaurant and Cellar Gourmet Deli"; proposed a new condition to require two additional pole lights in the parking lot; responded to questions from Council. A hard copy of Mr. Pechous' presentation, dated March 3, 2009, is on file with the City Clerk.

Mayor Donchak opened the Public Hearing.

Charles Ram, project architect, described the project and emphasized the Applicant's desire to work with the City to achieve a product that reflects the community's desires. In response to Council comment, Mr. Ram discussed alternatives being considered to improve the rear façade.

Scott McIntosh and Nick Nickoloff, Applicants, advised that the proposed number of seats is necessary for the restaurant's financial viability.

David Kenworthy, representing the restaurant's ownership, commented that the exterior façade and building improvements are estimated to cost \$1 million; noted that he was initially reluctant to open the on-site parking lot for public use, but later determined to do so because he realized that it was in the community's best interest; related that the restaurant hopes to draw patrons from surrounding cities.

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

During the course of deliberations, individual Councilmember(s) offered commentary as follows. The below points do not necessarily reflect Council consensus.

- The rear of the building is not as attractive as the front of the structure.
- The trash enclosure at the rear of the building should not be located next to the main steps.
- Opening the on-site parking lot to public use will take away parking needed for Nick's Restaurant.
- Opening the on-site parking lot to public use is anticipated in the Walker Parking Study to improve accessibility and parking turn-around times, and prohibit long-term vehicle storage.
- Adding another restaurant in the 200 block of Avenida Del Mar increases the "restaurant row" concept and increases the parking demand.
- The parking lot at 215 Avenida Granada should be opened for public use and be adequately illuminated.
- It is unfair to condition the project on the owners of the adjacent parking lots agreeing to open their lots to public use.
- The parking lot of the subject site and adjacent parking lots could be improved with additional lighting and surface grade leveling.
- The project meets the criteria for outdoor seating waivers in accordance with the original Walker Downtown Parking Study and its subsequent affirmations.
- No outdoor seating waivers have been issued since 2002, and additional waivers are still available.
- Outdoor seating has been proven to enhance the Downtown experience.

- The availability of parking in the rear of the restaurant should be advertised via signage.
- The proposed Spanish Colonial Revival Architecture will improve the building façade and enhance the overall Downtown appearance and character.
- Approval of parking waivers for this project, and the resulting decrease in available parking in the Downtown area, will discourage people from visiting the area.
- Approval of this project could decrease available parking to the point that the Downtown area gains a reputation for parking shortages, thereby negatively impacting existing businesses.
- The increased number and variety of restaurants concentrated in one area establishes a destination district and improves the quality of the Downtown experience.
- In a destination district situation, restaurant patrons that discover upon arrival that their intended restaurant has no seating available will have the option to patronize another area restaurant.
- The project will offer a product that has been proven to be successful, and will be an excellent addition to the Downtown area.

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 3-2 (COUNCILMEMBER BAKER AND COUNCILMEMBER EGGLESTON VOTING NOE), to adopt Resolution No. 09-15 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 08-314 AND CULTURAL HERITAGE PERMIT 08-315, NICK'S RESTAURANT, A REQUEST FOR THE ON-SITE SALE AND CONSUMPTION OF ALCOHOL, OUTDOOR DINING EXCEEDING 16 SEATS, THE WAIVER OF FOUR PARKING SPACES, AND REMODEL OF AN EXISTING RESTAURANT BUILDING LOCATED AT 213 AVENIDA DEL MAR, with the addition of a 14th Condition to read as follows:

"The applicant shall install and maintain a minimum of two light poles to be located within the on-site parking lot. The light poles shall meet City standard requirements for lighting and shall be reviewed and approved by the City Planner prior to installation."

B. 156 Avenida Del Mar (The Cellar Gourmet Deli) - Amendment to Conditional Use Permit 07-387

Public Hearing to consider a request to amend a previously approved Conditional Use Permit to extend the hours of an existing restaurant to the daytime that involves the sale of beer and wine for on-site consumption and non-amplified live entertainment, and a request for approval of off-site parking in conjunction with the new daytime weekend hours. The existing restaurant is located at 156 Avenida Del Mar, the legal description being Lot 39, Block 5 of Tract 779.

