

CITY OF SAN CLEMENTE

City Council Minutes

Adjourned Regular City Council Meeting - March 20, 2012

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 March 20, 2012 at 4:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Evert.

PRESENT BAKER, BROWN, DAHL, DONCHAK, MAYOR EVERT

ABSENT NONE

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

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WORKSHOP (4:00 P.M.)

A. **Water and Wastewater Utilities Cost-of-Service Study**

Oral report from the Public Works Director/City Engineer and Assistant City Manager/City Treasurer concerning the water and wastewater utilities cost-of-service study.

Municipal Services Manager Rendina, Assistant City Engineer Rebensdorf and Sanjay Guar, Raftelis Financial Consultants, narrated a PowerPoint presentation entitled "Rate Workshop with City Council" and responded to Council inquiries. A hard copy of the presentation, dated March 20, 2012, is on file with the City Clerk.

During the course of discussion, Council requested as follows: 1) That Staff include a 10-year perspective on water rate increases when this issue comes back to Council; 2) That the reference to "uniform" rates be changed to "commercial" rates; and 3) That the public notification materials sent to customers explain the rationale for rate increases.

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

1. Direct Staff to create contract and non-contract rate structures for non-potable water and return to Council for approval.
2. Direct Staff to modify the season definitions, revise potable water tier widths, adjust water meter fixed charges and tier rates and return to Council for approval.
3. Direct Staff to apply a uniform rate adjustment to sewer meter fixed charges and sewer commodity fees and return to Council for approval.
4. Direct Staff to develop a program to modify the Automatic Rate Adjustment methodology for water and sewer rates and return to Council for approval.
5. Direct Staff to include information relative to cost containment in future presentations.
6. Direct Staff to develop a public education outreach plan relative to water and wastewater utilities rates.

MEETING RECESSED

Council recessed at 5:12 p.m. and reconvened at 5:30 p.m., with all members present.

CLOSED SESSION

City Clerk Baade requested a Closed Session to discuss the items listed on the Closed Session agenda.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to recess to Closed Session at 5:30 p.m. to discuss the following:

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

Property: Irons in the Fire Restaurant, located at 150 East Avenida Magdalena, San Clemente

City Negotiator: George Scarborough, City Manager

Negotiating Parties: City of San Clemente and Dave Donaldson

Under Negotiation: Both Price and Terms of Payment.

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code Section 54956.9(c): One potential case.

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

Property: Portion of the Second Floor of the Community Development Department building, located at 910 Calle Negocio, San Clemente

Agency Negotiator: George Scarborough, City Manager

Negotiating Parties: City of San Clemente and Association Management and Maintenance Corporation (AMMCOR)

Under Negotiation: Both Price and Terms of Payment.

In attendance for the full Closed Session were all members of the City Council, City Manager Scarborough, Assistant City Attorney Goldfarb, Assistant City Manager Gudgeirsson and City Clerk Baade.

MEETING RECONVENED

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

INVOCATION

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

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Brown led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Presentation of Commendation - Lt. Paul D'Auria, Chief of Police Services**

Mayor Evert presented a Commendation to Lt. Paul D'Auria, Chief of Police Services, for his exemplary service to the citizens of San Clemente and wishing him continued success as he embarks on his position of Captain with the Orange County Sheriff's Department.

B. **Presentation of Proclamation - Relay for Life**

Mayor Evert presented a proclamation to Donald Muir, Andrew Fine, and Mike Hurlbut, representing the 2012 Relay for Life, declaring July 28-29, 2012 as days set apart for the Relay For Life that will take place at San Clemente High School to benefit the American Cancer Society's fight against cancer.

Council requested that the City Manager determine the possibility of organizing a City Relay for Life team.

C. **San Clemente General Plan - Status Report**

Report from Bill Hart, General Plan Advisory Committee representative, concerning the status of the San Clemente General Plan.

