

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting – June 2, 2009

A Regular Meeting of the San Clemente City Council was called to order on June 2, 2009 at 5:30 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

PRESENT

ANDERSON, DAHL*, EGGLESTON, MAYOR DONCHAK

*Arrived at 5:32 p.m.

ABSENT

BAKER

STAFF PRESENT

George Scarborough, City Manager; Jeff Oderman, City Attorney; Joanne Baade, City Clerk; Eileen White, Recording Secretary.

* * *

CLOSED SESSION

City Attorney Oderman requested a Closed Session to discuss the items listed on the agenda; noted that Closed Session Item C relates to a request by the Coast Homeowners Association for the City to enter into a tolling agreement with respect to potential litigation involving alleged land instability near the intersection of Calle Guadalajara and Calle Hidalgo.

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 3-0, to recess to Closed Session at 5:32 p.m. to discuss the following:

- A. CONFERENCE WITH LABOR NEGOTIATOR, pursuant to Government Code Section 54957.6:

Agency Representative: Pall Gudgeirsson, Assistant City Manager.

Employee Organizations: San Clemente City Employees Association, Management Employees, Mid-Management Employees and Confidential Employees.

Closed Session items continued on next page

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

Name of Case: Callan v. City of San Clemente, et al., OCSC Case No. 01CC07556.

- C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation, pursuant to Government Code Section 54956.9(b): One Potential Case

The full Council, City Manager Scarborough, City Attorney Oderman, and City Clerk Baade were present during the entire Closed Session. Human Resources Manager Penrod was present during Closed Session Item A. Public Works Director/City Engineer Cameron was present for Closed Session Items B and C.

MEETING RECONVENED

Council reconvened at 7:03 p.m. with all members present, except Councilmember Baker.

INVOCATION

Councilmember Eggleston gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Dahl led the Pledge of Allegiance.

1. SPECIAL PRESENTATIONS

- A. **Presentation of Commendation – John Dowell, Coach of the Year**

Mayor Donchak presented a Commendation to John Dowell in recognition of being selected as Coach of the Year by the National Scholastic Surfing Association.

B. Presentation of Proclamation – Rotary Jazz Weekend

Mayor Donchak presented a Proclamation to Danny Lindemann and Bill Ray of the San Clemente Rotary Club proclaiming June 5 and 6, 2009 as days set apart for the Rotary Jazz Weekend.

C. Presentation of Honoraria - Brian Ivie and Gerardo Mesa (Recipients of the Human Affairs Committee's Leadership Award for 2009)

Mayor Donchak presented Commendations to Brian Ivie and Gerardo Mesa, San Clemente High School seniors, in recognition of being named the recipients of the 2009 Leadership Award by the Human Affairs Committee.

D. Human Affairs Committee Annual Report for FY 2009

Joan Thompson, Human Affairs Committee Chairperson, presented the Human Affairs Committee's Annual Report for FY 2009. A hard copy of the Committee's report is on file with the City Clerk.

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to receive and file the Human Affairs Committee's Annual Report for FY 2009.

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

Jerry Gahan, representing SunCal, updated Council concerning the status of the Marblehead residential/SunCal project; presented a paper entitled "Marblehead Coastal Site Maintenance" that identified the status of various safety and maintenance items, noting that 13 of the 15 projects have been completed or will be completed by June 10, 2009; related that the only projects that still need to be addressed are #9 (reinstallation of missing cover plates on light standards in the sports park parking lot) and #15 (removal of rust and recoating of primer from the exposed steel on the Avenida Vista Hermosa bridge). A hard copy of Mr. Gahan's status report is on file with the City Clerk.

In response to Council inquiry, Mr. Gahan agreed to determine how individual Councilmembers can tour the Marblehead Coastal property and will convey his findings to the City Manager.

F. Consistency of the Permit/Plan Check Process

Report from the Building Official concerning consistency of the Permit/Plan Check Process.

Building Official Jorgensen narrated a PowerPoint presentation entitled "Consistency of the Plan Review Process," focusing on procedures that are in place to proactively address and minimize possible inconsistencies in the Permit/Plan Check Process. A hard copy of Mr. Jorgensen's presentation, dated June 2, 2009, is on file with the City Clerk.

John Tengdin, San Clemente, commended Staff on the format of Mr. Jorgensen's PowerPoint presentation, but suggested that future PowerPoints utilize sans serif fonts.

Council requested that departmental handouts, as well as the scroll in the Community Development lobby, include a notation that people can ask for the same Plan Checker.

