

CITY OF SAN CLEMENTE

City Council Minutes

Adjourned Regular City Council Meeting – February 21, 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 February 21, 2012 at 4:30 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.

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CLOSED SESSION

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

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to recess to Closed Session at 4:31 p.m. to discuss the following:

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

Property: 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 Quest Diagnostics

Under Negotiation: Both Price and Terms of Payment.

Closed Session items continued on next page

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

C. 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.

D. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation, pursuant to Government Code Section 54956.9(b): One Potential Case.

E. 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 (with the exception of Councilmember Donchak who abstained from deliberations and left the meeting room during consideration of Item B), City Manager Scarborough, Assistant City Attorney Goldfarb, Assistant City Manager Gudgeirsson, and City Clerk Baade. Central Services Officer Elston was in attendance for Closed Session Items A, D and E only. City Planner Pechous was in attendance for Closed Session Item B only. Rob Johnston, of Johnston Pacific, was in attendance for Closed Session Items A and E only.

MEETING RECONVENED

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

INVOCATION

Rev. Linda Robison, Palisades United Methodist Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Dahl led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Presentation of Proclamation - DMV/Donate Life California Month**

This presentation was deferred to April 2012.

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

Sydney Adams and Matt Garritson, student representatives of San Clemente High School, narrated a PowerPoint presentation entitled "San Clemente High School" that addressed campus activities. A hard copy of the subject PowerPoint, dated February 21, 2012, is on file with the City Clerk.

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

Alan Korsen, General Plan Advisory Committee representative, provided a status report concerning the San Clemente General Plan; reviewed elements considered to date, noting that the GPAC has been generally supportive of the working drafts submitted by The Planning Center; explained that the Specific Plan for North Beach is a major area that has not yet been addressed or resolved; stated that Marblehead Coastal has not been reviewed in depth due to the pending development agreement; identified topics that will be considered at the GPAC meetings of March 14, 2012, April 25, 2012 and May 14, 2012; stated that a telephone survey indicated that 97% of San Clemente's citizens rate the City's quality of life as good or excellent and 86% attribute the City's unique village character as the primary reason; responded to Council inquiries.

Council requested that Staff provide a two-year calendar that indicates timelines associated with future General Plan activity as well as the zoning updates that will follow.

Lyn Harris Hicks, San Clemente, offered suggestions to enhance awareness of GPAC meetings; urged that a community poll be conducted to determine public sentiment concerning City issues.

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

San Onofre Nuclear Generating Station (SONGS)

William Bibb, San Diego, related his concern for safety at SONGS and urged that an epidemiological study be conducted; noted that he previously submitted an email to Council that contained a proposal from Joseph Magano and Jenette Sherman for the conduct of an epidemiological study; responded to Council inquiries. A copy of Mr. Bibb's email, dated February 19, 2012 (which included a proposed outline for an epidemiological study), is on file with the City Clerk.

Marion Pack, Laguna Beach, stated that the Laguna Beach City Council voted 4 to 1 to request that spent fuel be removed from SONGS and that the plant not be relicensed if the fuel is not relocated; noted that the Irvine City Council will consider the issue next month.

Gary Headrick, San Clemente Green, reported that a Fukushima remembrance event will be held on March 10, 2012 at the Community Center; urged that an independent radiation monitoring station be established; conveyed support for an epidemiological study.

Dick Eiden, Vista, expressed concern with SONGS; questioned, and received clarification, that the City does not have an on-going standing committee concerning SONGS.

Mel Kernahan, Laguna Woods, voiced concern for the safety of San Clemente citizens due to their proximity to SONGS; urged that independent monitoring be conducted to assess the extent of any radiological leaks at the plant.

Donna Gilmore, San Clemente, stated that SONGS has the worst safety record of any nuclear plant in the country; opined that SONGS is not needed for energy purposes.

Geoff Harris, San Clemente, voiced concern that SONGS poses a safety hazard; stated that San Clemente needs additional evacuation routes in the event of an emergency and recommended that La Pata and Cristianitos be extended to facilitate evacuation.

Nancy Nolan, San Clemente, cited concerns with genetic problems caused by radiation.

Patti Davis, San Clemente, identified recent problems at SONGS that have generated concerns; supported an epidemiological study and radiation monitoring.

