

# CITY OF SAN CLEMENTE

## City Council Minutes

### Regular Meeting – December 16, 2008

A Regular Meeting of the San Clemente City Council was called to order on December 16, 2008 at 5:30 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

PRESENT:                   ANDERSON, BAKER, DAHL, EGGLESTON, MAYOR DONCHAK

ABSENT:                   NONE

STAFF PRESENT:       George Scarborough, City Manager; Jeff Oderman, City Attorney; Joanne Baade, City Clerk; Kristi Russell, Deputy City Clerk

\* \* \*

#### **CLOSED SESSION**

City Attorney Oderman requested a Closed Session to discuss the items appearing on the agenda; stated that Item A pertains to real property negotiations for a 9-acre parcel located at the northwest corner of Avenida La Pata and Avenida Vista Hermosa, and Item B pertains to anticipated litigation involving a potential claim against the City by Frank's Auto Body relating to its right to resume operation of its paint booth.

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to recess to Closed Session at 5:30 p.m. to discuss the following:

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

Property: 9-acre site located at the northwest corner of Avenida La Pata and Avenida Vista Hermosa.

Negotiating Parties: George Scarborough, City Manager and Molly McKee, Target Corporation.

- B.       CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, pursuant to Government Code Section 54956.9(b):

Significant exposure to litigation: One Potential Case.

All members of Council, City Manager Scarborough, City Attorney Oderman, and City Clerk Baade were in attendance during the Closed Session.

**MEETING RECONVENED**

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

**INVOCATION**

Pastor David Keehn, OCFA Chaplain, gave the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Dahl led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Holiday Serenade – Lobo Elementary School 5<sup>th</sup> Grade Choir**

The Lobo Elementary School 5<sup>th</sup> Grade Student Choir sang a variety of holiday songs under the direction of Choir Director Debbie Peterson.

B. **San Clemente Coastal Trail/Railroad Track Photo Montage – Where the Train Meets the Trail**

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to defer the presentation by Fred Swegles, Orange County Sun Post News/Orange County Register, of a picture montage that visually expresses the co-existence of the coastal trains and the San Clemente Coastal Trail, to the Council meeting of January 6, 2009.

C. **Presentation of Proclamation – “A Day Without A Bag”**

Mayor Donchak presented a Proclamation to Bill Hart, Chair of the Watershed Task Force, designating December 18, 2008 as “A Day Without A Bag” and encouraging San Clemente citizens to join San Clemente Green, the Surfrider Foundation, the Watershed Task Force, and Earth Resource Foundation in forgoing the use of single-use plastic and paper bags in favor of environmentally friendly reusable totes.

D. **Presentation by SunCal, LLC – Status of the Marblehead Residential/SunCal Project**

Dave Placek, representing SunCal, LLC, reported that discussions related to the bankruptcy filings in New York and Santa Ana courts are continuing; stated that a schedule for the restoration for funding has not yet been developed but efforts will continue through the holidays and into the new year.

Council noted that several emails were recently received from citizens expressing frustration with traffic issues at the intersection of Avenida Pico and El Camino Real.

Carolyn Recinella, BR South Coast Private Security, stated that her company has been providing security services at the Marblehead site since June 2007; asserted that SunCal owes her company a substantial amount of money for services rendered and its failure to pay has created financial hardship for her company and her personally; stated that services were discontinued just prior to the Thanksgiving holiday due to the delinquency of payment; noted that, in response to a request from City staff, she has agreed to park one of her security vehicles on Avenida Vista Hermosa but that it will remain there only through the holiday season.

2. MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER EGGLESTON, 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)**

**Recognition of New Mayor and Council**

Kathryn Stovall Dennis, San Clemente, expressed gratitude to Council members for their commitment and dedication to the community; recognized each member of Council and congratulated Mayor Donchak.

**Water Billing – New Tiered Rates Appearing on Water Bills**

John Tengdin, San Clemente, commended Finance Manager Tom Rendina for including water tier rate information on billing statements.

**San Clemente Senior Apartments Project**

Jill Hawkins, San Clemente, voiced opposition to the Planning Commission's approval of the San Clemente Senior Apartments project; voiced concern that the massing of the structure will cause neighboring properties to experience a loss of privacy, sunlight, air circulation and views; opined that a two-story structure would be more compatible with the neighborhood.

Roni Mundell, San Clemente, voiced objection to the Planning Commission's approval of the San Clemente Senior Apartments project; cited concerns with increased traffic, the impact of construction on the neighborhood, the mass of the structure and the length of time for the landscape to grow to a size that will screen the building.

