

# CITY OF SAN CLEMENTE

## City Council Minutes

### Regular City Council Meeting – May 7, 2013

*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 May 7, 2013 at 5:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Baker.

**PRESENT** BROWN, DONCHAK\*, EVERT, HAMM\*\*, MAYOR BAKER

\* *Left meeting at 10:36 p.m.*

\*\**Arrived at meeting at 5:15 p.m.*

**ABSENT** NONE

**STAFF PRESENT** Pall Gudgeirsson, City Manager; Jeff Goldfarb, City Attorney; Joanne Baade, City Clerk.

\* \* \*

### **CLOSED SESSION**

City Attorney Goldfarb requested a Closed Session to discuss the items listed on the Closed Session agenda.

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to recess to Closed Session to discuss the following:

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

Property: 1731 N. El Camino Real, San Clemente. Parcel Number 057-191-60

Agency Negotiator: James S. Holloway, Community Development Director

Negotiating Parties: City of San Clemente and Mr. Kollias and Dr. Nasre

Under Negotiation: Price and Terms of Payment

B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, pursuant to Government Code Section 54956.8

Property: Vista Hermosa Sports Park, 987 Avenida Vista Hermosa, San Clemente.

Agency Negotiator: Pall Gudgeirsson, City Manager

Negotiating Parties: City of San Clemente and Scott Melcher

Under Negotiation: Price and Terms of Payment

In attendance for Closed Session A were the following: All members of Council (Councilmember Hamm joined the Closed Session at 5:15 p.m.), City Manager Gudgeirsson, City Attorney Goldfarb, Community Development Director Holloway and City Clerk Baade.

***Note:** Council deferred Closed Session Item B until the conclusion of the business meeting. Please refer to Page 21 of these minutes for that action.*

**MEETING RECONVENED**

Council reconvened at 5:30 p.m., with all members present.

**PRESENTATION OF PROPOSED FY 2014 PROPOSED CITY BUDGET (5:30 P.M.)**

City Manager Gudgeirsson, and Interim Finance and Administrative Services Director Vincent, narrated a PowerPoint presentation entitled "FY 2014 Proposed Budget". A hard copy of the subject PowerPoint presentation is on file with the City Clerk and will be placed on the City's website.

**MEETING RECESSED**

Council recessed at 5:55 p.m. and reconvened at 6:00 p.m., with all members present.

**INVOCATION**

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

**PLEDGE OF ALLEGIANCE**

Councilmember Evert led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Certificate of Recognition - Mary Mulligan-Crapo**

Mayor Baker presented a Certificate of Recognition to Mary Mulligan-Crapo in acknowledgment of her induction into the South California Interscholastic Basketball Coaches Association Hall of Fame.

B. **Orange County Vector Control District Report**

Jim Dahl, City Representative to the Orange County Vector Control District Board of Directors, noted that the Orange County Grand Jury has determined that the Orange County Vector Control District is well operated, but that increased outreach would be valuable to help citizens understand the function of the District; introduced Jared Dever, noting that his presentation helps to fulfill the District's attempt to augment its outreach efforts.

Jared Dever, Director of Communications for the Orange County Vector Control District, narrated a PowerPoint presentation entitled "Orange County Vector Control District - Vector Control Activity in the City of San Clemente." A hard copy of Mr. Dever's PowerPoint is on file with the City Clerk.

C. **National Water Safety Month Proclamation**

Mayor Baker presented a proclamation to Aquatics Recreation Coordinator Gant and Recreation Supervisor Lacayo declaring the month of May as National Water Safety Month.

D. **Building Safety Month Proclamation**

Mayor Baker presented a proclamation to Building Official Jorgensen declaring the month of May 2013 as Building Safety Month.

Building Official Jorgensen narrated a PowerPoint presentation entitled "Safety Tips". A hard copy of Mr. Jorgensen's PowerPoint is on file with the City Clerk. It was agreed that the subject PowerPoint will be placed on the City's website.

