

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting - August 21, 2002

A Regular Meeting of the San Clemente City Council was called to order on August 21, 2002 at 6:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

PRESENT DIEHL, DOREY, EGGLESTON, RITSCHEL*, MAYOR DAHL

*Arrived at 6:01 p.m.

ABSENT NONE

STAFF PRESENT William Talley, City Manager; Jeff Oderman, City Attorney; Myrna Erway, City Clerk; Joanne Baade, Deputy City Clerk.

CLOSED SESSION

MOTION BY COUNCILMEMBER DIEHL, SECOND BY MAYOR PRO TEM 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: 910 Calle Negocio, San Clemente

Negotiating Parties: David Cantwell, representing Campus Crusade for Christ; David N. Lund, representing the City

Under Negotiation: Rental Price, Terms and Conditions of Lease Extension

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

Name of Cases: 1) Feldman v. City of San Clemente, et al., Orange County Superior Court Case No. 00CC15186; 2) Emadi v. City of San Clemente, et al., Orange County Superior Court Case No. 01CC14661.

City Manager Talley, City Attorney Oderman, Public Works/Economic Development Director Lund, Human Resources/Risk Manager Payne and City Clerk Erway were in attendance.

MEETING RECONVENED

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

INVOCATION

Pastor Jim Glynn, of the Heritage Christian Fellowship, gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Diehl led the Pledge of Allegiance.

1. SPECIAL PRESENTATIONS

- A. **Commendation Presentation - San Clemente Hospital and Medical Center**

Mayor Dahl presented a commendation to Pat Wolfram and Dr. Bruce Ayres in recognition of the 30th anniversary of San Clemente Hospital and Medical Center.

B. **Commendation Presentation - Richard Chew, City of San Clemente Senior Lifeguard Supervisor**

Mayor Dahl presented a commendation to Richard Chew in recognition of being honored as the Year 2002 recipient of the "Excellence in Lifeguarding" award by Hoag Hospital's "Project Wipeout" program.

2. MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER RITSCHER, CARRIED 5-0, to waive reading in full of all Resolutions and Ordinances.

3. MOTION BY COUNCILMEMBER DIEHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 5-0, to add the following item to the agenda as Consent Calendar Item 4-R since there is a need to take immediate action and the need for action came to the attention of the City subsequent to the agenda being posted:

Confirmation of Amount Payable to City Pursuant to Promissory Note Secured by Second Deed of Trust Executed by Former City Manager for Loan on Residence Located at 2909 Calle Gaucho.

4. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 5-0, to approve the Consent Calendar with the removal of Items A, B(3), B(5), F, H, M, N, Q and R.

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

(1) Planning Commission minutes of July 16, 2002.

(2) Zoning Administrator meeting minutes of July 23, 2002 and August 12, 2002.

(4) Human Affairs Committee minutes of June 12, 2002.

C. Warrant Register

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 5-0, to approve Warrant Nos. 741864 through 742044 for the period 7-8-02 through 7-12-02 in the amount of \$2,705,748.28; approve Wire Transfers Nos. 128 through 129 and Warrant Nos. 742045 through 742236 for the period 7-15-02 through 7-19-02 in the amount of \$460,312.43; approve Warrant Nos. 742237 through 742431 for the period 7-22-02 through 7-26-02 in the amount of \$984,083.79; approve Wire Transfers Nos. 130 through 133 and Warrant Nos. 742432 through 742576 for the period 7-29-02 through 8-2-02 in the amount of \$697,931.45; approve Warrant Nos. 742577 through 742748 for the period 8-5-02 through 8-9-02 in the amount of \$1,874,617.02; for a total Warrant Register of \$6,722,692.97.

Payroll Register

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 5-0, to approve Warrant Nos. 310282 through 310388 (Automatic Deposit Advises 121849 through 122025) for the period 7-8-02 through 7-21-02 in the amount of \$301,254.72; approve Warrant Nos. 310389 through 310477 (Automatic Deposit Advises 122026 through 122196) for the period 7-22-02 through 8-4-02 in the amount of \$287,616.97; for a total Payroll Register of \$588,871.69.

