

CITY OF SAN CLEMENTE

City Council Minutes

Adjourned Regular City Council Meeting - December 15, 2009

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

An Adjourned Regular Meeting of the San Clemente City Council was called to order on December 15, 2009 at 5:02 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Dahl.

PRESENT ANDERSON, BAKER, DONCHAK, EGGLESTON, MAYOR DAHL

ABSENT NONE

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

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CLOSED SESSION

City Attorney Oderman requested a Closed Session to discuss Item A as listed on the Closed Session agenda.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to recess to Closed Session at 5:03 p.m. to discuss the following:

- A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, pursuant to Government Code Section 54957:

 Title: City Manager

In attendance for the full Closed Session were all members of Council and City Manager Scarborough.

MEETING RECONVENED

Council reconvened at 5:45 p.m., with all members present.

ORANGE COUNTY VECTOR CONTROL DISTRICT INTERVIEWS AND APPOINTMENT

1. **City Representative - Orange County Vector Control District**

Council interviewed the following Orange County Vector Control District applicants:

Joe Anderson
Gary Blackburn

Councilmember Anderson stated that because he is an applicant, he would be affected by the outcome of this item; recused himself from deliberations and left the Chambers at 5:57 p.m.

Councilmembers cast written straw poll ballots as follows:

BAKER: Anderson
DAHL: Anderson
DONCHAK: Anderson
EGGLESTON: Anderson

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 4-0-1 (COUNCILMEMBER ANDERSON ABSTAINING), to appoint Joe Anderson to the Orange County Vector Control District for a term to expire on December 31, 2011.

Councilmember Anderson returned to the dais at 6:01 p.m.

INVOCATION

Jim Davis, Orange County Sheriff's Department Senior Chaplain, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Baker led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Holiday Serenade - Truman Benedict Elementary School Choir**

The Truman Benedict Elementary School Student Choir performed a series of holiday songs under the direction of Choir Directors Debbie Peterson and Gail Carnahan.

B. **San Clemente High School Student Report**

Katherine (Katelin) Hamming, Senior Class President of San Clemente High School, reported on current and upcoming campus activities.

C. **Introduction of Will Kempton, Orange County Transportation Authority (OCTA) Chief Executive Officer**

Will Kempton, newly appointed Chief Executive Officer of the Orange County Transportation Authority, introduced himself and reviewed his goals for the future of the OCTA; noted OCTA and the City are currently working towards a pilot program for the use of wayside horns in San Clemente and that it is anticipated that a wayside horn test will be conducted in February 2010; pointed out that efforts to pursue a Safety/Quiet Zone will continue.

D. **LAB Playa Del Norte Project at North Beach - Status Report**

Report from the Community Development Director concerning the status of the LAB Playa Del Norte project at North Beach.

Community Development Director Holloway provided an update on the LAB Playa Del Norte project, noting that Council provided Staff with policy direction concerning how to process the Environmental Impact Report for the LAB Playa Del Norte project and associated policies and codes for North Beach.

Council received and filed the Administrative Report, dated December 15, 2009, that is on file with the City Clerk.

E. **Leathernecks Motorcycle Club - 1st Annual Wounded Warrior Poker Run**

Councilmember Eggleston reported that the Leathernecks Motorcycle Club presented a plaque to the City of San Clemente in appreciation of its contributions and support for the 1st Annual Wounded Warrior Poker Run.

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

Wayside Horn Diagnostic Test

John Dorey, San Clemente, stated that the recent wayside horn diagnostic test demonstrated a reduction of reverberating sounds as compared to train horns; suggested that the use of wayside horns in San Clemente could alleviate train horn noise impacts in residential areas; encouraged Council to continue to pursue a Safety/Quiet Zone as a long-term solution to the noise situation.

American Public Works Association 2009 Project of the Year Award for the San Clemente Coastal Trail

Kathryn Stovall Dennis, San Clemente, reported that the San Clemente Coastal Trail was the recipient of the American Public Works Association 2009 Project of the Year Award.

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

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

None.

5. **CLOSED SESSION REPORT**

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

6. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to approve the Consent Calendar, with the removal of Items E, I and J.

A. **City Council Minutes**

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to approve the minutes of the Regular City Council Meeting of November 3, 2009.

