

CITY OF SAN CLEMENTE

City Council Minutes

Adjourned Regular Meeting - October 19, 2004

An Adjourned Regular Meeting of the San Clemente City Council was called to order on October 19, 2004 at 5:05 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

PRESENT

ANDERSON, DAHL, DOREY*, EGGLESTON, MAYOR
RITSCHER

*Arrived at 5:07 p.m.

ABSENT

NONE

STAFF PRESENT

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

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CLOSED SESSION

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER DAHL, CARRIED 4-0, to add the following items to the agenda (Closed Session) 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:

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

Name of Cases: Callan v. City of San Clemente, OCSC Case No. 01CC07556, and Johnson v. City of San Clemente, OCSC Case No. 01CC015381.

Motion continued on next page

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

Name of Case: Shirley v. Coast Homeowners Association, et al., OCSC Case No. 01CC02497

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 4-0, to recess to Closed Session at 5:08 p.m. to discuss the following:

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, pursuant to Government Code Section 54956.8:

Property: Dave Cook's Pro Shop, 150 E. Avenida Magdalena

Negotiating Parties: Bruce Wegner, on behalf of the City; and Dave Cook on behalf of Dave Cook's Pro Shop

Under Negotiation: Price and terms of payment

- B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, pursuant to Government Code Section 54957.

Title: City Manager

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

Name of Cases: Callan v. City of San Clemente, OCSC Case No. 01CC07556, and Johnson v. City of San Clemente, OCSC Case No. 01CC015381.

Closed Session items continued on next page

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

Name of Case: Shirley v. Coast Homeowners Association, et al., OCSC
Case No. 01CC02497

City Manager Scarborough; City Attorney Oderman; Public Works/Economic Development Director Lund; City Engineer Cameron; Director of Beaches, Parks and Recreation Wegner; Gus Nelson, Golf Course Manager; City Clerk Erway; Karen Walter, Rutan and Tucker; and Gary Stoney of Stoney Miller were in attendance.

MEETING RECONVENED

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

CLOSED SESSION REPORT

City Attorney Oderman reported that the City Council discussed the following items in Closed Session 1) A negotiation matter involving the Municipal Golf Course; 2) An employee evaluation matter; and 3) Litigation matters (Callan v. City of San Clemente, Johnson v. City of San Clemente and Shirley v. Coast Homeowners Association, et al.); explained that no reportable action was taken with respect to the litigation items, Council provided direction with respect to the real property negotiation item, and no action was taken with respect to the employee evaluation item.

INVOCATION

Sid Bradshaw, Chaplain with the Orange County Sheriff's Department, gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Dahl led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Family Week Proclamation**

Mayor Ritschel presented a proclamation to Alex J. Martinez, San Clemente Family Week Committee Member, declaring November 21-27, 2004 as Family Week in San Clemente. Additionally, Mayor Ritschel presented a City pin to Dante Ivec, of Lobo Elementary School, the designer of this year's Family Week local logo.

B. **Recognition of Webelo II Pack 731**

Mayor Ritschel recognized and presented City pins to Webelo II Pack 731, from Lobo Elementary School, who are working on their citizenship requirements for their "Arrow of Light" badge.

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

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

None.

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

Rancho Mission Viejo Development Plan

Paul Carlton, San Clemente, stated that the Orange County Planning Commission approved the modified version of the B-10 alternative for the Ranch Plan on October 14, 2004; commented that while the modified B-10 alternative represents an improvement over the original B-4 Ranch Plan, it is far from the solution that should have been approved; commented that he has been involved with the Ranch Plan for the past ten years as a member of SCORE (South County Outreach and Review Effort) as well as the Sierra Club; stated that he favors Alternative B-8 (Wild Heritage Plan) with a land conservancy in the southern portion of the Cristianitos drainage area; noted that many more approvals are necessary before the project can commence; spoke in support of the retention of wildlife habitat and voiced concern with the traffic impact associated with the plan as proposed; requested that he be allowed to give a 15-minute presentation at the next Council meeting relative to the Wild Heritage Plan.

MOTION BY COUNCILMEMBER DOREY, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to agendize a 15-minute Special Presentation by Paul Carlton for the first Council meeting in November, 2004, relative to Ranch Plan Alternative B-8, the Wild Heritage Plan.

5. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve the Consent Calendar with the removal of Items A, B(1), D, I and M.

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

(2) Planning Commission minutes of October 6, 2004.

C. Warrant Register

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve Wire Transfers Nos. 284 and 285 and Warrant Nos. 761115 through 761271 for the period 9-20-04 through 9-24-04 in the amount of \$1,412,108.57; approve Handwrite Nos. 761272 through 761272 and Warrant Nos. 761273 through 761493 for the period 9-27-04 through 10-1-04 in the amount of \$926,099.61; for a total Warrant Register of \$2,338,208.18.

Payroll Register

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve Warrant Nos. 314768 through 314850, and Automatic Deposit Advises 132037 through 132231, for the period 9-13-04 through 9-26-04 in the amount of \$309,579.18; for a total Payroll Register of \$309,579.18.

E. Contract Award - Preliminary Engineering for Avenida Pico and El Camino Real Intersection Improvements

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C04-50 by and between the City of San Clemente and RBF Consulting, providing for preliminary engineering services, for the Avenida Pico and El Camino Real intersection improvements, in the amount of \$37,766.

F. Amendment No. 9 to Orange County Transportation Authority (OCTA) Cooperative Agreement C-95-988

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve, and authorize the Mayor to execute, Amendment No. 9 to Cooperative Agreement No. C-95-988 between the Orange County Transportation Authority and the City of San Clemente. City Contract #C95-35.

G. **Contract Amendment - On-Call Inspection Services with Transtech**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve, and authorize the Mayor to execute, the First Amendment to Contract No. C03-53, by and between the City of San Clemente and Transtech, providing for on-call inspection services.

H. **Contract Award - Traffic Signal Improvements**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C04-51 by and between the City of San Clemente and Minagar & Associates, providing for traffic signal improvements, in the amount of \$15,374.

J. **Fuel Modification License and Maintenance Agreement**

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

1. Approve, and authorize the City Manager to execute, a fuel modification license and maintenance agreement by and between the City of San Clemente and San Clemente Business Park LLC, allowing San Clemente Business Park LLC to enter into Richard T. Steed Memorial Park to perform on-going fuel modification maintenance. (Contract C04-52)
2. Authorize the City Manager to execute any amendments to the license agreement with San Clemente Business Park LLC, that relate to an extension of time for the license agreement.

K. **Notice of Completion - Annual Street Slurry Sealing Program**

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

1. Accept the Annual Street Slurry Sealing Program from the contractor, American Asphalt South, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Annual Street Slurry Sealing Program.

L. **Records Destruction**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to adopt Resolution No. 04-89 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE DESTRUCTION OF CERTAIN CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

N. **Contract Award - Office Trailer for Beaches and Parks Division and Engineering Division**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C04-54 by and between the City of San Clemente and Mobile Modular Management Corporation, providing for a two-year lease of modular office space, at a cost of \$16,248.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

A. **City Council Minutes**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER DAHL, CARRIED 4-1 (COUNCILMEMBER DOREY VOTING NOE), to:

1. Approve the City Council minutes of September 21, 2004, with the amendment that the motion concerning Agenda Item 5-J, Lease Amendment No. 2 (San Clemente Chamber of Commerce), be amended to read as follows:

“MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER DAHL, CARRIED 4-1 (COUNCILMEMBER DOREY VOTING NOE), to approve, and authorize the Mayor to execute, Lease Amendment No. 2 (Contract C92-08) by and between the City of San Clemente and the San Clemente Chamber of Commerce, relating to the City-owned property located at 1100 North El Camino Real, with the modification that the third sentence of the Term section of the agreement be modified to read as follows:

“In consideration of the Lessor granting the additional five-year lease option to Lessee, both parties agree to meet no later than *June 2009* to discuss Lessor’s current and near term land use planning issues for the leased premises and to discuss Lessee’s project site location needs.”

2. Clarify that the initial term of the lease is for five years ending December 31, 2009 and the five-year option extends the lease term to December 31, 2014.

B(1). Zoning Administrator Meeting Minutes of October 7, 2004.

