

CITY OF SAN CLEMENTE

City Council Minutes

Adjourned Regular City Council Meeting – December 17, 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 December 17, 2013 at 4:30 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Brown.

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

* Arrived at 5:40 p.m.

**Arrived at 4:37 p.m.

ABSENT NONE

STAFF PRESENT Pall Gudgeirsson, City Manager; Jeff Goldfarb, City Attorney; Joanne Baade, City Clerk; Laura Campagnolo, Executive Assistant

CLOSED SESSION

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

MOTION BY MAYOR BROWN, SECOND BY COUNCILMEMBER BAKER, CARRIED 3-0, to recess to Closed Session to discuss the following:

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

Property: 1100 N. El Camino Real, San Clemente

Agency Negotiator: Pall Gudgeirsson, City Manager

Negotiating Parties: City of San Clemente and Lynn Wood, CEO,
San Clemente Chamber of Commerce

Under Negotiation: Price and terms of payment

Closed Session items continued on next page

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

Property: 1030 Calle Negocio, San Clemente
 Agency Negotiator: Pall Gudgeirsson, City Manager
 Negotiating Parties: City of San Clemente and Mary Perdue, Family Assistance Ministries (FAM)
 Under Negotiation: Price and terms of payment

C. 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, on behalf of Surf N' Turf Paradiso, LLC
 Under Negotiation: Price and terms of payment

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

Joseph A. Arriola v. L.H.C. Investments LLC, et al., OCSC 30-2011-00450299-CU-CD-CXC

In attendance for the Closed Session were all members of the City Council (with the exception of Councilmember Donchak who recused herself from participation and was not present during Closed Session Item A), City Manager Gudgeirsson, City Attorney Goldfarb, Assistant City Manager Sund, Public Works Director/City Engineer Cameron, and City Clerk Baade. Ed Richards, of Kutak Rock, and Paul Zeglovitch, of the California Joint Powers Insurance Authority, were in attendance for Closed Session Item D only.

MEETING RECONVENED

Council reconvened at 6:00 p.m., with all members present.

INVOCATION

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

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Hamm led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Holiday Serenade – Lobo Elementary School Students**

The students of Lobo Elementary School, under the direction of Debbie Peterson, provided a holiday serenade.

B. **San Clemente High School Report**

Matt Garritson and Gabby Meyer, student representatives of San Clemente High School, reviewed campus activities.

C. **Certificate of Recognition – Winner of Citizen Contest for Naming of San Clemente's Highest Point**

Mayor Brown presented a Certificate of Recognition to Dave Pherrin, in recognition of winning the City's naming contest for the highest point in San Clemente. Mr. Pherrin's entry of "San Clemente Summit" was selected.

2. **ORAL COMMUNICATIONS (PART 1)**

Christmas Party and U.S. Marine Corps Ball

Wayne Eggleston, San Clemente, thanked Council for its support of the Marine Corps; displayed photographs of a Christmas party that took place on December 6, 2013 at the HMLA 469 hangar at Camp Pendleton; expressed gratitude to the individuals who provided food and gifts for the event; presented photographs of the ball that was held for the members of the 2nd Battalion, 4th Marines.

3. MOTION BY COUNCILMEMBER EVERT, SECOND BY COUNCILMEMBER BAKER, 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 DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to approve the Consent Calendar, with the removal of Items B(1), D, F, G, L, M and N.

A. **City Council Minutes**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to approve the City Council Adjourned Regular Meeting Minutes of November 5, 2013.

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

(2) Zoning Administrator Regular Meeting Minutes of December 4, 2013.

C. **Warrant Register**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to approve Wire Transfer Nos. 1196 through 1200 and Warrant Nos. 512763 through 512914 paid on 11/29/2013 in the amount of \$4,394,778.59; approve Wire Transfer No. 1201 paid on 12/02/2013 and Warrant Nos. 512915 through 513040 paid on 12/06/2013 in the amount of \$1,623,086.07; for a total Warrant Register of \$6,017,864.66.

Payroll Register

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to approve Warrant Nos. 263 through 267 and Automatic Deposit Advises 12090 through 12381 for the period of 11/11/2013 through 11/24/2013 in the amount of \$418,880.04; for a total Payroll Register of \$418,880.04.