E. **National Bike Month Proclamation**

Mayor Baker presented proclamations that designated the month of May 2013 as National Bike Month to the following:

Brenda Miller  
Mark Winn, San Clemente Cyclery  
Michael Metcalf, Bicycles San Clemente (North Beach Bicycle Rental store)  
Paul Miller, Cycle Werks

F. **Water Awareness Month Proclamation**

Mayor Baker presented a proclamation to Jim Leach, Director of External Affairs for Santa Margarita Water District, declaring the month of May 2013 as Water Awareness Month.

G. **Wildfire Awareness Week Proclamation**

Mayor Baker presented a proclamation to Chief Wells, of the Orange County Fire Authority, declaring May 1-7, 2013 as Wildfire Awareness Week.

## 2. ORAL COMMUNICATIONS (PART 1)

### Pitbulls

Corinne D'Ambrosio, Huntington Beach, co-founder of So-Cal Pitbull Team, referenced the beach trail attack that allegedly involved a Pitbull dog; stated that 25 breeds of dogs are commonly considered to be Pitbulls; related that there are 6 million Pitbulls in the world, but only 60 recorded attacks; stated that breed-specific legislation and bans are illegal in California and asserted that the only way to ensure public safety is to hold owners accountable through leash laws, spay/neuter incentives, public education, and enforcement of existing laws.

Barbara Telesmantic, San Clemente, co-founder of So-Cal Pitbull Team, stated that the dog attack on the beach trail involved a Mastiff and a Labrador/Boxer mix, as opposed to Pitbulls; stated that a ban on Pitbulls in San Clemente would be unjustifiable and illegal.

Sharon DeArmas, San Clemente, stated that she owns two Pitbulls, which she keeps indoors because people fear Pitbulls; commented on the importance of her dogs in her life; stated that dogs reflect the manner by which they are trained.

In response to Council inquiry, City Manager Gudgeirsson confirmed that the City is not currently contemplating, nor has anyone proposed, a ban on Pitbulls.

Tim Frawley, Laguna Niguel, stated that while walking his leashed dog on the beach trail on April 11, 2013, two Pitbulls attacked his dog and inflicted major injuries; stated that his daughter, a person who attempted to help, and he also sustained injuries; asserted that Pitbulls are vicious and urged that the City investigate statistics and ways in which other municipalities handle dog restrictions.

Christin Corbett stated that she operates a page on Facebook called "Pitbulls are Just Dogs" that has approximately 4,000 followers; stated that a book entitled "The Pitbull Placebo" speaks about the different dog breeds that were targeted by the media over the last 100 years; stated that most owners of Pitbulls are responsible and asserted that the beach trail event was an isolated incident.

### Home Burglary/Half-Way Houses

Evan Weiss, San Clemente, stated that his home was burglarized on a recent Sunday morning; voiced concern that half-way homes are not regulated and are protected by State law; asserted that half-way homes are a growing problem and that they place residents at risk; voiced concern that only four Police units cruise the City's streets; urged that the City take further efforts to protect the public, including increased public safety funding, education and promotion of Neighborhood Watch.

### “Friendraiser” and San Clemente Sports Hall of Fame Event

Tom Wicks, President of the Beaches, Parks and Recreation Foundation, narrated a PowerPoint presentation entitled “Friendraiser and San Clemente Sports Hall of Fame”, that will take place on May 11, 2013 at the San Clemente Aquatics Center. A hard copy of Dr. Wicks' PowerPoint is on file with the City Clerk.

### North Beach Community Association

Don Slater, representing NBCA (North Beach Community Association), reported on the formation of the NBCA; stated that the Association currently has 167 members, noting that membership is open to anyone who is interested in North Beach; stated that the NBCA is organizing an old car rally that will occur the day before the San Clemente Car Show.

3. MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, 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

None.

6. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER EVERT, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve the Consent Calendar with the removal of Items 6-G and 6-J.

A. **City Council Minutes**

MOTION BY COUNCILMEMBER EVERT, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve the minutes of the Regular Council Meeting of April 16, 2013.

B. MOTION BY COUNCILMEMBER EVERT, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to receive and file the following:

- (1) Zoning Administrator meeting minutes of April 17, 2013.
- (2) Planning Commission regular meeting minutes of April 17, 2013.
- (3) Planning Commission study session minutes of April 17, 2013.