Danny Crain, San Clemente, opined that the Planning Commission was contradictory in its decision to approve the San Clemente Senior Apartments project but reject the Ralphs Shopping Center (Village Courtyard) project; stated that the proposed senior apartment building will dwarf the adjacent neighborhood; asserted that residents have attempted to work with the developer without success; requested that the decision be called up for appeal.

Marilyn Ditty, Executive Director of South County Senior Services (SCSS), stated that it has been difficult to build senior housing in San Clemente; conveyed that there is no other site in the City to accommodate this project; asserted that the project has been revised four times and that the Planning Commission has attempted to appease residents' concerns; advised that the project cannot be reduced below 82 units and remain financially viable for low-income housing; opined that the project would provide for the greater good; voiced concern that further delays may result in a loss of financing opportunities and urged Council to approve the project.

**5. CONSENT CALENDAR**

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 5-0, to approve the Consent Calendar, with the removal of Items 5-A (Council minutes of November 18, 2008 only), 5-B(1), 5-B(4), 5-E, 5-F, 5-H, and 5-J.

**A. City Council Minutes**

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 5-0, to approve the City Council minutes of November 24, 2008.

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

- (2) Zoning Administrator meeting minutes of December 3, 2008.
- (3) Planning Commission Study Session minutes of December 3, 2008.

C. **Warrant Register**

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 5-0, to approve Wire Transfer Nos. 562 and 563, and Warrant Nos. 798331 through 798550, for the period 11-10-08 through 11-14-08 in the amount of \$2,036,882.22; Wire Transfer No. 564, and Warrant Nos. 798551 through 798735, for the period 11-17-08 through 11-21-08 in the amount of \$2,737,876.97; Wire Transfer Nos. 565 and 566, and Warrant Nos. 798736 through 798888, for the period 11-24-08 through 11-28-08 in the amount of \$1,760,748.70; for a total Warrant Register of \$6,535,507.89.

**Payroll Register**

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 5-0, to approve Warrant Nos. 321141 through 321172, and Automatic Deposit Advises 156357 through 156619, for the period 11-3-08 through 11-16-08 in the amount of \$415,168.42; Warrant Nos. 321173 through 321191, and Automatic Deposit Advises 156620 through 156866, for the period 11-17-08 through 11-30-08 in the amount of \$461,144.25; for a total Payroll Register of \$876,312.67.

D. **Citizens Option for Public Safety Program (COPS)**

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 5-0, to approve the use of Citizens Option for Public Safety Program (COPS) funds to partially fund a patrol deputy's position.

G. **Annual Report Concerning the Mitigation Fee Act for Fiscal Year 2007-08**

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 5-0, to receive and file the Annual Report of the Mitigation Fee Act of the City of San Clemente for Fiscal Year 2007-08.

I. **910 Calle Negocio – Authorization to Lease Vacant Office Space**

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

1. Approve, and authorize the Mayor to execute, an Exclusive Authorization to Lease agreement, by and between the City of San Clemente and Johnston Pacific Commercial Real Estate, Inc., to provide property marketing and negotiation services (Contract No. C08-60).
2. Approve, and authorize the Mayor to execute, Contract No. C08-60, by and between the City of San Clemente and Johnston Pacific Commercial Real Estate, Inc., to provide professional real estate leasing services on behalf of the City for the lease of office space at 910 Calle Negocio.

**ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**

A. **City Council Minutes**

Councilmember Eggleston announced that he would abstain from voting on the November 18, 2008 City Council minutes because he did not attend that meeting.

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 4-0-1 (COUNCILMEMBER EGGLESTON ABSTAINING), to approve the City Council minutes of November 18, 2008.

B(1). **Coastal Advisory Committee Meeting Minutes of November 13, 2008.**

Referencing Item C, Storm Drain Stenciling and Watershed Signage, Council expressed support for the CAC's suggestion that storm drain locations identify the specific beach to where the water is drained in order to personalize the beach and increase public responsibility.

MOTION BY COUNCILMEMBER BAKER, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to receive and file the Coastal Advisory Committee meeting minutes of November 13, 2008.

**B(4). Planning Commission Meeting Minutes of December 3, 2008.**

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 5-0, to call up for Council consideration Item 9-A, San Clemente Senior Apartments, from the Planning Commission meeting minutes of December 3, 2008. It is anticipated that a Public Hearing on this issue will take place at the Council meeting of January 20, 2009.

