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CITY OF SAN CLEMENTE

City Council Minutes

Adjourned Regular City Council Meeting - November 27, 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 November 27, 2012 at 5:05 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Evert.

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

* Councilmember Baker arrived at 5:08 p.m.

ABSENT NONE

STAFF PRESENT George Scarborough, City Manager; Jeff Goldfarb, City Attorney; Eileen White, Recording Secretary.

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CLOSED SESSION

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

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 4-0 (COUNCILMEMBER BAKER ABSENT), to recess to Closed Session at 5:06 p.m. to discuss the following:

A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

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

Daniel Walker as Trustee for the 1997 Walker Family Trust v. City of San Clemente, Orange County Superior Court Case No. 30-2012-00591239-CU-WM-CJC

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

Sadeghi v. City of San Clemente, et al. Orange County Superior Court Case No. 30-2011 00465408-CU-WM-CJC

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

Sadeghi v. City of San Clemente, Fourth District Court of Appeal Case No. G047139

The Closed Session was conducted in the Ocean View Conference Room at City Hall. In attendance for the full Closed Session were all members of the City Council, City Manager Scarborough and City Attorney Goldfarb.

MEETING RECONVENED

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

INVOCATION

Fr. Michael P. Hanifin, Our Lady of Fatima Catholic Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Dahl led the Pledge of Allegiance.

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1. **SPECIAL PRESENTATIONS**

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

Matt Garritson and Gabby Meyer, student representatives of San Clemente High School, narrated a PowerPoint presentation entitled "San Clemente High School" that summarized campus activities. A hard copy of the PowerPoint presentation is on file with the City Clerk.

B. **Fiscal State of the City, Presentation of Quarterly Financial Reports, and Introduction of the 2013 Issue Papers and Objectives**

Presentation by Assistant City Manager/City Treasurer concerning the Fiscal State of the City, quarterly financial reports for the 4th Quarter of Fiscal Year 2012 and the 1st Quarter of Fiscal Year 2013, and introduction of the 2013 Issue Papers and Objectives.

Assistant City Manager/City Treasurer Gudgeirsson narrated a PowerPoint, entitled "Fiscal State of the City". A hard copy of the PowerPoint presentation, dated November 27, 2012, is on file with the City Clerk. The presentation also covered the 4th Quarter Financial Report for Fiscal Year 2012, the 1st Quarter Financial Report for Fiscal Year 2013, and 2013 Issue Papers and Objectives.

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

Water Utility Billing Cycle

Phil Larson, San Clemente, voiced concern regarding the methodology utilized to determine the water utility billing cycle; urged Council to investigate a way to make the billing cycle consistent.

City Manager Scarborough stated that Staff will provide Council and Mr. Larson with a report concerning the water utility billing cycle.

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**

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

6. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to approve the Consent Calendar, with the removal of Items B(2), B(5), F, H, and I.

A. **City Council Minutes**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to approve the minutes of the City Council Regular Meeting of October 16, 2012 and the Joint City Council/Commissions/Committees Meeting of October 23, 2012.

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

- (1) Design Review Subcommittee Meeting minutes of September 26, 2012, October 10, 2012, and October 24, 2012.
- (3) Zoning Administrator Regular Meeting minutes of November 7, 2012.
- (4) Beaches, Parks, and Recreation Commission Regular Meeting minutes of November 13, 2012.

C. **Warrant Register**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to approve Wire Transfer No. 1061 and Warrant Nos. 503885 through 504043, for the period 10-15-12 through 10-19-12, in the amount of \$1,979,547.33; approve Wire Transfer Nos. 1062 through 1065 and Warrant Nos. 504044 through 504177, for the period 10-22-12 through 10-26-12, in the

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amount of \$886,974.91; approve Warrant Nos. 504178 through 504331, for the period 10-29-12 through 11-02-12, in the amount of \$1,400,026.37; approve Wire Transfer Nos. 1066 through 1069 and Warrant Nos. 504332 through 504522, for the period 11-05-12 through 11-09-12, in the amount of \$1,164,102.28; for a total Warrant Register in the amount of \$5,430,650.89.

Payroll Register

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to approve Warrant Nos. 131 through 138, and Automatic Deposit Advises 3804 through 4088, for the period 10-15-12 through 10-28-12, in the amount of \$419,832.19; approve Warrant Nos. 139 through 145, and Automatic Deposit Advises 4089 through 4367, for the period 10-29-12 through 11-11-12, in the amount of \$410,905.75; for a total Payroll Register in the amount of \$830,737.94.