E. **Policy and Procedure – Exemption of Certain Minor Alterations and Repairs From Building Permit Requirements**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to approve Policy and Procedure No. 102-10 entitled “Exempting Certain Minor Alterations and Repairs from Requiring Building Permits”, effective December 17, 2013.

H. **Metropolitan Water District (MET) Representative Selection Process for South County Agencies**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to approve the Metropolitan Water District (MET) Representative Selection Process for South County Agencies as recommended by the South County Agencies Subgroup and set forth in the Administrative Report, dated December 17, 2013.

I. **Rail-Highway Grade Crossing Safety Enhancements and Safety Measures – Quiet Zone Implementation at North Beach**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to approve, and authorize the Mayor to execute, Amendment No. 3 to Agreement No. C-8-0860 (Contract No. C08-52), by and between the City of San Clemente and the Orange County Transportation Authority (OCTA), for Rail-Highway Grade Crossing Safety Enhancements and Safety Measures related to the Quiet Zone Implementation for Cities.

J. **Contract Amendment – Recycled Water System Expansion, Project No. 18201**

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

1. Approve, and authorize the Mayor to execute, the First Amendment to Contract No. C12-60, by and between the City of San Clemente and Dudek, providing for Construction Management and Inspection Services for the Recycled Water System Expansion, Project No. 18201. This Amendment will increase the project budget from \$569,920 to \$730,510 (an increase of \$160,590).
2. Approve, and authorize the Mayor to execute, the First Amendment to Contract No. C12-62, by and between the City of San Clemente and Dudek, providing for Environmental Compliance Monitoring Services for the Recycled Water System Expansion, Project No. 18201. This Amendment will increase the project budget from \$34,310 to \$60,890 (an increase of \$26,580).
3. Approve, and authorize the Mayor to execute, the First Amendment to Contract No. C12-61, by and between the City of San Clemente and LGC Geotechnical Engineering Inc., providing for Geotechnical Engineering and Materials Testing Services for the Recycled Water System Expansion, Project No. 18201. This Amendment will increase the project budget from \$127,010 to \$177,010 (an increase of \$50,000).

K. **Contract Award – Biosolids Management Services, South Orange County Wastewater Authority (SOCWA)**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract No. C13-59, the final agreement entitled Agreement for Biosolids Management Services, by and between the City of San Clemente, South Orange County Wastewater Authority (SOCWA) entities, and Nursery Products, Inc., providing for biosolids management services.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

B(1). **Planning Commission Regular Study Session Meeting Minutes of December 4, 2013 and Regular Meeting Minutes of December 4, 2013**

Council referenced the portion of the Planning Commission Study Session minutes of December 4, 2013 relating to a License Plate Survey that was performed in 2006 in the T-Zone, and the notation by Staff that a survey update is needed.

Council requested the following: 1) That the License Plate Survey in the T-Zone be agendized in January or February 2014, 2) that Staff provide Council with the estimated cost of a new study, and 3) that Staff identify how the data from the previous study were utilized.

MOTION BY MAYOR BROWN, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to receive and file the Planning Commission Regular Study Session meeting minutes of December 4, 2013 and Regular Meeting minutes of December 4, 2013.

D. **Fiscal Year 2012-2013 Measure M2 Expenditure Report**

Transportation Engineering Manager Frank stated that OCTA has requested revisions to the M2 Expenditure Report to reflect payments to the City that were not available at the time the initial report was prepared; distributed copies of the revised M2 Expenditure Report, which is on file with the City Clerk.

During the course of discussion, Council noted that over \$5 million in Measure M2 funding for street rehabilitation and maintenance is coming back to the City.

MOTION BY COUNCILMEMBER EVERT, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to adopt Resolution No. 13-50 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO ADOPT THE FISCAL YEAR 2012-2013 MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF SAN CLEMENTE, with the incorporation of the modified M2 Expenditure Report as presented by Staff this evening.

F. **Contract Award – Fiscal Year 2013 Sidewalk Construction Program Phase 2, Project No. 13316**

Councilmember Baker recused himself from participation on this item because he owns real property within 500' of sidewalk improvements proposed for construction.