D. **Final Map and Subdivision Improvement Agreement - Tract 16071 (Talega Industrial Park at 1202 Calle Puerto Del Sol)**

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 5-0, to:

1. Approve the Final Map for Tract 16071 as it conforms to the requirements set forth in the Subdivision Map Act and the approved Tentative Map.
2. Authorize the City Engineer and the City Clerk to execute and file the Final Map for recordation.
3. Approve, and authorize the Mayor to execute, the Subdivision Improvement Agreement and accept the bonds as surety from the developer.
4. Authorize acceptance of the bonds as surety from the developer.

E. **Assignment and Assumption Agreement - Tract 13935 in the Talega Development**

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 5-0, to approve the Assignment and Assumption Agreement by and between Talega Associates, LLC and Tava Development Company. (Contract C02-40)

G. **Contract Award - San Clemente Municipal Pier Storm Drain Rehabilitation**

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 5-0, to:

1. Approve the plans and specifications for the San Clemente Municipal Pier Storm Drain Rehabilitation, Project No. 11805.
2. Approve, and authorize the Mayor to execute, Contract C02-42 by and between the City of San Clemente and J. Fletcher Creamer and Son, Inc., providing for the rehabilitation of the San Clemente Municipal Pier Storm Drain, Project No. 11805, in the amount of \$127,436.50.
3. Approve, and authorize the City Engineer to execute, change orders, as needed, within an amount not to exceed the \$25,500 contingency amount.

I. **Rotational Hiring Process for Project Planning Consultant Services**

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 5-0, to:

1. Adopt Resolution No. 02-78 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING A TEMPORARY EXTENSION OF STAFF PROCUREMENT PROCESS FOR PLANNING PROJECT PROCESSING.
2. Approve an appropriation of \$50,000 to Account 001-438-43690 (Other Professional Services.)

J. **Fiscal Year 2002-03 Joint Regional Water Supply System (JRWSS) Budget**

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 5-0, to approve the FY 2002-03 budget for the Joint Regional Water Supply System.

K. **First Amendment to Water Service and Facilities Agreement (Improvement District No. 7)**

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 5-0, to approve, and authorize the Mayor to execute, the First Amendment to Water Service and Facilities Agreement (Improvement District No. 7), by and between the City of San Clemente and Santa Margarita Water District. City Contract C98-50

L. **Local Law Enforcement Block Grant Program - FY 2002-03**

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 5-0, to:

1. Approve the use of Local Law Enforcement Block Grant funds for supplemental enforcement efforts consisting of training and travel, program enhancement, \$1,000 to Drug Use is Life Abuse, quad runners and quad training, radar equipment, 800 MHz radios, safety equipment, computer equipment and enforcement overtime. Total expenditures of \$25,581.
2. Approve a budget adjustment decreasing revenue to \$23,023 in Account 002-000-33125 (Local Law Enforcement Block Grant).
3. Approve the transfer of \$2,558 from Council Contingency, Account 001-203-44900, to Police Services Supplemental Law Enforcement, Account 002-217-44258, to supply the matching funds for the grant.
4. Approve a budget adjustment decreasing expenditures to \$25,581 for supplemental enforcement efforts from Account 002-217-44258.

O. **Contract Award - Employment Contract Services as the City of San Clemente's Emergency Planning Officer**

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 5-0, to:

1. Approve, and authorize the Mayor to execute, Contract C02-45 by and between the City of San Clemente and James E. Russell, providing for employment contract services as the City of San Clemente's Emergency Planning Officer, in an amount not to exceed \$22,400.
2. Approve a transfer of \$28,000 from salary savings to Account 001-482-43690 (Other Professional Services).