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 4-0, to:

1. Direct Staff to continue Staff training.
2. Direct Staff to continue to develop and update informational handouts. Written materials are to reference the fact that customers can request the same Plan Checker.
3. Encourage customers to request the same Plan Checker, by appointment or as a walk-in.
4. Receive and file the Administrative Report, dated June 2, 2009.

2. ORAL COMMUNICATIONS (PART 1)

None.

3. MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to waive reading in full of all Resolutions and Ordinances.

4. CONSIDERATION OF AGENDIZING ITEMS REQUIRING IMMEDIATE ACTION

None.

5. CLOSED SESSION REPORT – CITY ATTORNEY

City Attorney Oderman stated that during this evening's Closed Session, Council provided direction to Staff regarding the three agendized Closed Session items, but did not take any reportable actions.

6. PUBLIC HEARINGS

A. Community Development Block Grant Funds (CDBG-R) Recovery Funds – Substantial Amendment to the Annual Action Plan for FY 2008-09

Public Hearing to consider approving a supplemental appropriation of \$107,000 under the U.S. Department of Housing and Urban Development (HUD), Community Development Block Grant Program's Recovery Funds. This money will be spent on a priority sidewalk project that will start within 120 days of the date the funds are made available and the contract signed between the grantee (City) and HUD.

Senior Housing Coordinator Davis narrated a PowerPoint presentation entitled "CDBG-R Funds," and presented photographs of the areas proposed for sidewalk construction; responded to Council inquiries. A hard copy of Ms. Davis' presentation, dated June 2, 2009, is on file with the City Clerk.

Mayor Donchak opened the Public Hearing.

Larry Culbertson, San Clemente, requested that Staff prepare a master list of areas in need of sidewalks (including cost estimates and pre-engineering work) to expedite sidewalk construction as funds become available; recommended that sidewalks be installed on Avenida Santa Barbara and Calle Seville because of their heavy use by tourists, pedestrians, and bicyclists.

Kurt Conone, San Clemente, encouraged the City to use federal stimulus money wisely.

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

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to:

1. Approve the substantial amendment of the 2008-09 Annual Action Plan for submittal to the Department of Housing and Urban Development.
2. Authorize the City Manager to execute the contract with HUD.
3. Adopt Resolution No. 09-36 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE AMENDMENT TO THE 2008-9 COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN FOR USE OF CDBG-R FUNDS.
4. Accept revenue of \$107,000 to Account 017-000-33172 (CDBG Recovery Grant) and approve an appropriation of \$107,000 to Account 017-896-45715 (Sidewalk Improvements) and include in the City's FY 2010 budget.

RE-ORDERING OF AGENDA

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 4-0, to consider Consent Calendar Item 7-J (Regulation of Single-Use Plastic Bags, Expanded Polystyrene Food Service Containers, and Outdoor Balloon Displays at City Facilities and Events) at this point in the meeting.

7. CONSENT CALENDAR

J. Regulation of Single-Use Plastic Bags, Expanded Polystyrene Food Service Containers, and Outdoor Balloon Displays at City Facilities and Events

Assistant City Engineer Bonigut summarized the Administrative Report and responded to Council inquiries.

Chris Zamosciany, representing the South Orange County Surfrider Foundation, pledged the Foundation's support for bans on polystyrene, plastic bags, and balloons.

Dylan Redu, San Juan Capistrano, urged Council to ban polystyrene, plastic bags, and balloons to reduce floating refuse, protect marine life, and diminish growth of the Pacific Trash Vortex.

Chad Roberts, San Clemente, expressed support for a ban on plastic bags and urged use of reusable grocery totes.

Molly Garritson, San Clemente, noted that petroleum and natural gas are used in the production of plastic bags and opined that such practice does not represent the best use of natural resources; voiced concern that plastic bags do not biodegrade; urged Council to promote the City as a community that cares about its beaches and marine life.

Vernon Johnson, Capistrano Beach, stated that significant amounts of tax dollars are used to clean up and repair damage caused by plastic bags that enter the State's waterways.

Stephanie Barger, Earth Resources Foundation, applauded the City for its leadership in banning smoking on beaches, encouraging use of reusable products, and banning polystyrene use in City facilities; urged Council to adopt an ordinance, similar to the one that was enacted in Malibu, that bans the use of plastic bags.