Transportation Engineering Manager Frank narrated a PowerPoint presentation entitled "FY 2013 Sidewalk Construction Program Phase 2, December 17, 2013;" explained that a bulb-out could be constructed at Avenida Esplanade for an additional \$47,000.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 4-0-1 (COUNCILMEMBER BAKER ABSTAINING) to:

1. Approve the plans and specifications for the Fiscal Year (FY) 2013 Sidewalk Construction Program, Phase II, Project No. 13316, with the inclusion of the Esplanade bulb-out.
2. Approve a budget transfer of \$111,000 from the Water Depreciation Reserve balance and a supplemental appropriation of \$111,000 to FY 2013 Sidewalk Construction Program Account 001-416-45300-000-13316.
3. Approve, and authorize the Mayor to execute, Contract No. C13-58, by and between the City of San Clemente and Nobest, Incorporated, for the FY 2013 Sidewalk Construction Program, Phase II, Project No. 13316, in the amount of \$408,166.50 (plus \$47,000 additional to fund the Esplanade bulb-out).

G. **Contract Extension – Federal Lobbyist Assistance**

In response to Council inquiry, Assistant City Engineer Bonigut reviewed the issues for which the City could benefit from federal lobbying assistance.

Jim Dahl, San Clemente, noted that Marlowe & Company has been successful during the past 12 years in representing the City's interests on various projects and efforts.

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

1. Approve, and authorize the City Manager to execute, the First Amendment to Contract No. C08-04, providing for a six-month extension to retain Marlowe & Company for federal lobbying and government affairs consulting services through June 30, 2014.
2. Authorize the transfer of an appropriation in the amount of \$22,500 from the Council Contingency Fund Account 001-203-44900 to Account 001-411-45800-000-19907 for the purpose of funding the contract extension with Marlowe & Company.

L. **City's Investment Policy**

Following discussion, MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to adopt Policy and Procedure No. 202-1, the City's Investment Policy, effective December 17, 2013, with the modification that the second sentence of Policy 4.4.1 be modified to read as follows:

"Selection of broker/dealers used by an external investment advisor retained by the City will be at the discretion of the investment advisor, unless the City Council, under advisement of the Investment Advisory Committee, determines one or more of the broker/dealers being used to be unsuitable for any reason."

M. **Contract Award – Engineering Services for the North El Camino Real Class 1 Bicycle and Pedestrian Path**

Transportation Engineering Manager Frank provided an overview of the North El Camino Real Class 1 Bicycle and Pedestrian Path.

MOTION BY MAYOR PRO TEM HAMM, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract No. C13-60, by and between the City of San Clemente and KOA Corporation, providing for engineering services for the North El Camino Real Class I Bicycle and Pedestrian Path Design, Project No. 13308, at a cost not to exceed \$78,614.

N. **Revised City Pension Investment Policy**

Following discussion, MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to approve Policy and Procedure No. 202-2, the revised City Pension Investment Policy, effective December 18, 2013, with amendments as follows:

Policy 4.3.2.2 is to be modified to read as follows:

“Rate of Return: The objective of the total fund is to earn a return that meets or exceeds the rate of return of the indices weighted in accordance with the current target asset allocation.”

7. **PUBLIC HEARINGS**

A. **115 East Canada (Peat Residence) – Historic Property Preservation Agreement 13-384**

Public Hearing to consider a request to consider a Historic Property Preservation Agreement (Mills Act) for a historic property within the Residential Medium Zoning District (RM) located at 115 East Canada. The legal description is Lot 15, Block 6 of Tract 793, Assessor's Parcel Number 057-154-25.

Associate Planner Ciampa narrated a PowerPoint presentation entitled “Historic Property Preservation Agreement - Peat Residence”. A hard copy of Mr. Ciampa's presentation, dated December 17, 2013, is on file with the City Clerk.

Mayor Brown opened the Public Hearing.

Jack and Jessica Peat, Applicants, requested that the proposed 4th Improvement (which requires augmented landscaping and aligning the driveway to the garage entrance) be omitted from the Historic Property Preservation Agreement; voiced concern that they experienced significant expense earlier this year when they re-landscaped both the front and rear yards of their property; suggested that a realignment of the driveway will be costly and not justify the minor adjustment.

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

Following discussion, MOTION BY COUNCILMEMBER EVERT, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to adopt Resolution No. 13-51 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 13-384 FOR THE PROPERTY LOCATED AT 115 EAST CANADA, with the deletion of Improvement #4 which reads as follows:

"More landscaping shall be added to the front of the property to improve the stark design. The driveway shall line up with the entrance of the garage."

