



**DRAFT  
CITY OF SAN CLEMENTE  
MINUTES OF THE  
BEACHES, PARKS AND RECREATION COMMISSION  
REGULAR MEETING  
TUESDAY, MARCH 12, 2013, 6:00 P.M.**

Chairman Streger called the Regular Meeting of the Beaches, Parks and Recreation Commission of the City of San Clemente to order on Tuesday, March 12, 2013, at 6:05 p.m. in the Ole Hanson Fireside Room at the San Clemente Community Center located at 100 North Calle Seville, San Clemente, California.

**1. PLEDGE OF ALLEGIANCE**

Vice Chair Swartz led the Pledge of Allegiance.

**2. ROLL CALL**

Present: Commissioners Dagmar Foy, Chris McCormack, Michael Smith, William Thomas, and Tom Wicks; Chair pro tem Eric Swartz and Chair Steven Streger

Absent: None

Staff present: Sharon Heider, Beaches, Parks & Recreation Director  
Pam Passow, Recreation Manager  
Nick Giugni, Marine Safety Officer  
Tom Bonigut, Assistant City Engineer  
Maile Stivers, Administrative Assistant  
Eileen White, Recording Secretary

**3. APPROVAL OF MINUTES**

**A. January 15, 2013**

MOTION BY COMMISSIONER THOMAS, SECOND BY COMMISSIONER SMITH, AND CARRIED 6-0-1, WITH COMMISSIONER MCCORMACK ABSTAINING, to approve the Beaches, Parks, and Recreation Commission meeting minutes of January 15, 2013, with the following revision:

Page 4, 5<sup>th</sup> paragraph, under "High Priority Projects," delete the last bullet item in its entirety.

#### 4. CURRENT COMMUNITY ACTIVITIES AND EVENTS

##### A. Recreation Division – Verbal Report by Recreation Manager Pam Passow

Pam Passow, Recreation Manager, narrated a PowerPoint Presentation entitled, "California and Pacific Southwest Recreation and Park Training Conference Annual Awards Program, San Jose, California, March 8, 2013." Along with Parks and Recreation staff, Commissioners Smith and Thomas attended the California Park and Recreation Society (CPRS) conference held in San Jose, California. The City was honored with two awards, one for Excellence in Design for the Vista Hermosa Sports Park, and the other in the facilities division for the San Clemente Aquatics Center. She distributed copies of brochures entitled, "Celebrating the CPRS Award of Excellence Winners, Best of the Best 2012," and "Annual Awards Program, March 8, 2013," for the Commissioners' consideration, and displayed the trophies awarded.

Commissioner Thomas, as a long time volunteer with CPRS, played room host and introduced speakers during the conference. He described some of the special topics offered during the conference, including a segment entitled, "Meetings, Bloody Meetings," a spoof on the behaviors to avoid in order to comply with Brown Act regulations. He advised the awards bestowed on the City were very prestigious, and noted what an honor it had been to represent the City at the conference.

Commissioner Smith commented that the conference had been well organized, offered a wealth of information pertinent to Parks and Recreation issues, and featured artificial turf and play equipment vendors as well as contact opportunities with park/playground designers. He discussed trends to ensure play equipment is ADA compliant, and offered to organize a play equipment vendor presentation for a future meeting if the Commission desires.

Recreation Manager Passow announced staff had been honored at a San Clemente Rotary meeting and awarded a \$5,000 grant for the play school/early childhood facility at Tierra Grande Park; reviewed activities on the Beaches, Parks and Recreation Department Activity Update; discussed increases in the facility rental income amounts.

Report received and filed.

##### B. Marine Safety Division – Verbal Report by Marine Safety Officer Ian Burton

In the absence of Marine Safety Officer Ian Burton, Nick Giugni, Marine Safety Officer, provided an update of the lifeguard tryouts held on March 3 which netted 10 additional lifeguards; noted an unusual amount of sea lion pups coming ashore; advised this year's Spring Break for local schools will be held April 6 to 14; explained the 50-50-50 rule: at 50° water temperature, someone in

the water can survive 50 minutes with a life vest, giving them a 50% better chance of survival; advised new jeeps will be painted yellow and lifeguard tower 11 will be painted to match the other towers; announced Junior Guard tryouts in May; commented leading cause of drowning deaths is swimming while intoxicated.

In response to a comment, Director Heider explained the City's sand pushing procedures and timing.

**C. Park Planning – Verbal Report by Director Sharon Heider.**

Director Heider introduced newly hired Park Planner Aeryn Donnelly.

**D. BP&R Activities Report – receive and file.**

Report received and filed.