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

- (1) Golf Course Committee Regular Meeting minutes of October 1, 2009.
- (2) Design Review Subcommittee Meeting minutes of November 12, 2009.
- (3) Design Review Subcommittee Meeting minutes of November 12, 2009.
- (4) Planning Commission Regular Meeting minutes of December 2, 2009.
- (5) Zoning Administrator Regular Meeting minutes of December 2, 2009.

C. **Warrant Register**

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to approve Warrant Nos. 807300 through 807491 for the period 11-16-09 through 11-20-09 in the amount of \$1,524,265.91; approve Wire Transfers Nos. 633 through 637, and Warrant Nos. 807492 through 807622 for the period 11-23-09 through 11-27-09 in the amount of \$2,319,467.26; for a total Warrant Register in the amount of \$3,843,733.17.

Payroll Register

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to approve Warrant Nos. 321774 through 321787, Automatic Deposit Advises 163531 through 163786, for the period 11-16-09 through 11-29-09 in the amount of \$483,754.54; for a total Payroll Register in the amount of \$483,754.54.

D. **Contract Award - Del Cabo Water Line Replacement**

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to:

1. Approve the plans and specifications for the Del Cabo Water Line Replacement, Project No. 19406.
2. Approve, and authorize the Mayor to execute, Contract C09-67, by and between the City of San Clemente and Garcia Juarez Construction, Inc., providing for the replacement of the Del Cabo Water Line, in the amount of \$477,832.

F. **City Policy and Procedure 201-6-2 - Identity Theft Prevention Program - Red Flags**

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to adopt Policy and Procedure 201-6-2 entitled "Identity Theft Prevention Program - Red Flags", effective December 15, 2009.

G. **Communications Site Lease Agreement - 3895 Calle Andalucia**

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to:

1. Approve, and authorize the Mayor to execute, a Communications Site Lease Agreement, by and between the City of San Clemente and Clear Wireless, LLC, providing for the installation and operation of cellular equipment at 3895 Calle Andalucia, San Juan Capistrano. (Contract C09-68)
2. Authorize the City Manager to approve future amendments provided that the City Manager shall not have the authority to approve a decrease in the rental rate without prior approval of the City Council.

H. **Acceptance of the Interpretive Center Modular Building Improvements and Bond Release for Relocation of the Welcome Center in Tract 16546, Talega Development (Talega Associates, LLC)**

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to adopt Resolution No. 09-74 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE INTERPRETIVE CENTER MODULAR BUILDING IMPROVEMENTS AND THE RELEASE OF THE IMPROVEMENT PERFORMANCE BOND FOR RELOCATION OF THE WELCOME CENTER IN TRACT 16546 OF THE TALEGA DEVELOPMENT, TALEGA ASSOCIATES, LLC.

K. **Contract Award - Ola Vista Rehabilitation, Phase I**

City Clerk Baade announced that since the posting of the agenda, a Supplemental Administrative Report was distributed to Council that included a modified Staff recommendation to award a contract in the amount of \$1,998,000 to Elite Bobcat Services, Inc., for the rehabilitation of Ola Vista.

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to:

1. Approve the plans and specifications for the Ola Vista Rehabilitation, Phase I, Project No. 18318.
2. Approve, and authorize the Mayor to execute, Contract C09-73, by and between the City of San Clemente and Elite Bobcat Services, Inc., providing for Phase I of the Ola Vista Rehabilitation, in the amount of \$1,998,000.
3. Approve a supplemental appropriation of \$740,200 from the Street Improvement Fund Undesignated Fund Balance to Improvements Other than Buildings Account 042-848-45300-000-18318, for Phase I of the Ola Vista Rehabilitation project.
4. Adopt Resolution No. 09-76 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING "NO PARKING AREAS" ON OLA VISTA.

L. **Redevelopment Agency Annual Report 2008-09**

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to approve the Redevelopment Agency Annual Report and Independent Financial Audit for Fiscal Year 2008-09.

7. **PUBLIC HEARINGS**

A. **Platt Residence at 146 Avenida Serra - Historic Property Preservation Agreement 07-402**

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 146 Avenida Serra, the legal description being Lot 34, Block 3, Tract 779, Assessors Parcel Number 058-072-08.

Associate Planner Jones narrated a PowerPoint presentation entitled "Historic Property Preservation Agreement 07-402, Platt Residence". A hard copy of Mr. Jones' presentation, dated December 15, 2009, is on file with the City Clerk.

