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# CITY OF SAN CLEMENTE

## City Council Minutes

### Adjourned Regular Meeting – May 16, 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.*

An Adjourned Regular Meeting of the San Clemente City Council was called to order on May 16, 2013 at 4:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Baker.

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

**ABSENT** HAMM

**STAFF PRESENT** Pall Gudgeirsson, City Manager; Joanne Baade, City Clerk; George Aghabegians, Deputy City Clerk.

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### **PLEDGE OF ALLEGIANCE**

Councilmember Donchak led the Pledge of Allegiance.

#### 1. **Presentation of the City's Fiscal Year 2013 Third Quarter Financial Report**

Report from the Interim Finance and Administrative Services Director concerning the City's Fiscal Year 2013 Third Quarter Financial Report.

Financial Services Officer Rahn summarized the FY 2013 Third Quarter Financial Report. A hard copy of Mr. Rahn's presentation, entitled "3<sup>rd</sup> Quarter Report Ending March 31, 2013", is on file with the City Clerk.

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**2. City Council Workshop Concerning the Fiscal Year 2014 City Budget**

Report from the City Manager concerning the City's proposed budget for Fiscal Year 2014.

City Manager Gudgeirsson introduced Judith Vincent, Interim Finance and Administrative Services Director.

Interim Finance and Administrative Services Director Vincent narrated a PowerPoint presentation entitled "Proposed Budget Workshop Fiscal Year 2014" and responded to Council inquiries. A hard copy of Ms. Vincent's PowerPoint is on file with the City Clerk.

Lt. Coppock narrated a PowerPoint presentation entitled "Police Services FY 2014" and responded to Council inquiries. A hard copy of Lt. Coppock's PowerPoint is on file with the City Clerk.

During the course of discussion, individual Councilmember(s) expressed opinions as follows. The below statements do not necessarily reflect Council consensus.

- No policy decision has been made to use revenues from the Marblehead Coastal project for Parks and Recreation maintenance.
- Budget page numbers on the PowerPoint slides are helpful.
- Requested that the Orange County Sheriff Department provide statistics relative to crime solvability rates.
- Questioned how the City will define "success" from outsourced management of the City's website.
- It is important to not sacrifice functionality and usability of the City's website for the sake of aesthetics.
- Staff should involve stakeholders in the redesign of the City's website.
- The "Fun on the Run" program should be as close to revenue neutral as possible.
- The Downtown Business Association (DBA) was asked last year to provide Council with a plan to make its events self-sustaining. That information has not yet been received.
- The DBA has not provided any rationale for its request for the City to increase the DBA's funding level from the \$44,000 that was awarded in FY 2013 to the \$61,400 amount that is being requested for FY 2014.
- Questioned the propriety of the City funding DBA fundraising events.
- Requested that the DBA provide statistics relative to its increase in membership.
- Invited the DBA to the June 4, 2013 Public Hearing on the City FY 2014 budget and requested that the DBA provide the following information prior

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to the meeting: 1) rationale for its request for an increase in City funding; and 2) the DBA's five-year plan.

- Requested that the DBA provide Council with the five-year vacancy rate in the T-zone.
- It might be beneficial to test the budget to determine how it would withstand catastrophic economic situations.

Assistant City Engineer Rebensdorf narrated a PowerPoint presentation entitled "Capital Improvement Program". A hard copy of Mr. Rebensdorf's PowerPoint is on file with the City Clerk.

**ORAL COMMUNICATIONS**

None.

**ADJOURNMENT**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 4-0, to adjourn at 6:00 p.m.

The next Regular Council Meeting will be held on May 21, 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 public business session will commence at 6:00 p.m.

  
CITY CLERK of the City of  
San Clemente, California

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MAYOR of the City of  
San Clemente, California

6-4-13  
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# CITY OF SAN CLEMENTE

## City Council Minutes

### Regular Meeting - May 21, 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 May 21, 2013 at 5:01 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

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

**ABSENT** NONE

**STAFF PRESENT** Pall Gudgeirsson, City Manager; Jeff Goldfarb, City Attorney; Joanne Baade, City Clerk; George Aghabegians, Deputy City Clerk

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### **CLOSED SESSION**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to recess to Closed Session at 5:01 p.m. to discuss the following:

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

Property: 1100 N. El Camino Real, San Clemente

Agency Negotiator: Pall Gudgeirsson, City Manager

Negotiating Parties: Lynn Wood, CEO, San Clemente Chamber of Commerce

Under Negotiation: Price and terms of payment

*Closed Session items continued on next page*

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

Sadeghi v. City of San Clemente, Orange County Superior Court Case No. 30-2011 00520642.