Janae Wilson, Los Angeles, representing the Plastics Food Packaging Group, spoke in opposition to a ban against one type of packaging; noted that some types of polystyrene can be recycled and asserted that a ban on polystyrene cups may result in people using double paper cups, or paper sleeves, for hot products; stated that cities that have enacted similar bans have not experienced a reduction in litter; urged Council to increase its public education and recycling efforts and offered to partner with the City to find better solutions.

Sherry Johnson, Capistrano Beach, advised that 30% of the litter found on beaches consists of polystyrene products, followed closely with large percentages of plastic and balloon products.

Bill Hart, President of the Watershed Task Force, reviewed the refuse that is collected from the beaches by Adopt-a-Beach volunteers; suggested that a portion of the Clean Ocean Program funds be utilized for public education and outreach.

Jennifer Forkish, Progressive Bag Affiliates, noted that banning plastic bags could result in unintended financial and environmental impacts; stated that paper bags require more energy and water to produce than plastic bags and also generate more greenhouse gases; pledged to help the City promote recycling.

Ken Nielsen, San Clemente, related that many plastic bags and balloons, including large balloon arches, end up in the ocean; noted that mylar balloons are especially damaging to the marine environment; urged that the City promote the use of reusable totes and prohibit usage of plastic bags.

Gary Headrick, representing San Clemente Green, expressed support for banning plastic bags and polystyrene products due to their negative impacts on the environment; recommended that businesses be required to have reusable totes available for purchase.

Paul Carlton, representing the Sierra Club, noted that the Club supports a ban on polystyrene, plastic bags, and outdoor balloon displays; recommended that businesses either give away reusable bags or sell them at minimal cost.

Brian Jalowiec, San Clemente, urged the City to take an offensive stance, in cooperation with other cities and environmental groups, against manufacturers that threaten litigation or otherwise attempt to dictate what cities can and cannot do.

Sherry Loveland, Orange County Interfaith Coalition for the Environment, promoted the use of reusable bags to save money, reduce dependency on products made with foreign oil, alleviate global warming, reduce carbon emissions, and protect the ocean environment and sea life.

Kurt Conone, San Clemente, noted that plastic trash can liners are used in City facilities and questioned whether environmentally friendly products are available to replace large trash bags and trash can liners.

During discussion, Council provided Staff with direction as follows:

- Staff is to continue to educate the public about the negative effects of polystyrene, plastic bags, and balloons on the environment.
- Staff is to research and report back on whether plastic doggy bags are compostable.
- Staff is to research the trash bags that are used on the beach trail and parks as well as the trash can liners that are used in City facilities.
- Staff is to keep Council up to date on legislation affecting bans on products that are detrimental to the environment.

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 4-0, to:

1. Direct Staff to postpone further development of a single-use plastic bag ordinance, and monitor the progress of the Ocean Protection Council's Master Environmental Assessment, as well as related pending legislation.
2. Direct Staff to continue developing a proposed ban on Expanded Polystyrene, including preparation of an Initial Study pursuant to CEQA.

Action continued on next page

3. Authorize a supplemental appropriation of \$2,500 from the Solid Waste Fund undesignated fund balance to Account 058-518-43540 (Planning Services).
 4. Direct Staff to finalize a proposed City Policy and accompanying Resolution prohibiting outdoor balloon displays at City facilities and events.
 5. Direct Staff to develop outreach and informational programs concerning the negative effects of plastic bags, polystyrene, and outdoor balloon displays on the environment.
6. **PUBLIC HEARINGS (CONTINUED)**

San Clemente Redevelopment Agency Convened in Joint Session with the City Council

MOTION BY MAYOR PRO TEM/RDA DIRECTOR DAHL, SECOND BY COUNCILMEMBER/RDA DIRECTOR ANDERSON, CARRIED 4-0, to convene the Redevelopment Agency to meet in joint session with the City Council at 8:47 p.m. All members of the Redevelopment Agency were in attendance, except for RDA Director Baker.

B. **City of San Clemente and San Clemente Redevelopment Agency (RDA) Proposed Budgets for Fiscal Year 2010 and Proposed Adjustment to the City's FY 2009 Budget**

Public Hearing concerning the City of San Clemente and San Clemente Redevelopment Agency (RDA) proposed budgets for the 2010 Fiscal Year and consideration of a proposed adjustment to the City of San Clemente's budget for FY 2009.