D. **Drainage and Maintenance Easement for the Downtown Fire Station and Senior Center**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to accept, and authorize the Mayor to execute, the Drainage and Maintenance Access Easement, by and between the City of San Clemente and Presidio Building, LLC, relating to drainage and maintenance associated with the Downtown Fire Station and Senior Center. (Deed 459)

E. **Notice of Completion - Water Reclamation Plant SCADA Fiber Optic Network**

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

1. Accept the Water Reclamation Plant SCADA Fiber Optic Network, Project No. 12605, from the contractor, Intelinet, Inc.
2. Authorize the Mayor to execute, and City Clerk to record, the Notice of Completion for the Water Reclamation Plant SCADA Fiber Optic Network, Project No. 12605. (Contract C12-11)

(Council action continued on next page)

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 Intelinet, 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.

G. **Metrolink Holiday Train Event at North Beach**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to authorize the transfer of an appropriation in the amount of \$1,000 for the Metrolink Holiday Train event at North Beach from Council Contingency Fund (Account 001-204-44900) to Recreation Meetings and Events (Account 001-624-44420).

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

B(2). **Planning Commission Adjourned Regular Meeting Minutes of October 30, 2012 and November 7, 2012**

Following clarification, MOTION BY COUNCILMEMBER BAKER, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to receive and file the Planning Commission Adjourned Regular Meeting minutes of October 30, 2012 and November 7, 2012.

B(5). **Golf Course Committee Regular Meeting Minutes of November 1, 2012**

Council commended Staff for the excellent condition of the greens at the Municipal Golf Course.

MOTION BY COUNCILMEMBER BAKER, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to receive and file the Golf Course Committee Regular Meeting minutes of November 1, 2012.

F. **Notice of Completion - Traffic Signal Cabinets and Electrical Services Upgrades**

Following clarification, MOTION BY COUNCILMEMBER BAKER, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to:

1. Accept the Traffic Signal Cabinets and Electrical Services Upgrades, Project No. 10811, from the contractor, JFL Electric, Inc.
2. Authorize the Mayor to execute, and City Clerk to record, the Notice of Completion for the Traffic Signal Cabinets and Electrical Services Upgrades, Project No. 10811. (Contract C11-52)
3. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

H. **Notice of Completion - San Gabriel Force Main Rehabilitation**

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

1. Approve a supplemental appropriation in the amount of \$22,160 from the Sewer Fund Depreciation Reserve to Account 054-476-45300-000-13201 and authorize the City Engineer to approve a contract change order revising the total contract amount to \$477,157.
2. Accept the rehabilitation of the San Gabriel Force Main, Project No. 13201, from the contractor, GCI Construction.
3. Authorize the Mayor to execute, and City Clerk to record, the Notice of Completion for the rehabilitation of the San Gabriel Force Main, Project No. 13201. (Contract C12-33)
4. 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 GCI Construction.
5. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

I. Relocation of La Cristianita Monument to Casa Romantica Site

Community Development Director Holloway reviewed the contents of the Administrative Report; advised that a donor has expressed interest to fund the relocation of the La Cristianita monument; responded to Council inquiries.

Rick Divel, San Clemente, speaking on behalf of Bertha Henry Taylor, commended Council for moving forward with the relocation of the La Cristianita monument.

Rebecca Robles, San Clemente, opined that the monument should be relocated to the historic site near Cristianitos Road; voiced concern that Native American groups were not notified of the potential relocation of the monument.

Larry Culbertson, President of the San Clemente Historical Society, voiced support for the relocation of the monument to Casa Romantica.

Mel Vernon, Captain of the San Luis Rey Band of Mission Indians, spoke on the importance of cultural preservation and awareness; encouraged that Native American groups be invited to celebrate the relocation of the monument.

Don Kunze, San Clemente, conveyed support for the relocation of the monument; spoke on the importance of the historic site as part of the trail system near Cristianitos Road.

Council recommended that signage be located near the monument to provide visitors with directional information concerning the original historic site.

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

1. Accept the donation from Dr. Giovanni Cirocco for the relocation of the La Cristianita Monument to the Casa Romantica site.
2. Authorize a \$3,000 budget from the City Council Contingency Account to Community Development Administration Contractual Services Account 001-441-43890 for any significant overages associated with the relocation of the La Cristianita Monument to the Casa Romantica site.

(Council action continued on next page)

3. Approve the placement of the monument and plaque per the recommendation of the Casa Romantica Board and in conformance with the Zoning Administrator approval and per authorization by the State Office of Historic Preservation, with the addition of an interpretive sign that celebrates the cultural history and provides wayfinding to the historic La Cristianita site.
4. Request that Casa Romantica host a grand opening celebration, and invite Native Americans associated with La Cristianita to the event.