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

Property: Vista Hermosa Sports Park, 987 Avenida Vista Hermosa, San Clemente.

Agency Negotiator: Pall Gudgeirsson, City Manager

Negotiating Parties: City of San Clemente and Scott Melcher

Under Negotiation: Price and Terms of Payment

Councilmember Donchak reported that she will recuse from participation in Closed Session Item A because her husband's place of business is located within 300' of the property that is the subject of the Closed Session.

In attendance for the Closed Session were the following: All members of Council (with the exception that Councilmember Donchak did not attend Closed Session Item A), City Manager Gudgeirsson, Assistant City Attorney Thind, and City Clerk Baade. Director of Beaches, Parks and Recreation Heider was in attendance for Closed Session Item C only.

**MEETING RECONVENED**

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

**INVOCATION**

Shadi Farhadi, Baha'i Faith Community, gave the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Brown led the Pledge of Allegiance.

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1. **SPECIAL PRESENTATIONS**

A. **Certificate of Recognition - Jack Lashbrook, City Patriarch**

Larry Culbertson, President of the San Clemente Historical Society, introduced Jack Lashbrook, the new City Patriarch.

Georgette Korsen, member of the San Clemente Historical Society, reviewed Mr. Lashbrook's background.

Mayor Baker presented a Certificate of Recognition to Jack Lashbrook in recognition of his selection as the City's official City Patriarch.

B. **Drowning Prevention Summer Proclamation**

Mayor Baker presented a proclamation to Kirk Wells, OCFA Division Chief, proclaiming May 27, 2013 through September 2, 2013 as Drowning Prevention Summer.

C. **National Beach Safety and Rip Current Awareness Week Proclamation**

Mayor Baker presented a proclamation to Rod Mellott, Marine Safety Lieutenant, and Teddy Weise, Marine Safety Supervisor, proclaiming June 2, 2013 through June 9, 2013 as National Beach Safety and Rip Current Awareness Week.

2. **Oral Communications (Part 1)**

**HeartChase - June 29, 2013 Fundraiser**

Beth Apodaca and Tony Struthers narrated a PowerPoint presentation entitled "HeartChase San Clemente"; reported that the HeartChase fundraiser will be conducted on June 29, 2013 in memory of Tony Carbonara. A hard copy of the subject PowerPoint is on file with the City Clerk.

**North Beach Community Association Introduction**

Don Slater, on behalf of the North Beach Community Association (NBCA), narrated a PowerPoint presentation that introduced the NBCA and identified its activities, goals and accomplishments. A hard copy of Mr. Slater's PowerPoint is on file with the City Clerk.

**National Back-to-School Day Event/Safe Routes to Schools/Trail Funding**

Brenda Miller, San Clemente, displayed photographs of the National Back-to-School Day event that was recently conducted at Concordia Elementary School; requested that the City collaborate with her to prepare a letter to the governor supporting the Safe Routes to School program and requesting funding for trails.

**General Plan Language - Objection to Flexibility Verbiage**

Pete van Nuys, San Clemente, opined that standards in the City's General Plan should be clear; objected to infusing flexibility throughout the document and suggested that language such as "where feasible" or "where practical" be omitted. In response to Council inquiry, Mr. van Nuys agreed to provide Council with copies of the specific General Plan pages for which he is concerned.

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 HAMM, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve the Consent Calendar with the removal of Items A, B(2) and D.

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

- (1) Golf Course Committee Regular Meeting Minutes of January 3, 2013 and March 7, 2013.
- (3) Zoning Administrator meeting minutes of May 8, 2013.

C. **Warrant Register**

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve Wire Transfers Nos. 1125 through 1128 and Warrant Nos. 507848 through 507993 for the period 4-22-13 through 4-26-13 in the amount of \$816,633.58; approve Warrant Nos. 507994 through 508154 for the period 4-29-13 through 5-3-13 in the amount of \$414,379.43; for a total Warrant Register of \$1,231,013.01.

**Payroll Register**

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve Warrant Nos. 204 through 206 and Automatic Deposit Advises 7366 through 7650 for the period 4-15-13 through 4-28-13 in the amount of \$406,479.05; for a total Payroll Register of \$406,479.05.



