

# CITY OF SAN CLEMENTE

## City Council Minutes

### Regular City Council Meeting – February 5, 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.*

A Regular Meeting of the San Clemente City Council was called to order on February 5, 2013 at 5:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by City Clerk Baade.

#### **CLOSED SESSION**

There being no Closed Session items to discuss, City Clerk Baade recessed the meeting to 6:00 p.m.

#### **MEETING CALLED TO ORDER**

Mayor Baker called the Regular Meeting to order at 6:00 p.m.

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

**ABSENT**                        NONE

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

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#### **INVOCATION**

Mayor Pro Tem Brown gave the invocation.

#### **PLEDGE OF ALLEGIANCE**

Councilmember Evert led the Pledge of Allegiance.

**1. SPECIAL PRESENTATIONS****A. San Clemente High School Student Report**

None.

**B. Certificates of Recognition - Blue Ribbon Week "KindnesSCounts" Campaign**

Mayor Baker presented Certificates of Recognition to the Capistrano Unified School District, San Clemente Police Services, San Clemente Family of PTAs, Southern California Edison, and San Clemente Kiwanis Club in recognition of the Blue Ribbon Week "KindnesSCounts" campaign.

**Oral Communications (Part 1)****Opportunities for Improvements in North Beach and Along Avenida Granada**

Wayne Eggleston, San Clemente, displayed photographs of areas along Avenida Granada and in North Beach that have the potential to become community treasures if infrastructure improvements occur (i.e., sidewalks, trees and lighting); recommended that the City invest in the Avenida Granada area. A hard copy of Mr. Eggleston's photographs are on file with the City Clerk.

**Suggestions for Various City Improvements**

Don Kunze, San Clemente, offered suggestions relating to traffic calming, traffic circulation and lights, trail system, potential trolley system, revenue-generating possibilities for the Ole Hanson Beach Club, the Richard and Donna O'Neill Land Conservancy, and the City's gateway.

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 ATTENTION**

None.

**5. CLOSED SESSION REPORT – CITY ATTORNEY**

A Closed Session did not take place this evening.

6. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to approve the Consent Calendar.

A. **City Council Minutes**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to approve the minutes of the City Council Regular Meeting of December 18, 2012.

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

- (1) Design Review Subcommittee Meeting minutes of January 9, 2013.
- (2) Zoning Administrator Regular Meeting minutes of January 23, 2013.
- (3) Planning Commission Adjourned Regular Meeting minutes of January 23, 2013.
- (4) Coastal Advisory Committee Regular Meeting minutes of January 10, 2013.

C. **Warrant Register**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to approve Warrant Nos. 505444 through 505631, for the period 01-07-13 through 01-11-13, in the amount of \$1,071,783.86; approve Wire Transfer Nos. 1089 through 1092 and Warrant Nos. 505632 through 505768, for the period 01-14-13 through 01-18-13, in the amount of \$1,099,270.48; for a total Warrant Register of \$2,171,054.34.

**Payroll Register**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to approve Warrant Nos. 168 through 172 and Automatic Deposit Advises 5441 through 5715, for the period 01-07-13 through 01-20-13, in the amount of \$396,537.42; for a total Payroll Register of \$396,537.42.

D. **Notice of Completion - Via Alegre Storm Drain Rehabilitation**

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

1. Accept the rehabilitation of the Via Alegre Storm Drain, Project No. 23002, from the contractor, Sancon Engineering, Inc.
2. Authorize the Mayor to execute, and City Clerk to record, the Notice of Completion for the rehabilitation of the Via Alegre Storm Drain, Project No. 23002. (Contract C12-49)
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 Sancon Engineering, 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. **Purchase of Quiet Zone Insurance Coverage**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to authorize a transfer of \$31,000 from the General Fund undesignated fund balance to Account 068-816-44080-000-00000, General Liability Fund-Excess Insurance, for the purchase of Quiet Zone insurance coverage.