C. **Warrant Register**

MOTION BY COUNCILMEMBER EVERT, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve Warrant Nos. 507310 through 507482 for the period 4-1-13 through 4-5-13 in the amount of \$1,768,111.89; approve Handwrite No. 507670, Wire Transfer Nos. 1120 through 1123, and Warrant Nos. 507483 through 507669 for the period 4-8-13 through 4-12-13 in the amount of \$838,344.09; approve Wire Transfer No. 1124 and Warrant Nos. 507671 through 507847 for the period 4-15-13 through 4-19-13 in the amount of \$2,333,371.62; for a total Warrant Register of \$4,939,827.60.

**Payroll Register**

MOTION BY COUNCILMEMBER EVERT, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve Replacement Check Nos. 196 through 198 and Warrant Nos. 199 through 203, and Automatic Deposit Advises 7078 through 7365 for the period 4-1-13 through 4-14-13 in the amount of \$406,268.31; for a total Payroll Register of \$406,268.31.

D. **Designation of City Patriarch**

MOTION BY COUNCILMEMBER EVERT, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to adopt Resolution No. 13-12 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DESIGNATING JACK LASHBROOK AS PATRIARCH OF THE CITY OF SAN CLEMENTE.

E. **Contract Award - Progressive Cavity Pump Replacement**

MOTION BY COUNCILMEMBER EVERT, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C13-12 by and between the City of San Clemente and Pacific Advanced Civil Engineering, providing for replacement of the Progressive Cavity Pump, Project No. 23202, in the amount of \$70,193.

F. **Final Parcel Map 2010-116, La Paloma Condominiums - 240 La Paloma**

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

1. Accept on behalf of the City of San Clemente the sidewalk easement and water rights as dedicated.
2. Approve Final Parcel Map 2010-116 as it conforms to the requirements set forth in the Subdivision Map Act and the previously approved Tentative Parcel Map.
3. Authorize the Public Works Director/City Engineer to execute the Final Parcel Map.
4. Authorize the City Clerk to execute and submit the Final Parcel Map to the County of Orange Recorder's Office for recordation.

H. **2013 Wall of Recognition Honoree**

MOTION BY COUNCILMEMBER EVERT, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve the Wall of Recognition Committee's selection for the 2013 recipient to be honored on the Wall of Recognition.



I. **Lease Amendment - San Clemente Municipal Golf Course Clubhouse Restaurant**

MOTION BY COUNCILMEMBER EVERT, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve Amendment No. 1 to Contract C12-50, a lease agreement by and between the City of San Clemente and Fallbrook F&B Operations, Inc., for the San Clemente Municipal Golf Course Clubhouse Restaurant.

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

G. **Caltrans Freeway Maintenance and Electrical Cost Sharing Agreements for Interstate 5 within the City of San Clemente**

Council noted that some residents believe that the signal at El Camino Real and Magdalena is less effective and more problematic than the prior stop sign.

Assistant City Engineer Bonigut stated that Caltrans is aware that the traffic signal is an issue and is working to correct the situation.

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

1. Approve, and authorize the Mayor to execute, the Freeway Maintenance Agreement for maintenance of selected portions of Interstate 5 facilities within the City of San Clemente. (C91-40)
2. Approve an update to the existing Electrical Facilities Cost Sharing Agreement, dated October 1, 1991, which replaces Exhibit A in its entirety to reflect changes to the freeway system.

J. **Reorganization of Recreation Division Staffing**

Following clarification, MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to approve the elimination of one Customer Service Specialist position; approve the reclassification of the full-time Recreation Specialist position to Recreation Coordinator; and approve changing two half-time Recreation Specialists to two three-quarter Recreation Specialists.

7. PUBLIC HEARINGS

A. 313 N. El Camino Real – Historic Property Preservation Agreement  
12-407 - Dahabreh Residence

Public Hearing to consider a request to consider a Historic Property Preservation Agreement (Mills Act) for a historic property in the Mixed Use zoning district within central business and Architectural Overlays (MU3-CB-A) located at 313 North El Camino Real. The legal description is Lot 79 of Tract 789, Assessor's Parcel Number 057-133-13.