Bill Hart, General Plan Advisory Committee (GPAC) representative, provided a status report concerning the San Clemente General Plan; advised that some GPAC members have expressed concerns relative to the Planning Commission modifying GPAC recommendations; noted that the GPAC met on March 14, 2012 to discuss land use in the Pier Bowl, the Climate Action Plan, and public safety; stated that the next GPAC meeting is schedule for April 25, 2012; responded to Council inquires.

In response to Council inquiry, City Manager Scarborough advised that the Council could request that GPAC reports be forwarded along with the draft General Plan.

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

San Clemente Garden Club

Kathleen Skopaz and Lisa Goff, San Clemente Garden Club, reported on the Club's efforts to maintain various City gardens; invited the community to attend Gardenfest on April 14, 2012 at the San Clemente Community Center.

Seaview Estates Landslide Repair

Donald Mueller, San Clemente, voiced concerns relative to the Seaview Estates landslide repair; urged the City to expedite the repairs and sell off the properties.

Chuck Kenney, San Clemente, spoke on the status of the Seaview Estates landslide repair and urged Council to expedite the sale of the properties.

City Manager Scarborough provided a status update on the Seaview Estates landslide repair; stated that the City is moving forward with completing the project; noted that the final map is currently under review by the County Recorder; advised that the State will need to issue a white paper prior to the sale of the properties; requested that Public Works Director Cameron contact Mr. Kenney relative to his comments.

2007 Horno Fire

Dan Farrell, Capistrano Beach, stated that the 2007 Horno wildfire posed a risk to the spent nuclear fuel storage areas at SONGS; opined that more attention should be focused on the potential for wildfires near SONGS.

San Onofre Nuclear Generating Station (SONGS)

Gary Headrick, San Clemente, suggested that the Nuclear Regulatory Commission (NRC) should provide regular status reports at Council meetings relative to the steam generator issues at San Onofre Nuclear Generating Station (SONGS); opined that the plant should not commence operation until the cause and condition of the situation is identified.

I-5/South El Camino Real Sound Wall

Steve Hill, San Clemente, advised that Caltrans has begun installation of the Paraglas portion of the Interstate-5 sound wall; voiced objection to extending the sound wall farther south; suggested that sound mitigation materials should be utilized on the sound wall.

Evan Weiss, San Clemente, questioned whether the City should request that the Governor assist with the I-5 sound wall issue; expressed concerns regarding the possibility that Caltrans may construct additional sound walls in association with the Avenida Pico Interchange Project.

Ross Shaw, San Clemente, voiced concerns relative to the I-5 sound wall and Paraglas wall; displayed photos depicting the installation of the Paraglas wall. Hard copies of Mr. Shaw's photos are on file with the City Clerk.

Fukushima Remembrance Events

Gene Stone, representing Residents Organized for a Safe Environment (ROSE), stated that over 700 people attended the Fukushima Remembrance events held on March 10 and March 11, 2012; voiced disappointment that no members of Council attended the events.

Avenida San Juan Partnership Litigation

Thomas O'Keefe, member of the San Juan Partnership, noted that the California Supreme Court has refused to consider the case *Avenida San Juan Partnership v. City of San Clemente*; questioned the propriety of the advice provided by the City Attorney with regard to the case; urged Council to settle the case rather than return to trial court.

3. MOTION BY COUNCILMEMBER DAHL, 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**

Lease Agreement - 910 Calle Negocio (Portion of Second Floor)

Assistant City Attorney Goldfarb announced that Council approved, and authorized the Mayor to execute, Contract C12-05, a Lease Agreement, by and between the City of San Clemente and Association Management and Maintenance Corporation (AMMCOR), providing for lease of a portion of the second floor of the City facility located at 910 Calle Negocio.

6. **CONSENT CALENDAR**

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

- A. **City Council Minutes**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve the minutes of the City Council Adjourned Regular Meeting of February 15, 2012.