City Planner Pechous narrated a PowerPoint presentation entitled "Nick's Restaurant and Cellar Gourmet Deli," and responded to questions from Council. A hard copy of Mr. Pechous' presentation, dated March 3, 2009, is on file with the City Clerk.

Mayor Donchak opened the Public Hearing.

Dawn Mendes, Sheri Jordan and Crystal Adams, Applicants, advised that their intent to open during the day was prompted by customer demand and the expectation of additional business activity; stated that they lose a significant amount of business between 4:00 p.m. and 5:00 p.m.; related their willingness to self-regulate; noted that the parking shortage exists during weekdays only since they have contracted for additional parking during weekends; stated that they gave up their parking to provide public parking; pointed out that it will take at least one month for them to receive ABC approval of the extended hours.

Greg Davidson, Laguna Niguel, advised that he is a patron of The Cellar and supports the Applicant's request for additional hours and parking waivers.

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

During the course of deliberations, individual Councilmember(s) offered commentary as follows. The below points do not necessarily reflect Council consensus.

- It would be beneficial for Staff to document parking availability in the 100 block of Avenida Del Mar for Council consideration.
- A parking waiver may not be needed to enable The Cellar to open on weekdays at 4:00 p.m. or 5:00 p.m. if it can be documented that sufficient parking is available during those hours.
- Self-regulation, if approved, could establish an undesirable precedent and necessitate monitoring by the City's code enforcement staff.

- It is unfair to disallow parking waivers in the 100 block of Avenida Del Mar while allowing parking waivers in the 200 block.
- A discussion with the Walker Study consultants may lead to alternative solutions for businesses seeking parking in the 100 block of Avenida Del Mar.

MOTION BY COUNCILMEMBER BAKER, SECOND BY COUNCILMEMBER EGGLESTON to adopt Resolution No. 09-16 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AN AMENDMENT TO CONDITIONAL USE PERMIT 07-387, THE CELLAR GOURMET DELI, A REQUEST TO AMEND A PREVIOUSLY APPROVED CONDITIONAL USE PERMIT TO EXTEND THE HOURS OF AN EXISTING RESTAURANT TO THE DAYTIME THAT INVOLVES THE SALE OF BEER AND WINE FOR ON-SITE CONSUMPTION AND NON-AMPLIFIED LIVE ENTERTAINMENT, AND A REQUEST FOR APPROVAL OF OFF-SITE PARKING IN CONJUNCTION WITH THE NEW DAYTIME WEEKEND HOURS FOR THE EXISTING RESTAURANT LOCATED AT 156 AVENIDA DEL MAR.

SUBSTITUTE MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM DAHL, to:

1. Adopt Resolution No. 09-16 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AN AMENDMENT TO CONDITIONAL USE PERMIT 07-387, THE CELLAR GOURMET DELI, A REQUEST TO AMEND A PREVIOUSLY APPROVED CONDITIONAL USE PERMIT TO EXTEND THE HOURS OF AN EXISTING RESTAURANT TO THE DAYTIME WEEKENDS THAT INVOLVES THE SALE OF BEER AND WINE FOR ON-SITE CONSUMPTION AND NON-AMPLIFIED LIVE ENTERTAINMENT, AND A REQUEST FOR APPROVAL OF OFF-SITE PARKING IN CONJUNCTION WITH THE NEW DAYTIME WEEKEND HOURS BUT DENY THE REQUEST TO EXTEND WEEKDAY RESTAURANT HOURS FOR THE EXISTING RESTAURANT LOCATED AT 156 AVENIDA DEL MAR.
2. Direct Staff to expedite for Council consideration the issue of parking waivers during weekday daytime hours. This issue is to be agendaized for the Council meeting of April 7, 2009.

