

# CITY OF SAN CLEMENTE

## City Council Minutes

### Regular Meeting – August 20, 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 August 20, 2013 at 5:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

**PRESENT** BROWN, DONCHAK, EVERT, HAMM\*, MAYOR BAKER  
*\*Arrived at 5:05 p.m.*

**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**

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

Councilmember Donchak announced that she will recuse herself from participation on Closed Session Item A, Chamber of Commerce Real Property Negotiations, because her husband's place of business is located within 300' of the property that is the subject of negotiations.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to recess to Closed Session at 5:01 p.m. to discuss the following:

### **CLOSED SESSION**

- 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*

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

Property: Located on the northwest corner of El Camino Real and Avenida Pico, Parcel No. 057-191-60

Agency Negotiators: Tim Brown, Mayor Pro Tem; Pall Gudgeirsson, City Manager; Jim Holloway, Community Development Director

Negotiating Parties: Harry and Linda Kollias

Under Negotiation: Price and terms of payment

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

Walker et al. v. City of San Clemente, OCSC No. 30-2012 00591239

In attendance for the Closed Session were all members of the City Council, with the exception of Councilmember Donchak who recused herself from participation, and was not in attendance, for Closed Session Item A, City Manager Gudgeirsson, City Attorney Goldfarb, Acting Assistant City Manager Cameron, and City Clerk Baade. Community Development Director Holloway was in attendance for Closed Session Item B only.

**MEETING RECONVENED**

Council reconvened at 6:02 p.m., with all members present.

**INVOCATION**

Councilmember Donchak gave the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Brown led the Pledge of Allegiance.

**1. SPECIAL PRESENTATIONS****A. 2013 Summer Readiness Program**

Duane Cave, External Relations Manager, San Diego Gas and Electric Company, narrated a PowerPoint presentation entitled "Summer Preparedness in South Orange County" concerning the 2013 Summer Readiness Program; responded to Council inquiries. A hard copy of the subject PowerPoint is on file with the City Clerk.

**B. Commendation – Jay Elston (Retired Utilities Operations Supervisor)**

Mayor Baker presented a Commendation to Jay Elston, retired Utilities Operations Supervisor, recognizing him for 35 years of exceptional service to the City, and wishing him continued happiness and prosperity in his retirement years.

**C. Certificates of Recognition – Donation of Defibrillators**

Mayor Baker presented Certificates of Recognition to Marian Lepore, EMS Safety Services, and Matthew Baker, HeartSine Technologies, acknowledging them for donating five public access defibrillators (PAD) to the City of San Clemente Marine Safety Division, for use in its four-wheel drive rescue vehicles.

**D. Recognition of Outgoing Commission and Committee Members**

Mayor Baker acknowledged the following outgoing City Commission and Committee members and presented City Tiles to those in attendance: Lew Avera, Planning Commission; Nesa Anderson, Planning Commission; Robert Jordan, Coastal Advisory Committee; Mark Taylor, Investment Advisory Committee; John Tengdin, City Representative to the Downtown Business Association; Eric Swartz, Beaches, Parks, and Recreation Commission; Bill Thomas, Beaches, Parks, and Recreation Commission; and Joan Thompson, Human Affairs Committee.

Michael Kaupp, San Clemente, thanked John Tengdin for his service as former City Representative to the Downtown Business Association; applauded Nesa Anderson and Lew Avera for their service on the Planning Commission.

E. **HMLA 469 Warrior Day and Family Day Barbeque**

Wayne Eggleston, San Clemente, displayed photographs of the HMLA 469 Warrior Day and Family Day Barbeque; presented a Certificate entitled "Warrior Day 2013" to the City of San Clemente. Hard copies of the subject photographs are on file with the City Clerk.

Al Ehlow, San Juan Capistrano, former San Clemente Chief of Police Services, provided background information relating to the photographs of the HMLA 469 Warrior Day and Family Day Barbeque; thanked Council for supporting the annual event.

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

**Beach Parking Impact Fund (BPIF) – Gallery Site**

Brad Malamud, San Clemente, expressed concern relating to the use of the Beach Parking Impact Fund (BPIF) to purchase the Gallery site; stated that there is no verifiable evidence that a parking shortage exists at North Beach.

**Junior Lifeguard Program**

Skip Davenport, San Clemente, provided a background of the Junior Lifeguard Program and distributed photographs to Council; encouraged youth participation in the program to promote water safety. Hard copies of Mr. Davenport's photographs are on file with the City Clerk.

3. **MOTION WAIVING READING IN FULL OF ALL RESOLUTIONS AND ORDINANCES**

MOTION BY COUNCILMEMBER DONCHAK, 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**

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 B(2), B(5), E, F, G, I and N.