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

- (1) Design Review Subcommittee Meeting minutes of January 11, 2012.
- (2) Coastal Advisory Committee Meeting minutes of February 9, 2012.
- (3) Zoning Administrator Regular Meeting minutes of March 7, 2012.
- (4) Planning Commission Regular Meeting minutes of March 7, 2012.

C. **Warrant Register**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve Wire Transfer No. 918, Warrant Nos. 825887 through 826021, for the period 02-20-12 through 02-24-12, in the amount of \$2,237,550.37; approve Wire Transfer Nos. 919 through 922, Warrant Nos. 826022 through 826144, for the period 02-27-12 through 03-02-12, in the amount of \$2,877,921.69; for a total Warrant Register in the amount of \$5,115,472.06.

Payroll Register

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve Warrant Nos. 322638 through 322649, Automatic Deposit Advises 179207 through 179475, for the period 02-20-12 through 03-04-12, in the amount of \$409,615.48; for a total Payroll Register in the amount of \$409,615.48.

D. **Contract Award - Linda Lane Runoff Treatment**

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

1. Approve the plans and specifications for the Linda Lane Runoff Treatment, Project No. 10008.
2. Approve, and authorize the Mayor to execute, Contract C12-08, by and between the City of San Clemente and PALP, Inc., dba Excel Paving Company, providing for the Linda Lane Runoff Treatment, in the amount of \$152,456.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

None.

7. PUBLIC HEARINGS

None.

8. UNFINISHED BUSINESS**A. Radiological Monitoring System**

Report from the Public Works Director/City Engineer relative to radiological monitoring.

Emergency Planning Officer Tucker narrated a PowerPoint presentation entitled "Radiation Monitoring" and responded to Council inquiries. A hard copy of Ms. Tucker's presentation, dated March 20, 2012, is on file with the City Clerk.

Kathleen Cannon, Vista, speaking on behalf of Dick Eiden and herself, stressed the urgency of developing an independent radiation monitoring system.

Gene Stone, representing Residents for a Safe Environment (ROSE), spoke on the importance of developing a radiation detection system; stated that ROSE intends to develop a volunteer radiation detection network.

Jenifer Massey, San Clemente, questioned whether Council intends to take action to prevent the startup of the San Onofre Nuclear Generating Station (SONGS) prior to the relocation of spent nuclear fuel; stressed the importance of emergency preparedness.

Jeff Steinmetz, San Clemente, asserted that SONGS misrepresented the capabilities of steam generator tubes at the plant; submitted a U.S. Nuclear Regulatory Commission (NRC) report entitled "Steam Generator Tube Issues", dated December 2009, and "The Economist" containing articles relative to nuclear energy, dated March 10, 2012, which are on file with the City Clerk.

Donna Gilmore, San Clemente, conveyed support for installing radiation monitoring systems near all nuclear power stations in the U.S.; suggested that it should be the Governor that requests that the Environmental Protection Agency (EPA) install a radiation monitoring system near SONGS.

Patti Davis, San Clemente, asserted that acceptable doses of radiation for women and children are lower than for the “standard man”; opined that a radiation monitoring system in San Clemente will ease concerns and raise property values.

Chrystal Coleman, Vista, voiced opposition to nuclear power generation; conveyed support for phasing out nuclear energy and developing renewable energy; displayed photos of children exposed to nuclear radiation.

Emahn Novid, Irvine, asserted that SONGS poses a risk to public safety; urged Council to oppose continued operations of SONGS and to support the establishment of an independent radiation monitoring system.

Roger Johnson, San Clemente, opined that radiation monitoring should be a priority for the City; stated that nuclear generating stations frequently release radiation.

Gary Headrick, San Clemente, opined there is a lack of trust with the NRC; suggested that the Community Emergency Response Team (CERT) could perform radiological monitoring funded by SONGS.

Jerry Collamer, San Clemente, stated that a 7.9 magnitude earthquake occurred in Mexico City, Mexico; pointed out that SONGS is designed to withstand a magnitude 7.0 earthquake; opined that SONGS should not be restarted.

