

CITY OF SAN CLEMENTE

City Council Minutes

Regular City Council Meeting – March 5, 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.

A Regular Meeting of the San Clemente City Council was called to order on March 5, 2013 at 5:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Baker.

PRESENT BROWN, DONCHAK, EVERT, HAMM, MAYOR BAKER

ABSENT NONE

STAFF PRESENT George Scarborough, City Manager; Jeff Goldfarb, City Attorney; Joanne Baade, City Clerk.

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CLOSED SESSION

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

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to recess to Closed Session to discuss the following:

- A. PUBLIC EMPLOYMENT/PUBLIC EMPLOYEE APPOINTMENT: City Manager

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

MEETING RECONVENED

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

INVOCATION

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

PLEDGE OF ALLEGIANCE

Councilmember Donchak led the Pledge of Allegiance.

1. SPECIAL PRESENTATIONS

A. San Clemente High School Student Report

Matt Garritson, student representative of San Clemente High School, presented a PowerPoint that identified campus activities. A hard copy of the subject PowerPoint is on file with the City Clerk.

B. Mothers Against Drunk Driving (MADD) Awards

Tiffany Townson, from Orange County MADD, presented awards, and Mayor Baker presented Certificates of Recognition, to the following San Clemente Police Officers for their achievements in DUI arrests:

Deputy Jeff Hewitt	34 Arrests
Deputy Jeremiah Prescott	28 Arrests
Deputy Michael Carrillo	25 Arrests

C. National Association of People Against Bullying Presentation

Anna Mendez, Executive Director of the National Association of People Against Bullying, described the problem of bullying, noting that suicide is the third cause of death among children; related that change needs to occur at all levels.

Victoria Mendez, President of the Kool 2b Kind dance fundraiser, noted that the next Council agenda will include a request that Council waive the fees associated with use of the Community Center for the fundraising event.

6A.2

D. Operation Enduring Freedom Monument Presentation

Terry Rifkin, President of the Dana Point 5th Marine Regiment Support Group, gave a presentation concerning the Operation Enduring Freedom Monument which will be displayed at the 5th Marine Memorial Park; requested that the City consider participating in the memorial effort through a monetary contribution.

Peter Hammer described the monument that was designed to honor the memory of 60 marines that were lost during the Operation Enduring Freedom mission in Afghanistan.

Council directed that the possibility of authorizing a City contribution to the Operation Enduring Freedom Monument be agendaized for the Council meeting of March 19, 2013.

2. ORAL COMMUNICATIONS (PART 1)

Presentation of Check from MWDOC (Metropolitan Water District of Orange County)

Susan Hinman, Division Director of MWDOC, presented the City with a \$163,304 check, explaining that it is the result of Orange County's 28 water agencies working together to protect ratepayers from unplanned water rate increases by establishing a contingency fund.

HERO Financing for PACE (Property Assessed Clean Energy) Projects

Dustin Reilich, HERO Financing, noted that his company finances PACE (Property Assessed Clean Energy) projects; explained that his company works under the auspices of AB 811; stated that a City resolution, and amendment to the Program JPA, is necessary for San Clemente residents to be eligible to take advantage of HERO financing.

Beach Parking Improvement Fund

Brad Malamud, San Clemente, stated that at the February 19, 2013 Council meeting, the City Attorney said that he doesn't think a resolution is necessary in order to spend Beach Parking Improvement Funds; requested a definitive answer.

City Manager Scarborough responded that the City will not spend Beach Parking Improvement Funds unless authorized by Council.

4A-3

City Laws Re Commercial Vehicle Parking, Parking to Accommodate Street Sweeping and Parties Involving Over Eight People

George Gregory, San Clemente, asserted that City laws pertaining to parking of commercial vehicles, parking to accommodate street sweeping, and parties involving over eight people, are discriminatory.

It was noted that the issue of commercial vehicle parking will be agendized within one month.

- 3. MOTION BY MAYOR PRO TEM BROWN, 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 DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to approve the Consent Calendar with the removal of Items 6-B(2) and 6-B(3).

- A. **City Council Minutes**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to approve the minutes of the Regular Council Meetings of February 5, 2013 and February 19, 2013.

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

- (1) Design Review Subcommittee minutes of January 23, 2013.

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C. **Warrant Register**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to approve Warrant Nos. 506057 through 506205 for the period 2-4-13 through 2-8-13 in the amount of \$3,274,595.11; approve Wire Transfers Nos. 1099 through 1102 and Warrant Nos. 506206 through 506377 for the period 2-11-13 through 2-15-13 in the amount of \$1,046,381.97; for a total Warrant Register of \$4,320,977.08.

Payroll Register

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to approve Warrant Nos. 177 through 180 and Automatic Deposit Advises 5984 through 6249 for the period 2-4-13 through 2-17-13 in the amount of \$395,549.75; for a total Payroll Register of \$395,549.75.