P. **Overall Annual Disadvantaged Business Enterprise Goal of 9% for Federal Fiscal Year 2002/03**

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 5-0, to adopt Resolution No. 02-83 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM FOR FEDERAL FISCAL YEAR 2002/2003 FOR USE IN DEPARTMENT OF TRANSPORTATION ASSISTED CONTRACTS.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

A. **City Council Minutes**

Cherie McCracken Phillips, San Clemente, requested that Council defer action on the Council minutes of July 3, 2002 and July 17, 2002 to allow time for her legal counsel to enter statements.

Council explained that no statements can be added to the minutes since the minutes reflect the events that transpired at the Council meetings of July 3, 2002 and July 17, 2002.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER RITSCHER, CARRIED 5-0, to approve the City Council minutes of July 3, 2002 and July 17, 2002, with the understanding that the minutes accurately reflect the proceedings from those meetings.

B(3). **Coastal Advisory Committee Minutes of June 13, 2002**

Council noted that the Coastal Advisory Committee is recommending that future pier repair and/or replacement be completed with non-wood materials which take into consideration environmental issues, length of wear, life-cycle cost and aesthetics.

In response to Council inquiry, Marine Safety Captain Humphreys explained that approximately one-quarter of the pier is currently on metal pilings; related that it is difficult to use synthetic pilings to replace existing wood pilings because of the tie mechanisms; pointed out that metal replacements are easier to incorporate during a major reconstruction project.

MOTION BY COUNCILMEMBER DOREY, SECOND BY COUNCILMEMBER DIEHL, CARRIED 5-0, to receive and file the Coastal Advisory Committee minutes of June 13, 2002.

B(5). Parks and Recreation Commission Minutes of July 9, 2002

James Arroyo, San Clemente, referenced the portion of the Parks and Recreation Commission minutes of July 9, 2002 which relate to sports field lighting at Forster Ranch Community Park; stated that he served on the Sports Field Lighting Task Force and was dismayed to find that the task force's recommendations were disregarded; stated that the fields are currently underutilized and opined that lighted fields are not needed; suggested that lighted fields will increase traffic levels and consequently jeopardize safety.

City Manager Talley stated the City has received a petition from approximately 250 individuals asking that a special Council meeting be scheduled after their consultants have had an opportunity to analyze the issue; related that the petition requested that the meeting be held in mid-October, but pointed out that the entire Council will not be available at that time; stated the Council will consider the possibility of scheduling a date (possibly involving a special meeting) to discuss the matter in either October or November.

Karen Ruiz, San Clemente, suggested that confusion exists in Forster Ranch as to whether a neighborhood park or full community park is being planned; stated that most Forster Ranch residents with whom she has spoken believe that the community center and pool should be relocated; voiced concern with the traffic that will be generated and suggested that inadequate parking exists.

Kirk Kegel, San Clemente, thanked Council for considering a special meeting to discuss lighting of Forster Ranch Community Park; related his opposition to lights and night sports at Forster Ranch Community Park and suggested that the subject site is an inappropriate location for a community park; related that the maps that he reviewed prior to purchasing his home did not specify that the fields would be lighted; urged that the Sports Field Lighting Task Force recommendations be considered.

With respect to Agenda Item 12-B on the Coastal Advisory Committee minutes, Councilmember Dorey noted that Commissioner Swartz voiced concern that park projects, as well as the golf course project, are being delayed unnecessarily because they are being reviewed by the Coastal Advisory Committee; noted that Council directed the Coastal Advisory Committee to review golf course runoff while the golf course was undergoing renovation; suggested that Council review the scope of work of the Coastal Advisory Committee to prevent overloading the Committee with issues such as pocket parks, while confirming that the purview of the Committee extends to all projects that directly impact the beach or the coastal canyons that flow to the beach.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 5-0, to receive and file the Parks and Recreation Commission minutes of July 9, 2002.

F. **Contract Award - Construction Inspection Services for the Avenida Talega Bridge and the Calle Saluda Bridge in the Talega Development**

Council requested a tray memo that addresses the anticipated cost that the City will incur in maintaining the Talega bridges after they have been dedicated to the City.