Mayor Dahl opened the Public Hearing.

Larry Culbertson, San Clemente, voiced support for the proposed HPPA; opined that property owners that add large additions to their historic structures should not be granted HPPAs; requested that future HPPA reports identify the original footprint of the historic structures and their subsequent additions.

Nancy Platt, Applicant, expressed appreciation for the City's effort to incentivize the preservation of historic structures; noted that the June 2009 issue of Romantic Homes Magazine featured the subject property; stated that all of the identified restoration improvements have been completed.

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

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to adopt Resolution No. 09-77 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 07-402 FOR THE PROPERTY LOCATED AT 146 AVENIDA SERRA.

B. **La Casa Pacifica at 4100 Calle Isabella - Historic Property Preservation Agreement 09-349**

Public Hearing to consider a request to enter into a Mills Act Agreement with the City of San Clemente. The property is zoned Residential Low (RL-1) and is located in the Coastal Zone (CZ) overlay located at 4100 Calle Isabella, the legal description being Lot 6 of Tract 10909, Assessors Parcel Number 060-311-16.

Assistant Planner Ciampa narrated a PowerPoint presentation entitled "Historic Property Preservation Agreement 09-349, La Casa Pacifica" and responded to Council inquiries. Community Development Director Holloway continued the portion of the PowerPoint presentation relating to the HPPA Policy as it relates to the subject property. A hard copy of Mr. Ciampa's presentation, dated December 15, 2009, is on file with the City Clerk.

Mayor Dahl opened the Public Hearing.

Gavin Herbert, Applicant, summarized his experiences and knowledge of the subject property; stated he will attempt to accelerate the timeframe in which the property improvements are completed. In response to Council inquiries, Mr. Herbert stated that he did not intend to complete an historical survey of the property until the Planning Commission recommended such action but expressed that he believes it would be a worthwhile pursuit that he is willing to complete.

John Tengdin, San Clemente, complimented Mr. Herbert for his efforts to blend a previously approved addition with the original architecture of the historic structure; suggested that Council not specify the individual that would conduct the historical survey of the subject property to allow Mr. Herbert to prepare it himself, if he so desired.

Larry Culbertson, San Clemente, opined that the subject property may be the most historically significant property in San Clemente and voiced support for the HPPA; spoke on the importance of cataloging the size and percentage of additions in comparison to the original historical structures.

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

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to adopt Resolution No. 09-78 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 09-349 FOR THE PROPERTY LOCATED AT 4100 AVENIDA ISABELLA, with the understanding that the property owner may, but shall not be required to, complete an historic survey of the property to provide an inventory of the historically significant elements and their period. If the subject survey is prepared, the City encourages the property owner to provide a copy to the City for its records.

C. **Villa Victoria at 606 Avenida Victoria - Historic Property Preservation Agreement 09-352**

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 within the Pedestrian and Architectural (A) overlays, per the Pier Bowl Specific Plan, located at 606 Avenida Victoria, the legal description being Lot 8, Block 12 of Tract 785, Assessors Parcel Number 692-021-06.

Assistant Planner Ciampa narrated a PowerPoint presentation entitled "Historic Property Preservation Agreement 09-352, Villa Victoria" and responded to Council inquiries. A hard copy of Mr. Ciampa's presentation, dated December 15, 2009, is on file with the City Clerk. During the course of his presentation, Mr. Ciampa requested that Historic Property Improvement No. 9 be modified to read as follows: *"Paint the window frames, eaves and posts dark brown **or the original color if it can be determined**. Remove the tile under the bottom of the windows"*.

Mayor Dahl opened the Public Hearing.

David Cassano and Kevin MacGillivray, Applicants, stated that they are prepared to start work on the list of extensive improvements.

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

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to adopt Resolution No. 09-79 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 09-352 FOR THE PROPERTY LOCATED AT 606 AVENIDA VICTORIA, with the modification that Historic Property Improvement No. 9 be modified to read as follows: *"Paint the window frames, eaves and posts dark brown **or the original color if it can be determined**. Remove the tile under the bottom of the windows."*

D. **Azzam Residence at 246 Avenida Cabrillo - Historic Property Preservation Agreement 09-348**

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 (RM) within the Coastal Zone (CZ) overlay, located at 246 Avenida Cabrillo, the legal description being Lot 50, Block 15, and Tract 779, Assessors Parcel Number 058-123-50.