Council referenced the portion of the Zoning Administrator minutes of October 7, 2004 that pertains to the Vine Restaurant Outdoor Dining (Minor Conditional Use Permit 04-078 and Minor Architectural Permit 04-079). In response to Council inquiry, Staff explained that the application would result in the elimination of two parking spaces at the Vine Restaurant, however, an agreement was reached with San Clemente Donuts (which is located across the street) that will make nine parking spaces available to the Vine Restaurant; noted that San Clemente Donuts has an excess of parking spaces and its spaces are used primarily during early morning hours. Staff is to provide Council with a tray memo that identifies the site plan for this project and clarifies the parking situation. It was suggested that the Planning Commission be provided with a short presentation concerning this matter.

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY COUNCILMEMBER DOREY, CARRIED 5-0, to receive and file the Zoning Administrator meeting minutes of October 7, 2004.

D. Program Supplement Agreement No. M002 Revision 1 to Administering Agency-State Agreement for Federal Aid Projects No. 12-5274 Covering Construction Phase for the Rail Corridor Pedestrian Beach Trail, Federal Project No. STPLER-5274(008)

Council noted that the subject item relates to three additional at-grade crossings at Lost Winds and El Portal; emphasized that funding for the Mariposa Point crossing is not to be lowered in priority as a result of the three additional crossings.

Councilmember Dorey stated that she will abstain from voting on this item because of the proximity of her residence to the beach trail.

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY COUNCILMEMBER DAHL, CARRIED 4-0-1 (COUNCILMEMBER DOREY ABSTAINED), to:

1. Adopt Resolution No. 04-88 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA APPROVING PROGRAM SUPPLEMENT
2. Accept revenues in the estimated amount of \$3,205,323 in Account 012-861-33141-000-11410.

I. Contract Amendment - Preliminary Design, Environmental Documentation and Final Design Services for the Rail Corridor Pedestrian Beach Trail

Councilmember Dorey stated that she will abstain from voting on this item because of the proximity of her residence to the beach trail.

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 4-0-1 (COUNCILMEMBER DOREY ABSTAINING), to approve, and authorize the Mayor to execute, the Fourth Amendment to Contract C00-92 by and between the City of San Clemente and Borthwick, Guy and Bettenhausen, Inc., increasing the project budget to \$630,500 for the Rail Corridor Pedestrian Beach Trail Project No. 11410, Federal Project No. STPLER 5274 (008).

M. Contract Award - Street Improvement Projects Nos. 15301 Through 15310 in the Riviera District

Councilmember Dorey stated that she will abstain from voting on the portions of this item relating to the Plaza a la Playa and Avenida La Costa improvements because she resides within 500 feet of those locations.

1. MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve the plans and specifications for contract award for Street Improvement Project Nos. 15301 through 15310.
2. MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C04-53 by and between the City of San Clemente and All American Asphalt, providing for the completion of Street Improvement Projects Nos. 15301 through 15310, in the amount of \$719,719.
3. MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve a supplemental appropriation of \$68,713 to Account 042-848-45300-000-15301, Improvements Other Than Buildings, in the Street Improvement Fund for the De La Riviera Street Improvement.

Action continued on next page

4. MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve a supplemental appropriation of \$3,350 to Account 042-848-45300-000-15302, Improvements Other Than Buildings, in the Street Improvement Fund for the Calle Majorca Street Improvement.
5. MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve a supplemental appropriation of \$3,625 to Account 042-848-45300-000-15304, Improvements Other Than Buildings, in the Street Improvement Fund for the Calle Monaco Street Improvement.
6. MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve a supplemental appropriation of \$6,564 to Account 042-848-45300-000-15305, Improvements Other Than Buildings, in the Street Improvement Fund for the Monte Cristo Street Improvement.
7. MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 4-0-1 (COUNCILMEMBER DOREY ABSTAINED), to approve a supplemental appropriation of \$23,908 to Account 042-848-45300-000-15306, Improvements Other Than Buildings, in the Street Improvement Fund for the Plaza A La Playa Street Improvement.
8. MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve a supplemental appropriation of \$722 to Account 042-848-45300-000-15308, Improvements Other Than Buildings, in the Street Improvement Fund for the Calle Las Palmas Street Improvement.
9. MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to approve a supplemental appropriation of \$4,319 to Account 042-848-45300-000-15309, Improvements Other Than Buildings, in the Street Improvement Fund for the Calle Madiera Street Improvement.