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to receive and file the balance of the Planning Commission meeting minutes of December 3, 2008.

**E. Policy and Procedure 1201-9 – Public Presentation of Hard Copy Material and Audio/Visual Aids at City Council Meetings**

Council expressed a preference that the display of automated CDs and DVDs by the public during “Oral Communications” be disallowed and that the public’s display of electronic presentations be limited to those that serve as a visual (non-audio) adjunct to a live presentation that is addressed to the Council; suggested that the Policy be deferred to a future meeting to allow the broader spectrum of Oral Communications issues to be considered.

Following discussion, MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to continue this item to a future meeting to allow Council to conduct an in-depth discussion of Oral Communications.

**F. Billing for 2008 Weed Abatement Program**

This item was removed from the agenda by Staff and will be presented for Council consideration at its meeting of January 6, 2009.

H. **U.S. Army Corps of Engineers Feasibility Study Lobbyist**

Following clarification relative to the scope of services and associated value of the proposed contract, MOTION BY COUNCILMEMBER BAKER, SECOND BY MAYOR PRO TEM DAHL, CARRIED 5-0, to:

1. Approve, and authorize the Mayor to execute, Contract No. 08-04, by and between the City of San Clemente and Marlowe & Company, to provide assistance to the City in pursuing Congressional funding for the U.S. Army Corps of Engineers Feasibility Study and other City projects.
2. Approve an appropriation in the amount of \$45,000 from the General Fund undesignated fund balance to Account 001-411-45800-000-19907.

J. **Exclusive Negotiating Agreement – Miniature Golf Facility at La Pata/Vista Hermosa Community Park**

Councilmember Baker conveyed that the concerns he raised at the previous Council meeting have been addressed to his satisfaction.

MOTION BY COUNCILMEMBER BAKER, SECOND BY MAYOR PRO TEM DAHL, CARRIED 5-0, to approve, and authorize the Mayor to execute, an Exclusive Negotiating Agreement, Contract No. C07-41, by and between the City of San Clemente and Scott Melcher, for the purpose of negotiating a lease agreement to develop and operate a miniature golf facility at the La Pata/Vista Hermosa Community Park.

6. **PUBLIC HEARINGS**

A. **1403 N. El Camino Real (El Camino Real Office Condominiums) - Tentative Parcel Map 2008-172/Encroachment Permit 08-486**

Public Hearing to consider a request to subdivide a previously approved commercial development for condominium purposes. The project is located within the Neighborhood Commercial and Coastal zoning districts (NC2-CZ) at 1403 North El Camino Real, the legal description being Lot 24, Block 2, Tract 795, Assessors Parcel Number 057-170-46.

Associate Planner Gregg reviewed the contents of the Administrative Report and responded to questions from Council.



Mayor Donchak opened and closed the Public Hearing, there being no one desiring to speak to this issue.

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to adopt Resolution No. 08-97 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 2008-172 AND ENCROACHMENT PERMIT 08-486, EL CAMINO REAL OFFICE CONDOMINIUMS, A REQUEST FOR A ONE LOT SUBDIVISION FOR CONDOMINIUM PURPOSES FOR A PREVIOUSLY APPROVED COMMERCIAL PROJECT LOCATED AT 1403 NORTH EL CAMINO REAL.

B. **202 Avenida Serra (Wixted Residence) – Historic Property Preservation Agreement 08-476**

Public Hearing to consider a request to enter into a Mills Act agreement with the City of San Clemente. The property is zoned Mixed Use (MU-3) and is located in the Architectural (A) and Coastal Zone (CZ) overlays at 202 Avenida Serra, the legal description being Lot 20, Block 14, Tract 779, Assessors Parcel Number 058-122-20.

Associate Planner Gates narrated a PowerPoint presentation entitled “Historic Property Preservation Agreement 08-476, Wixted Residence.” A hard copy of Ms. Gates’ presentation, dated December 16, 2008, is on file with the City Clerk.

During the ensuing discussion, Council noted that the property in question underwent a 767 square foot addition in 1990 and expressed its opinion that HPPAs should be limited to historic portions of buildings.

Mayor Donchak opened the Public Hearing.

Margaret Wixted, Applicant, inquired whether the improvements to the addition would be enforced since that section of the structure would not qualify under the Mills Act.

Skip Melville, San Clemente, requested clarification as to whether improvements required by the agreement will apply to the entire structure and, if so, why the Mills Act would not apply to the entire structure.