B. 109 West Avenida Cadiz (Pagan Residence) – Historic Property Preservation Agreement 13-382

Public Hearing to consider a request to consider a Historic Property Preservation Agreement (Mills Act) for a historic property within the Residential Low Zoning District (RL) located at 109 West Avenida Cadiz. The legal description is Lot 55, Block 3 of Tract 822, Assessor's Parcel Number 692-143-36.

Mayor Brown recused himself from participation, and left the Council Chambers at 7:18 p.m., because he owns property within 500' of the property at 109 West Avenida Cadiz.

Associate Planner Ciampa narrated a PowerPoint presentation entitled "Historic Property Preservation Agreement - Pagan Residence". A hard copy of Mr. Ciampa's presentation, dated December 17, 2013, is on file with the City Clerk.

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

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 4-0-1 (MAYOR BROWN ABSTAINING), to adopt Resolution No. 13-52 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 13-382 FOR THE PROPERTY LOCATED AT 109 WEST AVENIDA CADIZ.

Mayor Brown returned to the dais at 7:22 p.m.

8. **UNFINISHED BUSINESS**

A. **Courtney's Sandcastle Phase 2 Sensory Garden – Project Options**

Report from the Beaches, Parks, and Recreation Director concerning project options relating to Courtney's Sandcastle Phase 2 Sensory Garden construction.

Director of Beaches, Parks and Recreation Heider reviewed the contents of the Administrative Report.

Jim Nielsen, Treasurer of the Courtney's Sandcastle Charitable Foundation, summarized the Foundation's fundraising efforts over the past three years to facilitate the construction of Phase 2 of Courtney's Sandcastle; explained that the Foundation has raised \$400,000 to date and acknowledged contributors; explained the Foundation's willingness to assist the City to achieve the completion of Phase 2.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to authorize staff to modify the approved Playground plan to value engineer the design, revise the bid requirements, and rebid the Courtney's Sandcastle Phase 2 Sensory Garden project, keeping its integrity in tact.

B. **Clean Ocean Fee Renewal and Increase – Results of Mail Ballot Election**

Report from the City Clerk and the Public Works Director/City Engineer concerning the results of the Clean Ocean Fee election.

City Clerk Baade reviewed the contents of the Administrative Report, noting that she has certified the results of the recent Clean Ocean Fee mail ballot election; reported that the measure passed, with a value of 5,005.36 (52.97%) of "YES" votes and a value of 4,443.68 (47.03%) of "NO" votes; recommended that Council adopt the proposed Resolution to declare the results of the election.

MOTION BY MAYOR BROWN, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to adopt Resolution No. 13-54 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CONFIRMING AND DECLARING THE RESULTS OF THE MAIL BALLOT ELECTION HELD DECEMBER 10, 2013, REGARDING A PROPOSED CONTINUATION AND INCREASE OF AN EXISTING CLEAN OCEAN FEE.

Assistant City Engineer Bonigut reviewed the contents of the Administrative Report relating to the implementation of the Clean Ocean Fee.

MOTION BY MAYOR BROWN, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to introduce Ordinance No. 1577 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A REVISED CHAPTER 13.34 OF THE SAN CLEMENTE MUNICIPAL CODE ENTITLED "CLEAN OCEAN FEE PROGRAM".

9. **NEW BUSINESS**

A. **Request for Proposal – Quarterly City Magazine**

Report from the Beaches, Parks, and Recreation Director concerning design and printing of the City's Quarterly City Magazine.

Assistant City Manager Sund narrated the contents of the Administrative Report and explained a PowerPoint slide entitled "Quarterly City Magazine," a copy of which is on file with the City Clerk.

Brad Wright, Community Services Network, reflected on the evolution of the City's Quarterly Magazine and stated that it has been an honor and privilege to produce the City's magazine; stated that City Staff deserves the opportunity to produce the Magazine for the next year and expressed willingness to assist with the transition; expressed hope that next year he will be re-awarded the contract.

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

1. Approve in-house staff to design the City Magazine.
2. Direct staff to draft an agreement with Advanced Web Offset providing for one year of printing services for the City Magazine.

MEETING RECESSED

Council recessed at 7:45 p.m. and reconvened at 7:55 p.m., with all Councilmembers present.