E. **Assignment, Assumption, Hold Harmless, and Release Agreement Between the Reserve Maintenance Corporation, and Pardee Homes and Bond Release - Tract 16212, Planning Area 4, The Reserve East at Forster Highlands**

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

1. Approve, and authorize the Mayor to execute, an Assignment, Assumption, Hold Harmless, and Release Agreement, by and between The Reserve Maintenance Corporation and Pardee Homes, approving and consenting to the assignment of the Subdivision Improvement Agreement (dated March 6, 2002), from Pardee Homes (Assignor) to The Reserve Maintenance Corporation (Assignee), subject to the City Attorney's final approval of the agreement. (Contract C13-15)
2. Adopt Resolution No. 13-17 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACCEPTING THE DEDICATED SEWER AND WATER IMPROVEMENTS AND AUTHORIZING THE RELEASE OF THE IMPROVEMENT BONDS FOR TRACT 16212, PLANNING AREA 4, THE RESERVE EAST AT FORSTER HIGHLANDS, LLC, PARDEE HOMES.

F. **Contract Award - Street Sweeping Services**

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C08-49 by and between the City of San Clemente and Cannon Pacific Services, Inc., providing for street sweeping services from July 1, 2013 to June 30, 2018.

G. **Change Order - Recycled Water Expansion, Project No. 18201A**

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

1. Approve the plans and specifications for the MO2 Water Quality Treatment Backwash Pipeline, Project No. 13015.
2. Authorize the City Engineer to approve a change order to Contract 18201A for the construction of the MO2 Water Quality Backwash Pipeline, in an amount not to exceed \$55,340 with funding from MO2 Water Quality Treatment Backwash Pipeline Account 057-543-45300-000-13015. (Contract C12-52)
3. Approve a contract contingency increase in the amount of \$55,340 to the Recycled Water Expansion, Project No. 18201A.

H. **Notice of Completion - Alameda Lane Drainage System Rehabilitation, Project No. 10011**

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

1. Accept the Alameda Lane Drainage System Rehabilitation, Project No. 10011, from the contractor, GCI Construction, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Alameda Lane Drainage System Rehabilitation, Project No. 10011. (Contract C12-39)
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 GCI Construction, 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.

I. **Resolution Confirming Adoption of Marine Light Helicopter Squadron HMLA-469**

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

1. Adopt Resolution No. 13-18 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SUPPORTING THE "AMERICA SUPPORTING AMERICANS" ADOPTION PROGRAM, AND ADOPTING THE LIGHT ATTACK HELICOPTER SQUADRON, HMLA-469, CAMP PENDLETON, CALIFORNIA.
2. Direct staff to submit a copy of Resolution No. 13-18 to the California League of Cities urging participation in the "America Supporting Americans" Adoption Program.

**ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**

A. **City Council Minutes**

MOTION BY COUNCILMEMBER HAMM, SECONDED BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve the City Council Regular Meeting minutes of May 7, 2013 with the revision that Page 5 of the minutes reflect that Tim Frawley is a resident of Laguna Niguel, rather than San Clemente.

B(2). **Planning Commission Adjourned Regular Meeting Minutes of May 1, 2013, Regular Meeting Minutes of May 8, 2013 and Study Session Minutes of May 8, 2013**

Larry Culbertson, San Clemente, referenced the Planning Commission minutes of May 8, 2013; spoke in opposition to the Serra Workforce Housing project for the following reasons: 1) structure's size is incompatible with the neighborhood; 2) the large development will overwhelm surrounding historic structures, 3) three-story development is inappropriate in the T-zone; 4) excessive cost; 5) the property is too valuable for affordable housing use, and 6) the land is needed for parking.

Council noted that the Planning Commission, at its Study Session of May 8, 2013, heard a proposal by Granicus relative to programs to improve public outreach and community involvement; requested that the Planning Commission provide feedback on the proposal and offer ideas for citizen participation. During the course of discussion, Council noted the possibility of establishing a Master Plan for citizen outreach and governmental transparency through technology.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to receive and file the Planning Commission Adjourned Regular Meeting minutes of May 1, 2013, Regular Meeting minutes of May 8, 2013 and Study Session minutes of May 8, 2013.