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

Council expressed an interest in considering the adoption of a policy that would restrict HPPAs to historic portions of structures. In the interim, Council

requested that Staff fully inform applicants of Council's discussion about this issue and directed that no additional HPPAs be agendized until the Policy is adopted.

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to:

1. Adopt Resolution No. 08-98 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 08-476 FOR THE PROPERTY LOCATED AT 202 AVENIDA SERRA *with direction that the HPPA be revised to apply tax benefits only to the original portion of the building, but to apply the improvement requirements to the entire structure.*
2. Approve, and authorize the Mayor to execute, and the City Clerk to record, Historic Property Preservation Agreement 08-476 for the property located at 202 Avenida Serra *as amended per Action #1 above* after the required application fee has been paid to the City by the property owner. (Contract No. C08-61)

C. **139-141 Loma Lane (Krecu Residence) Historic Property Preservation Agreement 08-477**

Public Hearing to consider a request to enter into a Mills Act agreement with the City of San Clemente. The property is zoned Residential Medium density (RM) in the Coastal Zone (CZ) overlay at 139-141 Loma Lane, the legal description being Lot 9, Block 12, Tract 779, Assessors Parcel Number 058-063-02.

Assistant Planner Ciampa narrated a PowerPoint presentation entitled "Historic Property Preservation Agreement 08-477, Krecu Residence." A hard copy of Mr. Ciampa's presentation, dated December 16, 2008, is on file with the City Clerk.

Council directed that future Administrative Reports concerning HPPAs include pictures and descriptions that accurately represent the property in question.

Mayor Donchak opened the Public Hearing.

Skip Melville, San Clemente, questioned, and received clarification, that Council's action on the prior agenda item did not establish policy as to how additions to historic properties will be handled on future HPPAs.

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

During the ensuing discussion, Council noted the significant size of the building addition in comparison to the size of the original historic structure and discussed whether the building addition overshadows the historic element of the building and hence may be inconsistent with the spirit of the Mills Act. It was noted that the tax benefits would only apply to the historic portion of the structure.

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 4-1 (MAYOR DONCHAK VOTING NOE), to:

1. Adopt Resolution No. 08-99 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 08-477 FOR THE PROPERTY LOCATED AT 139 LOMA LANE.
2. Approve, and authorize the Mayor to execute, and the City Clerk to record, Historic Property Preservation Agreement 08-477 for the property located at 139 Loma Lane after the required application fee has been paid to the City by the property owner. (Contract No. C08-62)

D. **Zoning Amendment 07-493, Wireless Master Plan**

Public Hearing to consider the adoption of a Wireless Telecommunications Master Plan to streamline the review process for wireless telecommunications and provide design criteria for locating wireless facilities on City property and facilitating the future growth of wireless telecommunications networks in the City of San Clemente. Subject locations include 380 and 390 Avenida Pico, 2916 Via San Gorgonio, 1001 Calle Cordillera, 150 Calle Aguila, 2400 Via Turqueza, and 910 and 1030 Calle Negocio. A Zoning Ordinance Amendment is also requested in order to amend the review process allowing for wireless telecommunications applications that meet the standards identified within the proposed Wireless Telecommunications Master Plan to be approved by the Zoning Administrator (following a Public Hearing in which all property owners within a 300-foot radius are noticed of the project).

Associate Planner Jones narrated a PowerPoint presentation entitled “Wireless Master Plan for Wireless Facilities on City Property” and responded to Council inquiries. A hard copy of Mr. Jones’ presentation, dated December 16, 2008, is on file with the City Clerk.

Tony Ingeneri, ATS Communications, responded to questions from Council pertaining to the policy for notifying residents in proximity to proposed cell sites and to questions related to the estimated revenue stream; responded to comments expressed by residents at a previous Council meeting regarding the potential to locate cell sites in the Talega area; explained that carriers have approached the Santa Margarita Water District but have not yet been able to agree on contract terms; noted that alternate sites to serve the Talega area are being considered.

Mayor Donchak opened the Public Hearing.

John Tengdin, San Clemente, suggested that the City's pumping station at the end of Via Blanco be added to the list of available sites.

