

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting – February 17, 2009

A Regular Meeting of the San Clemente City Council of February 17, 2009 was called to order by the City Clerk at 5:30 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

The City Clerk 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

ABSENT: NONE

STAFF PRESENT: George Scarborough, City Manager; Jeff Oderman, City Attorney; Joanne Baade, City Clerk; Kristi Russell, Deputy City Clerk

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CLOSED SESSION

City Attorney Oderman requested a Closed Session to discuss items on the agenda; stated that Item A pertains to real property negotiations with Target Corporation for a 9-acre site located at the northwest corner of Avenida La Pata and Avenida Vista Hermosa; noted that Item B concerns Frank's Auto Body and the related item that appears on the public portion of this evening's agenda.

Mayor Donchak announced that the Closed Session item pertaining to the City Manager's performance evaluation, which was to appear on this evening's Closed Session agenda, will be agendaized for the Adjourned Regular Council Meeting of February 24, 2009.

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 5-0, to recess to Closed Session at 6:05 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, pursuant to Government Code Section 54956.9(b):

Significant exposure to litigation: One Potential Case.

All members of Council, City Manager Scarborough, City Attorney Oderman, and City Clerk Baade were in attendance during the entire Closed Session.

MEETING RECONVENED

Council reconvened at 7:00 p.m., with all members present.

INVOCATION

Pastor Jeremy Steele, Living Water Community Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Donchak led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

- A. **Proclamation Presentation – Our Savior’s Lutheran School**

Mayor Donchak presented a Proclamation to Principal Dunya Shaw and Board President Beth Apodoca, of Our Savior’s Lutheran School, in recognition of Our Savior’s Lutheran School achieving a 7-Year accreditation.

- B. **LAB Playa Del Norte Project at North Beach – Status Report**

Report from the Community Development Director concerning the status of the LAB Playa Del Norte project at North Beach.

Community Development Director Holloway summarized the contents of the Administrative Report.

City Manager Scarborough reviewed his memorandum of February 11, 2009 (which is on file with the City Clerk) relating to the schedule for a report on financial impacts associated with The LAB development.

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to receive and file the Administrative Report, dated February 17, 2009, that is on file with the City Clerk.

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

Dave Placek, representing SunCal, LLC, stated that no changes have occurred in the bankruptcy proceedings; noted that funds have not been released to address health and safety issues, however, the New York court has taken control of \$6 billion in cash; explained that SunCal is working to improve the fencing along the I-5.

2. MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER EGGLESTON, 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)**

Proclamation of Distinction from the Spanish Village Foundation to Ruth DeNault

Raad Ghantous and John Alpay, members of the Spanish Village Foundation, presented Ruth DeNault with a Proclamation of Distinction in recognition of her contributions to the community.

Request for Property and Fence Maintenance at the Marblehead Coastal Site

Patrick Telfor, San Clemente, stated that the fence along the perimeter of the Marblehead Coastal property is in need of maintenance and presented photos of problem areas. A set of the photos presented by Mr. Telfor are on file with the City Clerk.

Council directed that a copy of Mr. Telfor's photos be forwarded to SunCal.

Request for Caution Signs on Avenida Pico to Alert Travelers to Watch for Bicyclists

Pete Van Nuys, San Clemente, noted the success of the work performed on Avenida Pico in front of San Clemente High School; stated that bicycle lanes on Avenida Pico have been reduced or eliminated which creates a risk for bicyclists; requested that caution signs be placed in each direction on Avenida Pico to warn motorists to watch for bicyclists; expressed support for the proposal by the Friends of the Conservancy that appears later on tonight's agenda.

Economic Development Position and Council Meeting with Congressman Calvert

Larry Culbertson, San Clemente, expressed support for the City's Economic Development position and conveyed his hope that the selected candidate will support light industry and business; urged Council to seek assistance from Congressman Calvert in securing funding for projects that will create jobs and utilize local contractors; requested that discussions with the Congressman also include the federal E-Verify program; urged that the City use E-Verify to ensure that City contractors are legally eligible to work in the United States.

5. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve the Consent Calendar, with the deletion of Item 5-A (Council Meeting minutes of January 20, 2009 only) and the removal of Item 5-F for discussion (Contract Award – Supervisory Control and Data Acquisition (SCADA) Upgrades at 4 Radio Repeater Sites).