Action continued on next page

10. MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 4-0-1 (COUNCILMEMBER DOREY ABSTAINING), to approve a supplemental appropriation of \$33,884 to Account 042-848-45300-000-15310, Improvements Other Than Buildings, in the Street Improvement Fund for the Avenida La Costa Street Improvement.

6. **PUBLIC HEARINGS**

A. **Site Plan Permit 03-188/Cultural Heritage Permit 03-189/Conditional Use Permit 03-190, Gutierrez Building - 209 Avenida Del Mar**

Continued Public Hearing to consider a request to allow a major remodel and a waiver of required parking spaces for an existing commercial building located within the Central Business/Architectural Overlay Districts at 209 Avenida Del Mar, the legal description being Lots 4, 5, 35 and 36 of Block 17 of Tract 779.

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY COUNCILMEMBER DOREY, CARRIED 5-0, to continue the Public Hearing on Site Plan Permit 03-188, Cultural Heritage Permit 03-189 and Conditional Use Permit 03-190 (Gutierrez Building) to the first Council meeting in November, 2004.

B. **Wireless Telecommunication Facility at Shorecliffs Mobile Home Park - 3000 Calle Nuevo (Conditional Use Permit 03-008)**

Public Hearing to consider an appeal of the Planning Commission approval of a wireless communication facility on land zoned private open space (OS-2) and located within the Shorecliffs Mobile Home Park at 3000 Calle Nuevo, the legal description being Parcel 1 of Parcel Map 90-266, Block 272, Pages 30 through 32. The facility, consisting of a 40-foot high clock tower, or a 40-foot high artificial tree (a "palm" or "pine"), is proposed within the mobile home park's clubhouse area. The clubhouse is located at the intersection of Mira Puerta and Mira Adelante.

Associate Planner Luna reviewed the contents of the Administrative Report; stated that Staff received a petition signed by over 40 residents of the Shorecliffs Mobile Home Park citing a preference for the artificial pine tree alternative and also received a letter from a resident of Normandy Ridge citing preference for an artificial pine tree; responded to Council inquiries.

Council reviewed photographs of monopines that have been installed by Sprint in adjacent cities and indicated a preference for the type of pine tree that completely shields the antennas with foliage.

Mayor Ritschel opened the Public Hearing.

John Bitterly, on behalf of Sprint, stated that Sprint proposes to construct a Chameleon Industry's monopine that is the same as that shown in the photograph of the monopine in Lake Forest; noted that the proposed monopine has more branches, heavier foliage and darker foliage that should not weather and will hide all of the antennas; concurred with the imposition of a Condition of Approval that Sprint utilize the same monopine that currently exists in Lake Forest. In response to Council inquiry, Mr. Bitterly advised as follows: 1) the monopine can be designed so that the branches start as near to the ground as the City desires; 2) the antennas are located inside the branches and will be painted to match the color of the foliage; 3) suggested that the City review the monopine in two years to determine if a change in appearance or fading has occurred and stated that Sprint will be willing to correct any maintenance deficiencies to the satisfaction of the City; and 4) a 40' monopine will blend favorably with the surrounding trees.

Richard Rader, President of the Normandy Ridge Homeowners Association, stated that the majority of the residents who attended the last board meeting continue to feel that a Variance should not be granted to exceed the 25' height limit and further believe that a cell tower in close proximity to their residences is inappropriate; commented that the monopine compromise is the best solution to the problem since it will be aesthetically pleasing to the surrounding residences.

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

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to adopt Resolution No. 04-90 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 03-008, SPRINT SHORECLIFFS, TO ALLOW THE INSTALLATION OF A WIRELESS COMMUNICATION FACILITY CONSISTING OF A 40-FOOT HIGH ARTIFICIAL TREE DEPICTING A PINE TREE AND COMMONLY REFERRED TO AS A MONOPINE, AND AN 8-FOOT HIGH STORAGE FACILITY MEASURING 10 FEET BY 16 FEET AT THE INTERSECTION OF MIRA PUERTA AND MIRA ADELANTE IN THE SHORECLIFFS MOBILE HOME PARK LOCATED AT 3000 CALLE NUEVO, with the inclusion of additional conditions as follows:

1. The monopine shall be reviewed in two years and Sprint Communications shall remedy any maintenance deficiencies apparent at that time.
2. The monopine shall be the one depicted by the Applicant, the antennas shall be colored the same as the foliage, and no antennas are to be visible.