Council requested that the issue of independent radiation monitoring be agendized for a future Council meeting (March 20, 2012 was suggested). Staff was directed to prepare a report that identifies radiation monitoring resources that are currently in place.

It was agreed that the City Manager will determine the status of funding for the La Pata extension and will agendize the issue for a future Council meeting.

San Clemente Garden Club Report

Kathleen Scopaz, San Clemente Garden Club, reported on the Club's efforts to maintain various City gardens.

Shooting Incident Involving Orange County Sheriff's Deputy at San Clemente High School

Timothy Brun, San Clemente, voiced concern with the Deputy-involved shooting at San Clemente High School that occurred on February 7, 2012; urged that the City Council request that the FBI conduct an investigation.

3. MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, 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 DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve the Consent Calendar, with the removal of Item 6-E.

A. **City Council Minutes**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve the minutes of the City Council Regular Meeting of January 17, 2012.

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

- (1) Coastal Advisory Committee Regular Meeting minutes of January 12, 2012.
- (2) Design Review Subcommittee Meeting minutes of December 14, 2011.
- (3) Planning Commission Regular Meeting minutes of February 8, 2012.
- (4) Planning Commission Study Session minutes of February 8, 2012.

C. **Warrant Register**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve Warrant Nos. 825323 through 825470, for the period 01-23-12 through 01-27-12, in the amount of \$6,809,180.01; for a total Warrant Register of \$6,809,180.01.

D. Parking Restrictions on the South Side of Avenida Presidio at City Hall

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

1. Approve parking prohibitions on the south side of Avenida Presidio along the City Hall at 100 Avenida Presidio for:
 - a. Twenty (20) feet east of the City Hall driveway.
 - b. Seventy (70) feet west of the City Hall driveway.
 - c. An additional thirty (30) feet west of the easterly Fire Station driveway.
2. Approve removal of eighty seven (87) feet of existing parking prohibitions from the north side of Avenida Presidio across from the easterly Fire Station driveway.
3. Adopt Resolution No. 12-06 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING 'NO PARKING AREAS' ON AVENIDA PRESIDIO.

F. Redevelopment Agency Successor Actions

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

1. Direct the City Manager to pursue the formation of the Oversight Board related to the dissolution of the Redevelopment Agency.
2. Accept and submit the preliminary Recognized Obligation Payment Schedule (ROPS) to the Oversight Board.
3. Accept and submit the administrative budget to the Oversight Board for operations from February 1, 2012 to June 30, 2012 in relation to the dissolution of the Redevelopment Agency.

**Note:* Later in the meeting, Guy Varriano, Casa Romantica Board Member, inquired about the status of funding for the Casa Romantica parking lot surfacing project that is identified in the City/RDA Cooperative Agreement as a project to be funded under the RDA in FY 2013. City Manager Scarborough responded that funding for this project is no longer available pursuant to State Law and that the project will need to compete for General Fund funding in the future.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**E. Parking Restrictions on Avenida Presidio at Calle Mendoza**

Public Works Director/City Engineer Cameron and Transportation Engineering Manager Frank reviewed the contents of the Administrative Report and responded to Council inquiries.

Council requested that Staff investigate possible traffic-calming measures at the intersection of Avenida Presidio and Avenida Salvador.

Jeff Taylor, San Clemente, spoke on the importance of promoting safety over convenience and urged that the proposed parking restrictions be implemented; noted that he previously provided the City with a petition signed by five residents.

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

1. Approve parking prohibitions on the east side of Avenida Presidio for:
 - a. Twenty (20) feet north of Calle Mendoza.
 - b. Thirty-five (35) feet south of Calle Mendoza.
2. Direct Staff to work with the concerned residents as outlined in the City's Traffic Calming Policy and Resource Manual.
3. Adopt Resolution No. 12-07 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING 'NO PARKING AREAS' ON AVENIDA PRESIDIO.

7. **PUBLIC HEARINGS**

A. **Nonconforming Structure Ordinance Update – Zoning Amendment 11-020**

Public Hearing to consider a City-initiated proposal to update zoning requirements that affect nonconforming structures and uses. Structures and land uses are “nonconforming” when they do not comply with current zoning requirements. The zoning amendment would streamline the review process for some projects and clarify, remove inconsistencies, and improve effectiveness of the regulations.

Community Development Director Holloway provided introductory comments, focusing on the background of the subject issue and the process that led to the Zoning Ordinance amendment currently under consideration.