A. **City Council Minutes**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to approve the City Council Adjourned Regular Meeting Minutes of July 2, 2013, and Regular Meeting Minutes of July 16, 2013.

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

(1) Design Review Subcommittee Meeting Minutes of March 27, 2013, June 12, 2013, and June 26, 2013.

(3) Beaches, Parks, and Recreation Commission Regular Meeting Minutes of July 9, 2013.

(4) Coastal Advisory Committee Regular Meeting Minutes of March 14, 2013, and Adjourned Regular Meeting Minutes of April 18, 2013, May 18, 2013, and June 13, 2013.

(6) Golf Course Committee Regular Meeting Minutes of July 11, 2013.

C. **Warrant Register**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to approve Wire Transfers Nos. 1148 through 1151 and Warrant Nos. 509508 through 509654 paid on 07/12/2013 in the amount of \$1,379,859.92; and approve Warrant Nos. 509655 through 509834 paid on 07/19/2013 in the amount of \$1,298,173.41; and approve Wire Transfer Nos. 1152 through 1156 and Warrant Nos. 509835 through 510026 paid on 07/26/2013 in the amount of \$3,122,281.87; and approve Warrant Nos. 510027 through 510174 paid on 08/02/2013 in the amount of \$921,676.60; and approve Wire Transfer Nos. 1157 through 1160 and Warrant Nos. 510175 through 510356 paid on 08/09/2013 in the amount of \$2,042,990.77, for a total Warrant Register of \$8,764,982.57.

**Payroll Register**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to approve Warrant Nos. 233 through 236 and Automatic Deposit Advises 8924 through 9256 for the period 06/24/2013 through 07/07/2013 in the amount of \$457,140.33; and approve Warrant Nos. 237 through 241 and Automatic Deposit Advises 9257 through 9604 for the period 07/08/2013 through 07/21/2013 in the amount of \$522,318.34; and approve Warrant Nos. 242 through 243 and Automatic Deposit Advises 9605 through 9944 for the period of 07/22/2013 through 08/04/2013 in the amount of \$457,206.66, for a total Payroll Register of \$1,436,665.33.

D. **Contract Amendment – OCTA Master Funding Agreement for M2 Comprehensive Transportation Funding Programs, Contract No. C-1-2781**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to approve, and authorize the Mayor to execute, the Third Amendment to Contract No. C11-30, Master Funding Agreement No. C-1-2781, by and between the City of San Clemente and the Orange County Transportation Authority (OCTA), providing for M2 Comprehensive Transportation Funding Programs.

H. **Contract Award – Ferric Chloride Delivery**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract No. C13-32, by and between the City of San Clemente, South Orange County Wastewater Authority (SOCWA), Santa Margarita Water District, and Miles Chemical, providing for delivery and supply of ferric chloride to the member agencies of SOCWA.

J. **Contract Award – Camino De Los Mares Street Rehabilitation, Project No. 13306, and Camino De Los Mares Frontage Road Street Rehabilitation, Project No. 13312**

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

1. Approve the plans and specifications for the Camino De Los Mares Street Rehabilitation, Project No. 13306, and Camino De Los Mares Frontage Road Rehabilitation, Project No. 13312.
2. Approve, and authorize the Mayor to execute, Contract No. C13-34, by and between the City of San Clemente and PALP, Inc. (dba Excel Paving Company), providing for the Camino De Los Mares Street Rehabilitation, Project No. 13306, and Camino De Los Mares Frontage Road, Project No. 13312, in the amount of \$1,449,793.

K. **Contract Award – FY 2013 Traffic Signal Equipment Upgrades, Project Nos. 10811, 12334, and 12335**

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

1. Approve the plans and specifications for the Fiscal Year (FY) 2013 Traffic Signal Equipment Upgrades: Traffic Signal Cabinet and Electrical Services, Project No. 10811, Battery Backup System, Project No. 12334, and LED Traffic Light Replacement, Project No. 12335.
2. Approve, and authorize the Mayor to execute, Contract No. C13-35, by and between the City of San Clemente and KDC Inc. (dba Dynalectric), providing for the FY 2013 Traffic Signal Equipment Upgrades: Traffic Signal Cabinet and Electrical Services, Project No. 10811, Battery Backup System, Project No. 12334, and LED Traffic Light Replacement, Project No. 12335, in the amount of \$337,410.

L. **Contract Award – El Portal Beach Access Rehabilitation Design Services, Project No. 23101**

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

1. Approve, and authorize the Mayor to execute, Contract No. C13-36, by and between the City of San Clemente and Noble Consultants, Inc., providing for the El Portal Beach Access Rehabilitation Design Services, Project No. 23101, in the amount of \$177,834.
2. Approve a supplemental appropriation of \$50,000 from the General Fund undesignated fund balance to Account 001-636-45700-000-23101, for the El Portal Beach Access and Approach Path Rehabilitation Design.

