

MINUTES
CITY OF SAN CLEMENTE
COASTAL ADVISORY COMMITTEE MEETING
Thursday, February 9, 2012 @ 7:00 p.m.
Community Center, Ole Hanson Fireside Room
100 N. Seville, San Clemente, CA 92672

1. CALL TO ORDER/ PLEDGE OF ALLEGIANCE

Chair Hart called the meeting to order at 7:00 p.m. Vice Chair Salgado led the Pledge of Allegiance.

2. ROLL CALL

Present: Susan Ambrose, Don Brown, Dagmar Foy, Robert Jordan, Ken Nielsen; Chair pro tem Peter Salgado and Chairman Bill Hart

Absent: None

Staff Present: Tom Bonigut, Assistant City Engineer
Sharon Heider, Beaches, Parks and Recreation Director
Bill Humphreys, Marine Safety Lieutenant
Dennis Reed, Beaches, Parks and Maintenance Manager
Eileen White, Recording Secretary

3. APPROVAL OF MINUTES

A. Minutes of the November 8, 2011, Joint City Council/Commissions/Committees Meeting

MOVED BY COMMITTEE MEMBER BROWN SECONDED BY COMMITTEE MEMBER JORDAN, AND UNANIMOUSLY CARRIED, to receive and file the minutes of the November 8, 2011, Joint City Council/Commissions/Committees Meeting as presented.

B. Minutes of the Regular CAC Meeting of January 12, 2012

MOVED BY COMMITTEE MEMBER AMBROSE, SECONDED BY COMMITTEE MEMBER FOY, AND CARRIED 6-0-1, WITH COMMITTEE MEMBER NIELSEN ABSTAINING, to receive and file the minutes of the Regular CAC Meeting of January 12, 2012, with the following revisions:

Throughout the document, replace Committee Member Salgado with Chair pro tem Salgado; replace Chair pro tem Nielsen with Committee Member Nielsen.

Page 4, 4th paragraph, after the first sentence, insert the following: "Committee Member Ambrose volunteered to serve as the third person on the task force in the event Committee Member Nielsen is unable to serve and agreed to act as Task Force Member alternate.

Page 4, 6th paragraph, 1st sentence, following "Vista Hermosa Sports Park" insert, "due to unpreparedness"; in front of "Courtney's Sandcastle" insert, "the second phase of"

Page 5, first paragraph, 2nd sentence, replace "will forward" with "provided"

4. PUBLIC INPUT - None

5. OLD BUSINESS - None

6. NEW BUSINESS

A. Proposed Dog Beach

Sharon Heider, Beaches, Parks and Recreation (BP&R) Director, summarized the staff report. Staff and BP&R Commission members present this evening and available for questions include Stephen Strader, Chair of the BP&R Commission; Bill Humphries, Marine Safety Lieutenant; Dennis Reed, BP&R Maintenance Manager; Kim Choladenko, Director of the Coastal Animal Services Authority (CASA), and Eric Swartz, BP&R Commissioner. Over several BP&R Commission/Dog Access Subcommittee meetings, and public workshops, staff and Commissioners have been considering increased dog access to City parks, off leash within existing parks, and access to the beach. BP&R staff is recommending the Committee recommend City Council: 1) Allow dogs on-leash at all City Parks, with the exception of playgrounds, synthetic turf areas, Park Semper Fi, and designated sports fields by approving the subject Resolution; 2) Direct staff to identify appropriate locations for new dog runs in existing parks and return to Commission and City Council for possible amendments to existing park master plans; and 3) Approve a one-year pilot program to allow dog access hours on an area of beach between Dije Court and Mariposa Point by resolution.

In response to questions from the Committee Members, Director Heider advised that an environmental review pursuant to CEQA will need to be performed; stated she is not aware whether cities that have allowed dogs access to their beaches experienced decreased water quality as a result; noted staff is relying on established studies indicating changes in water quality following dog access are negligible; speculated that if dog owners leave dog waste in the sports fields during the pilot program the public will advise staff; advised a study by the University of California at Davis concluded that dogs regularly allowed off leash are better socialized, leading

to less human bites and reduced aggressiveness; noted that at this point in the approval process neither the Water Quality Control Board or California Coastal Commission have been approached by staff for their input on this issue; advised to date staff has found no conclusive data regarding water quality impacts from dog access to beaches; advised no new water quality testing sites or increased testing at existing sites has been proposed at this time. In addition, she noted that Huntington Beach City staff, when approached for their input on this issue, advised against a dog beach, citing increased costs, waste removal, complaints from the public, etc.. Ms. Heider agreed to contact the State Parks to discover their reasons for not allowing off-leash dogs in the parks or not allowing dogs on the State Beach.

