

CITY OF SAN CLEMENTE

City Council Minutes

Regular City Council Meeting - March 15, 2011

These minutes reflect the order in which items appeared on the meeting agenda and do not necessarily reflect the order in which items were actually considered.

A Regular Meeting of the San Clemente City Council was called to order on March 15, 2011 at 5:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Donchak.

PRESENT BAKER, BROWN, DAHL, EVERT, MAYOR DONCHAK

ABSENT NONE

STAFF PRESENT George Scarborough, City Manager; Jeff Goldfarb, Assistant City Attorney; Joanne Baade, City Clerk; Anthony Mejia, Deputy City Clerk.

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CLOSED SESSION

Assistant City Attorney Goldfarb requested a Closed Session to discuss the items listed on the Closed Session agenda.

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EVERT, CARRIED 5-0, to recess to Closed Session at 5:02 p.m. to discuss the following:

A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(b)(1):
One potential case

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(b)(1):
One potential case

C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(b)(1):
One potential case

In attendance for the full Closed Session were all members of the City Council, City Manager Scarborough, Assistant City Attorney Goldfarb, Assistant City Manager Gudgeirsson, Community Development Director Holloway and City Clerk Baade. Public Works Director/City Engineer Cameron and Building Official Jorgensen were in attendance for Closed Session A only.

MEETING RECONVENED

Council reconvened at 6:00 p.m., with all members present.

INVOCATION

Pastor Mark Barrett, Calvary Chapel South Coast, gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Baker led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Certificate of Recognition - Pamela DeNayer, 2011 Outstanding Crossing Guard of the Year**

Mayor Donchak presented a Certificate of Recognition to Pamela DeNayer in recognition of being selected as the 2011 Outstanding Crossing Guard of the Year for the City of San Clemente.

B. **Presentation of Proclamation - Multiple Sclerosis Awareness Week**

Mayor Donchak presented a proclamation to Jeffery Blattner, representing the National Multiple Sclerosis Pacific South Coast Chapter, proclaiming March 14-20, 2011 as Multiple Sclerosis Awareness Week.

C. **Presentation of Proclamation - DMV/Donate Life California Month**

Mayor Donchak and Councilmember Baker presented a Proclamation to Derek Cousineau, President of the "Be a Hero, Become a Donor" club at San Clemente High School, and Gina Cousineau and Dick Veale, volunteer ambassadors for the Donate Life Organization, declaring April 2011 as DMV/Donate Life California Month.

D. **Presentation by Mothers Against Drunk Driving (MADD) of Honoraria to Sheriff Deputies for Exceeding 25 DUI Arrests in 2010**

Sheri Bolam, representing MADD Orange County, presented honoraria to the following Sheriff Deputies for exceeding 25 DUI arrests in 2010:

Deputy Daniel Corwin	39 Arrests
Deputy Paul McHugh	25 Arrests

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

San Onofre Nuclear Generating Station (SONGS)

Ace Hoffman, Carlsbad, distributed a booklet entitled "The Code Killers" concerning the nuclear industry; opined that nuclear plants should be closed and requested that Council assist with the closure of SONGS. A hard copy of Mr. Hoffman's document, dated March 15, 2011, is on file with the City Clerk.

Sharon Hoffman, Carlsbad, expressed concern that a nuclear emergency could occur at SONGS; urged Council to assist with the closure of SONGS.

Sandy Exelby, San Clemente, suggested that a study be conducted to compare the risks and costs of various forms of electricity generation; expressed concerns regarding San Clemente's exit strategy in the event of a SONGS emergency.

Randall Hartman, San Clemente, asserted that SONGS is not designed to withstand a severe earthquake or tsunami; suggested that consideration be given to shutting down SONGS.

Gary Headrick, representing San Clemente Green, voiced opposition to the use of nuclear-generated electricity and called for an increase in use of alternatively generated electricity; urged that SONGS be decommissioned and that spent nuclear fuel be relocated to a secure disposal facility.