Associate Planner Ciampa narrated a PowerPoint presentation entitled "Historic Property Preservation Agreement - Dahabreh Mixed Use". A hard copy of Mr. Ciampa's PowerPoint, dated May 7, 2013, is on file with the City Clerk.

Council discussed whether the skylight is an appropriate requirement inasmuch as it represents a costly restoration that is not visible to the public.

During the course of discussion, Council requested that Staff inform persons who enter into an Historic Property Preservation Agreement that the tax savings is intended to be invested back into the historic property to ensure its preservation.

City Attorney Goldfarb pointed out that the City has the ability to cancel an Historic Property Preservation Agreement in the event of a breach; stated that in the event the agreement is cancelled, the property owner is obligated to pay a penalty of 12-1/2% of the full value of the property at the time of the cancellation.

Mayor Baker opened the Public Hearing.

Ghasson Dahabreh, Applicant, conveyed his willingness to comply with the proposed restoration improvements, including the skylight.

Chuck Wong, property owner at 309 North El Camino Real, disagreed that the property in question is unique; stated that the Notice of Public Hearing incorrectly referenced "Dahabreh Residence", noting that the property is not a residence and is located in a Commercial zone; stated that the subject property does not provide any parking in front and has only a 3-car garage in the back; noted that parking is needed in the area and for the subject property in particular; urged Council to oppose the proposal.

Larry Culbertson, San Clemente, stated that the issue of parking needs to be addressed, noting that historic properties do not always have parking, but need to be preserved; suggested that the schedule for restoration improvements be modified to require expensive improvements to be completed before the less-costly improvements.

Gosia Dahabreh, Applicant, noted that it is expensive to maintain historic properties; advised that the property is zoned as Mixed Use; related that they may wish to use the structure for a restaurant in the future.

Ghasson Dahabreh, Applicant, stated that his tenants informed him that they previously rented parking spaces from Mr. Wong for \$400 per month.

David Kenworthy, Property Manager for Mr. Wong, commented on the need for more parking; requested that Council impose a condition on any approval this evening to prohibit the lower level of the subject property from being used as a restaurant in the future.

In response to Council inquiry, City Attorney Goldfarb opined that the Public Hearing notice was sufficient since the issue under consideration is not whether the property should be used for residential or mixed-use, but rather whether or not the City should enter into a Mills Act agreement with the property owner to allow for a tax credit in exchange for preserving the historic structure.

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

MOTION BY COUNCILMEMBER EVERT, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to adopt Resolution No. 13-13 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 12-407 FOR THE PROPERTY LOCATED AT 313 NORTH EL CAMINO REAL.

B. **234 Avenida Victoria – Historic Property Preservation Agreement 12-416 - Zimmerman Residence**

Public Hearing to consider a request to consider a Historic Property Preservation Agreement (Mills Act) for a historic property within the Residential Medium (RM) zoning district located at 234 Avenida Victoria. The legal description is Lot 55, Block 18 of Tract 779, Assessor's Parcel Number 058-113-74.

Associate Planner Ciampa narrated a PowerPoint presentation entitled "Historic Property Preservation Agreement - Zimmermann Residence". A hard copy of Mr. Ciampa's PowerPoint, dated May 7, 2013, is on file with the City Clerk.

Mayor Baker opened the Public Hearing.

Catherine Zimmermann, Applicant, spoke on the pride that she has in her historic home.

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

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to adopt Resolution No. 13-14 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 12-416 FOR THE PROPERTY LOCATED AT 234 AVENIDA VICTORIA.

C. **Weed Abatement Program 2013 - Order to Abate**

Public Hearing to consider all objections or protests, if any, to the proposed abatement of weeds, rubbish, refuse and dirt upon streets, sidewalks, parkways and private property within the City of San Clemente.

Code Compliance Officer Panas reviewed the contents of the Administrative Report.

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

MOTION BY COUNCILMEMBER HAMM, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to adopt Resolution No. 13-15 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ORDERING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO ABATE THE NUISANCES BY HAVING WEEDS, RUBBISH, REFUSE AND DIRT REMOVED FROM VACANT AND UNOCCUPIED STRUCTURED PROPERTIES WITHIN THE CITY.