In response to a question posed by City Attorney Oderman, Council confirmed that the Substitute Motion is intended to represent a denial without prejudice of the weekday hours and that an application fee shall not be charged to bring the issue back to Council.

THE SUBSTITUTE MOTION ON THE FLOOR WAS VOTED ON AND CARRIED 4-1 (COUNCILMEMBER BAKER VOTING NOE).

7. **CONSENT CALENDAR**

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to approve the Consent Calendar, with the removal of Items B(1), E, J, K and L.

A. **City Council Minutes**

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to approve the City Council minutes of January 20, 2009 and February 19, 2009.

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

(2) Design Review Subcommittee minutes of January 21, 2009.

(3) Zoning Administrator meeting minutes of February 18, 2009.

(4) Planning Commission Study Session minutes of February 18, 2009.

(5) Planning Commission Regular Meeting minutes of February 18, 2009.

C. **Warrant Register**

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to approve Wire Transfer Nos. 578 and 579, and Warrant Nos. 800251 through 800429, and Handwrite No. 800430 for the period 2-2-09 through 2-6-09 in the amount of \$706,736.76; and Warrant Nos. 800431 through 800598, for the period 2-9-09 through 2-13-09 in the amount of \$1,674,168.16; for a total Warrant Register of \$2,380,904.92.

Payroll Register

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to approve Warrant Nos. 321279 through 321296, and Replacement Check No. 321297, and Automatic Deposit Advises 157885 through 158136, for the period 1-26-09 through 2-8-09 in the amount of \$393,816.07; for a total Payroll Register in the amount of \$393,816.07.

D. **Lease of New Copier for Police Services**

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to approve a 60-month lease of a new Océ CM6520 copier for use by Police Services and authorize the Central Services Officer to execute the lease agreement (Contract No. C09-10).

F. **Contract Award – Construction Management Services for Fire Station 60 and Senior Center**

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract No. 09-11, by and between the City of San Clemente and Willdan Engineering, providing for construction management services for Fire Station 60 (Project No. 15502) in the amount of \$298,900 and the Senior Center (Project No. 15503) in the amount of \$128,100, for a combined total not to exceed \$427,000.

G. **Grant Application – Safe Routes to School Program**

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to adopt Resolution No. 09-17 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE SUBMITTAL OF THE SAFE ROUTES TO SCHOOL PROGRAM GRANT APPLICATION FOR CYCLE 8 TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION.

H. **Notice of Completion – South El Camino Real Rehabilitation**

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

1. Accept the South El Camino Real Rehabilitation (Contract No. C07-54), Project No. 17314, Federal Project No. STPL-5274(026), from the contractor, All American Asphalt, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the South El Camino Real Rehabilitation project.
3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Engineering Division that no liens have been levied against All American Asphalt, Inc.

Action continued on next page

4. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

I. **Notice of Completion – Camino Capistrano Street Rehabilitation**

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

1. Accept the Camino Capistrano Street Rehabilitation (Contract No. C08-35), Project No. 17303, Federal Project No. STPL-5274(027), from the contractor, All American Asphalt, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Camino Capistrano Street Rehabilitation project.
3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Engineering Division that no liens have been levied against All American Asphalt, Inc.
4. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

M. **Contract Amendment – Architectural and Engineering Services for Downtown Fire Station No. 60**

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to approve, and authorize the Mayor to execute, the Second Amendment to Contract No. C05-06, by and between the City of San Clemente and IBI Group, providing for Architectural and Engineering Services for Downtown Fire Station No. 60, Project 15502. This Amendment modifies the Scope of Services and Schedule of Performance, and increases the contract amount from \$401,183 to \$419,683 (an increase of \$18,500).

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

B(1). **Golf Course Committee Minutes of December 4, 2008 and January 8, 2009**

Council commended Staff for the excellent condition of the golf course and urged citizens to participate in the upcoming divot-filling party.

MOTION BY COUNCILMEMBER BAKER, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to receive and file the Golf Course Committee minutes of December 4, 2008 and January 8, 2009.