Steve Netherby, San Clemente, voiced concern relative to the proximity of SONGS to San Clemente; asserted that SONGS should be closed.

Alan Korsen, San Clemente, urged that Council request that SONGS be closed and to oppose the relicensing of the plant.

Ricardo Nicol, San Clemente, stated that San Clemente is in a high risk zone for seismic activity; urged Council to support the closure of SONGS and to oppose its relicensing.

Bob Joseph, San Clemente, recommended that an updated comprehensive environmental document be prepared concerning SONGS; urged that the Council and County take a leadership role in the development of such a document.

Lyn Harris Hicks, San Clemente, voiced opposition to nuclear electricity generation and operations at SONGS; summarized community workshops held by the Nuclear Regulatory Commission (NRC) related to SONGS.

Dagmar Foy, San Clemente, stated that her neighbors and she are in fear of the potential for a nuclear emergency at SONGS; urged Council to take action and to provide direction to the community.

Pete Dietrich, Senior Vice President and Chief Nuclear Officer of the San Onofre Nuclear Generating Station (SONGS), noted that Southern California Edison (SCE) and the U.S. Nuclear Power Industry are actively monitoring the situation in Japan; spoke on the earthquake and tsunami preparedness of SONGS. In response to Council inquiries, Mr. Dietrich explained the differences between the Japanese nuclear plant and SONGS; advised that SONGS has numerous safeguards to ensure a safe shutdown in the event of a natural disaster; advised that both local and national emergency resources would be available in the event of an emergency at SONGS; explained that spent fuel rods are stored onsite in protected facilities; stated that SONGS was designed to withstand approximately twice the maximum credible earthquake on the Cristianitos fault.

Council requested 1) that a Leadership Council, consisting of elected officials, be organized to discuss SONGS; 2) that the NRC conduct an assessment of SONGS and report to Council in 60-90 days; 3) that a public workshop be scheduled to discuss SONGS; and 4) that the General Plan Advisory Committee (GPAC) discuss the emergency evacuation routes for San Clemente.

Emergency Planning Officer Tucker explained that potassium iodide (KI) is available for residents of San Clemente due to the City's proximity to SONGS, but urged that residents not ingest KI unless the County's Public Health Official provides direction to do so in an emergency; advised that a Leadership Council is being organized for local jurisdictions to discuss SONGS; urged that citizens prepare an all-hazards emergency preparedness kit and to register for Alert OC.

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

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

None.

5. **CLOSED SESSION REPORT**

Assistant City Attorney Goldfarb stated that Council took no reportable action during this evening's Closed Session.

MEETING RECESSED

Council recessed at 7:20 p.m. and reconvened at 7:25 p.m., with all members present.

6. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EVERT, CARRIED 5-0, to approve the Consent Calendar, with the removal of Items D and G.

- A. **City Council Minutes**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EVERT, CARRIED 5-0, to approve the minutes of the City Council Adjourned Regular Meetings of February 15, 2011, February 22, 2011 and February 23, 2011.

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

- (1) Planning Commission Regular Meeting minutes of February 16, 2011.
- (2) Planning Commission Regular Study Session minutes of February 16, 2011.
- (3) Zoning Administrator Regular Meeting minutes of February 16, 2011 and March 2, 2011.
- (4) Coastal Advisory Committee Regular Meeting minutes of February 10, 2011.

C. **Warrant Register**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EVERT, CARRIED 5-0, to approve Wire Transfer Nos. 789 through 792, Warrant Nos. 817571 through 817731, for the period 02-14-11 through 02-18-11, in the amount of \$2,631,836.61; approve Wire Transfer Nos. 793 and 794, Warrant Nos. 817732 through 817904, for the period 02-21-11 through 02-25-11, in the amount of \$4,798,591.05; for a total Warrant Register in the amount of \$7,430,427.66.