Kim Choladenko, Director of CASA, advised 100 dog bites were reported last year in the City of San Clemente; agreed to research whether more dog bites have been reported since the City's Beach Trail opened, as well as map the locations of where the dog bites occurred if available, and report back; noted violators of the leash law are ticketed and those not picking up after their dogs are first warned, then cited; described areas and hours of leash law enforcement along the Beach Trail; noted CASA will be providing spot patrolling of the dog access beach if approved.

Stephen Strader, Chair of the BP&R Commission, and lead on the Dog Access Subcommittee, described the process of selecting the pilot location; noted organizations such as Heal the Bay and Surfrider Foundation have acknowledged high water quality grades on beaches near existing dog parks; discussed proposals for increased enforcement and potential increase in citations and fines; noted the estimated large number of unlicensed dogs in town.

Bill Humphreys, Marine Safety Lieutenant, discussed challenges associated with providing adequate staffing to regulate dog owners on beaches, the Beach Trail, and State Parks.

Public Testimony:

Isaiah Mickelson, resident, opposed allowing dogs on the beach because there is already so much dog waste near the beach and on the trail. Allowing additional access will only increase the dog waste, degrading a precious resource that we should be protecting.

Eric Swartz, former CAC Member and current BP&R Commissioner, spoke as a private resident. He referred to a CRB report entitled, "Dogs on the Beach," which has a lot of information about how unleashed dog beaches help dogs, but also about the concerns of dog beaches related to water and sand quality, wildlife, and humans. Cities that have dog beaches spend a lot of money to clean up after dogs. He reviewed the costs stated in the staff report for the pilot program, and speculated that real costs will be much

higher because many of the costs are not known at this time. The soft and spotty enforcement proposed by CASA may result in bad behavior becoming the norm, and it's not prudent to rely on self-policing when so much is at stake. Once the integrity of the beach sand has been breached, it will be difficult to get it back. Dogs are not appropriate for beaches and most cities do not allow dogs' access. He recommended the CAC recommend against allowing unleashed dogs on the beach, and consider opening up areas in only 3 parks for dog parks. He resides next to a dog park, and for noise and safety reasons, has to drive his family to a different park for recreation.

Helen McCue, resident, opposed dog access to the beach. Adults and children of all ages play with the sand at the beach. It's almost impossible to keep sand from drinks and food eaten at the beach, and fine sand is all over bodies, hands, faces, mouths, etc. Dog urine, dog waste not picked up, and microscopic particles left in the sand pose serious, even deadly, health concerns for humans. So many children play at Linda Lane Park, and there isn't even a porta-potty for them to use. Instead of using \$35 to \$50,000 on dogs, the City should use those funds to install a bathroom. Today at the beach she observed two dogs sitting on the picnic tables, where people eat. Adults are irresponsible in caring for their dogs as shown by the estimated large number of unlicensed dogs in the City. These dogs may not have their rabies, distemper, etc. shots. Allowing dogs on the beach will degrade water quality, sand quality, and the beach experience for humans. Dogs are constantly urinating and defecating all over the City and it will be the same on the beach. In addition, allowing dogs on the beach in the early morning hours will put the surfers at risk for dog bites. It would be irresponsible of the CAC, an organization responsible for safeguarding the City's beaches, to approve a program so obviously harmful and economically unsound.

Committee Member Comments:

Committee Member Ambrose does not support the proposal because a) she believes in the sanctity of the beach, which will be negatively impacted by dog urine and waste, b) unleashed dogs should not be allowed to run free where children/adults are present, busy setting up chairs, and playing in the sand, playing ball or Frisbee, etc., and c) the CAC is responsible for ensuring that all is done to protect the beach; there is too much potential for bacteria to contaminate both the sand and water. Dogs become a threat to public safety when they are not closely watched by their owners, who can be easily distracted while walking, swimming, recreating and/or watching events at the beach.

Committee Member Nielsen commented that Mariposa Beach is the best location for the dog access beach, as it is the worst beach for recreating in the City, has good access, and can easily be sectioned off. He speculated the early morning surfers might be opposed; preferred spare warnings and mostly citations; suggested fees for dog owners intending to use the beach to

help fund CASA enforcement, with collar tags for easy identification. He supported allowing the proposal for a trial period at Mariposa Beach as long as rules are vigorously enforced and citations regularly issued.

Chair pro tem Salgado did not support the proposal because it is unrealistic to think that people will police themselves and felt the City should take sage advice from the City of Huntington Beach to abandon the idea. The City and various water quality organizations are spending large amounts of money to clean the sand, discover where pollutants are coming from, and increase water quality. He cannot support allowing dogs to access the beach and create negative water and sand quality impacts.

Committee Member Brown agreed that Mariposa Beach was the least people friendly of the City's beaches and that eventually a carefully structured trial program could be developed. He does not support this proposal because there are still so many unanswered questions associated with the request. Topics that should be carefully considered before a trial period could commence include zero tolerance for all violators, dog beach fees and special tags, more accurate estimates of the City's costs, testimonials from cities that allow dogs on beaches, dog beach water quality statistics, and reconsideration of the hours to accommodate early morning surfers.