E. **Traffic-Calming Measures for Ola Vista/Avenida Santa Barbara Between Avenida Palizada and Esplanade**

Councilmember Eggleston stated that he will recuse himself from deliberations on this item because he resides within 500 feet of the proposed traffic-calming measures; left the Council Chambers at 8:58 p.m.

City Traffic Engineer Hindiyeh summarized the Administrative Report.

The following individuals addressed Council in support of Staff's recommendation for a four-way stop as described in Option #1 of the Administrative Report, dated March 3, 2009, which is on file with the City Clerk:

Shannon Luis, San Clemente

Kevin Waggoner, San Clemente

Bill Yates, San Clemente

Mark Thomson, Yorba Linda (representing the lender of the adjacent condominium project)

Wendy Gonshaw, San Clemente

Holly Golding, San Clemente

Larry Culbertson, San Clemente

MOTION BY COUNCILMEMBER BAKER, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0-1 (COUNCILMEMBER EGGLESTON ABSTAINING), to approve the traffic-calming measures for Ola Vista/Avenida Santa Barbara between Avenida Palizada and Esplanade as detailed in the Administrative Report, dated March 3, 2009, which is on file with the City Clerk.

Councilmember Eggleston returned to the Council Chambers at 9:15 p.m.

J. **Limited-Term Human Resources Analyst II Position**

Human Resources Manager Penrod responded to Council inquiries.

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

1. Authorize the creation of a full-time, benefited, limited-term Human Resources Analyst II position.
2. Approve a revised Staffing Chart to include the authorized position.

K. **Policy and Procedure 1201-9 – Public Presentation of Hard Copy Material and Visual Aids at City Council Meetings**

In response to Council request, City Clerk Baade reviewed the substance of the proposed Policy and Procedure.

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 5-0, to adopt Policy and Procedure 1201-9 entitled “Public Presentation of Hard Copy Material and Visual Aids at City Council Meetings,” effective March 3, 2009.

L. **Contract Award – Graffiti Abatement Services**

Council commended Ed Stewart & Associates for their swift efforts to remove graffiti.

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract No. C09-20, by and between the City of San Clemente and Stewart & Associates, providing for administration of the graffiti program and removal of graffiti, for a period of 15 months (April 1, 2009 through June 30, 2010), for a total amount not to exceed \$94,000.

MEETING RECESSED

Council recessed at 9:20 p.m. and reconvened at 9:30 p.m., with all members present.

8. UNFINISHED BUSINESS**A. Contract Award - City-Wide Strategic Planning Process**

Report from the Assistant City Manager concerning the selection of a professional services contractor to provide Strategic Planning Process services.

Human Resources Manager Penröd summarized the Administrative Report and responded to Council inquiries.

Council discussion ensued relative to the benefits of retaining MIG to provide expert strategic planning services versus not contracting the work and utilizing the monetary savings to implement projects.

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-1 (COUNCILMEMBER BAKER VOTING NOE), to:

1. Approve, and authorize the Mayor to execute, Contract No. C09-13, by and between the City of San Clemente and MIG, Inc., providing for a City-wide Strategic Planning Process, in an amount not to exceed \$138,501.
2. Approve an appropriation of \$38,500 from the undesignated fund balance to Account 001-203-45900-000-39801.
3. Authorize an appropriation of no more than \$22,000 from the undesignated fund balance to Account 001-203-45900-000-39801 for the two optional services (photosimulation services and web-based visual preference exercise services) as outlined in Exhibit A of the proposed contract.

B. Economic Development Position

Report from the City Manager concerning the creation of an Economic Development position.

City Manager Scarborough reviewed the Administrative Report and responded to Council inquiries.

Council discussion followed relative to 1) the pros and cons of establishing an Economic Development position during the current recession; and 2) prudence of authorizing the creation and recruitment of an Economic Development position at this time versus deciding the issue in conjunction with the City's FY 2010 budget.