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

1. Approve, and authorize the Mayor to execute, Contract C02-41 by and between the City of San Clemente and Harris & Associates, providing for inspection and material testing for the Avenida Talega Bridge and the Calle Saluda Bridge in the Talega development, in the amount of \$255,000.
2. Approve an appropriation of \$225,000 to Account 001-411-43890 for construction inspection services.
3. Approve a budget adjustment of \$225,000 to Account 001-000-34531 for construction inspection fees.

H. **Contract Award - Property Management of 910 Calle Negocio Building**

Council noted that the Scope of Services for the proposed Parkstone contract includes marketing and leasing fees but pointed out that the City's Public Works/Economic Development Director conducts lease negotiations on tenant renewals.

Public Works/Economic Development Director Lund explained that Staff has discussed this issue with the Parkstone Company and the subject provisions have been deleted from the contract document.

MOTION BY COUNCILMEMBER RITSCHER, SECOND BY COUNCILMEMBER DIEHL, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C93-26 by and between the City of San Clemente and Parkstone Company, extending the property management services for the building located at 910 Calle Negocio until June 30, 2003, in the amount of \$23,700 (\$1,975 per month).

M. **Contract Award - Electronic Document Management System (EDMS)**

Cherie McCracken Phillips, San Clemente, noted that she submitted a letter of protest concerning the two electronic document management contracts on this evening's agenda; opined that the proposed contract cost for backfile conversion services is excessive in relationship to the scope of work.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C02-43 by and between the City of San Clemente and Matrix Imaging Products, LLC, providing for electronic backfile conversion services to be performed in connection with the Electronic Document Management System, in an amount not to exceed \$80,500.

N. **Contract Award - Electronic Document Management System (EDMS) Backfile Conversion Facilitator**

Cherie McCracken Phillips, San Clemente, cited her experience in software design and asserted that imaging is basically a function of reproduction.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER RITSCHER, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C02-44 by and between the City of San Clemente and Creative Angle, providing for backfile conversion facilitation services in connection with the implementation of the Electronic Document Management System, in an amount not to exceed \$18,000.

Q. **Amendment No. 1 to San Clemente Community Senior Center Use Agreement**

This item was removed from the agenda at the request of Staff.

R. **Confirmation of Amount Payable to City Pursuant to Promissory Note Secured by Second Deed of Trust Executed by Former City Manager for Loan on Residence Located at 2909 Calle Gaucho**

In response to Council inquiry, Finance and Administrative Services Director Gudgeirsson reviewed the tenets of an agreement that was entered into in 1989 with the former City Manager; stated the City advanced \$200,000 for the purchase of the former City Manager's residence; stated that pursuant to the formula set forth in the agreement, proceeds from the sale will result in the former City Manager receiving \$10,316 and the City receiving nearly \$48,000 plus reimbursement of the original \$200,000 loan; stated the City will receive the funds when escrow closes on September 4, 2002.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER RITSCHER, CARRIED 5-0, to approve the calculations for the estimated "appreciation in fair market value" to be presented to the escrow company by the City Attorney and authorize the City Attorney to release the City's interest in the real property located at 2909 Calle Gaucho.

5. **PUBLIC HEARINGS**

A. **Potential Election for Proposed Storm Drainage Fee to Improve Water Quality**

Public Hearing concerning a potential election for a proposed storm drainage fee to improve water quality.

Senior Civil Engineer Bonigut narrated a powerpoint presentation entitled "Proposed Storm Drainage Fee" and responded to Council inquiries. A hard copy of Mr. Bonigut's presentation, dated August 21, 2002, is on file with the City Clerk.