Assistant Planner Ciampa narrated a PowerPoint presentation entitled "Historic Property Preservation Agreement 09-348, Azzam Residence" and responded to Council inquiries. A hard copy of Mr. Ciampa's presentation, dated December 15, 2009, is on file with the City Clerk.

Mayor Dahl opened the Public Hearing.

Tarek Azzam and Devon Azzam, Applicants, noted that work has already begun to restore the floors and make electrical repairs to the subject property.

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

In response to Council inquiry, Mr. Ciampa stated that Associate Planner Jones and he are responsible for monitoring HPPA properties to ensure that required property improvements are completed in compliance with established deadlines.

Council requested that future Historic Property Preservation Agreement reports identify the original footprint of the historic structures and the subsequent additions.

Following discussion, MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to adopt Resolution No. 09-80 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 09-348 FOR THE PROPERTY LOCATED AT 246 AVENIDA CABRILLO.

E. **Sidewalk Repair Program - Assessment of Costs to Property Owners to Correct Defective Sidewalks**

Public Hearing to consider the assessment of charges to applicable properties in the Sidewalk Repair Program for an amount to equal 50% of the City costs to repair defective sidewalks and 100% of the City costs to repair items, not included in the program, on sidewalks abutting their properties.

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

Mayor Dahl opened the Public Hearing.

Theresa Louis, Property Manager for Pier 1 Imports Shopping Center located at 415 Avenida Pico, explained the financial hardship that the shopping center is experiencing; requested that the City assume full responsibility for the cost to repair sidewalks.

City Manager Scarborough noted that the California Streets and Highways Code specifies that cities can assign 100% of sidewalk repair costs to the adjacent property owners; noted that the City chose to charge 50% of the sidewalk repair costs to adjacent property owners as an incentive to continue the program.

Ken Nielson, San Clemente, questioned, and received clarification, that adjacent property owners are responsible for paying 50% of sidewalk repair costs even if the sidewalk installation was funded from a Community Development Block Grant.

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

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to adopt Resolution No. 09-81 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE PROPERTY OWNER SHARE OF COSTS FOR REPAIRS PERFORMED IN THE SIDEWALK REPAIR PROGRAM DURING JULY, AUGUST AND SEPTEMBER 2009 AND AUTHORIZING THE FINANCE DIVISION TO INVOICE THOSE COSTS. Property owners facing economic hardships are to contact the City Manager for consideration on a case-by-case basis.

F. **Five-Year Required Report and Fiscal Year 2008-09 Annual Report Concerning the Mitigation Fee Act**

Public Hearing to consider the City of San Clemente's Five-Year Required Report and Fiscal Year 2008-09 Annual Report which details the status of development fees.

Finance Manager Rendina reviewed the Administrative Report.

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

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to receive and file the City of San Clemente's Five-Year Required Report and Fiscal Year 2008-09 Annual Report concerning the Mitigation Fee Act.

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

E. **Contract Award - Governmental Relations Services Related to the Establishment of a Safety/Quiet Zone**

Following discussion, MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to defer the award of the subject contract to allow the Safety/Quiet Zone Task Force to review the proposal.

I. **Establishment of a Youth/Senior Citizen Daily Pool Admission Fee and Annual Family Swim Pass Program**

Marty Blanda, San Clemente, noted that his daughter Michelle Blanda addressed Council at a previous Council meeting to urge that the daily pool admission fee be reduced for children; expressed gratitude to the City for addressing his daughter's concern.

In response to Council inquiries, Recreation Manager DiCandia advised Council that the Supplemental Administrative Report includes recommendations from the Parks and Recreation Commission regarding the possibility of establishing a fee waiver for children 0-6 years of age, a reduced daily pool admission fee for children 7-17 years of age, a reduced daily pool admission fee for senior citizens age 55 or older, and the establishment of a Family Swim Pass with the potential to split the associated fee into two payments; explained the Parks and Recreation Commission's rationale in recommending a fee waiver for children between the ages of 0-6.

Tom Wicks, Chairperson of the Parks and Recreation Commission, summarized the discussion that took place during the Parks and Recreation Commission meeting as it relates to a fee waiver for children between 0-6 years old and the establishment of a minimum age to qualify for senior citizen rates.

During the course of discussion, Council expressed a desire to waive pool fees for children under six years of age, provided they are accompanied by a paying adult.