MOTION BY MAYOR DONCHAK, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 3-2 (COUNCILMEMBERS BAKER AND ANDERSON VOTING NOE), to 1) direct the City Manager to pursue a Director of Housing and Economic Development classification that is equivalent to the salary range of the City's Community Development Director classification, 2) authorize a full-time, benefited Administrative Assistant position to handle the administrative duties that would accompany the position, and 3) direct the City Manager to commence the recruitment.

9. **NEW BUSINESS**

A. **1001 South El Camino Real (Antheda Veterinary Clinic) – Fee Waiver Request for a Time Extension for Site Plan Permit 06-243/Architectural Permit 06-244**

Report from the Community Development Director concerning the possibility of waiving fees associated with a time extension request for Site Plan Permit 06-243 and Architectural Permit 06-244 (Antheda Veterinary Clinic).

City Planner Pechous reviewed the Administrative Report.

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to waive fees for the Time Extension request for Site Plan Permit 06-243 and Architectural Permit 06-244.

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

None.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. City Attorney

1. Clarification of the Term “Neighborhood Compatibility”

City Attorney Oderman noted that he has provided a confidential memorandum to Council concerning the subject issue; stated that he is recommending that the City’s Code provisions relating to density bonuses be amended and updated to conform with State law; estimated that the proposed Zoning Ordinance changes will be ready for Planning Commission and Council consideration in a couple months.

D. Council Members

(1) Possible Demolition of the Bowling Alley at the Miramar Theatre

In response to Councilmember Eggleston’s suggestion, it was agreed that the Mayor and City Manager will meet with the owner of the Miramar Theatre concerning the possibility of demolishing the bowling alley at the Miramar Theatre to improve area aesthetics.

(2) San Clemente-Dana Point Animal Services Authority

Mayor Pro Tem Dahl reported on animals available for adoption at the San Clemente-Dana Point Animal Shelter; invited the public to attend the Wag-a-Thon that will be held on April 25, 2009 at the Dana Point Harbor.

(3) Marine Life Protection Act - U.S. Department of Fish and Game Regional Stakeholders Group

Mayor Pro Tem Dahl reported that he is involved with the Marine Life Protection Act, U.S. Department of Fish and Game Regional Stakeholders Group; noted that the group is working to protect certain marine areas.

(4) Street Sweeping Services Update

Councilmember Baker commended Staff for its proactive removal of debris from City streets.

(5) **Support for Local Businesses**

Councilmember Baker encouraged residents to support local businesses to increase the economic vitality of the City.

(6) **Parking Availability on Avenida Del Mar**

Councilmember Anderson commented on the ample amount of available parking he encountered today along Avenida Del Mar.

(7) **Quiet Zone Status Update**

Mayor Donchak emphasized the City's ongoing support for establishment of a Quiet Zone and summarized the status thereof.

12. **RESOLUTIONS/ORDINANCES**

A. **Ordinance No. 1479 (Second Reading) – Pass-Through Fee Increase for Parking Citations**

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 4-1 (COUNCILMEMBER EGGLESTON VOTING NOE), to adopt Ordinance No. 1479 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 1.16.010, SUBSECTION B OF THE SAN CLEMENTE MUNICIPAL CODE REGARDING PARKING FEES AND FINES.

B. **Ordinance No. 1480 (Second Reading) – Parking Meter Zoning Modifications**

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to adopt Ordinance No. 1480 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTIONS 10.40.010 - 10.40.050 RELATING TO PARKING METERS, THEIR HOURS OF OPERATION, AND THE PARKING METER FEE.

MEETING RECESSED

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to recess to a meeting of the San Clemente Redevelopment Agency at 10:25 p.m.

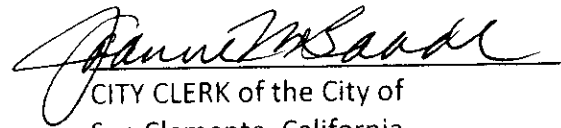
MEETING RECONVENED


Council reconvened at 10:26 p.m. with all members present.

13. **ADJOURNMENT**

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to adjourn at 10:27 p.m.

The next Regular Council Meeting will be held on March 17, 2009 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be discussed at 5:30 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