D. **Parking Prohibitions on El Camino Real**

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

1. Approve prohibiting parking on the northeast side of North El Camino Real, from East Escalones curb return in a northwesterly direction for a distance of one hundred (100) feet.
2. Approve prohibiting parking on the west side of South El Camino Real between Avenida Mateo and Avenida Algodon.
3. Adopt Resolution No. 13-05 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, MODIFYING "NO PARKING AREAS" ON EL CAMINO REAL.

E. **Request to Authorize a Limited Term, Benefited Position (Senior Facilities Maintenance Specialist)**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to authorize a limited-term, benefited position (Senior Facilities Maintenance Specialist) from March 2013 through October 2013.

6A-5

F. Notice of Completion – Community Center HVAC Maintenance Rehabilitation

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

1. Accept the “Community Center HVAC Maintenance Rehabilitation, Project No. 11546”, from the contractor, True Air Mechanical, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the “Community Center HVAC Maintenance Rehabilitation, Project No. 11546”.
3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Maintenance Division that no liens have been levied against True Air Mechanical, 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.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**B(2). Zoning Administrator Regular Meeting Minutes of February 6, 2013 and February 20, 2013.**

Council referred to the portion of the Zoning Administrator Meeting minutes of February 6, 2013 that related to the Miller Apartment Remodel at 122 Avenida Victoria and requested that Staff explain the approval of the project’s use of fiberglass windows.

City Planner Pechous responded that Staff has changed its perspective about fiberglass windows due to advances in product quality; explained that fiberglass windows are now allowed within the Architectural Overlay, provided they reflect quality design that is consistent with the design guidelines.

MOTION BY MAYOR BAKER, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to receive and file the Zoning Administrator Regular Meeting Minutes of February 6, 2013 and February 20, 2013.

6/11/13

B(3). Planning Commission Adjourned Regular Meeting Minutes of February 13, 2013 and February 20, 2013.

Council referenced the portion of the Planning Commission minutes of February 13, 2013 that related to the Commission supporting a reduction in level of service to LOS E or better at four on/off ramp intersections near the I-5; requested additional information relative to the rationale for this action.

Public Works Director/City Engineer Cameron pointed out that Staff does not support the reduced service level.

It was agreed that Staff will submit a memorandum to Council that provides additional information concerning the issue of level of service at certain intersections.

MOTION BY MAYOR BAKER, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to receive and file the Planning Commission Adjourned Regular Meeting Minutes of February 13, 2013 and February 20, 2013.

7. PUBLIC HEARINGS

A. 410 Arenoso Lane – Conditional Use Permit 12-270/Cultural Heritage Permit 12-271/Site Plan Permit 12-272 – Reef Pointe Villas

Public Hearing to consider an appeal by the City Council to consider the Planning Commission's approval of Conditional Use Permit 12-270, Cultural Heritage Permit 12-271 and Site Plan Permit 12-272, a request to demolish an existing apartment building and construct a new three-story building with five residential units and a subterranean garage located at 410 Arenoso Lane. The project is located in the Pier Bowl Specific Plan and the Architectural and Coastal Zone Overlays. The legal description is Lot 46, of Block 3, of Tract 784 and Assessor's Parcel Number 692-012-06.

Associate Planner Gregg narrated a PowerPoint presentation entitled "Reef Pointe Villas" and responded to Council inquiries. A hard copy of Staff's PowerPoint, dated March 5, 2013, is on file with the City Clerk.

Mayor Baker opened the Public Hearing.

Michael Luna, Project Architect, narrated a PowerPoint presentation entitled "Reef Pointe Villas – Proposed 5 Unit Apartment Project 410 Arenoso Lane". A hard copy of Mr. Luna's presentation is on file with the City Clerk.

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Richard Gibby, Applicant, pointed out that he is not an out-of-town developer, explaining that the project reflects his long-time dream; opined that the project will contribute to the community in a positive way.

Liz Yamauchi, San Clemente, voiced concern that the project will block the public view to the ocean from the Palizada vantage point; asserted that the project will also negatively affect ocean breezes and sunlight on the street and will contribute to a tunneling effect along Arenoso Lane.

Christina Leon, San Clemente, displayed photographs; stated that the story poles confirm the intense canyonization effect that will be created on the narrow street, and also forecast the obstruction of sunlight, casting of shadows, and blockage of the window to the sea; requested that the story poles be displayed for an additional five days to comply with the City's requirement that the poles be erected for 14 days; stated that she does not oppose development on the site, but believes the project should reflect a sense of community; requested that the subterranean garage be moved farther down the slope so that two stories are visible from the street level instead of three; suggested that the garage be accessed from Linda Lane.