City Manager Talley explained that the proposed fee is not for storm drain purposes, but rather is to clean water before it enters the ocean; stated that if a fee is not assessed, the City will need to divert approximately \$1.5 million per year from existing City services; stated he has served six cities in Orange County and stressed that San Clemente staffing and expenditures are the lowest he has encountered; opined that the City is rendering good public services, but is not rendering excessive services or even the average level of service in some areas; emphasized the unfairness of a State agency mandating a cost on the City that cannot be recovered without voter approval.

Mayor Dahl acknowledged receipt of a letter from Tom Lorch, dated August 21, 2002.

Mayor Dahl opened the Public Hearing.

John Tengdin, San Clemente, stated that a clean water initiative is being proposed, as opposed to a storm drain fee, and suggested that the measure should be promoted on that basis; suggested that a property owner election should be conducted since the fee relates to property.

Jim Hill, San Clemente, presented a letter, dated August 21, 2002; stated he has served on the San Juan Creek Watershed Management Team; explained that storm drains collect high levels of pollutants and contaminants from urban runoff; commented that expenditure of the annual \$1.7 million fee will provide insurance that the City would not be required to pay the State \$27,500 per day for non-compliance with the State mandate; pointed out that in approximately 60 days of non-compliance, the City would have paid \$1.7

million to the State without making advances in terms of urban runoff solutions; suggested that a 3-5 year sunset clause be incorporated into the increased portion of the storm drain fee.

Robert Westover, San Clemente, related his opposition to an increased storm drain fee because of his belief that additional scientific studies are needed to determine the effects of urban runoff discharges into the ocean; suggested that the City send a message of rejection of the new regulations to the San Diego Regional Water Quality Control Board.

Gary Knapp, San Clemente, opined that the Urban Runoff Management Plan will do little to improve water quality and will waste tax dollars; spoke in support of the establishment of an Adopt-a-Beach program.

Mike Barnes, San Clemente, pointed out that quality comes at a price and conveyed his willingness to pay for clean air and clean ocean water; pointed out that the fee will be only \$5 per month; urged Council to submit the issue to the voters and to make clean water a legacy of the current generation.

Tom Lorch, San Clemente, suggested that the City's inability to fund services is due to insufficient revenue caused by poor land planning (i.e., construction of too many houses that don't pay for themselves); urged that Council not call an election at this time to allow issues to be studied; suggested that the fee should be substantially reduced if Council elects to submit the proposal to the voters.

Alan Korsen, San Clemente, suggested that more money should be spent to ensure cleaner water; asserted that most contamination problems result from sewage spills; pointed out that Staff's presentation indicated that the total monthly fee for Non-Residential uses on a private street would be \$73.50 per acre *or fraction thereof*, but noted that the proposed ballot does not mention the words "or fraction thereof".

George Moulison, San Clemente, suggested that a 125% increase in the storm drain fee is wrong because the public has not been informed in detail about ocean water contamination and its impact on human health.

Richard Douglass, San Clemente, opined that the cost estimates that have been presented are too low and urged that the issue be placed on the ballot with accurate information.

Bill Hart, Chair of the Coastal Advisory Committee, spoke in support of a public information campaign; stated that ocean quality is negatively impacted by storm channels; concurred that the unfunded mandate is unfair but pointed out that it still must be addressed; commented that the ocean contributes \$56 million per year to the local economy and requested that Council place the issue on the ballot.

Mark Cousineau, San Clemente, urged Council to put the issue to a vote and to consider placing a sunset clause on the fee.

Rosa Harding, San Clemente, stated she does not mind paying \$300 over a five-year period; stated that she will not enter the ocean because she sweeps trash from Avenida Canada each day and is aware of the material that enters the storm drains.

Cherie McCracken Phillips, San Clemente, stated that all property owners have the right to vote on matters affecting their property.

Michael Hazzard, Chairman of the State Water Resources Control Board Citizens Water Quality Monitoring Program for all 13 Orange County watersheds, stated that San Clemente is unique in that its watersheds start and finish within its own boundaries; stated that the proposed fee is a small price to pay for a long-term financial and health benefit.