City Manager/RDA Executive Director Scarborough narrated a PowerPoint presentation entitled "Fiscal Year 2010 Proposed Budget" and responded to Council inquiries. Assistant City Manager Gudgeirsson continued the portion of the PowerPoint presentation relating to the All Funds Budget. A hard copy of Mr. Scarborough's presentation, dated June 2, 2009, is on file with the City Clerk.

Mayor/RDA Chair Donchak opened the Public Hearing.

Rick Anderson, President of the Pier Bowl Merchants Association, noted the capital improvements that were completed this year in the Pier Bowl area and encouraged the use of RDA funds to further beautify and improve the Pier Bowl area.

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

MOTION BY MAYOR PRO TEM/RDA DIRECTOR DAHL, SECOND BY COUNCILMEMBER/RDA DIRECTOR ANDERSON, CARRIED 4-0, to:

1. Conduct the Public Hearing on the proposed FY 2010 City and RDA budgets.
2. Direct Staff to prepare resolutions approving the City Council and RDA budgets for FY 2010 for consideration at the Council and RDA meetings of June 16, 2009.
3. Approve an adjustment to the City of San Clemente's FY 2009 budget of \$4,800 from the undesignated net working capital balance in the Golf Fund to Account 056-661-43890.

SAN CLEMENTE REDEVELOPMENT AGENCY MEETING RECESSED

MOTION BY RDA DIRECTOR DAHL, SECOND BY RDA DIRECTOR ANDERSON, CARRIED 4-0, to recess the San Clemente Redevelopment Agency meeting at 9:00 p.m.

COUNCIL MEETING RECESSED

Council recessed at 9:00 p.m. and reconvened at 9:06 p.m. with all members present, except Councilmember Baker.

7. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 4-0, to approve the Consent Calendar with the removal of Items A, B(1), and B(4) for discussion, and the deletion of Item I from the agenda. Closed Session Item J was considered earlier in the meeting. Please refer to Page 6 of these minutes for a summary of that discussion.

B. MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 4-0, to receive and file:

(2) Design Review Subcommittee meeting minutes of February 25, 2009 and April 1, 2009.

(3) Human Affairs Committee minutes of April 8, 2009.

C. **Warrant Register**

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 4-0, to approve Warrant Nos. 802400 through 802605 for the period 5-4-09 through 5-8-09 in the amount of \$455,140.14; approve Wire Transfers Nos. 597 through 598 and Warrant Nos. 802606 through 802791 for the period 5-11-09 through 5-15-09 in the amount of \$3,602,507.38; for a total Warrant Register of \$4,057,647.52

Payroll Register

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 4-0, to approve Warrant Nos. 321414 through 321443 and Automatic Deposit Advises 159698 through 159969 for the period 5-4-09 through 5-17-09 in the amount of \$409,758.35; for a total Payroll Register of \$409,758.35.

D. **Notice of Completion – Via Pico Plaza Sewer Line Replacement and Rehabilitation (Project No. 19201) and Avenida Acapulco and Via Cisco Storm Drain Rehabilitation (Project No. 19008)**

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 4-0, to:

1. Accept the Via Pico Plaza Sewer Line Replacement and Rehabilitation (Project No. 19201) and Avenida Acapulco and Via Cisco Storm Drain Rehabilitation (Project No. 19008) from the contractor, GCI Construction, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Via Pico Plaza Sewer Line Replacement and Rehabilitation (Project No. 19201) and Avenida Acapulco and Via Cisco Storm Drain Rehabilitation (Project No. 19008). Contract No. C09-14
3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification from the Engineering Division that no liens have been levied against GCI Construction, Inc.
4. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

E. **Notice of Completion – La Placentia, Calle Campo and Revuelta Court Pipe Connection (Project No. 19409)**

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 4-0, to:

1. Accept the La Placentia, Calle Campo and Revuelta Court Pipe Connection (Project No. 19409) from the contractor, GCI Construction, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the La Placentia, Calle Campo and Revuelta Court Pipe Connection (Project No. 19409). Contract No. C09-04.
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.
4. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

F. **Contract Amendment – Steed Park Landscape Maintenance Extension**

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 4-0, to approve, and authorize the Mayor to execute, the Third Amendment to Contract No. C07-38 by and between the City of San Clemente and Stewart and Associates, providing for Landscape Maintenance of Steed Park, that provides for an end date of August 14, 2011, in an amount not to exceed \$82,800 annually, and designate an annual not-to-exceed amount of \$41,700 for supplemental work as needed, with all supplemental work done by proposal and based on the unit service costs included in Attachment D of the Contract Proposal.