7. **UNFINISHED BUSINESS**

None.

8. **NEW BUSINESS**

A. **Opportunistic Sand Project - Santa Ana River Sand**

Report from the Beaches, Parks and Recreation Director concerning the possibility of utilizing beach-quality sand from the Santa Ana River to restore some of the sand lost on San Clemente's beaches.

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

In response to Council inquiries, Chris Webb, of Moffat & Nichol, opined that spring represents the best time to place sand on the beach, but noted that a significant amount of the sand could remain on the beach if a mild winter is experienced; commented that a placement of 5,000 cubic yards of sand can be discernable and provide a visual benefit on a short stretch of beach, such as that at North Beach; summarized beach nourishment projects conducted in other Southern California cities and reviewed the results experienced.

City Engineer Cameron responded to Council inquiry by confirming that the trucks that transport the sand to the beach can cause street damage; estimated that it would cost approximately \$7,000 or \$8,000 to overlay the approximate 400-foot street at the mobile home park, and would cost approximately \$20,000 to completely reconstruct the street.

A lengthy Council discussion ensued relative to beach erosion, length of time that the beach will likely benefit from a sand nourishment project, sand delivery process, potential that sand delivery trucks will cause street damage, transportation route for sand delivery, possibility that alternate means of transporting the sand can be utilized to reduce the cost and protect the streets and bridge from damage, outstanding quality of the sand from the Santa Ana River, high cost of the project and lack of budgeted funds, possibility that the project could alter surfing conditions, project timing, and whether the sand should be placed at the back of the beach to increase the likelihood that it will not be washed away, versus the possibility of locating the sand at the surf zone to provide a more meaningful test of the viability of the sand restoration concept.

Michael Metcalf, San Clemente, stated that the Coastal Advisory Committee believes the available sand is high quality and will provide a good test for the City's commitment to sand replenishment; noted that the City has limited resources and an opportunity exists that may not come again for years; expressed hope that the City will be able to fund the project without impacting other beach projects.

Ken Nielsen, member of the Coastal Advisory Committee, stated that the Committee devoted three years to the development of the beach sand policy, due primarily to the time needed to determine the type of sand that the City would accept; stated that the proposed sand is high quality and comparable in color to that which exists at North Beach; urged that the sand be placed high on the beach during the winter so that it isn't washed away by winter storms; commented on the importance of testing the sand restoration process and expressed hope that the City can fund the project.

Bill Hart, Chair of the Coastal Advisory Committee, stated that beach nourishment is messy, expensive, and could potentially damage biology off shore; stated that he previously did not think that the City would ever have the opportunity to obtain the quality of sand necessary to meet its needs; noted that the City is faced with a unique opportunity and encouraged Council to conduct the experimentation necessary to determine the City's ability to transport massive amounts of sand to the beach at a later date.

Chuck Hauswirth, resident of Poche Beach, spoke in support of the proposed project, noting that an excellent opportunity exists; suggested that the City ask the contractor to share the cost to relocate the sand since the contractor will be penalized if the sand is not removed; suggested that the City take advantage of the opportunity that exists.

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

- 1) Authorize the Public Works Department to proceed with the Opportunistic Sand Project by accepting a minimum of 5,000 cy of beach quality sand from the Santa Ana River bed. Sand in excess of 5,000 cy will be accepted provided the cost for trucking, sand placement and related incidental costs does not exceed \$130,000.
2. Authorize the City Engineer to solicit competitive bids for trucking and placement of the sand.
3. Authorize the Mayor to execute an agreement with the selected trucking contractor and the City of San Clemente for trucking, sand placement and related incidental costs at a cost not to exceed \$130,000.
4. Authorize the City Manager to execute contracts to provide professional services for required monitoring at a total cost not to exceed \$50,000.
5. Appropriate \$180,000 from the General Fund fund balance to Account 001-203-43890 (Other Contractual Services).