A. **City Council Minutes**

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve the City Council minutes of January 29, 2009. *Note: The City Council minutes of January 20, 2009 were deleted from the agenda at the request of Staff. These minutes will be agendized for consideration at the March 3, 2009 Council meeting.*

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

- (1) Coastal Advisory Committee meeting minutes of January 8, 2009.
- (2) Design Review Subcommittee meeting minutes of January 28, 2009.
- (3) Zoning Administrator meeting minutes of February 4, 2009.
- (4) Planning Commission Study Session minutes of February 4, 2009.
- (5) Planning Commission meeting minutes of February 4, 2009.

C. Warrant Register

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve Wire Transfer Nos. 575 through 577, and Handwrite No. 799933, and Warrant Nos. 799934 through 800093, and Handwrite Nos. 800094 through 800103, for the period 1-19-09 through 1-23-09 in the amount of \$2,725,605.61; and approve Warrant Nos. 800104 through 800250, for the period 1-26-09 through 1-30-09 in the amount of \$1,442,112.17; for a total Warrant Register of \$4,167,717.78.

Payroll Register

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve Warrant Nos. 321258 through 321278, and Automatic Deposit Advises 157635 through 157884, for the period 1-12-09 through 1-25-09 in the amount of \$404,407.76; for a total Payroll Register of \$404,407.76.

D. Contract Award – Digester No. 1 Cleaning, Residual Disposal, and Inspection

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

1. Approve the plans and specifications for the Digester No. 1 Cleaning, Residual Disposal, and Inspection, Project No. 29204.
2. Approve, and authorize the Mayor to execute, Contract No. C09-07, by and between the City of San Clemente and DenBoer Engineering, providing for the cleaning, residual disposal, and inspection of Digester No. 1, in the amount of \$128,500.

E. Health Reimbursement Account

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

1. Adopt Resolution No. 09-08 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A RETIREE HEALTHCARE TRUST KNOWN AS THE CITY OF SAN CLEMENTE RETIREE HEALTHCARE TRUST.
2. Approve, and authorize the Mayor to execute, the Administrative Services Agreement, Business Associate Agreement, and related plan adoption documents (Contract No. C09-08), by and between the City of San Clemente and the International City Management Association Retirement Corporation (ICMA-RC), providing for administration of a retirement health saving plan for employees.

G. **Traffic Calming Measures on Calle Grande Vista**

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

1. Approve the implementation of traffic-calming measures on Calle Grande Vista as identified in the Administrative Report, dated February 17, 2009, which is on file with the City Clerk.
2. Adopt Resolution No. 09-12 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 CALLE GRANDE VISTA.

H. **Notice of Completion – Rail Corridor Pedestrian Trail Project Phase II**

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

1. Accept the Rail Corridor Pedestrian Trail Project Phase II, City Project No. 11410, Federal Project No. STPLER 5274(008) from the contractor, John S. Meek Company, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Rail Corridor Pedestrian Trail Project Phase II, City Project No. 11410, Federal Project No. STPLER 5274(008) (Contract No. 07-30).
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 John S. Meek Company, 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.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

5-F. **Contract Award – Supervisory Control and Data Acquisition (SCADA) Upgrades at 4 Radio Repeater Sites**

John Tengdin, San Clemente, thanked Engineering Staff for its cooperation in answering questions concerning this item and expressed support for approval.

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

1. Approve the plans and specifications for the SCADA Upgrades at 4 Radio Repeater Sites (W-4), Project Nos. 12605 and 13501.
2. Approve, and authorize the Mayor to execute, Contract No. C09-09, by and between the City of San Clemente and Halcyon Electric, providing for the upgrade of the SCADA communications system at 4 Radio Repeater Sites (W-4), Project Nos. 12605 and 13501, in the amount of \$240,922.

6. **PUBLIC HEARINGS**

A. **Pass-Through Fee Increase for Parking Citations**

Public Hearing to consider the possibility of adding a \$3 surcharge onto various parking fines to offset the Courthouse Construction Surcharge imposed by the State of California.

Central Services Officer Elston reviewed the contents of the Administrative Report.