**5. OLD BUSINESS- None**

**6. NEW BUSINESS**

**A. Aquatic Use Agreement with San Clemente Aquatics Swim Team**

Pam Passow, Recreation Manager, summarized the staff report. During development of the new aquatics center, staff worked closely with San Clemente Aquatics Swim Team (SCAT) representatives to develop an operation agreement. At its meeting in October 2012, the Beaches, Parks and Recreation Commission recommended SCAT (recently renamed SCA) receive Junior Partnership status. Representatives from SCA suggested a new partnership status at the December 18, 2012, City Council meeting, and Council directed staff to negotiate a new agreement with San Clemente Aquatics based on this proposed status. Staff has met with representatives from SCA several times and has attempted to balance the needs and wants of the swim team with the public demand for the aquatics center. She noted the new agreement represents a loss of facility revenue of \$24,780, which will be offset by increased fees paid by other youth sports. She provided details of the agreement proposed by staff, and reviewed requests put forth by SCA. She advised SCA has not yet responded to the proposed agreement, nor provided financial records as requested. Staff recommended the Commission recommend that the City Council approve the agreement as proposed by staff.

Commissioner Foy disclosed for the record that she has a relationship with this group as a vendor. Because she believes the outcome of the subject agreement does not represent any personal financial gain for her, and has been assured by Chair Streger that there is no conflict, she has elected to participate in the discussion and action regarding this agenda item.

Keith Kennedy, representing SCA, explained that SCA envisions a partnership with the City that is somewhere between a Junior and Senior Partnership, because renting parts of the pool while other activities occur at the pool is inherently different from the partnerships between other youth sports groups and the City. He pointed out that SCA has increased its membership significantly over the past year, and 6 SCA members applied to be lifeguards during the recent tryouts.

Todd Rowe, representing SCA, acknowledged meeting with staff many times in attempts to develop an agreement acceptable to all. His group has provided staff with a sample agreement, but he neglected to bring it this evening for their consideration. He anticipates Council considering both proposed agreements at the upcoming meeting where this issue will be heard. They anticipate either having to raise fees or leave the facility if a favorable agreement cannot be reached.

Chair Streger suggested SCA may want to consider tabling this proposal both off the Commission's agenda and the City Council's agenda in order to allow the Commission the ability to review their proposal and provide input. SCA representatives indicated a preference to hear the Commission's input this evening and present their agreement for City Council consideration.

Commissioners established the following information from staff:

- By not providing the Beaches, Parks, and Recreation Commission with a copy of their proposed agreement, SCA is electing not to utilize the Commission as a sounding board or advocacy group for their version of the agreement.
- The "temporary storage" proposed will not be a built-in facility, and require staff's approval as to design, location, materials, etc.
- SCA did not provide copies of its 2012 financial records as required to prove "financial hardship" in order to qualify for partnerships with the City.
- Coordination of storage/office facilities with Surf and Turf, Wave Pool, or other groups at the pool may be difficult due to proximity and/or image coordination issues.
- At the Commission's meeting in October 2012, the Commission recommended SCA receive Junior Partnership status.
- Other groups, including the high school, have agreements to use the aquatic center; staff has had to turn away other groups and organizations due to lack of space.
- The agreement as proposed by staff will have no impacts on the existing recreational swim program.

- The Commission is unable to review the proposal put forth by SCA because SCA did not provide a copy for their consideration, and they are therefore unable to determine if any negative impacts, including reduced public access to the pool, decreased revenue for the City, potential impacts from SCA proposed storage and office spaces, etc., would ensue.
- At the Ole Hanson pool, the organization paid \$9.00 per hour per lane; staff is proposing in its agreement \$7.50 per hour per lane; SCA is proposing an average of \$5.00 per hour per lane.
- Increased fees for 3500 youth participating in other youth sports organizations will substantially offset the decreased revenue anticipated in the agreement proposed by staff.
- AYSO donates \$40,000 to the City each year to support field maintenance, community benefit, etc.; the one-time donation of \$40,000 received from SCA is in exchange for naming rights at the pool facility.
- The aquatic facility as currently configured has no excess office or storage space that can be used by SCA.
- Having a written and signed agreement protects all parties and sets forth conditions to be followed despite changes in staff and/or SCA representatives.
- Under the agreement proposed by staff, SCA can provide its own lifeguards under certain circumstances, but City lifeguards and staff will still be utilized for crowd control, public swim, customer service, etc.
- Information from the budget/financial records requested from SCA but not yet received would be necessary to confirm the need for discounts based on financial hardship.
- Staff does not have a mechanism to ensure that discounted rates directly subsidize the youth, rather than go to increasing administrative payout.
- Partnerships and agreements are designed to be renegotiated every year.
- The City's intent is to provide service to the community, not operate at the highest amount of revenue. If SCA elects to remove themselves from the facility, there are many other groups, schools, club teams, etc., that have expressed interest in using the pool, but have been rebuffed due to its heavy use. There would be no need to close the pool if SCA goes elsewhere.