Frank Denison, San Clemente, suggested that overhead costs should not be included in the proposed fee; relayed his opinion that the issue should be decided by a vote of the property owners and that additional information should be made available to the public.

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

City Clerk Erway announced that notices of the subject issue were mailed to 17,597 property owners and 146 written protests were returned (an additional eight protests were received, but were not counted since they were not contained within the City's data base); stated that the level of protest received amounted to .8%.

In response to Council desire for revenue derived from the Urban Runoff Management fee to be placed in a restricted fund, City Attorney Oderman pointed out that by law the money raised must be segregated, placed in a separate fund, and used only for its intended purpose.

During the course of discussion, Council requested the following: 1) Tray memo concerning the City's grease trap program for restaurants; and 2) Quarterly reports concerning the status of the Urban Runoff Management Program.

Following deliberation, MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER RITSCHER, CARRIED 5-0, to adopt Resolution No. 02-84 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CALLING A SPECIAL MAIL BALLOT ELECTION FOR SUBMITTAL OF A PROPOSED URBAN RUNOFF MANAGEMENT FEE TO THE OWNERS OF REAL PROPERTY SUBJECT TO THE FEE, with modifications as follows:

1. The ballot shall be adjusted to clarify that fees under the "Non-Residential" heading are on a per-acre *and fraction thereof* basis.
2. Verbiage shall be incorporated to reflect that the new fee will be imposed for a maximum period of five years. This sunset clause shall not apply to the original storm drain fee.
3. References to the "storm drainage fee" shall be replaced with "urban runoff management fee."

MEETING RECESSED

Council recessed at 9:45 p.m. and reconvened at 10:00 p.m., with all members present.

6. **ORAL COMMUNICATIONS**

Falun Gong

Diana Mathias, San Clemente, explained the benefits that she has realized as a result of studying falun gong; stated that falun gong was introduced in China ten years ago, noting that it is based on an ancient teaching and involves meditation, gentle exercises and spiritual studies; stated that the practice of falun gong in China has been outlawed and urged that individuals ask the Chinese government to stop persecuting persons who practice falun gong.

Beachfire Restaurant

Dave Donaldson, owner of the Beachfire Restaurant, provided an overview of his business which recently opened on Avenida Del Mar; explained that he is providing a venue for San Clemente artists to display their work.

7. **UNFINISHED BUSINESS**

None.

8. **NEW BUSINESS**

A. **Repair to Sheet Pile Wall for Marine Safety Headquarters**

Report from the Beaches, Parks and Recreation Director concerning repairs to the Sheet Pile Wall for the Marine Safety Headquarters.

Marine Safety Captain Humphreys reviewed the contents of the Administrative Report and responded to Council inquiries.

Mike Barnes, San Clemente, urged that Council not approve the sheet pile wall for the Marine Safety building since the building is not in jeopardy at this time; opined that the \$165,000 cost would be better spent on the construction of a new structure; relayed his belief that the area that is currently used for parking of lifeguard vehicles would be a suitable site for a new building.

Mark Cousineau, San Clemente, noted that the current Marine Safety headquarters structure is located in the surf zone and expressed doubt that the structure would survive for 30 years if the sheet pile wall proposal were implemented; suggested that a thorough cost analysis of the sheet pile wall and associated maintenance should be conducted; opined that the projected \$250 per square foot cost estimate to construct a new wood-frame building is excessive; urged that Council refer the issue back to Staff for further study.

Bill Hart, Coastal Advisory Committee, voiced concern with the aesthetics of a sheet pile wall; conveyed the Coastal Advisory Committee's recommendation that Council commence a feasibility study to relocate the Marine Safety headquarters; suggested that the new structure should consist of two stories (to reduce the footprint) and be located farther away from the surf; noted that lifeguard headquarters should be located on the beach since it enhances operational capabilities.