Additionally, Council determined that the minimum age to qualify for senior citizen rates at the Ole Hanson Beach Club pool should be established at 62 years of age. Council noted that it may be desirable to establish a uniform qualifying age for senior citizen rates for all City programs for which senior discounts are offered. Consequently, Council directed Staff to research other City programs that offer senior citizen discounts and to return to Council with a recommendation as to whether the minimum qualifying age should be modified.

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

1. Establish a youth (ages 7-17) and senior citizen (age 62+) fee of \$2.00 per person for daily use of the Ole Hanson Beach Club pool.
2. Waive admission fees for children 0-6 years of age, provided they are accompanied by a paying adult, for daily use of the Ole Hanson Beach Club pool.
3. Establish an annual Family Swim Pass program as outlined in the Administrative Report, dated December 15, 2009, that is on file with the City Clerk.
4. Adopt Resolution No. 09-75 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REVISING THE POLICIES AND FEES GOVERNING THE RENTAL OF THE COMMUNITY CENTER, OLE HANSON BEACH CLUB AND POOL ADMISSION; AND AMENDING RESOLUTION NO. 09-59.

J. **Partnership Agreement for Use of the Ole Hanson Beach Club Pool**

City Clerk Baade announced that the Parks and Recreation Commission considered the subject item at its meeting of December 8, 2009 and recommends that Council approve the Partnership Agreement with San Clemente Aquatics Team (SCAT) for use of the Ole Hanson Beach Club pool.

Marty Blanda, speaking on behalf of Michelle Blanda, San Clemente, provided Council with a written proposal recommending a funding strategy for the establishment and distribution of swimming lesson scholarships to children. A hard copy of Ms. Blanda's proposal, dated December 15, 2009, is on file with the City Clerk.

Recreation Manager DiCandia summarized that the proposed scholarship funding strategy would increase the hourly per-lane rental fee from \$9.00 as proposed in the Partnership Agreement with SCAT to an hourly per-lane rental fee of \$9.75 with the extra \$0.75 being applied to a scholarship program for the SCAT program; stated that it may not be appropriate for the City to impose the proposal on a user group; noted that the Recreation Division already awards approximately \$3,000 in scholarships each year for various City programs.

Council requested that the Parks and Recreation Commission review the City's scholarship program and associated outreach efforts to determine if any changes should be recommended to Council. Additionally, Council requested that Staff advise Council of the number of persons participating in the City's scholarship program.

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to enter into a Partnership Agreement for Use of the Ole Hanson Beach Club Pool, by and between the City of San Clemente and San Clemente Aquatics Team (SCAT). (Contract C09-69)

MEETING RECESSED AND RECONVENED

Council recessed at 8:25 p.m. and reconvened at 8:41 p.m., with all members present.

9. **UNFINISHED BUSINESS**

A. **General Plan Advisory Committee - Selection Process for At-Large Members**

Report from the City Clerk concerning the possibility of determining the selection process that will be utilized to appoint at-large members to the General Plan Advisory Committee (GPAC).

City Clerk Baade reviewed the contents of the Administrative Report and responded to Council inquiries.

Bill Hart, Chairperson of the Coastal Advisory Committee, noted that the Coastal Advisory Committee has appointed a representative and an alternate to the GPAC.

During the course of discussion, Council 1) determined to accept the late GPAC application from Ricardo Nicol; 2) directed Staff to prepare a matrix of GPAC applications that demonstrates each applicant's geographic location and years of City residency; and 3) determined to not allow alternates on the GPAC.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to schedule three meetings in January 2010 to interview the 42 General Plan Advisory Committee applicants. Council's questions are to be pre-drafted and each applicant shall be asked three questions. The total length of time for each interview shall not exceed 10 minutes.

10. **NEW BUSINESS**

A. **U.S. Army Corps of Engineers Feasibility Study on Beach Nourishment Alternatives**

Report from the Public Works Director/City Engineer concerning the U.S. Army Corps of Engineers Feasibility Study regarding beach nourishment alternatives.

Assistant City Engineer Bonigut reviewed the contents of the Administrative Report, displayed a slide that depicted the project location and footprint, and responded to Council inquiries. A hard copy of Mr. Bonigut's exhibit, dated December 15, 2009, is on file with the City Clerk.