In response to comments/questions from the Commissioners, Keith Kennedy/Todd Rowe, representing SCA, responded as follows:

- Advised SCA practice sessions are on weekdays; meets occur mostly on Fridays and Saturdays; SCA rarely uses the entire pool; there is usually some public use of the pool during meets.
- Noted SCA provides financial security for the City because they pay to use the pool during the winter, when the public is less likely to use it for

recreational swim; also SCA has offered to change its operating hours in the summer such as decreasing use during peak hours.

- Acknowledged they do not qualify for Senior Partnership status, but would like to create a status between Junior and Senior to reflect their level of commitment to the City.
- Advised there are three elements to the proposed agreement, 1) fee structure, 2) pool schedule consistency for swimmers, and 3) storage and space on deck.
- Stated preference that their agreement go directly to City Council for consideration without review by the Beaches, Parks and Recreation Commission; declined offer to table and reschedule for another meeting to allow review.
- Stated the Partnership agreement for aquatic facility use is different from the youth sports organization agreements because SCA only uses a portion of the pool, whereas youth sports organizations have the use of the entire field.
- Advised SCA has disabled kids preparing for the Para-Olympics; it is important that their coaches are not volunteers, but properly trained coaches that focus on safety and teach needed skills. Administrative costs of almost 50% are in line with a team their size and level of competition.
- Noted that one of their concerns is that the facility remain open year-round, instead of becoming a seasonal facility which would be open only from Labor to Memorial Day. Because SCA supports the facility during the winter, the public benefits by having the facility open year round. The majority of the kids in the program live in the City, and the total number can be capped if necessary. The current agreement with the City requires that SCA maintain pool availability for public use at all times.
- Noted that SCA is the most expensive athletic program in the City and its participants pay the highest fees. They would like to stay in San Clemente, and commented that Orange County Water Polo, a club team, moved elsewhere due to high fees at the aquatic center. Meets held at the aquatic center benefit others, such as hotels, restaurants, and Ms. Foy's sports supply center.
- Commented that if the fees are not reduced, SCA will be forced to shrink the team rather than keep increasing membership fees.
- Commented that the level of expertise at SCA has prompted several members from area clubs to join. A local team with high caliber talent benefits all children involved in the sport.

Commission Comment:

Commissioner Wicks supported the need for a revised or special agreement for water sports. He recognized the need for paid coaches to provide adequate

safety and increase knowledge and skills levels, and sees the value of crafting a special agreement unique to this sport.

Commissioner Thomas was disappointed that there is no agreement between SCA and staff for the Commission to review, which makes their job more difficult. He is concerned that the relationship between SCA and staff has become adversarial as evidenced by lack of a signed agreement.

Commissioner Smith feels there is no choice other than reiterating this Commission's original action, which was to approve SCA for a Junior Partnership. The agreement proposed by staff has not been endorsed by SCA, so it cannot be approved by this Commission.

Commissioner Swartz commented the new award-winning facility has facilitated growth of SCA, and it's being offered to SCA at the same hourly rate the group paid when they practiced at the Ole Hanson Beach Club. He does not believe it is fair that fees paid by 3500 kids playing youth sports, which have much lower administration costs, should be used to subsidize SCA, which has paid coaches and high administration costs. It is not necessary for them to train Olympic or Para-Olympic athletes. He does not find that SCA has proven financial hardship and for that reason he does not support a special agreement. He felt that SCA should continue with a Junior Partnership agreement.

Commissioner Foy supported the training of Olympic and Para-Olympic athletes at the aquatic center; expressed concern that the facility would have to operate on a seasonal basis if SCA did not provide support during inclement weather months. SCA has grown fast because they are a good organization that has enticed swimmers from other organizations to join, and helped train local high school athletes. She would like to see the City and SCA come together with an equitable agreement. She questioned whether the Mission Viejo Nadadores had to pay any fees to the City for its pool usage, and was informed by staff that the team pays costly pool maintenance and utility fees to the City in lieu of pool fees.

Commissioner McCormack thanked staff for their time-consuming attempt to develop an agreement which would be agreeable to both sides. He does not believe financial hardship has been proven and cannot support crafting an agreement different from a Junior Partnership.