7. **PUBLIC HEARINGS**

None.

8. **UNFINISHED BUSINESS**

A. **Ole Hanson Beach Club Rehabilitation Concept Plans**

Report from the Beaches, Parks and Recreation Director concerning the rehabilitation concept plans for the Ole Hanson Beach Club.

Recreation Manager Passow narrated a PowerPoint presentation entitled "Ole Hanson Beach Club Repair and Rehabilitation" and responded to Council inquiries. A hard copy of Ms. Passow's presentation, dated November 27, 2012, is on file with the City Clerk.

George Gregory, San Clemente, suggested design modifications to the facility; urged that public notification concerning the Ole Hanson Beach Club be expanded to 500'.

Larry Culbertson, President of the San Clemente Historical Society, spoke on the historical significance of the Ole Hanson Beach Club; urged Council to move forward with the aesthetic restoration in conjunction with the facility rehabilitation.

Margo Beauchamp, San Clemente, urged Council to ensure that the building design takes into consideration the security of the women's changing room; suggested that the reception desk be located in an area that can observe the changing room entrances.

Georgette Korsen, San Clemente Historical Society, stressed the importance of balancing historical preservation of the Beach Club and improving the efficiency of the facility; encouraged the restoration of original features and historical elements.

Following discussion, MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to direct Staff to schedule a workshop at the January 8, 2013 City Council meeting relative to the rehabilitation of the Ole Hanson Beach Club, with specific focus on the cost itemization of the initial phase and future improvement phases, potential funding sources to complete the rehabilitation, and an architectural discussion of changes that include exterior elements and citizen safety.

MEETING RECESSED AND RECONVENED

Council recessed at 7:52 p.m. and reconvened at 8:00 p.m. with all members present.

B. Audible Warning System (AWS) Update and Budget Request

Report from the Community Development Director concerning the audible warning system (AWS) upgrade and budget request.

Councilmembers Baker and Dahl recused themselves from deliberations on this item because they each own property within 500' of the railroad tracks; left the Chambers at 9:00 p.m.

Community Development Director Holloway reviewed the contents of the Administrative Report and responded to Council inquiries.

Kirk Steele, San Clemente, thanked Council and Staff for their work to resolve the train horn noise; encouraged Council to continue moving forward with the AWS system.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 3-0-2 (COUNCILMEMBERS DAHL AND BAKER ABSTAINING), to:

1. Authorize a supplemental appropriation in the amount of \$86,500 to Quiet Zone Account 001-441-45900-37802 from the General Fund unassigned fund balance.
2. Approve, and authorize the Mayor to execute, the First Amendment to Contract C12-07, by and between the City of San Clemente and Goodin, MacBride, Squeri, Day and Lamprey, LLC, providing for professional services related to establishing a Safety/Quiet Zone. This amendment increases the contract cost from \$58,000 to \$134,500 (an increase of \$76,500).

Councilmembers Baker and Dahl returned to the dais at 9:05 p.m.

9. **NEW BUSINESS**

A. **Request for Proposal for San Clemente Bus Circulator Study**

Report from the Public Works Director/City Engineer concerning the possibility of issuing a request for proposals for a comprehensive evaluation on the viability of a local bus circulator.

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

Brenda Miller, San Clemente, spoke on the need to improve pedestrian infrastructure to promote walkability; voiced support for the City to explore the possibility of a circulator bus in the future.

Following discussion, MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to deny the issuance of a Request for Proposals for a Transit Planning Consultant to provide a comprehensive evaluation and recommendations on the viability of a local bus circulator.

B. Supplemental Appropriation for the Bonito Canyon Tennis Court Rehabilitation

Report from the Public Works Director/City Engineer and Beaches, Parks and Recreation Director concerning the rehabilitation of the Bonito Canyon Tennis Court.

Councilmember Dahl recused himself from deliberations on this item because he owns property within 500' of Bonito Canyon Park; left the Chambers at 9:30 p.m.

Assistant City Engineer Rebensdorf and Beaches, Parks and Recreation Director Heider narrated a PowerPoint presentation entitled "Bonito Canyon Tennis Court Rehabilitation" and responded to Council inquiries. A hard copy of the presentation, dated November 27, 2012, is on file with the City Clerk.

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER BAKER, CARRIED 4-0-1 (COUNCILMEMBER DAHL ABSTAINING), to direct Staff to pursue a Joint Use Agreement with the Capistrano Unified School District for use of tennis courts and to report back to Council at the 2nd meeting in January, 2013.