G. **Contract Award - Major Street Maintenance for Calle Maria, Calle Leticia, Calle Mayita and La Cima**

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 4-0, to:

1. Approve the plans and specifications for major maintenance for Calle Maria, Calle Leticia, Calle Mayita and La Cima (Project No. 29303).
2. Approve, and authorize the Mayor to execute, Contract C09-23 by and between the City of San Clemente and Haitbrink Asphalt Paving, Inc., providing for major maintenance of Calle Maria, Calle Leticia, Calle Mayita and La Cima, in the amount of \$85,406.30.

H. **Sidewalk Repair Program (Contract Award to Third Lowest Contractor and Initiation of Bid Bond Claim)**

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 4-0, to:

1. Approve specifications for the Sidewalk Repair Program.
2. Approve, and authorize the Mayor to execute, Contract No. C09-24 by and between the City of San Clemente and All American Asphalt, providing for the Sidewalk Repair Program, in the amount of \$289,328.
3. Authorize the Public Works Director/City Engineer to initiate a claim against the bid bond for D.L. Wheeler Enterprises dba D&L Paving.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**A. City Council Minutes of April 21, 2009**

Council referenced the Village Courtyard portion of the April 21, 2009 City Council minutes, focusing on items listed for Staff follow-up.

City Manager Scarborough noted that Council continued the Public Hearing on the Village Courtyard project to its meeting of June 16, 2009, but the Applicant has since submitted a letter requesting that Council continue the issue to a July Council meeting; noted that the July meeting schedule is heavy and that an August meeting may be more appropriate. Council requested that 1) the City Manager communicate with the project Applicant to discuss scheduling options, and 2) requested that Staff send letters to the interested parties list advising that the project will be agendized for the June 16, 2009 Council meeting, but that Council will consider the Applicant's request for a continuance at that time.

MOTION BY MAYOR DONCHAK, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to approve the minutes of the City Council meeting of April 21, 2009.

B(1). Planning Commission Regular Meeting Minutes of May 20, 2009

City Clerk Baade reported that Councilmember Baker has requested that Council call up for review the project at 614 Avenida Victoria (CUP 07-144/CHP 07-145, Pier Bowl Mixed Use); explained that a member of the public (Ken Jaffe) has filed an appeal of this action, noting that he will be issued a refund of the appeal fee if Council determines to call up this project on its own volition.

Scott Hunt, San Clemente, urged that the subject project be called up for review; voiced concern with the project's height and mass and asserted that the proposal does not conform with the integrity, spirit and intent of the City's Zoning Code.

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR DONCHAK, CARRIED 4-0, to call up Conditional Use Permit 07-144/Cultural Heritage Permit 07-145, Pier Bowl Mixed Use, located at 614 Avenida Victoria, from the Planning Commission meeting minutes of May 20, 2009.

MOTION BY MAYOR DONCHAK, SECOND BY MAYOR PRO TEM DAHL, CARRIED 4-0, to receive and file the balance of the Planning Commission meeting minutes of May 20, 2009.

B(4). Zoning Administrator Meeting Minutes of May 20, 2009

Council referenced the portion of the Zoning Administrator meeting minutes of May 20, 2009 relating to La Rocco's Beer and Wine License; noted that sidewalks in the 100 block of El Camino Real require cleaning every three or four months.

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to receive and file the Zoning Administrator meeting minutes of May 20, 2009.

I. Appointment of Bond Counsel and Financial Advisor Services for Issuance of Water Revenue Bonds, Series 2009 Related To Funding City's Share of Upper Chiquita Emergency Storage Reservoir Project (Rutan and Tucker and Fieldman, Rolapp and Associates) and Adoption of a Reimbursement Resolution

This item was deleted from the agenda at the request of Staff.

J. Regulation of Single-Use Plastic Bags, Expanded Polystyrene Food Service Containers, and Outdoor Balloon Displays at City Facilities and Events

This item was considered earlier in the meeting. Please refer to Page 6 of these minutes for a summary of that action.

8. UNFINISHED BUSINESS

A. Community Development Customer Service Study Update

Report from the Community Development Director concerning the Customer Service Study Update.

Community Development Director Holloway narrated a PowerPoint presentation entitled "Community Development Customer Service Update," and responded to Council inquiries. A hard copy of Mr. Holloway's presentation, dated June 2, 2009, is on file with the City Clerk.