Payroll Register

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EVERT, CARRIED 5-0, to approve Warrant Nos. 322322 through 322331, Automatic Deposit Advises 171986 through 172244, for the period 02-07-11 through 02-20-11, in the amount of \$390,913.10; for a total Payroll Register in the amount of \$390,913.10.

E. **Contract Award - Fiscal Year 2011 Sidewalk Repair Program**

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

1. Approve the specifications for the Fiscal Year 2011 Sidewalk Repair Program.
2. Approve, and authorize the Mayor to execute, Contract C11-13, by and between the City of San Clemente and Caravajal Trucking and Tractor (CT&T), Inc., providing for the Fiscal Year 2011 Sidewalk Repair Program, in the amount of \$79,020.

F. **Replacement of Yield Sign with Stop Sign on Calle Oso at Avenida Del Poniente**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EVERT, CARRIED 5-0, to adopt Resolution No. 11-12 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING "THROUGH STREETS AND STOP INTERSECTIONS" ON CALLE OSO AT AVENIDA DEL PONIENTE.

H. **Notice of Completion - Emergency Repair of Storm Drain Lines at Avenida Columbo and Avenida De La Estrella**

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

1. Accept the Emergency Repairs of Storm Drain Lines at Avenida Columbo and Avenida de La Estrella, Project Nos. 18005 and 26001, from the contractor, GCI Construction, Inc.
2. Authorize the Mayor to execute, and City Clerk to record, the Notice of Completion for the Emergency Repairs of Storm Drain Lines at Avenida Columbo and Avenida de La Estrella, Project Nos. 18005 and 26001. (Contract C11-11)
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 GCI Construction, Inc.

I. **Establishment of Weed Abatement Program for 2011**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EVERT, CARRIED 5-0, to adopt Resolution No. 11-13 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PURSUANT TO SECTIONS 39561 AND 39562 OF THE CALIFORNIA GOVERNMENT CODE DECLARING WEEDS, RUBBISH, REFUSE, AND DIRT UPON STREETS, SIDEWALKS, PARKWAYS, AND PRIVATE PROPERTY TO BE PUBLIC NUISANCES AND PROVIDING FOR THE ABATEMENT THEREOF.

J. **Contract Amendment - Steed Park Landscape Maintenance**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM EVERT, CARRIED 5-0, to approve, and authorize the Mayor to execute, the Fourth Amendment to Contract C07-38, by and between the City of San Clemente and E. Stewart and Associates, providing for Steed Park landscape maintenance, extending the contract period through June 30, 2013.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

D. **Grant Application to the Orange County Transportation Authority for the "Project P" Regional Traffic Signal Synchronization Program - Avenida Pico and El Camino Real**

Following clarification, MOTION BY COUNCILMEMBER BAKER, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to:

1. Direct Staff to submit grant applications for the Project P Regional Traffic Signal Synchronization Program, as part of Orange County Transportation Authority's Measure M2 eligibility process, for Avenida Pico and El Camino Real.
2. Adopt Resolution No. 11-11 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE SUBMITTAL OF "PROJECT P" IMPROVEMENT PROJECTS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMPETITIVE MEASURE M2 REGIONAL TRANSPORTATION SIGNAL SYNCHRONIZATION PROGRAM.

G. **Courtney's Sandcastle - Phase II Conceptual Design**

Larry Culbertson, San Clemente, voiced support for universally accessible (UA) playgrounds; opined that Courtney's Sandcastle is too expensive and elaborate and recommended that existing parks should be retrofitted with UA equipment instead of devoting all of the City's UA playground resources to one park.

Don Glasgow, representing the Courtney's Sandcastle Subcommittee of the Beaches, Parks and Recreation Foundation, stated that fundraising efforts have been successful, noting that several service clubs have recently made contributions; explained that a new Courtney's Sandcastle charitable foundation is being formulated to raise funds for playground maintenance, recreational programs and to pursue UA equipment retrofitting at other playgrounds.