Richard Boyer, General Plan Advisory Committee Member and Radiation Protection Specialist for SONGS, speaking as a resident, questioned the value of additional radiation monitoring near SONGS; pointed out that radiation can be detected in nature.

Sara Faridi, San Clemente, opined that the height of SONGS’ tsunami wall is inadequate; recommended that the plant be upgraded to prevent the release of radiation.

Councilmember Baker narrated a source document presentation entitled “2010 Radiological Environmental Operating Report for SONGS” which is on file with the City Clerk.

Following discussion, Council: 1) directed Staff to post the phone number of the Orange County Health Care Agency on the City website so residents can report elevated Geiger counter readings; 2) directed Staff to post the NRC’s and SONGS’ bulletins and information on the City website; and 3) requested that the Mayor and City Manager meet with representatives of SONGS to determine the most-productive way to disseminate plant information.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to request that our Congresspersons and U.S. Senators introduce legislation to require that the U.S. Nuclear Regulatory Commission publish scientifically validated radiation monitoring data as frequently as it is possible to do so.

MOTION BY COUNCILMEMBER DONCHAK to request that our Congresspersons and U.S. Senators introduce legislation to require that the EPA install additional monitoring stations near San Clemente. **The motion died for lack of a second.**

9. **NEW BUSINESS**

None.

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

San Onofre Nuclear Generating Station (SONGS)

Ricardo Nicol, San Clemente, opined that radiation monitoring systems are irrelevant following a nuclear incident; asserted that San Onofre Nuclear Generating Station (SONGS) is an aged plant with failing parts; voiced concerns relative to the storage of spent nuclear fuel at SONGS.

Jenifer Massey, San Clemente, voiced concerns that natural disasters could negatively impact SONGS and cause a release of radiation; questioned whether Council is taking actions relative to the on-site storage of spent nuclear fuel.

Donna Gilmore, San Clemente, stated that the California Public Utilities Commission data conclude that California can meet energy demand without nuclear energy; stated that the California Independent System Operator has opined that SONGS is not required for energy stability; submitted a graph entitled "Excess of Power in California" which is on file with the City Clerk.

General Plan Advisory Committee (GPAC)

Richard Boyer, General Plan Advisory Committee (GPAC) Member, spoke in support of the Bicycle and Pedestrian Master Plan and General Plan's draft Climate Action Plan; conveyed the importance of establishing a joint meeting between Council and the GPAC.

Long Beach Bicycle Tour

Brenda Miller, San Clemente, thanked Council for participating in a bicycle tour of downtown Long Beach on March 10, 2012; noted that the Sun Post News featured an article on the event.

11. **REPORTS**A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. **City Attorney**(1) **Fair Political Practices Commission Regulations for Appointment of Council Representatives to Committees, Commissions and Boards**

Assistant City Attorney Goldfarb advised that the Fair Political Practices Commission (FPPC) amended its position on regulations as they relate to the appointment of Council representatives to various committees, commissions and boards and responded to Council inquiries.

Council requested that Staff agendaize appointments to the Transportation Corridor Agencies for a future Council meeting.

D. **Council Members**(1) **Shorecliffs Middle School Vegetable Garden**

Councilmember Baker announced that Shorecliffs Middle School will celebrate the grand opening of its vegetable garden on March 24, 2012.

(2) **Exchange Club's St. Patrick's Day Dinner**

Councilmember Dahl commended the Exchange Club for its successful St. Patrick's Day dinner that was held on March 17, 2012 at the Community Center.

12. **RESOLUTIONS/ORDINANCES**

None.

13. **ADJOURNMENT**

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to adjourn at 8:50 p.m.

The next Regular Council Meeting will be held on Tuesday, April 3, 2012 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.

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

/S/ Jim Evert
MAYOR of the City of
San Clemente, California