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

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER BAKER, CARRIED 3-2 (MAYOR PRO TEM DAHL AND COUNCILMEMBER EGGLESTON VOTING NOE), to:

1. Introduce 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.
2. Adopt Resolution No. 09-13 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, INCREASING THE FEE SCHEDULE ON PARKING CITATIONS FOR CALIFORNIA VEHICLE CODE VIOLATIONS IN THE CITY OF SAN CLEMENTE.

Action continued on next page

3. Approve a budget adjustment of \$30,000 increasing revenue to Account 001-000-35110 (Parking Violations) and a budget adjustment of \$30,000 to Account 001-218-43627 (Parking Citation Processing) for payment of \$3.00 per paid citation to the State Courthouse Construction Fund.

B. **Dwinnell's Landscape Materials (1523 Avenida De La Estrella) – Six-Month Review and Amendment to Site Plan Permit 97-085**

Public Hearing to consider the six (6) month review, as required by the City Council, and an amendment to Site Plan Permit 97-085 associated with an existing landscape materials business located in the West Pico Corridor Specific Plan at 1523 Avenida De La Estrella.

Mayor Pro Tem Dahl recused himself from deliberations on this item because his family trust owns property within 500' of the subject site. Mayor Pro Tem Dahl left the Chambers at 8:30 p.m.

Associate Planner Nicholas narrated a PowerPoint presentation entitled "6 Month Review – Dwinnell's Landscape Materials" and responded to questions from Council. A hard copy of Mr. Nicholas' presentation, dated February 17, 2009, is on file with the City Clerk.

Mayor Donchak opened the Public Hearing.

Patrick Telfor, San Clemente, stated that the applicant has been diligent in complying with the permit conditions and urged Council approval.

John Tengdin, San Clemente, urged that City Powerpoints be developed with a sans serif font and be displayed in full screen mode.

Ilene Kerins, representing the applicant, Dwinnell's Landscape Materials, requested modifications to the Conditions of Approval as follows: 1) That Condition No. 13 be revised to replace the word "adjacent" with the word "parallel", and 2) That Condition No. 33, which specifies that the Site Plan Permit is subject to Council review in twelve months, be deleted in its entirety.

Gary Giacomini, President of the Los Molinos Business Group, stated that further pursuit of the matter does not appear to be reasonable and opined that the issue should not be prolonged.

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

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 4-0-1 (MAYOR PRO TEM DAHL ABTAINING), to adopt Resolution No. 09-14 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AN AMENDMENT TO SITE PLAN PERMIT 97-085, DWINNELL'S LANDSCAPE MATERIALS, TO ALLOW FOR OUTDOOR DISPLAY AND RETAIL SALES OF LANDSCAPE CONSTRUCTION MATERIALS LOCATED AT 1523 AVENIDA DE LA ESTRELLA with the following revisions: 1) Condition No. 13 shall be modified to replace the word "adjacent" with the word "parallel"; and 2) Condition No. 33 (relating to Council review of the Site Plan Permit in twelve months) shall be deleted in its entirety.

Mayor Pro Tem Dahl returned to the dais at 8:57 p.m.

7. **UNFINISHED BUSINESS**

A. **Frank's Auto Body (2101 S. El Camino Real) - Settlement Agreement**

Report from the City Attorney concerning a settlement agreement with Frank's Auto Body related to operation of its paint booth.

City Attorney Oderman reviewed the contents of the Administrative Report and summarized recent modifications to the proposed Settlement Agreement.

Patty Curto, San Clemente, stated that street parking by employees of Pipes Café and Frank's Auto Body has been a problem; expressed concern that the new blower at Frank's may result in excessive noise; urged Council to listen closely to neighbors.

Tom Crandell, San Clemente, stated that, during previous operation of the paint booth, the fumes from the automotive paint were unbearable; voiced concern that resuming paint booth operations will re-create air quality problems.

Zak Ponsen, San Clemente, voiced concern that resumption of paint booth operations will result in unacceptable air quality and noise conditions; stated that Frank's has not demonstrated a sense of responsibility since it did not address previous problems in a timely manner; referenced non-conforming drive approaches and asserted that traffic issues are created when vehicles enter and leave the site.

Sergio Sanchez, on behalf of Frank's Auto Body, stated that four filtration systems have been considered since 2002 in order to address residents' concerns and to comply with Air Quality Management District (AQMD) standards; stated that Frank's Auto Body has been working to resolve issues and expressed belief that non-noticeable noise and odor emissions are achievable; noted that site ingress and egress have been improved to allow loading and unloading of vehicles without causing traffic problems.