Chair Streger recollected that Council directed SCA to cap its administrative costs at 20% in order to qualify for an alternative to Junior Partnership agreement, which to his knowledge has not been addressed. He noted much time and attention had been spent crafting the Junior and Senior Partnerships and he fails to see why they cannot be applied to pool use. In addition, he questioned whether all other groups would request special status if it was awarded to SCA.

Philosophically, Chair Streger does not support giving special deals to special groups. He lived adjacent to the Mission Viejo pool growing up, and as a non competitive swimmer, he found it difficult to find recreation swim time due to the pool being dominated by the Nadadore swim team. He felt that SCA should comply with the terms in the Junior Partnership Agreement.

The majority of the Commission agreed that approving the staff recommended agreement, which has not be signed or approved by SCA representatives, was not a viable option.

IT WAS MOVED BY COMMISSIONER SMITH, SECONDED BY COMMISSIONER MCCORMACK, AND CARRIED 5-2-0, WITH COMMISSIONERS FOY AND WICKS OPPOSED, TO REAFFIRM THE COMMISSION'S OCTOBER 2012 RECOMMENDATION THAT SCA RECEIVE JUNIOR PARTNERSHIP STATUS.

B. Overview of Marblehead Coastal Project

Tom Bonigut, Assistant City Engineer, narrated a PowerPoint Presentation entitled, "Marblehead Coastal Parks and Trails Overview, dated March 12, 2013." Slides included a project overview, details of individual parks, trail system overview, schematic of habitat restoration areas, and tentative construction schedule. Staff recommended the Commission receive and file the report.

Public Comment:

Don Kunze, resident, speculated that the new trails proposed in the Marblehead Coastal area will be as popular as the existing Beach Trail, and suggested the City plan accordingly and ensure the proposed trails are adequate to handle patrons and properly designed. He suggested the City consider contacting the contractor currently working with the City of Laguna Beach to redesign the Top of the World Trail, as the Marblehead Trail has the potential to be a draw to the City.

C. Approval of the Addition of Junior Striping on Bonito Canyon Tennis Courts

Director Heider reviewed the staff report, a proposal to restripe the tennis courts at Bonito Canyon Park with "blended striping" to create Junior play sanctioned court sizes. Staff recommended the Commission recommend the two courts at Bonito Canyon Park be striped for junior tennis play.

Commissioners established from Director Heider that no opposition to the proposal has come forward to date; Although this Commission elected to exclude this project from its priority rankings, City Council directed staff to research the proposal for patching the courts and striping for junior play, with future consideration of court repair/rehabilitation scheduled for 2015.



IT WAS MOVED BY COMMISSIONER MCCORMACK, SECONDED BY COMMISSIONER THOMAS, AND UNANIMOUSLY CARRIED TO RECOMMEND THE TWO COURTS AT BONITO CANYON PARK BE STRIPED FOR JUNIOR TENNIS PLAY.

**7. PUBLIC INPUT - None**

**8. COMMUNICATIONS**

Vice Chair Swartz announced the Beaches and Parks Foundation is sponsoring an essay contest for kids to write about their favorite parks; requested the Commission support the contest.

**9. ITEMS FROM COMMISSION**

**A. Sub-Committee Reports**

1. Beach Trail and Park Use Policy – no report

**B. Items from Commissioners**

1. General Plan Advisory Committee (GPAC) – No report, Committee has been dissolved.
2. Coastal Advisory Committee (CAC) – Commissioner Smith reported that at their last meeting, the Committee voted to revise the Clean Ocean Fund Grant Policy to allow Committee discretion regarding grants for ongoing programs; reviewed the proposed Single Use Plastic Bag Ban and considered strategies for enacting one in San Clemente. Upcoming topics for future meetings include consideration of funds sources for sand replenishment, meeting with California Coastal Commission (CCC) staff to discuss Poche Beach solutions, and Watershed tour plans.
3. BP&R Foundation – Commissioner Wicks reported the Foundation would be sponsoring the egg hunt at the City's Springtacular event. Upcoming events include the Forster Ridge Trail 5 & 10K Run on April 27, Fundraiser/membership drive for the Aquatics Center on May 11, and Golf Tournament on June 28.

**10. ADJOURNMENT**

THERE BEING NO FURTHER BUSINESS BEFORE THE COMMISSION, CHAIR STREGER ADJOURNED THE MEETING at 9:25 p.m. to the Beaches, Parks and Recreation Commission regular meeting on April 9, 2013, at 6:00 p.m., in the Ole Hanson Fireside Room of the Community Center, 100 North Calle Seville, San Clemente, CA.

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Chairperson and Commissioner of the  
Beaches, Parks & Recreation Commission

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Beaches, Parks & Recreation Director