

CITY OF SAN CLEMENTE

City Council Minutes

Regular City Council Meeting - February 7, 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.

A Regular Meeting of the San Clemente City Council was called to order on February 7, 2012 at 5:00 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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CLOSED SESSION

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

Councilmember Donchak announced that she would recuse herself from deliberations on Closed Session Item B because she owns property within 500' of the property that is the subject of the Closed Session.

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to recess to Closed Session at 5:00 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.

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

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

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 discussion of Closed Session Item B), City Manager Scarborough, Assistant City Attorney Goldfarb, Assistant City Manager Gudgeirsson, and City Clerk Baade. Central Services Officer Elston and Jim Wynne, of Johnston Pacific, were in attendance for Closed Session Item A.

MEETING RECONVENED

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

INVOCATION

Mark Barrett, Pastor of Calvary Chapel South County, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Brown led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

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

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

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

San Clemente Mayor's Prayer Breakfast

Frank Butsko, San Clemente Kiwanis Club, announced that the 28th Annual San Clemente Mayor's Prayer Breakfast will be held on March 6, 2012 at the San Clemente Community Center; stated that tickets are available for sale and invited the community to attend.

iHope Day Resource Center

Susan Parmelee, San Clemente, spoke on the need for additional support services for the working poor and homeless; announced the opening of the iHope Day Resource Center on West Canada; noted that a ribbon-cutting ceremony will be held on February 10, 2012.

Fighters for the World After-School Program/Los Molinos Business District

Joe Calvitta, co-owner of Finish Strong MMA, reported on the activities of the "Fighters for the World" after-school program for at-risk children; thanked the City for its support in revitalizing the Los Molinos Business District.

San Onofre Nuclear Generating Station (SONGS)

Gene Stone, San Clemente, submitted a proposal that requests that the City partner for a remembrance event and press conference regarding the Fukushima-Daiichi Nuclear Power Plant and San Onofre Nuclear Generating Station (SONGS); urged Council support for the installation of an independent real-time radiation monitoring system; suggested that an epidemiology study be conducted. A hard copy of the proposal, dated February 6, 2012, is on file with the City Clerk.

Dick Eiden, Vista, pointed out that he is running for Congress in the 49th District; applauded citizens for their efforts to monitor and provide recommendations concerning SONGS.

Donna Gilmore, San Clemente, voiced concern that citizens are not provided information relative to the extent of radiological releases at SONGS and urged that a real-time or near real-time radiation monitoring system be installed in San Clemente; voiced concern regarding long-term storage of spent nuclear fuel; urged citizens to support a state Initiative regarding SONGS and the Diablo Canyon Nuclear Generating Station. Ms. Gilmore submitted a letter, dated February 7, 2012, which is on file with the City Clerk.

Mel Kernahan, Laguna Woods, asserted that the need for nuclear power has been exaggerated and conveyed support for the immediate decommissioning of SONGS; requested quantification of the extent of the radiation leak and condition of the employee involved in an accident at SONGS.

Patti Davis, San Clemente, expressed concerns regarding a radiation leak at SONGS; spoke in support of an independent radiation monitoring system and epidemiology study for San Clemente.

San Onofre Nuclear Generating Station (SONGS)/Retail Malls

Jenifer Massey, San Clemente, conveyed hope that the City will partner for a remembrance event of the 1st Anniversary of the tragedy of Fukushima; urged that the City assist in obtaining an independent radiation monitoring system for SONGS; voiced concerns regarding the “waste confidence proposal” from the Nuclear Regulatory Commission; submitted a New York Times article concerning problems that retail malls are experiencing throughout the country, dated February 6, 2012, which is on file with the City Clerk.

I-5/South El Camino Real Sound Wall

Evan Weiss, San Clemente, noted that Caltrans has rejected the City's request that the environmental documents pertaining to the Interstate-5 sound wall be re-evaluated; cited an article in the Orange County Register in which Caltrans indicated that Caltrans is willing to work with the City to consider modifying the I-5 sound wall; urged Council to seek clarification from Caltrans as to whether it is willing to modify the existing sound wall. A hard copy of the referenced article, dated February 3, 2012, is on file with the City Clerk.

City Manager Scarborough stated that Staff will draft a letter to Caltrans, to be signed by the Mayor, requesting clarification of its response to the City relative to the I-5 sound wall.

Kirk Schilling, San Clemente, applauded the City for its efforts concerning the I-5 sound wall; opined that Caltrans disregarded the City's request that Caltrans re-evaluate environmental documents for the I-5 sound wall and urged Council to compel Caltrans to reconsider its decision.

Don Krall, owner of Little Inn by the Beach, thanked the City for retaining a sound study on the I-5 sound wall; questioned and received clarification that the sound study has been completed and the report will soon be available for review; spoke on the importance of improving communication with Caltrans.

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**

Assistant City Attorney Goldfarb stated that Council took no reportable action during this evening's Closed Session.

6. **CONSENT CALENDAR**

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve the Consent Calendar, with the removal of Items 6-B(1), 6-E, and 6-H.

A. **City Council Minutes**

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve the minutes of the City Council Regular Meetings of December 20, 2011 and January 3, 2012.

B. MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to receive and file the following:

(2) Planning Commission Study Session minutes of January 18, 2012.

(3) Zoning Administrator Regular Meeting minutes of January 18, 2012.