In response to Council inquiry, City Attorney Oderman stated that the agreement with Frank's is meant to address the issue of odors associated with paint booth operations; noted that City regulations do not require employees of businesses to park on-site and it

would consequently be discriminatory to impose such a requirement solely on the subject business; stated that the agreement includes a condition which prohibits loading and unloading of vehicles on the street but it would be inappropriate to add a condition related to vehicle circulation on-site since that does not relate to the paint booth operation.

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve, and authorize the Mayor to execute, the Settlement Agreement by and between the City of San Clemente and Franks' Auto Body.

B. **Donna O'Neill Land Conservancy**

Report from the City Clerk concerning the possible merger of the Donna O'Neill Land Conservancy with The Reserve at Rancho Mission Viejo (RMV) versus formation of a new independent nonprofit organization.

Council discussed a letter that was received this afternoon from Rancho Mission Viejo which requested that this item be continued to a future meeting.

Charlie Ware, Rancho Mission Viejo, responded to Council inquiry by explaining that he is not closely associated with the letter or the request from Rancho Mission Viejo, but supports listening to public input this evening.

Following discussion, Council determined to proceed with the issue at this time.

MEETING RECESSED AND RECONVENED

Council recessed at 8:43 p.m. and reconvened at 8:55 p.m. with all members present.

City Clerk Baade reviewed the contents of the Administrative Report.

Patricia Holloway, representing the Friends of the Conservancy, narrated a PowerPoint presentation entitled "Friends of the Conservancy"; requested that Council respectfully deny the merger and support the formation of a new nonprofit organization to oversee the Conservancy; responded to Council questions. A hard copy of Ms. Holloway's presentation, dated February 17, 2009, is on file with the City Clerk. Ms. Holloway also submitted to Council a petition of over 300 signatures, noting that supplemental signatures will be provided to the City at a later date.

Don Kunze, San Clemente, opined that Council should hike the DOLC before voting on this matter; opined that The Ranch represents development as opposed to conservation; urged Council to support the Conservancy and the proposal of the Friends of the Conservancy.

Gary Meredith, Laguna Niguel, urged Council to walk the trails of the Conservancy; stated that the DOLC is environmentally significant and is home to more than 60 species of birds; expressed support for the preservation of wildlife.

Jerry Collamer, San Clemente, urged Council to embrace the preservation of the Conservancy and suggested that an equal amount of time be dedicated to preserving land as is dedicated to preserving the ocean.

Paul Carlton, San Clemente, DOLC member, stated that he is familiar with and appreciates the land within the Conservancy; expressed concern that The Reserve's proposal excludes the public; stated that RMV supports the Conservancy but also supports the 241 Toll Road, which seems to be contradictory.

William Carpenter, San Clemente, stated that he and his Boy Scout Troop have been active in maintaining the trails in the DOLC and enjoy the bio-diversity of the area; conveyed that his experiences at the Conservancy have inspired him to hike other wilderness areas.

John Tengdin, San Clemente, asserted that the current arrangement is not fiscally feasible.

Linda Ray, San Clemente, DOLC member, noted that she walks the trails of Talega, which surround the Conservancy, on a daily basis; voiced support for additional access from San Clemente as it will increase awareness and participation in preservation of the Conservancy; urged Council to oppose the merger and support the proposed non-profit organization.

Mike Ray, San Clemente, noted that community grassroots activism has proven to be a strong influence in San Clemente; urged Council to reject the merger and support creation of a nonprofit organization as proposed by the Friends of the Conservancy.

Guinevere Breeding, San Clemente, urged Council to deny the merger and support the creation of a non-profit organization to manage the Conservancy.

Glen Frohlich, San Clemente, stated that the Conservancy is irreplaceable and serves as habitat for a broad bio-diversity of animals; pointed out that TRW and Northrop Grumman have become involved in preservation of the Conservancy; encouraged Council to allow the Friends of the Conservancy to further develop its proposal.

Gary Headrick, San Clemente Green, expressed support for the efforts of the Friends of the Conservancy.

Duana Miller, Laguna Hills, stated that she is a long-time supporter of the Conservancy; expressed concern that the land will be absorbed into The Reserve; remarked that a nonprofit organization would maintain the uniqueness of the Conservancy and would preserve San Clemente's voice in its future.