Following discussion, MOTION BY MAYOR PRO TEM EVERT, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve the Courtney's Sandcastle Phase II conceptual plan and authorize Staff to direct Summers/Murphy and Partners to complete the plans and specifications.

7. **PUBLIC HEARINGS**

A. **Kramer Subdivision - 323 West Avenida Valencia (Tentative Parcel Map 2009-141)**

Public Hearing to reconsider a request to subdivide an existing lot into two (2) lots within the Residential Low Density (RL-CZ) zoning district located at 323 West Avenida Valencia, the legal description being Lot 5 of Tract 897, Assessors Parcel Number 692-282-18.

Associate Planner Nicholas narrated a PowerPoint presentation entitled "Tentative Parcel Map 2009-141, Kramer Subdivision" and responded to Council inquiries. A hard copy of Mr. Nicholas' presentation, dated March 15, 2011, is on file with the City Clerk.

Mayor Donchak opened the Public Hearing.

Paul Douglas, on behalf of the Applicant, explained that the proposed development will exceed the average neighborhood open space allotment; opined that the proposed development would be consistent with the existing neighborhood; noted that the trail to the gazebo will be preserved in its existing condition. In response to Council inquiry, Mr. Douglas explained that the retaining wall on Lot 2 is nonfunctional and could be removed if the City desires.

Assistant City Attorney Goldfarb proposed new language for Condition No. 20 related to the deed restriction and Mr. Douglas expressed willingness to accept the modification.

Kevin Trigg, Chief Engineering Geologist for Stoney-Miller Consultants, advised that his firm provided a third-party review for the City to establish the applicability of the project to City regulations; stated that the application is consistent with City ordinances and that there are no apparent geotechnical obstacles to the subdivision of the property. In response to Council inquiry, Mr. Trigg opined that the retaining wall on Lot 2 is not functioning properly and is in a state of disrepair.

Robin Abari, San Clemente, voiced opposition to the proposed subdivision, citing environmental concerns and parking issues; urged Council to deny the proposal.

Chuck Krolkowski, Attorney, representing the Applicant, stated that the project is exempt under the California Environmental Quality Act (CEQA); asserted that the proposed single-lot subdivision complies with the General Plan, Zoning Code and all other legal requirements.

Kathy Lentz, San Clemente, asserted that City Attorney Oderman compromised the City's legal position in relation to the Kramer Subdivision issue; urged Council to uphold its denial of the proposed subdivision.

Julia Darden, San Clemente, speaking as a private citizen, voiced opposition to the proposed subdivision; stated that the City's denial of the project could prevail in a lawsuit; opined that the lot size was intentionally larger than neighboring lots to provide open space; urged Council to deny the subdivision.

Cheryl Moe, San Clemente, noted that her property resulted from a lot split on a coastal canyon; urged Council to support the subdivision.

Michael Kaupp, acting as a private citizen, read a letter from Betty White, San Clemente, asserting that a conservation easement would provide a tax benefit for the owner; urged Council to reaffirm its denial of the subdivision.

Michael Kaupp, San Clemente, speaking as a private citizen, stated that the lot contiguous to Lot 2 of the proposed subdivision is owned by Mr. Kramer.

Don Prime, San Clemente, asserted that the subdivision should be denied because the Zoning Code prohibits development within a coastal canyon; asserted that a change in density constitutes development. A hard copy of Dr. Prime's comments, dated March 15, 2011, is on file with the City Clerk.

In response to inquires, Mr. Douglas clarified that the five-foot conservation easement is within the 15-foot required setback; explained that the property lines are no longer within the coastal canyon and that the subdivision is compliant with the Coastal Act; expressed willingness to assign maintenance of the conservation easement to an independent party, if Council desires.

Council requested that Staff evaluate the number of properties within a coastal canyon that could potentially be subdivided.