7. **PUBLIC HEARINGS**

A. **410 Arenoso Lane – (Conditional Use Permit 12-270/Cultural Heritage Permit 12-271/Site Plan Permit 12-272) - Reef Pointe Villas**

Public Hearing to consider an appeal by the City Council of the Planning Commission's approval of Conditional Use Permit 12-270, Cultural Heritage Permit 12-271 and Site Plan Permit 12-272, a request to demolish an existing apartment building and construct a new three-story building with five residential units and a subterranean garage located at 410 Arenoso Lane. The project is located in the Pier Bowl Specific Plan and the Architectural and Coastal Zone Overlays. The legal description is Lot 46, of Block 3, of Tract 784 and Assessor's Parcel Number 692-012-06.

Associate Planner Gregg reviewed the contents of the Administrative Report.

Mayor Baker opened the Public Hearing.

Michael Luna, on behalf of the Applicant, suggested that Council refer the project back to the Planning Commission so that it can re-review the project with the benefit of story poles.

City Attorney Goldfarb pointed out that Council called up the subject project for review, but explained that Council has the discretion to either consider the project at this time or refer it back to the Planning Commission for a recommendation that Council would consider at a future meeting.

In response to Council inquiry, Mr. Luna and Richard Gibby (property owner) concurred with the additional time that would be involved if the project were referred back to the Planning Commission.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to re-direct the Reef Pointe Villas project to the Planning Commission for review as soon as possible and to continue the Council Public Hearing to the Council Meeting of March 5, 2013.

B. 100 Mira Puerta – (General Plan Amendment 12-184/Zoning Amendment 12-185) - Evans Residence

Public Hearing to consider a request for a General Plan Amendment and Zoning Amendment to a 0.63 acre lot at 100 Mira Puerta to allow the General Plan land use and zoning designations to be changed from Private Open Space (OS2) to Residential Low (RL). The property is improved with a mobile home unit. The request for a change in the Zoning and General Plan designations would change the current residential use from legal non-conforming to conforming. The project site's legal description is P BK 272 PG 30 Parcel 2, Assessor's Parcel Number 680-011-61.

Associate Planner Ciampa narrated a PowerPoint presentation entitled "GPA 12-184/ZA 12-185 Evans Residence Land Use Change" and responded to Council inquiries; stated that Staff received three letters from members of the Shorecliffs Mobile Home Park Association asserting that utility service to the single-family unit should be provided through the standard providers, as opposed to being provided via the mobile home park.

Mayor Baker opened the Public Hearing.

Jeremey Harding, on behalf of the Owner/Applicant, stated that there is no rationale for the subject property to be zoned as open space; related that the proposal will legalize a use that existed before the property was re-zoned in 1993.

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

Following discussion, MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to introduce Ordinance No. 1562 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING GENERAL PLAN AMENDMENT 12-184/ZONING AMENDMENT 12-185, AMENDING THE GENERAL PLAN AND ZONING DESIGNATION FROM PRIVATE OPEN SPACE TO RESIDENTIAL LOW FOR A PROPERTY LOCATED AT 100 MIRA PUERTA.

8. UNFINISHED BUSINESS

None.

9. **NEW BUSINESS**A. **Disposal of Household Pharmaceutical Waste**

Report from the Public Works Director/City Engineer concerning potential approaches for disposal of household pharmaceutical waste.

Assistant City Engineer Bonigut reviewed the contents of the Administrative Report.

Bill Hart, Chair of the Coastal Advisory Committee, summarized the Committee's discussions with regard to the disposal of household pharmaceutical waste and its rationale for recommending the landfill alternative; spoke on the need for enhanced public outreach; noted the harmful effects that flushing pharmaceutical waste down toilets have on the ocean; commented that a drop box program may be appropriate in the future.

Following discussion, Council directed that the issue of household pharmaceutical waste be agendaized in six months. At that time, Staff is to report on the effectiveness of Dana Point's drop box program and the results of scientific studies relating to the effects of pharmaceutical waste disposal. Council further directed that Staff continue its public education efforts.