B. **City's Position on Various Issues Relating to the San Onofre Nuclear Generating Station (SONGS)**

Report from the Public Works Director/City Engineer concerning the City's position on various issues relating to the pending closure of the San Onofre Nuclear Generating Station (SONGS).

Public Works Director/City Engineer Cameron reviewed the contents of the Administrative Report.

Daryl Gale, Los Angeles, related concerns resulting from the Fukushima accident and urged that the waste from SONGS be relocated to protect the residents of Southern California.

Jeff Steinmetz, San Clemente, urged Council to adopt the proposed Resolution as currently written; asserted that the Japanese media were prohibited from reporting on the situation at Fukushima.

Donna Gilmore, San Clemente, conveyed her belief that the existence of spent fuel at SONGS is not safe and urged that Council adopt the proposed Resolution.

Gary Headrick, San Clemente Green, commented on the need to relocate fuel rods in pools to dry cask storage as soon as possible; suggested various changes to the Resolution as currently worded.

Rick Busnardo stated that he is retired from Southern California Edison, but is speaking as a private citizen; asserted that spent fuel is dangerous; stated that it is the responsibility of the State of California to find a repository location so that the spent fuel can be relocated to a less-populated area.

Don Mosier, Del Mar, stated that he is a member of the Del Mar City Council; reported that the City of Del Mar sent a letter to the NRC urging that the comment period for the decommissioning of SONGS be extended; stated that he is also a doctor who has conducted research on radiation exposure; expressed support for the Resolution and letters currently under consideration; opined that spent fuel rods should be relocated from pools to dry cask storage as soon as possible and then relocated.

Chrystal Coleman, Vista, conveyed support for the proposed Resolution and urged that the spent fuel be relocated to a safe repository in a low-population area; voiced concern that a Fukushima-type accident could occur at SONGS if an earthquake were to occur.

Christine Johnston, San Clemente, stated that she is a psychotherapist and is concerned that the community is suffering pain and anxiety about the possible lethal ramifications that an earthquake could have on SONGS; voiced concern with the storage of highly-radioactive fuel rods in close proximity to San Clemente; urged that the fuel rods be relocated as soon as possible.

Roger Johnson, San Clemente, voiced concern with the effects of the Fukushima accident on children; recommended that Council strengthen the Resolution under consideration; noted that any relocation of the spent fuel rods would likely have to occur within California and recommended that the repository be situated on a military base remote from earthquake and tsunami zones.

Joe Holtzman, Mission Viejo, stated that radiation kills and commented on the effects of the bombing of Hiroshima; urged Council to adopt the Resolution under consideration.

Grace von Thillo, San Clemente, urged that Council adopt the proposed Resolution; stated that the Waste Confidence Draft Generic Environmental Impact Statement is not appropriate for SONGS' unique realities; spoke in support of a safe repository for nuclear waste.

Petti Van Rekom, President of the League of Women Voters of Capistrano Bay, supported the proposed resolution and urged that it be expanded to request that the NRC identify how residents can safely evacuate the danger zones; recommended that the process of safely storing and relocating the nuclear waste be transparent and with public transportation; recommended that a local public oversight committee be established and requested that the League be included on that committee.

Richard McPherson, Laguna Niguel, stated that he supports SONGS and is concerned with the job loss and increased energy costs that will result from decommissioning; voiced concern that organized minorities are disseminating incorrect information.

Kevin Higgins, Temecula, voiced concern that no one knows the distance that radiation would travel if a melt down from the spent fuel rods were to occur.

Sharon Hoffman, Carlsbad, urged Council to use its influence to help assure public safety; voiced concern that a Generic Environmental Impact Statement (GEIS) is not proper due to SONGS' unique characteristics and urged that Council request an extension of the comment period on the GEIS; voiced concern that the spent fuel rods pose a daily threat to San Clemente and surrounding cities.

Ace Hoffman, Carlsbad, voiced concern that no one knows how to dispose of nearly 4 million pounds of spent fuel rods; asserted that the Generic Environmental Impact Statement, if not modified, will preclude any future relocation of the nuclear waste from SONGS.