D. **2013-14 Annual Action Plan for Expenditures of Community Development Block Grant Funds (CDBG)**

Public Hearing concerning the 2013-14 Annual Action Plan for Expenditures of Community Development Block Grant Funds (CDBG).

Housing Specialist Obrero narrated a PowerPoint presentation entitled "Adoption of Annual Action Plan 2014". A hard copy of Ms. Obrero's PowerPoint, dated May 7, 2013, is on file with the City Clerk.

Council requested to be invited to events that celebrate community projects, events and activities, such as Fun on the Run, etc.

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

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to:

1. Approve and adopt the 2013-14 Annual Action Plan for use of Community Development Block Grant (CDBG) funds.
2. Authorize the City Manager to execute the HUD contract.
3. Authorize the City Manager and Community Development Director to execute contracts within the established spending policy.
4. Adopt Resolution No. 13-16 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE 2013-14 COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN.

**MEETING RECESSED**

Council recessed at 8:02 p.m. and reconvened at 8:15 p.m., with all members present.

8. **UNFINISHED BUSINESS**

A. **Miramar Theatre and Bowling Alley**

Report from the Community Development Director concerning the possibility of negotiating with the owners of the Miramar property with regard to possible incentives for the restoration and reuse of the Miramar Theatre and Bowling Alley.

Community Development Director Holloway reviewed the contents of the Administrative Report and displayed conceptual floor plans for the adaptive reuse of the Miramar Theatre and bowling alley as contained in a PowerPoint presentation entitled "Miramar Theatre and Bowling Alley"; responded to Council inquiries. A hard copy of Mr. Holloway's PowerPoint, dated May 7, 2013, is on file with the City Clerk.

During the course of deliberations, Council discussed the following: 1) possibility of postponing the proposed negotiations with owners of the Miramar Theatre and bowling alley until the feasibility study relating to adaptive re-use and restoration possibilities for the properties are complete; and 2) whether or not it is proper for the City (as opposed to the property owners) to take the lead with regard to restoration and reuse possibilities for private property.

Don Slater, North Beach Community Association, expressed excitement about the prospect of moving forward with negotiations.

Trevor Baird, Laguna Niguel, stated that he is in the process of partnering with Marc Spizzirri, the property owner; stated that he looks forward to the feasibility report being completed and expressed optimism that it will reflect all parties' vision for the property.

Brad Malamud, San Clemente, stated that a parking waiver for historic preservation requires available surplus property; commented that Council can provide parking for the subject project if it desires, but funding for such parking cannot come from the Beach Parking Improvement Fund.

Council deferred this issue until the feasibility study relating to adaptive re-use and restoration possibilities for the Miramar Theatre and bowling alley properties is complete.

B. Consideration of Pursuing a Single-Use Plastic Bag Ban

Report from the Public Works Director/City Engineer concerning the possibility of pursuing a ban on single-use plastic bags.

Assistant City Engineer Bonigut provided an overview of the Coastal Advisory Committee's proposal to pursue a local ban on single-use plastic bags; provided an update on State legislation relating to plastic bags; related that Staff received 19 emails on this subject (14 of which expressed support for a ban and 5 of which expressed opposition to a ban); noted that the City also received correspondence from the California Grocers Association stating its support for a ban provided a fee on paper bags can be imposed; related that correspondence was received from an organization entitled "Save the Plastic Bag" which opposes a ban and threatens litigation.

Peter Salgado, Chair Pro Tem of the Coastal Advisory Committee, narrated a PowerPoint presentation entitled "Coastal Advisory Committee - Recommendation to Prioritize an Ordinance to Ban the Distribution of Single-Use Plastic Bags" and responded to Council inquiries. A hard copy of Mr. Salgado's PowerPoint is on file with the City Clerk.

Frances Lam stated that she volunteers for the Surfrider Foundation as Chair of the "Rise Above Plastics Program" for south Orange County; spoke on the importance of protecting the environment; noted that plastic bags are difficult to recycle and that alternatives are available; asserted that a ban on single-use plastic bags represents sound economic and environmental sense.

Denise Erkeneff, representing the South Orange County Chapter of the Surfrider Foundation, thanked the Coastal Advisory Committee for its efforts; stated that neither Laguna Beach nor Dana Point have experienced litigation as a result of their bans on single-use plastic bags; stated that Surfrider has given away hundreds of re-usable bags in Dana Point and Laguna Beach and is committed to doing the same in San Clemente.