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

Following discussion, MOTION BY COUNCILMEMBER BROWN, SECOND BY COUNCILMEMBER BAKER, CARRIED 3-2 (COUNCILMEMBER DAHL AND MAYOR PRO TEM EVERT VOTING NOE), to adopt Resolution No. 11-14 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 2009-141, KRAMER SUBDIVISION, A REQUEST FOR A SUBDIVISION OF AN EXISTING PARCEL LOCATED AT 323 WEST AVENIDA VALENCIA, with the modification that Condition No. 20 read as follows:

“The applicant has agreed to record a deed restriction preventing development of any new development as that term is defined in Section 18.18.030 that may be constructed on Parcel 1 beyond 105 feet from the north east (Valencia/Front) property line. The applicant shall prepare the deed restriction, to be approved by the City Attorney, and will be recorded with the final map.”

B. California Vehicle Code and San Clemente Municipal Code Enforcement in the Harbor View Estates Community

Public Hearing to consider a request from the Harbor View Estates Homeowners Association that the City of San Clemente enforce the California Vehicle Code (CVC) and San Clemente Municipal Code (SCMC) on private streets within the Harbor View Estates community. This request, if adopted, would give the City’s Police Department (the Orange County Sheriff’s Department) the authority, but not the obligation, to enforce the CVC and SCMC on said streets.

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

Mayor Donchak opened the Public Hearing.

In response to Council inquiries, Thomas Gatlin, Attorney, representing the Harbor View Estates Homeowners Association (HOA), agreed to submit an HOA Resolution that has been executed by the appropriate HOA officer.

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

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER BROWN, CARRIED 5-0, to adopt Resolution No. 11-15 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPLYING THE PROVISIONS OF THE CALIFORNIA VEHICLE CODE AND THE SAN CLEMENTE MUNICIPAL CODE TO ALL PRIVATE STREETS IN TRACTS 14759 AND 14760, IN THE HARBOR VIEW ESTATES COMMUNITY.

MEETING RECESSED

Council recessed at 9:53 p.m. and reconvened at 10:03 p.m., with all members present.

C. **Paradise Miniature Golf - 987 Avenida Vista Hermosa (Conditional Use Permit 10-105/Minor Conditional Use Permit 10-106/Architectural Permit 10-503)**

Public Hearing to consider an appeal by the City Council to consider the Planning Commission's approval of Conditional Use Permit 10-105/Minor Conditional Use Permit 10-106/Architectural Permit 10-503, a request to establish a miniature golf, flow rider, and accessory clubhouse structure within the La Pata/Vista Hermosa Park. The Park site is located at the southwest corner of the intersection of Avenida Vista Hermosa and La Pata and is a portion of Assessor's Parcel Number 124-081-64.

Associate Planner Nicholas narrated a PowerPoint presentation entitled "CUP 10-105, MCUP 10-106, AP 10-503, Paradise Miniature Golf" and responded to Council inquiries. A hard copy of Mr. Nicholas' presentation, dated March 15, 2011, is on file with the City Clerk.

Mayor Donchak opened the Public Hearing.

In response to Council inquiries, Scott Melcher, Applicant, noted that two CPR-certified attendants will be on duty during flow rider activity; explained that his staff will be trained on alcohol sales and that it is not his intention to create an alcohol-centric atmosphere.

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

Following discussion, MOTION BY MAYOR PRO TEM EVERT, SECOND BY COUNCILMEMBER DAHL, to adopt Resolution No. 11-16 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 10-105, MINOR CONDITIONAL USE PERMIT 10-106, AND ARCHITECTURAL PERMIT 10-503, PARADISE MINIATURE GOLF, A REQUEST TO ESTABLISH A MINIATURE GOLF AND FLOW RIDER FACILITY WITH A CLUBHOUSE AND THE SALE OF BEER AND WINE FOR ONSITE CONSUMPTION LOCATED WITHIN THE LA PATA/VISTA HERMOSA PARK.

Discussion ensued relative to the appropriateness of allowing the sale, service and on-site consumption of beer and wine within the La Pata/Vista Hermosa Sports Park.