During the course of deliberations, individual Councilmember(s) offered the following commentary, that does not necessarily reflect Council consensus:

- Suggested that Councilmember Anderson and Staff make a presentation to the Chamber of Commerce regarding the Customer Service Update and permitting process.
- Staff is to continue monitoring its performance, consider personnel reassignments during absences, and use the current building slow down, caused by the recession and the City's built-out status, to work toward performance assessments of 90% or higher.
- Requested that the City Manager provide an update on the status of allowing credit card payments for building permit fees.

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 4-0, to:

1. Direct Staff to increase the commitment to customer service by escalating the amount of formal customer training provided to Staff.
2. Direct Staff to publicize the plan check turnaround times so the public has a clear understanding of when their plan check reviews will be completed.
3. Direct Staff to perform an additional customer satisfaction survey in approximately 12 to 18 months.

9. **NEW BUSINESS**

None.

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

None.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. City Manager

None

C. City Attorney

None

D. Council Members

- (1) Resolution Declaring Fiscal Hardship (If Additional City Property Tax Funds are Seized and Additional Unfunded Mandates are Adopted by the State of California)

City Manager Scarborough reviewed the Administrative Report and responded to Council inquiries.

MOTION BY MAYOR DONCHAK, SECOND BY MAYOR PRO TEM DAHL, CARRIED 4-0, to adopt Resolution No. 09-38 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, FINDING A SEVERE FISCAL HARDSHIP WILL EXIST IF ADDITIONAL CITY PROPERTY TAX FUNDS ARE SEIZED AND ADDITIONAL UNFUNDED MANDATES ARE ADOPTED BY THE STATE OF CALIFORNIA.

- (2) Consideration of Historical Analysis of Buildings Adjacent to Casino Project

Councilmember Eggleston requested an historical analysis of the buildings adjoining, or adjacent to, the Casino building. During the course of discussion, Council noted that it would be in the Applicant's best interest to conduct this analysis in the near future. City Manager Scarborough indicated that he would discuss this issue with the project Applicant and will send Council a written report after that meeting takes place. Following receipt of Staff's response, a decision will be made as to whether or not this issue should be agendaized.

(3) Consideration of the Pier Bowl Merchants Association's Request Regarding Rescheduling of Metrolink Holiday Train

Mayor Donchak referred to a letter, dated June 2, 2009, from Rick Anderson, President of the Pier Bowl Merchants Association. The subject letter requested that Council 1) support the Association's proposal that the Holiday Train stop first at the Pier Bowl and then continue to North Beach, and 2) authorize the closure of the 600 block of Victoria to vehicular traffic one hour prior to the train's arrival and continuing until the train departs.

Discussion ensued regarding difficulties associated with closing Victoria to vehicular traffic, the importance of considering residents' opinions on this matter, and the need for feedback from OCTA. It was agreed that the Mayor will report to Rick Anderson that the Holiday Train issue will be agendized if it is possible to have two stops in San Clemente before the train goes to Camp Pendleton.

12. RESOLUTIONS/ORDINANCES

A. Ordinance No. 1487 (Second Reading) – Water Conservation

John Tengdin, San Clemente, expressed support for the proposed Code amendments to encourage water conservation; suggested that turf be removed from parkways if it is only walked on when mowed.

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to adopt Ordinance No. 1487 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 13.12 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO WATER CONSERVATION.

B. Ordinance No. 1488 (Second Reading) – Prohibition Against Feeding Feral Pigeons on the San Clemente Pier

Following discussion relative to possible humane methods in which to address the proliferation of pigeons in the Pier Bowl area, MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 3-1 (COUNCILMEMBER EGGLESTON VOTING NOE), to adopt Ordinance No. 1488 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 6.08, RELATING TO ANIMAL CONTROL REGULATIONS, OF THE SAN CLEMENTE MUNICIPAL CODE TO PROHIBIT FEEDING OF PIGEONS ON THE MUNICIPAL PIER.

MEETING RECESSED


MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to recess to a meeting of the Redevelopment Agency at 10:05 p.m.


MEETING RECONVENED

Council reconvened at 10:15 p.m., with all members present, except Councilmember Baker.

13. **ADJOURNMENT**

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-0, to adjourn at 10:15 p.m. The next Regular Meeting will be held on June 16, 2009 in the Council Chambers, located at 100 Avenida Presidio, San Clemente. Closed Session items will be considered at 5:30 p.m. The Business Meeting will commence at 7:00 p.m.


CITY CLERK of the City of
San Clemente, California


MAYOR of the City of
San Clemente, California