D. **Notice of Completion - Avenida Granada Trash Enclosure**

In response to Council inquiry, Staff noted that a cost-recovery strategy for the Granada trash enclosure will be agendized for Council consideration on June 4, 2013.

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

1. Accept the construction of the Avenida Granada Trash Enclosure, Project No. 12346, from the contractor, Eltiste Company.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Avenida Granada Trash Enclosure, Project No. 12346. (Contract C12-42)
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 Eltiste Company.
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.

7. **PUBLIC HEARINGS**

None.

8. UNFINISHED BUSINESS

A. Max Berg Plaza Park Play Equipment Replacement and Declaration of Surplus Property

Report from the Beaches, Parks and Recreation Director concerning the acquisition of new play equipment for Max Berg Plaza Park and the disposition of the current equipment.

Director of Beaches, Parks and Recreation Heider reviewed the contents of the Administrative Report and displayed a rendering of the proposed new park equipment. A hard copy of Ms. Heider's rendering is on file with the City Clerk.

In response to Council inquiry, Richard Lagewaard, representing Kids Around the World, indicated that his organization has worked in 62 countries and would research the feasibility of providing the subject play equipment to one of San Clemente's sister cities.

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

1. Approve the purchase of playground equipment for Max Berg Plaza Park from GameTime, a Playcore company, utilizing the U.S. Communities Cooperative Purchase, for an amount not to exceed \$150,000, including installation.
2. Approve, and authorize the Mayor to execute, Contract No. C13-14 with U.S. Communities - Lead Agency CMNC for Cooperative Purchasing.
3. Approve and authorize the Mayor to declare the list of existing play equipment at Max Berg Plaza Park as Surplus Property for Donation, and to authorize the Beaches, Parks and Recreation Director to donate the surplus equipment to Kids Around the World for the purpose of benefitting the youth of an underprivileged community. The list of play equipment to be donated is attached to the Administrative Report, dated May 21, 2013, which is on file with the City Clerk.
4. Approve, and authorize the Mayor to execute, the Release and Indemnification Agreement with Kids Around the World.

**B. Concept Plan for the Ole Hanson Beach Club Rehabilitation**

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

Beaches, Parks and Recreation Director Heider narrated a PowerPoint presentation entitled "Ole Hanson Beach Club Rehabilitation Concept Plan" and responded to Council inquiries; distributed a matrix from Architectural Resources Group (ARG), dated May 20, 2013, that provided cost estimates for additional improvements that Council identified as potential additions to the scope of work for Phase 1. Hard copies of Ms. Heider's PowerPoint and ARG's matrix are on file with the City Clerk.

Larry Culbertson, San Clemente, spoke on the value of the Ole Hanson Beach Club to the community; spoke in opposition to changing the building's historical features, such as the exterior openings; suggested that altering the exterior of the structure could jeopardize the project's listing on the National Register of Historic Places.

Raad Ghantous, San Clemente, spoke on the benefits of a structure providing a "sense of surprise", noting that the surprise factor is lost when the only issue of interest is experienced upon entry; suggested that modifying the City's historic structure will set a precedent for private property owners to modify their historic buildings.

Alan Korsen, San Clemente, opined that the exterior of the Ole Hanson Beach Club should not be modified to facilitate a sense of arrival; suggested that a double door entry will negatively affect the historic resource and recommended that Council restore the Ole Hanson Beach Club, as opposed to updating and remodeling the structure.

Georgette Korsen, San Clemente, read the dictionary's definition of the word "preserve"; voiced concern that the rehabilitation project has evolved to a redesign of the Beach Club's historic character-defining features.

Cheryl Moe, Architectural Guild, stated that Michael Luna and the Guild support the double-door straight-through entry concept; reviewed an alternative project elevation (that is on file with the City Clerk); opined that providing low windows at the reception desk would be inappropriate for Spanish Colonial Revival Architecture and suggested that a punched opening within a centered archway would be consistent with Spanish Colonial Revival design.

Ricardo Nicol, San Clemente, stated that the exterior of the building has already been altered and suggested that centering the archway is in keeping with the spirit of the remainder of the building; questioned why the reception desk wasn't located where the office or lifeguard area is currently proposed.

Council noted that a letter was received from Liz Hanson Kuhns (granddaughter of Ole Hanson), dated May 21, 2013, which opposed changes to the exterior of the Ole Hanson Beach Club.