Jeanne O'Grady, San Clemente, urged Council to reject the merger and support the formation of a nonprofit organization for the Conservancy.

Charles Mann, San Clemente, voiced objection to the merger; stated that financial support could be secured through fund-raising efforts; pointed out that open space is important to citizens and a loss of control of the Conservancy's future is of great concern to the community.

Judy Jones, San Clemente, stated that she supports the comments expressed by previous speakers; expressed opposition to the merger with The Reserve because the public would be excluded from meetings and San Clemente would no longer have voting rights on the board.

Larry Culbertson, San Clemente, stated that he has enjoyed the DOLC programs and staff for many years and fears a loss of the friendly, small-group feel; opined that transferring the subject land will effectively relinquish control of a valuable asset to a large less-caring group; requested that Council reject the merger.

Richard Boyer, San Clemente, pointed out that citizens have demonstrated a desire for open space; pointed out that a great number of citizens are active with the DOLC; urged Council to reject the merger.

Brenda Miller, San Clemente, speaking as a private citizen, voiced objection to the merger and urged Council to preserve the community's interest in the DOLC; requested that the City Attorney address the doctrine of merger to the conservation easement; stated that State Law provides that an easement is rescinded when a land transfer results in the landowner becoming the owner of the easement itself; expressed support for the non-profit foundation proposed by the Friends of the Conservancy.

In response to Council's request, City Attorney Oderman noted that Ms. Miller's recitation of California law is correct, but explained that the holder of the easement would not be the same as the holder of the fee interest to the land; opined that the term "merger" is used in two different contexts; asserted that the actions proposed by The Reserve would not rescind the conservation easement.

John Alpay, San Clemente, spoke against the merger and expressed support for the Friends of the Conservancy proposal; opined that approval of the merger will result in the loss of a valuable resource.

Georgette Korse, San Clemente, expressed concern with a reduction in wilderness areas and urged that the DOLC be preserved; stated, on behalf of Brenda Miller, that the easement would be in the hands of The Ranch directors if the merger goes forward.

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to appoint a subcommittee consisting of two Councilmembers, the City Manager, and two members of the Friends of the Conservancy to meet with representatives from Rancho Mission Viejo to discuss creation of a new nonprofit and the future of the Donna O'Neill Land Conservancy.

MOTION BY MAYOR PRO TEM DAHL to appoint Councilmember Anderson and Councilmember Eggleston to the subcommittee formed by the prior action.

SUBSTITUTE MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to appoint Councilmember Baker and Councilmember Eggleston as Council's representatives to the subject subcommittee.

C. **CVS Pharmacy – Maintenance of CVS Seating Area Adjacent to Pedro's Tacos**

Report from the Community Development Director concerning maintenance of the seating area located at the southwest corner of the CVS Pharmacy property.

Code Compliance Manager Montoya reviewed the contents of the Administrative Report.

Council noted that improvements have been made, however additional efforts are required in order to bring conditions to an acceptable level. Council directed Staff to continue to pursue efforts to ensure the subject area is maintained in compliance with the City Code.

8. **NEW BUSINESS**

A. **Parking Meter Zones Modification**

Report from the Director of Public Works/City Engineer concerning the possibility of modifying the operating hours of parking meters in the Pier Bowl area.

City Traffic Engineer Hindiyeh reviewed the contents of the Administrative Report and responded to Council questions.

Rick Anderson, President of the Pier Bowl Merchants Association (PBMA), expressed support for the proposed modifications to the operating hours for parking meters in the Pier Bowl area; noted that meters are difficult to read after dark and quarters are not always available; provided a list of improvements for the Pier Bowl area that the PBMA would like for Council to consider during the upcoming budget cycle.

It was agreed that City Manager Scarborough will provide a report to Council that addresses opportunities to install Smart Meters, possibly through attrition.

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-1 (COUNCILMEMBER BAKER VOTING NOE), to introduce 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 with the modification that parking meters at Linda Lane also be subject to operation from 10:00 a.m. to 5:00 p.m. to be consistent with the parking meters at the Pier Bowl.

B. **Streamlining of Professional Services Selection Process for Design of Potential Economic Stimulus Projects**

Report from the Public Works Director/City Engineer concerning the possibility of revising the selection process for design professionals associated with potential economic stimulus projects.