THE MOTION ON THE FLOOR WAS WITHDRAWN.

MOTION BY MAYOR PRO TEM EVERT, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to adopt Resolution No. 11-16 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 10-105, MINOR CONDITIONAL USE PERMIT 10-106 AND ARCHITECTURAL PERMIT 10-503, PARADISE MINIATURE GOLF, A REQUEST TO ESTABLISH A MINIATURE GOLF AND FLOW RIDER FACILITY WITH A CLUBHOUSE LOCATED WITHIN THE LA PATA/VISTA HERMOSA PARK.

During the ensuing discussion it was noted that MCUP 10-106 relates to the sale of beer and wine at the subject facility. Because it was Council's intention to segregate the vote on the sale of alcoholic beverages from the remainder of the application, MOTION BY MAYOR DONCHAK, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to reconsider the prior motion.

(Council Action continued on next page)

MOTION BY MAYOR PRO TEM EVERT, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to adopt Resolution No. 11-16 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 10-105 AND ARCHITECTURAL PERMIT 10-503, PARADISE MINIATURE GOLF, A REQUEST TO ESTABLISH A MINIATURE GOLF AND FLOW RIDER FACILITY WITH A CLUBHOUSE LOCATED WITHIN THE LA PATA/VISTA HERMOSA PARK.

MOTION BY MAYOR PRO TEM EVERT, SECOND BY COUNCILMEMBER DAHL, CARRIED 3-2 (COUNCILMEMBER BROWN AND MAYOR DONCHAK VOTING NOE), to adopt Resolution No. 11-18 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR CONDITIONAL USE PERMIT 10-106, PARADISE MINIATURE GOLF BEER AND WINE SALES, A REQUEST TO ESTABLISH THE SALE AND SERVICE OF BEER AND WINE FOR ONSITE CONSUMPTION LOCATED WITHIN THE LA PATA/VISTA HERMOSA PARK, with the stipulation that the operation will be subject to a six-month review period.

8. **UNFINISHED BUSINESS**

A. **Results of the Special Municipal Election Held on March 8, 2011 (Measure A - Playa del Norte Commercial Development Project Referendum)**

Report from the City Clerk concerning the results of the Special Municipal Election held on March 8, 2011 relative to the Playa del Norte commercial development project.

City Clerk Baade reviewed the contents of the Administrative Report.

Juniel Worthington, San Clemente, commended Charles Mann for pursuing the referendum on the Playa del Norte project.

Tom Barnes, San Clemente, narrated a PowerPoint presentation concerning Resolution No. 69-70 related to the use of eminent domain for the North Beach triangle site; expressed support for converting the triangle site into a park. A hard copy of Mr. Barnes' presentation, dated March 15, 2011, is on file with the City Clerk.

Vonne Barnes, San Clemente, displayed slides depicting the North Beach triangle site and spoke in support of an Ole Hanson Beach Park; explained the proposal for utilizing the triangle site as a new park. Hard copies of Ms. Barnes' slides, dated March 15, 2011, are on file with the City Clerk.

Ricardo Nicol, San Clemente, voiced support for an Ole Hanson Beach Park stating that it would preserve beach access and public views.

Charles Mann, San Clemente, asserted that Council is disconnected with the residents; voiced opposition to the Playa del Norte project; proposed the formation of a citizens' approval board to serve as an advisory committee to the Council.

Following discussion, MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER BROWN, CARRIED 5-0, to adopt Resolution No. 11-17 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECITING THE FACT OF THE SPECIAL MUNICIPAL ELECTION HELD IN THE CITY ON MARCH 8, 2011, DECLARING THE RESULTS, AND SUCH OTHER MATTERS AS PROVIDED BY LAW.

9. **NEW BUSINESS**

A. **U.S. Army Corps of Engineers' Shoreline Erosion Feasibility Study - Recommended Sand Replenishment Project Alternative**

Report from the Public Works Director/City Engineer concerning the U.S. Army Corps of Engineers' recommended sand replenishment project alternative.