Associate Planner Wright narrated a PowerPoint presentation entitled “Nonconforming Ordinance Update” and responded to Council inquiries. A hard copy of Mr. Wright’s PowerPoint, dated February 21, 2012, is on file with the City Clerk.

Council noted that Pages 11 and 12 of Exhibit C of the proposed Ordinance cites square footage thresholds that trigger a Cultural Heritage Permit or Minor Cultural Heritage Permit; noted that the Ordinance currently identifies addition sizes that are either greater to, or less than, a specific square footage, but does not address addition sizes that are “equal to” the specified square footage. It was agreed that addition sizes that are equal to the square footage indicated will be included in the “greater than” category.

Mayor Evert opened the Public Hearing.

Larry Culbertson, San Clemente, related support for the Alternative Ordinance proposed by Staff since it limits expansions of nonconforming dwellings to a maximum of 2,100 total square feet; urged that historic structures be addressed in the subject ordinance.

Christine Lampert, San Clemente, stated that she is an architect and explained her experiences with the City’s prior non-conforming structure Ordinance; spoke in support of a Code amendment to enable small additions to be approved without a Conditional Use Permit.

Richard Jansen, San Clemente, urged Council to approve the Zoning Amendment since it would reduce the cost to expand a nonconforming structure.

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

Following discussion, MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to introduce **alternative** Ordinance No. 1548 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING TITLE 17 OF THE CITY OF SAN CLEMENTE MUNICIPAL CODE RELATING TO NONCONFORMING STRUCTURES AND USES. The alternative zoning amendments would also:

- a. Cap the expansion of a nonconforming dwelling to a maximum of 2,100 total square feet.
- b. Continue to require a Conditional Use Permit (CUP) to replace nonconforming structures in non-residential zones if they are damaged by an accident.

MEETING RECESSED

Council recessed at 8:10 p.m. and reconvened at 8:20 p.m., with all members present.

8. **UNFINISHED BUSINESS**

A. **Implementation of Wayfinding Signs, Phase I**

Report from the Community Development Director relative to the implementation of Wayfinding Signs, Phase I.

Community Development Director Holloway narrated a PowerPoint presentation entitled "Wayfinding Sign Program Phase I" and responded to Council inquiries. A hard copy of Mr. Holloway's PowerPoint presentation is on file with the City Clerk.

Suzanne Schwartz, Redmond Schwartz Design, stated that she likes the proposed signs, but stated that refinements could be made since the increase in lettering size from 3-1/2" to 4" was based on a code that has not yet been adopted; suggested that a better design, lower cost, and reduced sign weight, could be achieved; stated that QR codes can be included on signs to help pedestrians.

Council requested that Staff clarify standards of the Manual of Uniform Traffic Control Devices and report on the legal implications and impact on grant funding that could be associated with installing smaller, nonconforming signs.

Martin Schwartz, Redmond Schwartz Design, stated that he likes the overall layout of the signs, but believes that spacing could be simplified; suggested that mock-up signs be installed at their intended locations to facilitate an assessment of the signs' scale, readability, and compatibility with their surroundings.

Brenda Miller, San Clemente, urged that the sign contents be expanded to include non-motorized routes.

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

1. Approve Phase I of the Wayfinding Sign Program, as amended and outlined in the Administrative Report, for all signs except Signs No. 3, 5, and 6. A hard copy of the Administrative Report, dated February 21, 2012, is on file with the City Clerk.
2. Direct Staff to evaluate alternatives for the placement of Signs No. 3, 5, and 6 and report back to Council with a recommendation.
3. Direct Staff to investigate the following: a) Possibility of using the reverse sides of the signs, especially for freeway wayfinding; b) Possibility of incorporating the language "Downtown Village" (rather than "Downtown"), on signage if determined to be recommended and feasible; and c) Possibility of addressing the location of Parque Semper Fi as a San Clemente destination through a freestanding sign, or within the existing sign system.

Council also requested the following: 1) That Staff investigate the feasibility of installing a preview sign, possibly on an existing pole; and 2) That the City's Information Technology Division determine cyber solutions for wayfinding that will be included in the IT Strategic Plan.

The City Manager agreed to provide a memorandum to Council when the results of Staff's analyses are complete and the preview sign has been erected. Councilmembers will then have the opportunity to direct that the issue be agendaized for a future meeting, if desired.