Chair Hart did not support the proposal due to underestimated/unknown costs, diversion of staff time and resources for environmental studies, increased need for rules enforcement and beach maintenance, potential for dog waste to be swept into the water during high tide at least twice per day, inability for the City to fund the monitoring of water quality and determine impacts at 204 Beach, and money proposed to fund this project would be better spent on restrooms at Linda Lane Park. Although the current proposal is unsuitable, he would be willing to consider alternative proposals that address strict enforcement, better location, improved maintenance proposals, etc.

Committee Member Jordan did not support the request as proposed due to existing lackluster licensing of dogs, lack of strict enforcement of rules, and irresponsible behavior of people in general visiting the beach.

MOVED BY COMMITTEE MEMBER AMBROSE, SECONDED BY COMMITTEE MEMBER JORDAN, AND CARRIED 5-0-2, WITH COMMITTEE MEMBER FOY AND COMMITTEE MEMBER NIELSEN OPPOSED, TO RECOMMEND CITY COUNCIL **DENY** THE PROPOSAL TO 1) ALLOW DOGS ON-LEASH AT ALL CITY PARKS, WITH THE EXCEPTION OF PLAYGROUNDS, SYNTHETIC TURF AREAS, PARK SEMPER FI, AND DESIGNATED SPORTS FIELDS BY APPROVING THE SUBJECT RESOLUTION, 2) DIRECT STAFF TO IDENTIFY APPROPRIATE LOCATIONS FOR NEW DOG RUNS IN EXISTING PARKS AND RETURN TO COMMISSION AND CITY COUNCIL FOR POSSIBLE AMENDMENTS

TO EXISTING PARK MASTER PLANS, AND 3) APPROVE A ONE-YEAR PILOT PROGRAM TO ALLOW DOG ACCESS HOURS ON AN AREA OF BEACH BETWEEN DIJE COURT AND MARIPOSA POINT BY RESOLUTION.

B. Potential Plastic Bag Ban

Assistant City Engineer Bonigut reviewed the draft memo to City Council regarding the Ordinance for a Plastic Bag Ban and recommended the Committee review the memo, make changes as desired, and forward the memo to City Council. He also recommended Committee Members attend the budget meeting on February 15, 2012, starting at 4:00 p.m.

Committee Member Ambrose commended Committee Member Nielsen, Chair pro tem Salgado and Chair Hart for their efforts in drafting the memo.

Public Testimony:

Jim Bieber, resident, requested additional information including the number of plastic bags that are regularly found on the beach or go into the ocean, and a comparison between the number of plastic bags in the water versus plastic cups, straws, cup lids, etc. He swims and surfs in the ocean regularly and has never seen bags floating in the water. He requested the Committee define the numbers to be consistent. In addition, he questioned the memo assertion that the public in general strongly supports a plastic bag ban, and requested studies/surveys/background information to support the claim. He asserted that paper bags use 70% more energy to produce than paper, which is a step backward in terms of environmental protection, and wondered why the City would advocate their usage over plastic bags. In addition, he stated that cloth bags can be very unhealthy if meat juices leak into the bags and they are not washed after each use, resulting in potential bio waste, E. Coli bacteria threats, etc. The public should be notified regarding the health risks associated with cloth bags. He will email the cloth study to the Committee Members for their consideration. He finds plastic bags very useful as they can be used again and again until recycled, and believes the proposal to ban plastic bags originated in the San Francisco/Berkley, CA area, which has a different mindset from Orange County. In addition, he calculated that enforcing the plastic bag ban, which in his opinion is based on principles, not facts, will cost each household in the City approximately \$74 per year for single use paper bags/cloth bags, for a total of \$1 million citywide each year. He noted that it should be his choice whether or not to use plastic bags, not a mandate based on junk science.

Committee Member Comments:

Committee Member Nielsen recounted his experiences viewing millions of plastic bags, as far as the eye can see, while traveling up and down the coast as a commercial fisherman.

Chair pro tem Salgado commended Mr. Bieber for calling attention to the many other plastic products found floating in the sea. He noted that the plastic bag ban is just one of the many steps in the process required to start cleaning up the environment. The City has shown great leadership enacting both the beach smoking ban and Styrofoam ban, and now it is time to take this step. Although it does require more effort to wash the cloth bags, or clean out reusable plastic bags, banning the use of single use plastic bags is just one step in the process to help clean the ocean.

Assistant City Engineer Bonigut advised that the cloth bag study indicating bio hazards was disputed by a Consumer Reports study.

Committee Member Foy recounted her efforts to replace plastic bags at her business with quality paper bags, at a cost of 3.5 to 5¢ per bag on a relatively small order, concluding that grocery store claims of 5 to 15¢ per bag are overstated.