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

Following discussion, MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve, and authorize the City Manager to execute, economic stimulus On-Call Professional Services Agreements for engineering design services, but not approve the Staff-recommended funding transfers at this time.

CONTINUATION OF MEETING PAST 11:00 P.M.

MOTION BY MAYOR PRO TEM DAHL, SECOND BY MAYOR DONCHAK, CARRIED 3-2 (COUNCILMEMBERS BAKER AND EGGLESTON VOTING NOE), to continue the meeting past 11:00 p.m. for the purpose of hearing Item 8-C. After Item 8-C is concluded, Council will determine if the meeting should continue.

C. **Proposed Council Meeting Agenda Template Modifications**

Report from the City Clerk concerning possible revisions to the Council Meeting agenda template.

City Clerk Baade reviewed the contents of the Administrative Report.

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to approve the proposed Council Meeting agenda template with the modification that Oral Communications be listed on the agenda template in two locations -- the first appearing immediately after Special Presentations and the second appearing between New Business and Councilmember Reports. Oral Communications Part 1 will be limited to a total time allotment of 30 minutes.

D. **Economic Development Position**

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

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to continue this item to the Council meeting of March 3, 2009 and direct the City Manager to include an economic development element in the Strategic Plan that is currently being prepared.

Motion for Adjournment (Died for Lack of a Second)

MOTION BY COUNCILMEMBER ANDERSON to adjourn the meeting. The motion died for lack of a second.

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

None.

10. **REPORTS**

A. **Commissions and Committees**

(1) **Human Affairs Committee Vacancy**

Report from the City Clerk concerning the resignation of Doreen Stevenson from the Human Affairs Committee and the resulting vacancy.

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to defer filling the vacancy on the Human Affairs Committee to the June 2009 appointment process.

B. **City Manager**

City Manager Scarborough noted that copies of the proposed Long Term Financial Plan have been distributed to Council. Council will consider the Long Term Financial Plan at an Adjourned Regular Meeting to be held on February 24, 2009.

C. **City Attorney**

City Attorney Oderman stated that no reportable action was taken during this evening's Closed Session.

D. **Council Members**

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

None.

(2) **Consideration of Council Position on Legislative Issues**

None.

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

Mayor Pro Tem Dahl noted that Fire Station 50 (located on Camino de Los Mares) recently purchased a new brush engine.

Mayor Donchak stated that a resident recently expressed concern about the fire hazard posed by untrimmed palm fronds and suggested that palm tree maintenance requirements should be incorporated into the City Code. Council noted that the City's trees are already being maintained and that the OCFA has the authority to address fire hazards on private property.

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

Mayor Pro Tem Dahl expressed gratitude to the veterinarians, volunteers and staff at the San Clemente/Dana Point Animal Shelter; urged those interested in adopting a pet to visit the animal shelter; noted that the Wag-A-Thon will take place on April 25, 2009.

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

None.

(6) **Councilmember Items**

North Beach Parking Master Plan

Councilmember Baker expressed concern with the work product produced by Nelson/Nygaard for the North Beach Parking Master Plan and requested that this issue be agendaized for Council discussion at a future meeting.

City Attorney Oderman requested that the City Manager and he discuss the implications to determine whether the matter should be discussed in Closed Session.

City Manager Scarborough stated that he will provide a report to Council after he meets with the City Attorney.

11. RESOLUTIONS/ORDINANCES

None.

12. ADJOURNMENT

MOTION BY MAYOR DONCHAK, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to adjourn at 11:35 p.m. to an Adjourned Regular Council Meeting to be held on February 19, 2009 at 11:30 a.m. in Conference Room A of the Community Development Department, located at 910 Calle Negocio, San Clemente, California, for the purpose of meeting with Congressman Ken Calvert.

A subsequent Adjourned Regular Council Meeting will be held on February 24, 2009 at 4:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, for the purpose of conducting a Closed Session at 4:00 p.m. and considering the Long Term Financial Plan in open session at 5:00 p.m.

An additional Adjourned Regular Council Meeting will be held on February 28, 2009 at 9:00 a.m. in the Community Development Department facility, located at 910 Calle Negocio, San Clemente, California, for the purpose of conducting a Council/Executive Team teambuilding meeting.

The next Regular Council Meeting will be held on March 3, 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