Councilmember Dahl returned to the dais at 9:50 p.m.

C. Caltrans Request for Encroachment Permit Electrical Service for Changeable Message Sign (CMS) on Northbound I-5 Near Avenida Dolores

Report from the Public Works Director/City Engineer concerning a request from Caltrans for an encroachment permit for electrical service for a Changeable Message Sign (CMS) on Northbound I-5 near Avenida Dolores.

Public Works Director/City Engineer Cameron reviewed the contents of the Administrative Report; displayed slides depicting the proposed CMS signage; responded to Council inquiries. Hard copies of Mr. Cameron's slides are on file with the City Clerk.

Mike Varipapa and Ryan Chamberlain, of Caltrans, stated that CMS signs are needed to notify motorists of congestion, travel times, accidents, Amber Alerts, and other traffic-related information; spoke on the success of the signage program to raise awareness on child abductions, to relieve traffic congestion, and provide public service announcements; explained the rationale for proposing that the sign be located near Avenida Dolores; responded to Council inquiries.

Steve Haubert, San Clemente, urged Council to continue the subject to allow additional public review; suggested that Caltrans investigate the possibility of installing the sign farther south on I-5.

Margo Beauchamp, San Clemente, voiced opposition to the installation of the proposed CMS sign; urged Council to conduct a public hearing on the subject; suggested alternative locations for a proposed CMS sign.

Kathleen Ward, San Clemente, opined that there is not a need for additional CMS signs; stated that she checks traffic conditions prior to traveling.

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

1. Deny an encroachment permit to Caltrans for the extension of electrical service to the Caltrans Changeable Message Sign on Northbound I-5 near Avenida Dolores.
2. Send a formal request to the State Director of Caltrans to not proceed with a Changeable Message Sign on Northbound I-5 near Avenida Dolores.

D. **Max Berg Plaza Park Playground Equipment Replacement and Option for Universally Accessible Playground Upgrades**

Report from the Beaches, Parks and Recreation Director concerning Max Berg Plaza Park playground equipment replacement and the possibility of upgrading to universally accessible playground equipment.

Beaches, Parks and Recreation Director Heider narrated a PowerPoint presentation entitled "Max Berg Plaza Park Playground Replacement Options" and responded to Council inquiries. A hard copy of Ms. Heider's presentation, dated November 27, 2012, is on file with the City Clerk.

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

1. Approve Option 1 to install Universally Accessible playground equipment at Max Berg Plaza Park, as summarized in the Administrative Report, dated November 27, 2012, that is on file with the City Clerk.
2. Allocate \$25,000 from the Park Acquisition and Development Fund to the Park Asset Replacement Fund Account 014-820-45300-000-12724.
2. Direct Staff to conduct community neighborhood workshops for community input and notify City Council when workshops are scheduled to occur.

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

None.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. **City Attorney**

None.

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D. Council Members**(1) Report from Lori Donchak, City Representative to the California Joint Powers Insurance Authority, concerning a summary of the CJPIA Conference**

Councilmember Donchak summarized her attendance at the California Joint Powers Insurance Authority (CJPIA) Annual Conference held on November 7-9, 2012 in San Diego; spoke on the issue of records retention and summarized the City of Monterey's electronic records policy; requested that consideration be given to teambuilding exercises for the City Council in the future.

City Manager Scarborough advised that Staff will provide Council with a report relative to the City's Records Retention Policy.

(2) Puttin' on the Glitz

Councilmember Baker spoke on the success of the Puttin' on the Glitz event held on November 24, 2012.

(3) Remarks from Jim Dahl Serving as a Member of City Council

Councilmember Dahl reflected on his career as a fire fighter and public service as a Councilmember; noted that he will continue to serve the community through the Orange County Vector Control Board and various community organizations.

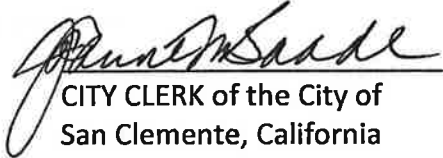
12. RESOLUTIONS/ORDINANCES**A. Ordinance No. 1561 (Second Reading) - Zoning Amendment 12-285, Zoning Ordinance Clean Up**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to adopt Ordinance No. 1561 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 TO CLEAN UP ZONING ORDINANCE INCONSISTENCIES AND ERRORS.

13. ADJOURNMENT

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to adjourn at 10:09 p.m.

The next Regular Council Meeting will be held on Tuesday, December 4, 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.


CITY CLERK of the City of
San Clemente, California

MAYOR of the City of
San Clemente, California