B. **City Policy and Procedure No. 702-6 - Beach Ecology and Maintenance**

Report from the Beaches, Parks and Recreation Director concerning City Policy and Procedure No. 702-6 relating to beach ecology and maintenance.

Director of Beaches, Parks and Recreation Heider narrated a PowerPoint presentation entitled "Beach Ecology". During the ensuing discussion, Ms. Heider, together with Beaches and Parks Manager Reed and Marine Safety Chief Humphreys, responded to Council inquiries.

Bill Hart, Chair of the Coastal Advisory Committee, voiced concern that altering cobble on the beach could have negative repercussions; noted that the beach is not a pristine environment and conveyed support for Staff's recommendation.

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to adopt Beach Ecology and Maintenance Policy No. 702-6, effective February 5, 2013.

Council requested that Staff report on the results of the City's ban on the placement of advertisements on beach trash cans and the associated reduction in beach receptacle maintenance.

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

**Residential Picketing Ordinance**

Elliott Schneider, San Clemente, thanked Council for adopting a residential picketing ordinance; noted that he was a victim of residential picketing and explained that the ordinance has restored peace to his family and community.

**KindnesSCounts Forum**

Trudy Podobas invited Council to attend a KindnesSCounts forum on February 7, 2013.

11. **REPORTS**

A. **COMMISSIONS AND COMMITTEES**

(1) **Establishment of Dates for Council to Meet in Joint Session with the City Commissions and Committees**

Report from the City Clerk concerning the possibility of establishing the schedule of joint meetings with City Commissions and Committees.

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

Council scheduled a consolidated meeting with all of its Commissions and Committees to take place on either October 8, 2013 or October 22, 2013, depending on the availability of the meeting venue (i.e., Wedgewood at the Municipal Golf Course) and the meeting participants. The consolidated meeting will not be televised.



B. **CITY MANAGER**

None.

C. **CITY ATTORNEY**

None.

D. **COUNCIL MEMBERS**

(1) **Consideration of Cancelling a Regular Council Meeting in August 2013**

Council cancelled its Regular Meeting of August 6, 2013.

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

Mayor Baker reported on his attendance at last week's meeting of the Orange County Fire Authority Board of Directors; remarked on the upcoming budget challenges.

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

Councilmember Donchak announced that she is a candidate for the Executive Committee of the California Joint Powers Insurance Authority.

(4) **Microbreweries in North Beach**

Councilmember Hamm requested that Staff analyze incentives for economic vitality in North Beach, including opportunities for microbreweries.

(5) **Chandler Hull – Eagle Scout Project**

Councilmember Evert reported that Chandler Hull's Eagle Scout project is to build a new Triton ticket booth; noted that a fundraiser to help fund the subject project will take place at Tommy's Family Restaurant on February 12, 2013.

(6) **CASA Fundraiser/Chamber of Commerce Visitor Guide**

Councilmember Donchak stated that the Pet Project Foundation will conduct its annual fundraiser (A Tail of Two Cities – A Night at the Oscars) on February 24, 2013; reported that the Chamber of Commerce's Visitor Guide is now available on line.

(7) **Leadership San Clemente/Farewell to Anthony Mejia, Deputy City Clerk**

Mayor Pro Tem Brown reported that the 2013 Leadership San Clemente session will commence on April 4, 2013 and encouraged residents to apply; noted that Anthony Mejia, Deputy City Clerk, will be leaving the City to assume the position of City Clerk of Pomona.

(8) **Pride of the Pacific Bar & Grill Grand Opening**

Mayor Baker noted that the grand opening of the Pride of the Pacific Bar and Grill (located at the San Clemente Municipal Golf Course) took place last week.


12. **RESOLUTIONS/ORDINANCES**

None.

13. **ADJOURNMENT**

MOTION BY MAYOR BAKER, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to adjourn at 8:27 p.m. in memory of Tony Carbonara and Tom Padberg.

The next Regular Council Meeting will be held on Tuesday, February 19, 2013 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 commence at 6:00 p.m.

  
CITY CLERK of the City of  
San Clemente, California

  
MAYOR of the City of  
San Clemente, California