Kirk Kegel, San Clemente, referenced the article that appeared in today's edition of the Orange County Register that opposed a ban on single-use plastic bags; voiced concern that cotton and paper bags are more costly than plastic and are a greater burden on the environment and landfills than plastic bags; related that plastic bags serve multiple uses; refuted various statistics that have been presented to support a ban on single-use plastic bags.

Tom Lorch, San Clemente, presented a letter that is on file with the City Clerk; spoke in opposition to the proposed ban and recommended that the City compile a list of pollutants and prepare an action plan to address the worst offenders; commented that he likes the convenience of plastic bags, noting that he re-uses and recycles his plastic bags.

Curly Snider, San Clemente, distributed photographs of trash bags that he found on the Palizada on-ramp; stated that plastic bags are used for more than groceries.

Daisy Bautista, San Clemente, pointed out that not all persons are responsible and urged that single-use plastic bags be banned.

Bill Hart, Watershed Task Force, stated that tremendous amounts of plastic bags are recovered during beach cleanups; stated that 90% to 95% of plastic bags are not recycled; urged Council to be good stewards of the ocean by banning single-use plastic bags.

Susan Ambrose, Coastal Advisory Committee, stated that the beaches are filled with plastic bags and debris; disagreed that cloth bags are not sanitary inasmuch as they can be laundered.

Ken Nielsen, San Clemente, noted that he personally observes hundreds of thousands of plastic bags and debris suspended on the ocean; stated that the proposed ban is important for future generations.

Following deliberations, MOTION BY MAYOR PRO TEM BROWN, SECOND BY MAYOR BAKER, CARRIED 3-2 (COUNCILMEMBERS DONCHAK AND EVERT VOTING NOE), to direct Staff to **not** pursue a ban on single-use plastic bags and to **not** authorize a \$15,000 supplemental appropriation from the Solid Waste undesignated fund balance to Account 058-518-43640-000-00000 (Other Legal Services).



C. **City-Owned El Camino Real Lot for Beach Parking Use**

Report from the Community Development Director seeking Council direction concerning the design of the proposed El Camino Real beach parking lot in North Beach.

MOTION BY MAYOR BAKER to table this item until the City receives the results of the feasibility study relating to adaptive re-use and restoration possibilities for the Miramar Theatre and the lawsuit relating to the expenditure of Beach Parking Impact Funds is concluded. The motion died for lack of a second.

Community Development Director Holloway narrated a PowerPoint presentation entitled "City-Owned El Camino Real Lot for Beach Parking Use". A hard copy of Mr. Holloway's PowerPoint, dated May 7, 2013, is on file with the City Clerk.

Brad Malamud, San Clemente, stated that beach parking is not needed and opined that the staff report is misleading; asserted that the El Camino Real lot would not be restricted to beach parking use and would provide parking for commercial establishments; opined that it is irresponsible to pay \$1.2 million for 29 or 30 parking spaces; urged that Council defer action until the lawsuit has been concluded.

Don Slater, North Beach Community Association, conveyed that it is not possible to conduct community events in North Beach because of the impact on beach parking; stated that it is important to develop the subject parking lot as soon as possible.

Ricardo Nicol, San Clemente, stated that his parking lot proposal (Option B) would provide 30 parking spaces; reviewed that his proposal would be enjoyed 100% of the time since it provides more use alternatives than a parking lot; provided an overview of the proposal, noting that it could accommodate special events; spoke in support of revitalizing North Beach and urged that Council support Alternative 2.

Richard Price, Architectural Guild of South Orange County, spoke on the view potential for the site; reviewed design alternatives, noting that the lot design should provide an open space feel, while simultaneously accommodating parking and special events.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 4-1 (MAYOR BAKER VOTING NOE), to direct staff to issue a Request for Proposal (RFP) for professional services for the production of construction documents for a beach parking concept for the City-owned El Camino Real lot that includes the following guidance criteria:

1. Safety (including Pacific Coast Highway traffic and lighting issues)
2. Ease of access to beach
3. Creating a sense of entry
4. Landscaping to be consistent with San Clemente's parking guidelines
5. Plan is to integrate with surrounding properties
6. View corridor is to be accentuated.