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

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to:

1. Adopt Resolution No. 08-100 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE WIRELESS TELECOMMUNICATIONS MASTER PLAN TO STREAMLINE THE REVIEW PROCESS FOR WIRELESS TELECOMMUNICATIONS AND PROVIDE DESIGN CRITERIA FOR LOCATING WIRELESS FACILITIES ON CITY PROPERTY.
2. Introduce Ordinance No. 1471 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING TITLE 17 OF THE SAN CLEMENTE MUNICIPAL CODE, ZONING, FOR PURPOSES OF ACKNOWLEDGING THE ADOPTION OF THE WIRELESS TELECOMMUNICATIONS MASTER PLAN TO STREAMLINE THE REVIEW PROCESS FOR WIRELESS TELECOMMUNICATIONS AND PROVIDE DESIGN CRITERIA FOR LOCATING WIRELESS FACILITIES ON CITY PROPERTY.

**MEETING RECESSED AND RECONVENED**

Council recessed at 8:55 p.m. and reconvened at 9:05 p.m. with all members present.

7. **UNFINISHED BUSINESS**

A. **Max Berg Plaza Park – 2008 Community Survey of Park Usage and Neighborhood Compatibility**

Report from the Beaches, Parks and Recreation Director concerning the results of a community survey concerning park use and neighborhood compatibility.

Parks and Recreation Manager DiCandia reviewed the contents of the Administrative Report and responded to Council inquiries.

Beaches, Parks and Recreation Director King indicated that the Parks and Recreation Subcommittee is currently reviewing the operating hours at each City park in an attempt to develop a standard that would be consistent at all parks; noted that the issue of operating hours at parks will be brought before Council for consideration.

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to:

1. Reduce the rental deposit to \$50 per rental, with the \$25 per hour rental fee to remain unchanged.
2. Allow the Parks and Recreation Subcommittee on park hours to consider an earlier closing time for the park that is consistent with hours at similar facilities.
3. Support use of the park for small group active recreation activities that are consistent with neighborhood use of the park as outlined in the Council's previously adopted policies for use of Max Berg Park.

**8. NEW BUSINESS****A. Fiscal State of the City and Presentation of Quarterly Financial Reports**

Presentation of the Fiscal State of the City and the quarterly financial reports for the 4<sup>th</sup> Quarter of Fiscal Year 2007/08 and the 1<sup>st</sup> Quarter of Fiscal Year 2008/09.

Assistant City Manager/City Treasurer Gudgeirsson narrated a PowerPoint presentation entitled “City of San Clemente Fiscal State of the City” and responded to Council inquiries. A hard copy of Mr. Gudgeirsson’s presentation, dated December 16, 2008, is on file with the City Clerk.

Council requested that Staff provide a report of unemployment statistics specific to San Clemente and sub-areas within the City, if available.

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

None.

**10. REPORTS****A. Commissions and Committees****(1) Appointment of City Representatives – Downtown Business Association (DBA) Board of Directors and Orange County Senior Citizens Advisory Council Housing and Transportation Committee**

City Clerk Baade reviewed the contents of the Administrative Report.

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to appoint John Tengdin to serve as the City’s representative to the DBA Board of Directors for an 18-month term to expire on June 30, 2010.

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to appoint Judy Ferguson to the Orange County Senior Citizens Advisory Council Housing and Transportation Committee for a two-year term to expire on December 31, 2010.

**B. City Manager****Beach Trash Recycling Program (Corrected Information)**

Assistant City Engineer Bonigut provided a correction to his staff presentation at the December 2, 2008 Council meeting relative to the Beach Trash Recycling Program. Specifically, Mr. Bonigut explained that CR&R does not, in fact, transport beach waste to a special facility for recycling, adding that this practice was discontinued after the City started to reach its 50% diversion goal required by the State; explained that dedicated white recycling bins, that are served by recycling trucks, are available at North Beach and Marine Safety; stated that the action taken at the December 2, 2008 Council meeting will, in fact, help the beach recycling program because it will facilitate source separation; stated that Adopt-A-Beach, as part of its contract renewal proposal, had offered to provide the City with extra cans for recycling, but other issues arose causing this point to be overlooked and not included in the Administrative Report; stated that 71 trash containers and 71 recycling containers will be placed on the beach and monitored to determine if they are adequate to meet the needs of the recycling program.

Councilmember Baker stated for the record that he had previously voted against the item but is satisfied with the additional information presented; related that he now supports the program as well as the elimination of advertisements on trash containers at the beach.

**C. City Attorney**

None.

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

Councilmember Anderson stated that he was appointed as the Orange County Division's representative to the California League of Cities Environmental Quality Committee.

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

None.

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

Mayor Pro Tem Dahl commended the OCFA and Camp Pendleton Fire Departments for their efforts in fighting a two-alarm structure fire on Calle Del Comercio last week.