B. Billing for 2011 Weed Abatement Program

Report from the Community Development Director concerning the costs of the abatement of weeds, rubbish, refuse, and dirt upon streets, sidewalks, parkways, and private property within the City of San Clemente and to the assignment of these costs to the properties on which the abatement was completed.

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

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

1. Waive the City's notification expenses (postage, paper and staff costs) for the compliant property owners and approve the Weed Abatement Report.
2. Authorize the Weed Abatement Contract Administrator to bill property owners the amounts indicated in the Administrative Report, dated February 17, 2012, which is on file with the City Clerk.

C. Update on Alternative Sources of Ole Hanson Replica Tiles and Test Results

Report from the Public Works Director/City Engineer relative to alternative sources of Ole Hanson replica tiles and test results.

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

Larry Culbertson, San Clemente, recommended that the City not approve Terra Tile since its tiles are produced outside the United States and suitable tiles are made in California; recommended that Council only approve Arto Brick's tiles since its tiles are the most attractive, least costly and have the best coefficient of friction.

Following discussion, MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER DAHL, to:

1. Approve Arto Brick, Terra Tile, Malibu Ceramic Works and Gucciano General Building Contractor/Tilecrete as suppliers of Ole Hanson replica tiles.
2. Approve the use of replica tiles in sidewalks and single-family residential drive approaches.
3. Approve the use of replica tiles in heavy traffic loading locations such as public streets, public alleys and accesses, commercial developments, and multifamily developments, subject to findings made by the Public Works Director/City Engineer that an acceptable tile and structural section is developed to substantially reduce the potential of tiles cracking or failing.
4. Direct Staff to investigate grout sealing and the width of grout between tiles and report back to Council via email.

Gucciano Tataria, manufacturer of Gucciano General Building Contractor/Tilecrete tiles, stated that he can match any tile color that the City desires; stated that his tile surpasses the other tile choices in terms of strength.

THE MOTION ON THE FLOOR CARRIED 5-0.

9. **NEW BUSINESS**

None.

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

San Onofre Nuclear Generating Station (SONGS)

Lyn Harris Hicks, San Clemente, urged that the agenda item for the March 20, 2012 Council meeting, relating to radiation monitoring of the SONGS facility, be broadened to include a discussion of general safety improvements at the plant.

Gene Stone, San Clemente, spoke in support of an epidemiological study and radiation monitoring; stressed that citizens have a right to obtain information relating to SONGS.

Shooting Incident Involving Orange County Sheriff's Deputy at San Clemente High School

Wayne Richardson, San Clemente, voiced concern with the February 7, 2012 Deputy-involved shooting at San Clemente High School; opined that excessive force was used; suggested that the City should reinstitute its own Police Department, rather than contracting with the County; opined that federal officials should investigate the Orange County Sheriff's Department. Hard copies of the materials presented by Mr. Richardson are on file with the City Clerk.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. **City Attorney**

None.

D. **Council Members**

Coastal Animal Services Authority (CASA)

Councilmember Donchak requested that a Coastal Animal Services Authority report be agendaized for the Council meeting of March 6, 2012.

Richard and Donna O'Neill Land Conservancy

Councilmember Baker urged that the public not trespass onto unauthorized areas of the Richard and Donna O'Neill Land Conservancy; pointed out that signage at the end of Avenida Talega indicates the areas on which the public is, and is not, allowed access.

Orange County Fire Authority (OCFA)

Councilmember Dahl stated that the City of Santa Ana is voting this evening as to whether to join the Orange County Fire Authority; noted that the OCFA Board of Directors has voted to allow the City of Santa Ana to join the Authority.

Transportation Corridor Agencies (TCA) – Conservancy Area Tours

Councilmember Dahl stated that the TCA hosts guided hikes of open space protected by the public tollroad system and invited citizens interested in joining the spring tour to contact the TCA.

Cabrillo Playhouse – Performance of “Proof”

Mayor Evert stated that the play “Proof” will be performed at the Cabrillo Playhouse, commencing on February 24, 2012; stated that a pre-show gala will take place on opening night.

12. **RESOLUTIONS/ORDINANCES**

None.

13. **ADJOURNMENT**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to adjourn at 10:06 p.m.

The next Regular Council Meeting will be held on Tuesday, March 6, 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