Councilmember Baker recused himself from deliberations, and left the Council Chambers at 10:30 p.m., because he owns property within 500' of the subject project.

Assistant City Engineer Bonigut narrated a PowerPoint presentation entitled "Shoreline Erosion Feasibility Study" and responded to Council inquiries. A hard copy of Mr. Bonigut's presentation, dated March 15, 2011, is on file with the City Clerk.

In response to Council inquiries, Josephine Axt and Heather Schlossner, U.S. Army Corps of Engineers, explained that the project would need to be funded under the Presidential budget or a Congressional add; advised that the San Diego Association of Governments (SANDAG) regional beach project is not utilizing Oceanside sand borrow site 2-A; stated that the Dana Point Harbor would not generate enough beach-quality sediment for San Clemente's project.

Dan Brown, San Clemente, speaking as a private citizen, noted that the U.S. Army Corps of Engineers is studying San Juan Creek and opined that the City should be an interested official observer; asserted that the San Juan Creek and Dana Point Harbor modifications have contributed to the loss of beach sand.

Council directed Staff to contact the U.S. Army Corps of Engineers to determine the scope of work for the San Juan Creek study and to evaluate its potential relevance to San Clemente.

MOTION BY MAYOR PRO TEM EVERT, SECOND BY COUNCILMEMBER DAHL, CARRIED 4-0-1 (COUNCILMEMBER BAKER ABSTAINING), to support the U.S. Army Corps of Engineers' recommended 50-foot (15-meter) sand replenishment project alternative.

Mayor Pro Tem Baker returned to the dais at 10:56 p.m.

CONTINUATION OF MEETING PAST 11:00 P.M.

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to continue the meeting past 11:00 p.m.

B. **Interstate-5 High Occupancy Vehicle Lane Extension and Reconstruction of Avenida Pico Interchange**

Report from the Public Works Director/City Engineer concerning the design options for the Interstate-5 high occupancy vehicle (HOV) lane extension and reconstruction of Avenida Pico interchange.

Traffic Engineer Hindiyeh narrated a PowerPoint presentation entitled "I-5 HOV Lane Extension and Reconstruction of Pico Interchange"; advised that Staff prefers Option B related to the Avenida Pico interchange configuration; responded to Council inquiries. A hard copy of Mr. Hindiyeh's presentation, dated March 15, 2011, is on file with the City Clerk.

Bob Joseph, San Clemente, stated that various sound wall projects have eliminated ocean views on the I-5; recommended that future sound wall projects utilize plexiglass to preserve ocean views.

Tom and Greta Blake, Calle Frontera, San Clemente, opined that freeway-level sound walls are necessary to mitigate noise due to the expansion of the I-5; urged Council to not approve the project unless Caltrans and the Orange County Transportation Authority (OCTA) agree to include additional sound walls.

Rick Gautreaux, Calle Frontera, San Clemente, read a letter from his neighbor, who resides at 2943 Calle Frontera, which voiced concern that widening the freeway will bring strangers closer to his home and intensify traffic noise; requested that a sound wall be built near the freeway.

Primas White, San Clemente, stated that the I-5 expansion will increase traffic noise and negatively impact the quality of life for residents; urged that a sound wall be built close to the east side of the freeway.

John Tengdin, OCTA Citizens Advisory Committee member, urged Council to support HOV continuous access lanes.

John Michler, Avenida Salvador, San Clemente, presented an alternative proposal for the Avenida Pico interchange configuration which utilizes the storm drain easement; urged Council to request that Caltrans consider his proposal.

Hank Rager, Calle Juarez, San Clemente, asserted that traffic noise and vehicle air pollution reduce the property values of residences adjacent to freeways; suggested that sound panels and Acoustiblok material be investigated as alternatives to concrete sound walls.