Jeremy Pearson, Irvine, stated that he is a doctorate student at the University of California, Irvine, and is working on used fuel recycling and management; commended the site-specific inspection that was conducted by the NRC in 2011; urged that the City support United States Senator Feinstein in her efforts with respect to the Nuclear Waste Administration Act, noting that the nuclear community is supportive of the Senator's efforts; suggested that hastening actions quicker than Senator Feinstein's consent-based approach could increase dangers; stated that inflating the risks of nuclear waste storage will discourage other locations from allowing repositories to be located within their jurisdictions.

Patti Davis, San Clemente, encouraged Council to adopt the proposed Resolution and continue its efforts; voiced concern with the existence of a nuclear waste dump near San Clemente.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to take action as follows:

1. Adopt Resolution No. 13-53 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DECLARING THE CITY'S POSITION ON VARIOUS ISSUES RELATING TO THE PENDING CLOSURE OF THE SAN ONOFRE NUCLEAR GENERATING STATION (SONGS), with modifications as follows:

- a. The 7th Whereas is to be amended to read as follows:

“Whereas, the City Council of the City of San Clemente takes its responsibility to represent its citizens with utmost seriousness and, as such, desires to be included in the decommissioning process for SONGS.”

- b. The following language is to be included under “NOW, THEREFORE, the City Council of the City of San Clemente does hereby resolve as follows”:

Section 1. The City of San Clemente formally requests the creation of a repository to provide safe storage of nuclear waste.

Section 2. Once complete, the City of San Clemente requests that the spent fuel rods stored onsite at SONGS be prioritized for relocation to the repository as soon as it is safe to do so, in light of a) the geographic conditions unique to SONGS, b) the dense population surrounding SONGS, and c) the fact that SONGS is being decommissioned.

Section 3. The City Clerk is hereby directed to forward certified copies of this resolution to the Nuclear Regulatory Commission, the Department of Energy and Southern California Edison.

Section 4. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.”

2. Authorize staff to send letters as contained in the Administrative Report, dated December 17, 2013, to the Nuclear Regulatory Commission (NRC), with copies to San Clemente's local Legislators, and cities within 20 miles of SONGS. The letter is to be amended as follows:
 - a. The first sentence relating to the disaster at the Fukushima Daiichi Nuclear Power Plant is to be omitted.

Action continued on next page

- b. The third sentence in the first paragraph is to be modified to read as follows:

“At our Council meeting on December 3rd, we listened to several residents who expressed concern about the Waste Confidence Draft Generic Environmental Impact Statement.”

- c. The letter is to reference Docket ID No. NRC-2012-0246.

- 3. Authorize Staff to send letters to the mayors of cities within 20 miles of SONGS, as contained in the Administrative Report, dated December 17, 2013, with the following amendments:

The third sentence in the first paragraph is to be modified to read in its entirety as follows:

“At our Council meeting on December 3rd, we listened to several residents who expressed concerns about the Waste Confidence Draft Generic Environmental Impact Statement Draft.” (The language relating to the need for more site-specific information for the spent fuel storage at SONGS is to be omitted.)

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

None.

11. **REPORTS**

A. **Commissions and Committees**

(1) **City Representative – Orange County Vector Control District**

Jim Dahl summarized his past service as the City representative on the Orange County Vector Control District Board of Trustees and explained his request to continue his service on the Board.

MOTION BY COUNCILMEMBER EVERT, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to appoint Jim Dahl as the City representative on the Orange County Vector Control District Board of Trustees for a two-year term, to expire December 31, 2015.

B. **City Manager**

None.

C. **City Attorney**

None.

D. **Council Members**

(1) **Orange County Transportation Authority (OCTA) Report**

Councilmember Donchak reported that the OCTA Board, at its meeting of December 9, 2013, determined to add one general purpose lane in each direction to the I-405 from Costa Mesa to the County line in Seal Beach.

(2) **Toll Road Bonds**

Councilmember Baker reported on the refinancing of the toll road bonds.

(3) **Commendation for Mayor Re SONGS Comments**

Councilmember Evert commended Mayor Brown for his comments earlier in this meeting relating to the SONGS issue.

(4) **Around Towns**

Mayor Pro Tem Hamm encouraged citizens to view the City's Around Town programming.

12. **RESOLUTIONS/ORDINANCES**

None.


13. **ADJOURNMENT**

MOTION BY MAYOR PRO TEM HAMM, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to adjourn at 9:54 p.m.

The next Regular Council Meeting will be held on January 7, 2014 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. 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