Alan Korsen, San Clemente, voiced concern that the project will have negative effects, but noted that the Planning Commission approved the project because it met all development standards and complied with all goals and policies of the General Plan; pointed out that the scale, mass and form of the project follow the design guidelines as well as the Pier Bowl Specific Plan; related that the City is now in the process of developing a new General Plan, and noted the importance of not locking in standards and zoning that are looser than they should be.

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

During the course of discussion, City Attorney Goldfarb explained that the City Code requires that story poles be erected for 14 days before the first Public Hearing; stated that the story poles were erected 14 days prior to the first hearing, but noted that they subsequently were blown down; explained that the poles were re-erected, but were again blown down after 14 days had passed; stated that a decision was made to not re-erect the poles because of safety concerns and the fact that the City had fulfilled its legal obligation.

MOTION BY COUNCILMEMBER EVERT, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to adopt Resolution No. 13-06 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP) 12-270 AND CULTURAL HERITAGE PERMIT (CHP) 12-271, REEF POINTE VILLAS, A REQUEST TO CONSTRUCT A FIVE UNIT RESIDENTIAL DEVELOPMENT AT 410 ARENOSO LANE, with the inclusion of an additional Condition of Approval to read as follows: *“Prior to the issuance of building permits, a construction staging plan shall be submitted to the City Planner for review and approval.”*

8. **UNFINISHED BUSINESS**

None.

9. **NEW BUSINESS**

None.

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

None.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

(1) **Appointment of Joe Anderson as City Treasurer**

City Manager Scarborough requested that the appointment of a City Treasurer be deferred to the Council meeting of March 19, 2013.

6A-9

C. City Attorney

None.

D. Council Members(1) Report from Mayor Baker, City Representative to the Orange County Fire Authority (OCFA), relative to OCFA Matters

Mayor Baker reported on his attendance at the last OCFA Board meeting, noting that hazardous materials inspections will soon be done by the Orange County Health Department, instead of the OCFA.

(2) Report from Councilmember Donchak, City Representative to the California Joint Powers Insurance Authority (CJPIA), relative to CJPIA Matters

Councilmember Donchak reported on her attendance at the CJPIA Board meeting, noting that Council will want to give careful attention to the City's contribution to the CJPIA because its formula has changed and rates will increase.

(3) Wireless Connectivity in San Clemente

Mayor Pro Tem Brown stated that he is serving on a committee for ACC-OC that is seeking to improve wireless connectivity throughout the county; noted that he has received complaints concerning the lack of wireless service in The Reserve; requested that residents email him at brownt@san-clemente.org if they are aware of gaps in coverage or have other concerns relating to wireless connectivity.

(4) Cabrillo Playhouse/North Beach Community Association Meeting

Councilmember Evert stated that "Dixie Swim Club" is currently playing at the Cabrillo Playhouse; stated that the North Beach Community Association will conduct a meeting on March 7, 2013 at 7:30 p.m. at the Casa Blanca Hotel concerning North Beach issues.

(5) Community Resources/San Clemente Little League Challenger League

Mayor Baker noted that residents can learn about community resources by accessing www.crcsc.org; displayed photographs of a recent game of the San Clemente Little League Challenger League, noting that he tossed the first pitch.

12. RESOLUTIONS/ORDINANCES

A. Ordinance No. 1563 (Second Reading) - Making Violations of City-Issued Permits a Nuisance

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to adopt Ordinance No. 1563 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CODE SECTION 8.52.030 TO MAKE VIOLATIONS OF APPROVED CITY PERMITS A NUISANCE FOR MUNICIPAL CODE ENFORCEMENT.

B. Ordinance No. 1564 (Second Reading) - Removal of Business-Generated Litter on the Public Right-of-Way

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to adopt Ordinance No. 1564 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CODE SECTION 8.40.070 TO DEAL WITH LITTER GENERATED BY BUSINESSES THAT ACCUMULATES IN THE PUBLIC RIGHT-OF-WAY.

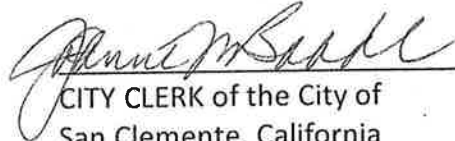
13. ADJOURNMENT

There being no further business, MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to adjourn at 7:35 p.m.

The next Regular Council Meeting will be held on March 19, 2013 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be considered at 5:00 p.m. The Regular Session will commence at 6:00 p.m.

6A-11

A subsequent Council Meeting will be held on March 26, 2013 (not on March 13, 2013 as originally scheduled) at 4:00 p.m. in the Council Chambers, for the purpose of considering the City's Long Term Financial Report and Strategic Priorities.


CITY CLERK of the City of
San Clemente, California

MAYOR of the City of
San Clemente, California

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