In response to Council inquiries, Tshien "Jan" Ma, of TM Engineers, explained the rationale for recommending that repairs be made to the sheet pile wall.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER RITSCHER, CARRIED 4-1 (COUNCILMEMBER DOREY VOTING NOE), to:

1. Reaffirm support for the renovation of the Marine Safety Headquarters including proposed repairs to the sheet pile wall.
2. As part of the annual strategic planning process, direct the Parks and Recreation Commission to consider the implementation of a feasibility study or alternative analysis that could lead to the long-term recommendation of the relocation of the Marine Safety Headquarters building to a less hazardous location on the beach (on the west side of the tracks). Study results would be considered a Capital Improvement Program within the City.

B. **San Clemente High School Parking Impacts on Broadmoor and Pacifica Residential Neighborhoods**

Report from the Public Works/Economic Development Director concerning San Clemente High School parking impacts on the Broadmoor and Pacifica residential neighborhoods.

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

Hal Steinberg, San Clemente, conveyed support for a Preferential Parking Permit Program, but suggested that each residence should be provided with one or two guest parking passes; stated that the current situation compromises safety and hinders street sweeping.

CONTINUATION OF MEETING PAST 11:00 P.M.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY MAYOR PRO TEM EGGLESTON, CARRIED 5-0, to continue the Council meeting past 11:00 p.m.

City Attorney Oderman explained that the City Code (and possibly the California Vehicle Code, as well) requires that Preferential Parking Permit Programs be made available only to residents of a particular area; explained, therefore, that guest parking passes cannot be issued.

Tom Hanaford, San Clemente, stated that an information packet concerning the proposal to restrict parking was distributed to the 98 residences in the Pacifica neighborhood; conveyed that a straw poll of 57 residences revealed the following results: 48 residences support a two-hour parking restriction with a permit to allow on-street parking; 2 residences supported a two-hour parking restriction on one side of the street; 1 residence supported a two-hour parking restriction on two sides of the street with no permit; 6 residences opposed any parking restrictions (five of those residences were on Calle Robles).

Chuck Lawson, San Clemente, suggested that parking restrictions in the Broadmoor and Pacifica neighborhoods will shift the parking problem to the higher streets.

Jeff Smith, President of the Broadmoor Homeowners Association, stated that 890 parking citations and nearly 400 moving citations were issued last year at the San Clemente High School campus and adjacent neighborhoods; urged that Council take action to correct the problem this evening.

Carla Moffatt, San Clemente, thanked Council for listening to the residents but voiced concern that remediation is slow.

MOTION BY MAYOR PRO TEM EGGLESTON, SECOND BY COUNCILMEMBER DIEHL to immediately implement the process to establish a Preferential Parking zone within the Broadmoor and Pacifica neighborhoods. The implementation of a parking permit program would eliminate certain residential areas from being an option for school overflow parking during school hours. A resolution reflecting this action is to be agendaized for the September 4, 2002 Council meeting. In the meantime, however, Staff is to commence implementation of Council's direction.

Dr. Duane E. Stiff, Clerk of the Board of Trustees of the Capistrano Unified School District, advised that San Clemente High School students will be advised that they are not to park in the adjacent residential area unless they are willing to pay the penalty; reviewed the CUSD's plan to address the parking problem, which includes 1) Placement of a moratorium on parking fees, 2) Development of an education program for students and parents, 3) Maximization of existing parking spaces on the school campus, and 4) Addition of 200 new spaces on the campus in one year; acknowledged that the steps being taken will not totally eliminate the parking problem.

During the ensuing discussion, Council indicated that the parking restrictions should only be in effect on Mondays through Fridays from 7:00 a.m. to 3:00 p.m.

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

C. **Code Addition - New Section 2.20.040 Relating to Approval of Designs**

Report from the Public Works/Economic Development Director concerning the possibility of adopting a new City Code section to authorize certain City officers to approve the design of public works and other public improvements.

This item was removed from the agenda at the request of Staff.