Ricardo Nicol, San Clemente, suggested that local firms that are familiar with the coastal environment be invited to submit RFPs.

9. **NEW BUSINESS**

None.

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

**Class II Bikeways - Budget Allocation**

Brenda Miller, San Clemente, urged that money be allocated in the FY 2014 City budget for the installation of Class II bikeways; pointed out that AB 2245 waives the requirement for an EIR for Class II bikeways for a five-year period.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. City Manager

(1) Format for Administrative Reports and PowerPoint Presentations

City Manager Gudgeirsson noted that the formats for Administrative Reports and PowerPoint presentations have been modified and requested Council feedback.

C. City Attorney

Use of Zoning Ordinances to Prohibit Medical Marijuana Facilities

City Attorney Goldfarb reported that the California Supreme Court has determined that cities can use their zoning ordinances to prohibit medical marijuana facilities.

D. Council Members

(1) Report from Mayor Baker, City Representative to the Orange County Fire Authority (OCFA), relative to OCFA Matters

Mayor Baker reported that Chief Wells provided the OCFA Board of Directors with an excellent briefing relative to hillside services.

(2) Report from Councilmember Donchak, City Representative to the California Joint Powers Insurance Authority (CJPIA), relative to CJPIA Matters

None.

(3) Wag-a-Thon

Councilmember Donchak reported on the success of the recent Wag-a-Thon.

(4) **Citizens Police Academy**

Councilmember Donchak requested that a report on the Citizens Police Academy be agendized for June or July 2013.

(5) **AQMD Open Burning Ban Proposal**

Mayor Pro Tem Brown noted that the AQWD hearing relative to the proposed ban on open burning in beach areas has been deferred to June 7, 2013; requested that this issue be agendized for the Council meeting of May 21, 2013.

(6) **San Clemente Sports Hall of Fame Induction Ceremony**

Mayor Evert invited the community to attend the first San Clemente Sports Hall of Fame induction ceremony on May 11, 2013 at 6:00 p.m. at the Vista Hermosa Sports Park.

12. **RESOLUTIONS/ORDINANCES**

A. **Ordinance No. 1566 (Second Reading) - Excreta (Animal Waste) Nuisance Prohibited**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to adopt Ordinance No. 1566 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 6.8, ANIMAL REGULATIONS GENERALLY, OF THE SAN CLEMENTE MUNICIPAL CODE.

\*Councilmember Donchak left the meeting at 10:36 p.m.

**MEETING RECESSED TO CLOSED SESSION**

Council recessed to Closed Session at 10:36 p.m. to discuss the following topic that appeared on the Closed Session agenda as Item B:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR, pursuant to Government Code Section 54956.8

Property: Vista Hermosa Sports Park, 987 Avenida Vista Hermosa, San Clemente.

Agency Negotiator: Pall Gudgeirsson, City Manager

Negotiating Parties: City of San Clemente and Scott Melcher

Under Negotiation: Price and Terms of Payment

The following persons were in attendance for the Closed Session: All members of Council, except Councilmember Donchak, City Manager Gudgeirsson, City Attorney Goldfarb, Beaches, Parks and Recreation Director Heider and City Clerk Baade.

**MEETING RECONVENED**

Council reconvened at 11:00 p.m., with all members present, except Councilmember Donchak.


13. **ADJOURNMENT**

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER EVERT, CARRIED 4-0 (COUNCILMEMBER DONCHAK ABSENT), to adjourn to an Adjourned Regular Meeting to be held on May 16, 2013 at 4:00 p.m. in the Council Chambers for the purpose of conducting a workshop on the proposed FY 2014 City budget. If needed, this meeting will be continued to May 17, 2013 at 4:00 p.m. in the Council Chambers.

The next Regular Council Meeting will be held on May 21, 2013 in the Council Chambers. Closed Session items will be considered at 5:00 p.m. The business meeting will commence at 6:00 p.m.



MAYOR of the City of  
San Clemente, California

  
CITY CLERK of the City of  
San Clemente, California