MOTION BY COUNCILMEMBER EVERT, SECOND BY MAYOR PRO TEM BROWN, CARRIED 4-1 (COUNCILMEMBER DONCHAK VOTING NOE), to approve Floor Plan Alternate B Revised, with the modification that the amount of glass surrounding the double doors is to be reduced to include only side windows as per the Architectural Guild's proposal. Further, the reception desk is to be relocated to allow for efficient function.

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to allocate an additional \$655,000 to the Ole Hanson Beach Club rehabilitation project to fund the following additional work:

- Complete Pool Repairs/Site Accessibility \$170,000
  - Exterior repairs and weatherproofing \$440,000
  - Moderate kitchen scheme (to be re-designed within budgeted amount) \$ 45,000
- \$655,000

During the course of discussion, it was further agreed that: 1) Stubs for exterior showers are to be installed to accommodate showers in a future phase; 2) The weather vane will be offered as a private donation opportunity; 3) Staff is to investigate the possibility of bidding separate items, such as the roof, and report back to Council; and 4) the non-critical finishes and non-critical amenities identified in ARG's matrix are to be bid as possible alternate additives.

**MEETING RECESSED**

Council recessed at 8:35 p.m. and reconvened at 8:43 p.m., with all members present.

9. **NEW BUSINESS**

A. **Base of Pier Restroom Renovation**

Report from the Beaches, Parks and Recreation Director concerning conceptual designs for the renovation of the Base of Pier restroom.

Beaches, Parks and Recreation Director Heider reviewed the contents of the Administrative Report and responded to Council inquiries.

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

1. Approve Option 2 for the Base of Pier restroom.
2. Authorize the City Manager to amend the agreement with RRM for the Base of Pier restroom providing for Final Design, CEQA Documentation, Coastal Commission Permit Support, Construction Period Design Support and Construction Inspection services, for an additional cost not to exceed \$25,000.
3. Allocate an additional \$65,000 to Account 001-636-45300-000-12560 for the Base of Pier restroom renovation.
4. Direct Staff and the architect to continue to investigate possible design modifications that will improve the flow of foot traffic and decrease the unused space within the restroom.

B. **Modifications to the Orange County Fire Authority (OCFA) Contract to Provide Seasonal Ambulance Services**

Report from the Interim Director of Finance and Administrative Services concerning proposed modifications to the Orange County Fire Authority contract to provide seasonal ambulance services.

Councilmember Hamm reported that he will abstain from deliberations on this item as well as Agenda Item 9-C due to his employment with the Orange County Fire Authority. Councilmember Hamm subsequently left the Chambers at 9:03 p.m.



Business Services Officer Rendina narrated a PowerPoint presentation entitled "Proposed Ambulance Program Modifications" and responded to Council inquiries. A hard copy of Mr. Rendina's PowerPoint is on file with the City Clerk.

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER EVERT, CARRIED 4-0-1 (COUNCILMEMBER HAMM ABSTAINING), to authorize staff to negotiate with the Orange County Fire Authority (OCFA) to modify the existing contract to add seasonal ambulance services, with the understanding that the contract length will not be restricted to a specific time frame.

C. **Modifications to Orange County Fire Authority (OCFA) Contract to Fuel OCFA Vehicles at the City's Fueling Station**

Report from the Interim Director of Finance and Administrative Services concerning proposed modifications to the Orange County Fire Authority contract to fuel OCFA vehicles at the City's fueling station.

Councilmember Hamm abstained from deliberations on this item as well as Agenda Item 9-B due to his employment with the Orange County Fire Authority. Councilmember Hamm subsequently left the Chambers at 9:03 p.m.

Business Services Officer Rendina reviewed the contents of the Administrative Report and responded to Council inquiries.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 4-0-1 (COUNCILMEMBER HAMM ABSTAINING), to authorize staff to negotiate with the OCFA to consider modifying the existing contract to allow Orange County Fire Authority (OCFA) vehicles to refuel at the City's fueling station.

Councilmember Hamm returned to the dais at 9:35 p.m.

D. **North Beach Car Rally and Cruise Event**

Report from the Beaches, Parks and Recreation Director concerning a request by the North Beach Community Association (NBCA) to conduct a special event "Car Rally and Cruise" on June 8, 2013 at the North Beach Parking Lot and for the City to waive fees associated with City services needed to conduct the event.

Recreation Manager Passow reviewed the contents of the Administrative Report and responded to Council inquiries.