D. **Code Amendment - Incorporation of State of California “California Model Floodplain Management Ordinance”**

Report from the Public Works/Economic Development Director concerning the possibility of amending Section 15.76 of the Code of the City of San Clemente, Flood Damage Prevention, to incorporate the State of California “California Model Floodplain Management Ordinance”, dated June 1999.

Public Works/Economic Development Director Lund reviewed the contents of the Administrative Report. In response to Council notation that the Cascadita Floodplain area map is outdated, Mr. Lund explained that it is the only map of record for the program and explained that the Code changes identified in the proposed Ordinance do not relate to the map; stated that Staff will, however, ensure that the map is updated.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 5-0, to introduce Ordinance No. 1265 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 15.76, FLOOD DAMAGE PREVENTION TO INCORPORATE THE STATE OF CALIFORNIA FLOODPLAIN ORDINANCE DATED JUNE, 1999.

9. **REPORTS**

A. **Commissions and Committees**

(1) **City Representative - Orange County Senior Citizens Advisory Council Transportation Committee**

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 5-0, to reappoint Geoffrey Layng as the City's representative on the Orange County Senior Citizens Advisory Council Transportation Committee for a term to expire August 5, 2004.

B. **City Manager**

None.

C. **City Attorney**

City Attorney Oderman distributed copies of the Urban Runoff Management Fee resolution as modified by Council earlier in the meeting (See Agenda Item 5-A); requested that Council review the resolution to ensure that it accurately reflects Council's direction.

Council confirmed that the resolution as amended (including reference to the word "fee" in lieu of "charge") is correct.

D. **Council Members**

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

None.

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

1. **H.R. 2526, "Business Activity Tax Modernization Act"**

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER RITSCHER, CARRIED 5-0, to oppose H.R. 2526, "Business Activity Tax Modernization Act" and authorize the Mayor to submit letter(s) of opposition.

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

Councilmember Ritscher distributed copies of the OCFA Quarterly Performance Summary as well as copies of the letter that was sent to residents in the coastal canyon areas relating to prescribed measures for brush clearance.

(4) **Coastal Animal Services Authority Status Update.**

Mayor Dahl reported on animals available for adoption at the San Clemente Animal Shelter and expressed appreciation to the shelter assistants.

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

None.

(6) **Rail Corridor Status Report.**

Councilmember Ritschel reported on last week's meeting of the High Speed Rail Authority Working Group; stated that the EIR/EIS document for the High Speed Rail state-wide program is expected to be released prior to the environmental document that Caltrans is developing for the LOSSAN corridor; stated that the inland alternative will not be studied in the environmental document for the state-wide program, but will be addressed in the environmental document for the LOSSAN corridor; stated that both environmental documents are being prepared by the same engineering firm.

Councilmember Dorey reported on her attendance at a scoping meeting in San Juan Capistrano that was conducted by Caltrans; stated that the meeting focused on the negative impact of a beach alignment on the historic Mission, Los Rios District, original adobes and 108-year old train depot; related that meeting attendees were pro-rail, provided it is constructed in the proper location.

(7) **Councilmember Items.**

Mayor Dahl noted that a young man was struck by an OCTA bus on Camino de Estrella on September 4, 2002; conveyed that area residents assisted the victim and expressed his gratitude to those individuals.

Mayor Pro Tem Eggleston voiced concern that the crowd that attended the recent Fiesta changed dramatically in the afternoon; stated that he witnessed intoxicated individuals and asserted that excessive beer sales took place; noted that the City co-sponsors the Fiesta and voiced concern with the potential for liability; recommended that the policy concerning the sale of beer should be re-considered.

10. **RESOLUTIONS/ORDINANCES**

None.

11. **ADJOURNMENT**

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER RITSCHER, CARRIED 5-0, to adjourn at 11:52 p.m.

The next Regular Meeting will be held on September 4, 2002 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be discussed at 6:00 p.m. The General Session will begin at 7:00 p.m.

CITY CLERK of the City of
San Clemente, California

MAYOR of the City of
San Clemente, California