SUBSTITUTE MOTION BY COUNCILMEMBER DOREY, SECOND BY COUNCILMEMBER DAHL, **FAILED 2-3** (COUNCILMEMBER EGGLESTON, MAYOR PRO TEM ANDERSON, AND MAYOR RITSCHER VOTING NOE), to proceed with the Opportunistic Sand Project by accepting 10,000 cy of beach quality sand from the Santa Ana River bed.

THE ORIGINAL MOTION WAS VOTED ON AND CARRIED 3-2 (COUNCILMEMBER EGGLESTON AND MAYOR RITSCHER VOTING NOE.)

B. Final Map and Subdivision Improvement Agreement for Tract 16569, Talega Village 4B

Report from the Public Works/Economic Development Director concerning approval of the Final Map and Subdivision Improvement Agreement for Tract 16569, Talega Village 4B.

City Engineer Cameron reviewed the contents of the Administrative Report, noting that the Condition of Approval that requires that Avenida Talega be bonded and designed for a four-lane arterial street has not been fully met; explained that it is now apparent that a four-lane street is not necessary and, consequently, Staff intends to process, through both the Planning Commission and Council, changes to the Conditions of Approval for the rest of the maps; recommended that Council approve the subject Final Map for Tract 16569.

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

1. Approve the Final Map for Tract 16569 as it conforms to the requirements set forth in the Subdivision Map Act and the previously approved amended Tentative Map, with the exception of completing construction of Avenida Talega as a four-lane arterial to the Talega boundary.
2. Authorize the Mayor to execute the Subdivision Improvement Agreement. (Contract C04-56)
3. Authorize the City Engineer to execute the Final Map.
4. Authorize the City Clerk to execute and submit for recordation the Final Map with the County of Orange Recorder's Office.

9. ORAL COMMUNICATIONS (PART TWO)

None.

10. REPORTS

A. Commissions and Committees

None.

B. City Manager

None.

C. City Attorney

(1) Rutan & Tucker's Representation of Capistrano Unified School District

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to consent to Rutan & Tucker's representation of the City on matters adverse to the Capistrano Unified School District (CUSD) and to Rutan & Tucker's concurrent representation of CUSD on matters that are not directly adverse to the interests of the City.

D. Council Members

(1) Orange County Division, California League of Cities Issues.

Mayor Ritschel reported on Proposition 1A, noting that the governor, cities, counties and public safety entities are supporting the subject ballot measure.

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

None.

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

Mayor Ritschel reported that the Orange County Firefighter Memorial Flame Relay traveled through San Clemente on October 8 and 9, 2004.

Councilmember Dahl reported that the groundbreaking for Fire Station 59 took place earlier today.

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

Councilmember Dahl reported on animals available for adoption at the San Clemente-Dana Point Animal Services Authority and expressed appreciation to the Shelter volunteers, staff and veterinarians; advised that "A Tail of Two Cities" generated approximately \$80,000.

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

None.

(6) **Integrated Waste Management District Report.**

None.

(7) **Consideration of Rescheduling the Next Regular Council Meeting from November 2, 2004 to November 1, 2004.**

MOTION BY MAYOR RITSCHER, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to reschedule the next Regular Council Meeting from November 2, 2004 to November 1, 2004.

(8) Councilmember Items.

None.

11. RESOLUTIONS/ORDINANCES

None.

MEETING RECESSED

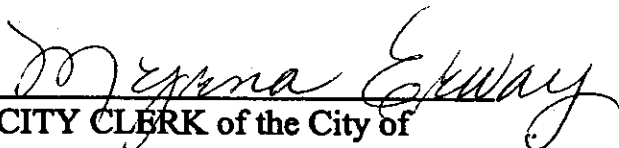
MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DOREY, CARRIED 5-0, to recess to a meeting of the Redevelopment Agency at 9:07 p.m.


MEETING RECONVENED

Council reconvened at 9:21 p.m., with all members present.

12. ADJOURNMENT

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to adjourn at 9:21 p.m. to an Adjourned Regular Meeting to be held on **Monday, November 1, 2004** 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. **Note: The Council meeting of November 1, 2004 will replace the Regular Council Meeting of November 2, 2004.**


CITY CLERK of the City of
San Clemente, California


MAYOR of the City of
San Clemente, California