Don Slater, North Beach Community Association (NBCA), related that Site A would provide a unique setting for the Car Rally; explained the circumstances surrounding the Association's failure to request City partnership status 60 days in advance of the event; advised that the event is limited to 50 cars.

Gene Gilbert, San Clemente, stated that the NBCA has applied for non-profit status, noting that that effort has depleted their funds; stated that NBCA is amenable to either Site A or Site B; spoke on the Association's desire to revitalize North Beach.

Marty Foxman, San Juan Capistrano (owner of Kahuna's Grill), stated that Kahuna's Grill will cater the event, noting that he wishes to make his restaurant a destination location.

Dave Anderson, on behalf of the Downtown Business Association, spoke on the relationship between the San Clemente Car Show and the North Beach Car Rally and Cruise event; stated that the Car Show will take place on June 9, 2013 and is sold out with a waiting list; opined that North Beach is a beautiful venue for the Cruise.

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

1. Approve the North Beach Car Rally and Cruise event at the North Beach parking lot in the staff-recommended location (Site B) and require the organization to provide the recommended services to offer a safe event.
2. Require the NBCA to provide liability insurance and indemnity.
3. Deny the request by NBCA for a fee waiver of City services needed to conduct the event.

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4. Request that Staff work with the applicant to fine tune the event guidelines to ensure that the NBCA has liability insurance.
5. As an exception to City Policy, authorize the City Manager to authorize up to a 50% discount on fees.
6. Direct that consideration be given to adjusting the event times to coincide with optimal parking availability with consideration to other area events.

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

None.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

City Manager Gudgeirsson noted that a significant number of emails were received in the last month that commends City staff.

C. **City Attorney**

Assistant City Attorney Thind advised that several developers have commended Staff at recent Planning Commission meetings.

**D. Council Members****(1) San Clemente Library Report**

Councilmember Donchak reported that the County Library cancelled this morning's meeting relative to the San Clemente library expansion project; reported on her attendance at the Orange County public library budget presentation on May 9, 2013, noting that the County has \$2 million in its capital improvement fund, of which the majority is earmarked for the San Clemente library; urged citizens to submit communications urging that the County expedite the library expansion.

**(2) San Joaquin Hills Transportation Corridor Agency (TCA) Report**

Councilmember Evert, City representative to the San Joaquin Hills Transportation Corridor Agency, reported that Neil Peterson has accepted the position of CEO of the TCA.

**(3) Foothill Eastern Transportation Corridor Report**

None.

**(4) Selection of Voting Delegate and Alternate(s) for League of Cities Annual Conference**

Council determined that none of its members plan to attend the League of California Cities Annual Conference on September 18-20, 2013 in Sacramento. Consequently, Voting Delegates were not assigned.

**(5) Proposed Amendments to Air Quality Management District Rule 444 (Open Burning) - Mayor Pro Tem Brown**

Mayor Pro Tem Brown reported on the Air Quality Management District's potential amendments to Rule 444, which would ban the use of fire rings and beach burning.

Council directed Staff to determine the cost to retain an independent air quality expert to assess the AQMD's preliminary conclusions as they relate to the affect of open burning on San Clemente's air quality.

(6) **Operation Enduring Freedom Monument**

Mayor Baker presented photographs of the Operation Enduring Freedom monument that was erected at Memorial Park on Camp Pendleton; noted that the monument honors fallen members of the 2<sup>nd</sup> Battalion, 4<sup>th</sup> Marines.

(7) **Meeting Report - Bay Delta Water Project**

Mayor Baker reported on his attendance at a meeting relating to the Bay Delta Water project, pointing out that it is a significant infrastructure project that will have ramifications in the State of California for the next 100 years.

12. **RESOLUTIONS/ORDINANCES**

None.

13. **ADJOURNMENT**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to adjourn at 10:35 p.m. to an Adjourned Regular Meeting to be held on May 29, 2013 at 6:00 p.m. in the 2<sup>nd</sup> floor Conference Room at 910 Calle Negocio, San Clemente, for the purpose of meeting in Joint Session with the City's Planning Commission and General Plan Advisory Committee relative to the City's new General Plan.

The next Regular Council Meeting will be held on June 4, 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 public business meeting will commence at 6:00 p.m.

  
CITY CLERK of the City of  
San Clemente, California

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MAYOR of the City of  
San Clemente, California