Chair Hart advised Mr. Bieber to access the Captain Charles Moore video via the City's website, which discusses the damage attributed to the Pacific Gyre, a floating mass of plastic in the sea.

Committee Members reviewed the draft memo, making clarifications, edits, and corrections as noted below.

Assistant City Engineer Bonigut agreed to make the revisions, forward the memo to Chair pro tem Salgado for review, then forward the approved memo to the City Manager for distribution to the City Council in advance of the February 15 budget meeting.

MOVED BY COMMITTEE MEMBER BROWN SECONDED BY COMMITTEE MEMBER JORDAN, AND UNANIMOUSLY CARRIED TO DIRECT STAFF TO FORWARD THE ORDINANCE FOR PLASTIC BAG BAN MEMO TO CITY COUNCIL, with the following revisions:

Page 1, last bullet point, strike the last sentence in its entirety.

Page 2, 3rd bullet point, strike the last sentence in its entirety.

Page 2, insert a bullet point following the 3rd bullet point as follows: "The City Councils of Dana Point and Laguna Beach have recently voted to pursue

plastic bag bans, and the City of Huntington Beach is considering passing similar legislation of its own.

Page 2, in the bullet point that begins “The Marin County...” 2nd sentence, replace “And, a number of cities” with “Some cities”; Strike the last sentence in its entirety.

Page 2, in the bullet point that begins “The San Clemente...” strike “as well as the public in general”; add the following to the end of the bullet: “In general, feedback gathered at the public meetings on this issue has been in support of a plastic bag ban.”

C. Potential Street Sweeping Parking Restrictions

Assistant City Engineer Bonigut reviewed the draft memo to City Council regarding Street Sweeping Parking Restrictions and recommended the Committee review the memo, make changes as desired, and forward the memo to City Council.

Committee Members reviewed the draft memo, making clarifications, edits, and corrections as noted below.

MOVED BY COMMITTEE MEMBER BROWN SECONDED BY COMMITTEE MEMBER JORDAN, AND UNANIMOUSLY CARRIED TO DIRECT STAFF TO FORWARD THE STREET SWEEPING PARKING RESTRICTIONS MEMO TO CITY COUNCIL, with the following revisions:

Page 1, 1st bullet point, 2nd sentence, replace “A recent study shows a” with “The CAC concluded that there was a”

Page 2, 2nd bullet point, replace “One Councilmember” with “Council”; add to the end of this bullet point: “This is also noted in the actual Stormwater NPDES Permit.”

Page 2, last paragraph, 3rd sentence, after “logistics of” insert “installing signs and”

7. COMMUNICATIONS

A. Bacterial Monitoring Report Dated February 1, 2012

B. December 2011 & January 2012 Environmental Programs Update

Committee Members received and filed Items 7A & 7B as submitted by staff.

Assistant City Engineer Bonigut noted the table the Committee requested for the Bacterial Monitoring Report did not print with the report. He apologized for the omission and advised it will be included next month.

Committee Member Ambrose commended staff for the effective advertising and distributed a copy of the "Overkill" public outreach San Clemente Times ad.

8. ITEMS FROM STAFF

A. Potential Future Agenda Items

A memo by Tom Bonigut, Assistant City Engineer, on scheduling of potential future Coastal Advisory Committee agenda items.

Report received and filed.

B. Staff Announcements

Assistant City Engineer Bonigut announced that staff has contacted businesses identified as continuing to use banned Styrofoam product and advised accordingly.

Committee Members established that all can attend the City's budget hearings because the meeting has been duly noticed as per Brown Act regulations. They were advised by staff not to sit together to avoid perception of collusion.

9. ITEMS FROM COMMITTEE MEMBERS

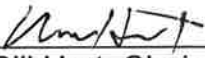
Committee Member Foy announced that at the last BP&R Commission meeting, the Commission took action on the Dog Beach recommendation. In addition, she noted the Courtney's Sandcastle Playground is a finalist for a reward and awaiting results of a final vote.

Committee Member Brown reported that at the last Planning Commission meeting, the Commission reviewed GPAC language and discussed Strategic Planning Recommendations. In addition, he announced he would not be present at the March 8, 2012, meeting.

10. ADJOURNMENT

MOVED BY COMMITTEE MEMBER BROWN, SECONDED BY COMMITTEE MEMBER JORDAN, AND UNANIMOUSLY CARRIED to adjourn at 10:22 p.m. to the next regular meeting of the Coastal Advisory Committee on Thursday, March 8, 2012, at 7:00 p.m. in the Fireside Room at the Community Center located at 100 N. Seville, San Clemente, CA.

Respectfully submitted,



Bill Hart, Chair

Attest:



Tom Bonigut, Assistant City Engineer