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

Mayor Pro Tem Dahl extended thanks to the veterinarians, staff and volunteers working at the San Clemente-Dana Point Animal Shelter; encouraged those interested in adopting a pet to visit the shelter.

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

Mayor Pro Tem Dahl noted that a decision on the 241 Toll Road hearing is expected from the Secretary of Commerce by the end of the week.

(6) **Council Appointed Representatives to Committees/Commissions.**

Council appointed representatives to various regional commission and committees as follows:

<b>Committee/Commission</b>	<b>Representative(s)</b>
Capistrano Unified School District Liaison Committee	Donchak and Baker
Chamber of Commerce Representative	Anderson/Donchak (Alt)
Coastal Animal Services Authority (CASA)	Dahl/Eggleston (Alt)
Coastal Coalition (California) /Offshore Oil/Desalinization	Mayor and Mayor Pro Tem
Representative to Donna O’Neill Land Conservancy (DOLC)	Leon Baginski/Eggleston (Alt)
Downtown Business Association Board of Directors	John Tengdin (voting) and Eggleston (non-voting liaison)
Economic Development	Anderson and Baker
Orange County Emergency Operational Area Council	Mayor and Mayor Pro Tem

(continued on next page)



<b>Committee/Commission (cont.)</b>	<b>Representative(s) (cont.)</b>
Orange County Fire Authority	Dahl/Baker (Alt)
GMA 11 (Measure M Funding Allocation)	Donchak/Anderson (Alt)
California Joint Powers Insurance Authority	Anderson
Investment Advisory Committee	Anderson
League of Cities - O.C. Monthly - City Selection	All Council Mayor
Legislative Delegate Program – Representative to Senate District 38	Mayor and Mayor Pro Tem
Legislative Delegate Program – Representative to Assembly District 73	Mayor and Mayor Pro Tem
Library Task Force (Orange County)	Donchak/Baker (Alt)
South Orange County Association of Mayors	Mayor
Quiet Zone	Eggleston and Donchak
Sand Replenishment Project	Anderson and Eggleston
SCAG General Assembly	Mayor and Mayor Pro Tem
Orange County Senior Citizens Advisory Council	Judy Ferguson
City Wayfinding Sign Committee	Eggleston
Social Service/Community Service Budget Committee	Donchak
Sustainability Task Force	Anderson and Donchak
Traffic Task Force	Anderson and Donchak
Transportation Corridor JPA (Board)	Dahl/Anderson (Alt)
Transportation Corridor JPA (Foothill)	Dahl/Anderson (Alt)
Transportation Corridor JPA (San Joaquin)	Dahl/Anderson (Alt)
Orange County Vector Control Board	Anderson
Wall of Recognition	Eggleston

(7) **Councilmember Items**

**Issuance of Warnings for Parking Violations in the Downtown Area During January and February 2009**

Councilmember Eggleston requested agendaing for consideration the possibility of issuing warnings, in lieu of citations, for parking violations during the months of January and February 2009 in the downtown area.

**Issuance of Warnings for U-Turn Violations in the Downtown Area During January and February 2009**

Councilmember Baker requested agendaing for consideration the possibility of issuing warnings in lieu of traffic citations to individuals making U-turns in the downtown area, particularly on Del Mar.

**Success of Holly Jolly Hoopla and Wheeler North Reef Around Town Episodes**

Mayor Pro Tem Dahl commended the Beaches, Parks and Recreation Staff on the success of the Holly Jolly Hoopla event; thanked the City's video technicians for their prompt production of the Holly Jolly Hoopla and Wheeler North Reef Around Town episodes.

**Safe Travel During the Holiday Season**

Councilmember Baker encouraged citizens to drive safely during the holiday season.

**Monument at Richard T. Steed Memorial Park**

Councilmember Anderson stated that the monument at Richard T. Steed Memorial Park was damaged by a vehicle and subsequently rebuilt by volunteers; related that he asked the City Manager to pursue the placement of stainless steel bollards to protect the monument.

**11. RESOLUTIONS/ORDINANCES**

None.

**12. ADJOURNMENT**

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 5-0, to adjourn at 10:20 p.m. in memory of Ray and Carol Benedicktus.

The next Regular Meeting of the City Council will be held on January 6, 2009 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be discussed at 5:30 p.m. The General Session will begin at 7:00 p.m.

---

CITY CLERK of the City of  
San Clemente, California

---

MAYOR of the City of  
San Clemente, California