Following discussion, MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to initially support the 15-meter beach fill alternative with the following caveats:

- a. The City reserves the right to select a different alternative as its locally preferred plan based on future public feedback and/or environmental analyses.
- b. Any project must include a comprehensive pre- and post-construction monitoring program, including video monitoring of surf conditions.
- c. Any project must include an adaptive management mechanism so subsequent beach fills (after the initial fill) can be adjusted if needed in response to the monitoring program results.

B. **Historic Property Preservation and Parking Waiver Incentive Agreement for the Preservation of the Casino Property Located at 140 W. Avenida Pico**

Report from the Community Development Director concerning the possibility of entering into an Historic Property Preservation and Parking Waiver Incentive Agreement with LAB Holding, LLC, to ensure preservation of the Casino property located at 140 W. Avenida Pico, in return for a 64 parking space waiver.

Community Development Director Holloway narrated a PowerPoint presentation entitled "Casino Historic Property Preservation Parking Waiver Incentive Agreement" and responded to Council inquiries. A hard copy of Mr. Holloway's presentation, dated December 15, 2009, is on file with the City Clerk.

Shaheen Sadeghi and Linda Sadeghi, Applicants, spoke on the importance of preserving the Casino as an historical structure and utilizing it for its original purpose as an entertainment venue; noted that the community has displayed interest in utilizing the Casino for fundraising events, conferences, seminars and receptions.

Kathryn Stovall Dennis, San Clemente, commended Staff for the thoroughness of the Administrative Report that was presented at the Planning Commission meeting of December 2, 2009; urged Council to approve the parking waiver for the Casino.

Marvin Dennis, San Clemente, expressed support for the use of incentives to encourage property owners to preserve historical structures; recommended that Council support the parking waiver for the Casino.

Following discussion, MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve, and authorize the Mayor to execute, an Historic Property Preservation and Parking Waiver Incentive Agreement, by and between the City of San Clemente and LAB Holding, LLC, to ensure preservation of the Casino property located at 140 W. Avenida Pico, in return for a 64 space parking waiver. (Contract C09-70)

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

Leslie Park Fence

Larry Culbertson, San Clemente, referenced that he sent a letter to the City which expressed concern regarding the replacement of the fence at Leslie Park; urged that the issue be agendized.

City Manager Scarborough stated that a response letter will be sent to Mr. Culbertson that addresses his concerns.

12. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. **City Attorney**

None.

D. **Council Members**

(1) **Consideration of Requesting the Immediate Cancellation of the Sale of the Orange County Fairgrounds**

City Manager Scarborough reviewed the contents of the Administrative Report.

Following discussion, MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to adopt Resolution No. 09-82 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THAT GOVERNOR SCHWARZENEGGER IMMEDIATELY CANCEL THE SALE OF THE ORANGE COUNTY FAIRGROUNDS.

(2) **San Clemente Holly Jolly Hoopla Festival/San Clemente Metrolink Express**

Mayor Pro Tem Baker displayed slides taken at the "San Clemente Holly Jolly Hoopla Festival" as well as the arrival of the "San Clemente Metrolink Express"; commended the Beaches, Parks and Recreation Department for hosting the events; thanked Jessica Cooper, Aquatic Specialist, and John Wade, from Metrolink, for providing the photos of the events. Hard copies of the subject photographs, dated December 15, 2009, are on file with the City Clerk.

13. **RESOLUTIONS/ORDINANCES**

A. **Ordinance No. 1499 (Second Reading) - Density Bonuses and Other Incentives for Affordable Housing Projects and Senior Citizen Developments (ZA 09-100)**

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to adopt Ordinance No. 1499 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 17.24.070 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO THE PROVISION OF DENSITY BONUSES AND OTHER INCENTIVES FOR AFFORDABLE HOUSING PROJECTS AND SENIOR CITIZEN HOUSING DEVELOPMENTS.

MEETING RECESSED

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to recess to a meeting of the San Clemente Redevelopment Agency at 10:00 p.m.

MEETING RECONVENED

Council reconvened at 10:35 p.m., with all members present.

14. **ADJOURNMENT**

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to adjourn at 10:36 p.m.

The next Regular Council Meeting will be held on January 5, 2010 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be discussed at 5:00 p.m. The General Session will begin at 6:00 p.m.

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

Jim Dahl
MAYOR of the City of
San Clemente, California