In response to Council inquiries, Rose Casey, Program Manager for OCTA, explained that a sound wall parallel to Calle Frontera and Calle Juarez may not meet Federal and State criteria; advised that in order to be effective, a sound wall would need to be located on the top of the slope at the level of the residences as opposed to being constructed at freeway level; noted that the project is part of the early action plan for Measure M2 funding.

MOTION BY COUNCILMEMBER BROWN to proceed with Option A, with the recommendation that the design take into consideration the possibility of constructing Option B in the future if traffic delays become as significant as projected. The motion died for lack of a second.

During the ensuing discussion, the Council majority expressed support for Alternative 4 related to the I-5 HOV extension configuration and Option B related to the Avenida Pico interchange configuration.

Council requested that the Mayor submit a letter to Paul Glaab, of the OCTA, emphasizing the importance of sound walls for the communities on Calle Frontera and Calle Juarez.

Council provided the following comments for the EIR:

- Sound walls should be investigated to mitigate noise levels for properties on Calle Frontera and Calle Juarez.
- The issue of bike path safety in the underpass should be addressed.
- Efforts should be made to reduce construction disruptions to San Clemente High School.
- Ingress and egress options for the post office on Avenida Pico should be explored that would negate the need for travelers to make a u-turn to enter the post office property.
- The HOV lanes should be continuous access and the HOV lanes should begin and end in places that will not cause traffic jams.
- Acoustic blocks and plexiglass sound walls should be investigated.

C. **Selection of Elected Official - Municipal Water District of Orange County Interaction of Elected Officials**

Report from the Public Works Director/City Engineer concerning the appointment of an elected official to serve as the City representative to the Municipal Water District of Orange County Interaction of Elected Officials.

Council appointed Mayor Pro Tem Evert to the Municipal Water District of Orange County Interaction of Elected Officials.

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

Vagina Dialogues Fundraiser

Adam Townsend, editor of San Clemente Patch, speaking on behalf of Laura Bloor and Priscilla Gonzalez, invited the community to attend the Vagina Dialogues on April 8 and 9, 2011 at Knuckleheads Sports Bar with proceeds benefiting Laura's House and women in Haiti.

North Beach Parking Improvements

John Tengdin, San Clemente, urged Council to direct Staff to proceed with the North Beach parking improvements.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. **City Attorney**

None.

D. **Council Members**

(1) **San Clemente/Dana Point Animal Shelter**

Councilmember Dahl encouraged residents to adopt a pet from the San Clemente/Dana Point Animal Shelter; expressed gratitude to CASA's volunteers and Staff.

(2) **Exchange Club's St. Patrick's Day Dinner**

Councilmember Dahl commended the Exchange Club for its successful St. Patrick's Day dinner that was held on March 12, 2011 at the Community Center.

(3) **San Clemente High School Boys Soccer Team - Southern California Regional CIF Champions**

Councilmember Baker commended the San Clemente High School boys soccer team for winning the Southern California Regional CIF Championship.

(4) **American Spartan Hike from San Francisco to San Clemente**

Councilmember Baker commended American Spartan participants for hiking from San Francisco to San Clemente and raising over \$100,000 to benefit wounded soldiers.

(5) **“Dancing for a Cause” Event**

Mayor Pro Tem Evert invited the community to attend “Dancing for a Cause” on March 25, 2011 at the San Clemente Casino, noting that proceeds will benefit local non-profit groups. A hard copy of the event flyer, dated March 15, 2011, is on file with the City Clerk.

12. **RESOLUTIONS/ORDINANCES**

None.

13. **ADJOURNMENT**

MOTION BY MAYOR DONCHAK, SECOND BY MAYOR PRO TEM EVERT, CARRIED 5-0, to adjourn at 12:26 a.m.

The next Regular Council Meeting will be held on April 5, 2011 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be discussed at 5:00 p.m. The General Session will begin at 6:00 p.m.

/S/ Joanne Baade
CITY CLERK of the City of
San Clemente, California

/S/ Lori Donchak
MAYOR of the City of
San Clemente, California