C. **Warrant Register**

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve Handwrite No. 824988, Wire Transfer Nos. 899 through 902, Warrant Nos. 824860 through 824506, for the period 01-02-12 through 01-06-12, in the amount of \$1,238,570.06; approve Warrant Nos. 824989 through 825213, for the period 01-09-12 through 01-13-12, in the amount of \$883,139.75; approve Wire Transfer Nos. 903 through 908, Warrant Nos. 825214 through 825322, for the period 01-16-12 through 01-20-12, in the amount of \$2,221,309.03; for a total Warrant Register in the amount of \$4,343,018.84.

Payroll Register

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve Warrant Nos. 322606 through 322612, Automatic Deposit Advises 178165 through 178414, for the period 12-26-11 through 01-08-12, in the amount of \$394,739.25; approve Warrant Nos. 322613 through 322621, Automatic Deposit Advises 178415 through 178684, for the period 01-09-12 through 01-22-12, in the amount of \$411,975.06; for a total Payroll Register in the amount of \$806,714.31.

D. **Notice of Completion - Coastal Trail Trafalgar Pedestrian Overpass Rehabilitation**

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

1. Accept the Coastal Trail Trafalgar Pedestrian Overpass Rehabilitation, City Project No. 20302 and Federal Project No. B-09-SP-CA-0176, from the contractor, R.J. Bullard Construction, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Coastal Trail Trafalgar Pedestrian Overpass Rehabilitation, City Project No. 20302 and Federal Project No. B-09-SP-CA-0176. (Contract C10-58)
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 R.J. Bullard Construction, Inc.
4. Authorize the City Clerk to release the Performance Bond upon receipt of two Warranty Bonds (one starting on May 17, 2011 and another starting on February 7, 2012) in the amount of 25% of the construction cost.

F. **Reclassification of Building Inspector II to Senior Building Inspector**

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve the elimination of one Building Inspector II and the addition of one Senior Building Inspector position.

G. **Courtney's Sand Castle Foundation Fundraising Display in San Clemente Aquatic Center**

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve a Courtney's Sand Castle Foundation fundraising display in the San Clemente Aquatic Center lobby for one year.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**B(1). Planning Commission Regular Meeting Minutes of January 18, 2012**

Following clarification, MOTION BY MAYOR EVERT, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to receive and file the Planning Commission Regular Meeting minutes of January 18, 2012.

E. Equipment Purchase - Pier Bowl Security and Camera System

In response to Council inquiry, Information Services Specialist Squires explained the purpose of the security camera system. MOTION BY COUNCILMEMBER BAKER, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to:

1. Authorize the installation of the Pier Bowl security and camera system.
2. Authorize a transfer in the amount of \$21,410 from Council Contingency Fund (Account 001-203-44900) to the Information Services Fund - Computer Hardware Account 063-241-43454 for a Pier Bowl security and camera system.

H. Vista Hermosa Sports Park - Request to Name Baseball Fields for John Springman

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

Kurt Conone, San Clemente, spoke in support of naming the baseball fields at Vista Hermosa Sports Park for John Springman and Susan Enquist.

Following discussion, Council 1) requested that Staff and the Beaches, Parks and Recreation Commission consider ways to memorialize important sports figures in the community and report back to Council within one year, and 2) directed Staff to report back to Council in 12-18 months on the progress of the Vista Hermosa Sports Park naming rights fund raising effort.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to deny the request to name the baseball fields at Vista Hermosa Sports Park for John Springman.

7. **PUBLIC HEARINGS**

None.

8. **UNFINISHED BUSINESS**

None.

9. **NEW BUSINESS**

None.

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

Measure A/Draft Economic Development Element/Government Transparency

Kurt Conone, San Clemente, asserted that an effort is underway to circumvent Measure A; urged that the draft Economic Development Element relating to North Beach be agendaized for the February 15, 2012 General Plan Advisory Committee (GPAC) meeting; offered suggestions to improve government transparency.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. **City Attorney**

None.

D. **Council Members**

(1) **Report from Councilmember Dahl, City Representative to the Transportation Corridor Agencies, Relative to TCA Matters**

Councilmember Dahl provided an update on the activities of the Transportation Corridor Agencies, noting that the Fiscal Year 2013 budget is being developed.

(2) **Report from Councilmember Donchak, City Representative to the Library Task Force, Relative to Library Task Force Matters**

Councilmember Donchak provided an update on the San Clemente Library expansion project, library circulation, and State budget impacts on the Orange County Library system; urged citizens to contact the City Manager if they are aware of potential locations in or around the downtown area that may be suitable for use as a temporary library during the library expansion project.

(3) **Orange County Fire Authority (OFCA)**

Councilmember Dahl advised that it is anticipated that the City of Santa Ana Fire Department will be absorbed by the Orange County Fire Authority in March 2012.

(4) **Ralphs Grocery Store Shuttle Service**

Councilmember Baker announced that a shuttle service is currently operating to transport customers from the Ralphs Grocery Store on El Camino Real, which is closed for renovations, to the Ralphs Grocery Store in Talega.

Council requested that Staff contact a representative of the Ralphs Grocery Company to suggest that the shuttle be relocated closer to the street to improve visibility.

12. **RESOLUTIONS/ORDINANCES**

None.

13. **ADJOURNMENT**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to adjourn at 7:08 p.m., to an Adjourned Regular Meeting to be held on Wednesday, February 15, 2012 at 4:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, for the purpose of considering the Long Term Financial Plan and Strategic Priorities.

The next Regular Council Meeting will be held on Tuesday, February 21, 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