M. **Reorganization of Recreation Division Staffing**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to adopt Resolution No. 13-34, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A REVISED SALARY SCHEDULE AND NEW CLASSIFICATIONS AND AMENDING RESOLUTION NO. 13-28 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH.

**ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION****B(2). Planning Commission Adjourned Regular Meeting Minutes of July 10, 2013, July 17, 2013, July 24, 2013, and August 7, 2013**

Council referenced the portion of the July 17, 2013 Planning Commission Adjourned Regular Meeting Minutes concerning the Rooftop Bar and Grill project. Community Development Director Holloway advised that the applicant has filed an appeal of the Planning Commission's decision. Council requested to also consider the Planning Commission's decision pertaining to the project's signage, when the project comes before Council.

During the course of discussion, Council requested clarification regarding the term "Scenic Corridor" in comparison to "Scenic View Corridor".

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to receive and file the Planning Commission Adjourned Regular Meeting Minutes of July 10, 2013, July 17, 2013, July 24, 2013, and August 7, 2013, with the understanding that the Rooftop Bar and Grill decision has been appealed by the applicant and that the project's signage will be considered as part of the appeal.

**B(5). Zoning Administrator Regular Meeting Minutes of July 17, 2013 and August 7, 2013**

Council referenced the portion of the August 7, 2013 Zoning Administrator Regular Meeting Minutes which related to the Active Culture Natural Café; commended the Zoning Administrator for imposing a condition of approval that underscores that it is the business owner's responsibility, pursuant to the Code of the City of San Clemente, to maintain a clean sidewalk.

MOTION BY MAYOR BAKER, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to receive and file the Zoning Administrator Regular Meeting Minutes of July 17, 2013 and August 7, 2013,

**E. Records Destruction**

City Clerk Baade announced that her office received a request to view documents that were proposed for destruction; recommended that Council defer this item to allow adequate time for the requestor to view the records.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to defer this issue to accommodate a request by the public to view the records proposed for destruction.



F. **Revised Freeway Maintenance Agreement**

Council noted that the Adopt-a-Highway program, that was discontinued five years ago because of the recession, has been reinstated; reviewed two-mile segments of the Interstate 5 (I-5) that are available for adoption.

In response to Council concern about the efficiency of the northbound I-5 off-ramp at Magdalena, Assistant City Engineer Bonigut explained that Caltrans recently changed the intersection's vehicle detection system; expressed that staff is working with Caltrans to modify the current left-turn signal from a protected left-turn to a permissive protected left-turn.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to approve, and authorize the Mayor to execute, the Freeway Maintenance Agreement, Contract No. C91-40, by and between the City of San Clemente and the State Department of Transportation (Caltrans), providing for maintenance of selected portions of Interstate 5 facilities within the City of San Clemente.

G. **Contract Amendment – Ole Hanson Beach Club Rehabilitation, Project No. 12559**

Larry Culbertson, President of the San Clemente Historical Society, expressed that the Society agrees with all aspects of the project, other than the double-door concept at the entry and windows under the arch on the pool side of the building; urged Council to reconsider its decision with regard to these items.

Beaches, Parks, and Recreation Director Heider advised Council that if it wishes to modify any aspects of the current Ole Hanson Beach Club design, it should do so at this time; stated that the Design Review Subcommittee recommended additional studies, especially with regard to the pool side elevations.

Council directed that the project proceed to the Planning Commission.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to approve, and authorize the Mayor to execute, the Second Amendment to Contract No. C11-43, by and between the City of San Clemente and Architectural Resources Group, Inc. (ARG), providing for additional design and construction support services for the Ole Hanson Beach Club Rehabilitation project. This Second Amendment increases the contract amount from \$251,602 to \$418,710 (an increase of \$167,108).

I. **Contract Award – Fiscal Year 2014 Annual Slurry Seal Program, Project No. 27304**

Council noted that the Fiscal Year (FY) 2014 Slurry Seal Program came in under budget, thereby enabling additional City streets to be rehabilitated; commended staff for its efforts.

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

1. Approve the plans and specifications for the Fiscal Year (FY) 2014 Slurry Seal Program, Project No. 27304.
2. Approve, and authorize the Mayor to execute, Contract No. C13-33, by and between the City of San Clemente and VSS International Inc., providing for the FY 2014 Slurry Seal Program, Project No. 27304, in the amount of \$179,500.
3. Authorize staff to negotiate and execute a change order for additional slurry seal areas to the extent surplus contingency funds permit, while staying within the project budget.

N. **Contract Award – North Beach/El Camino Real Beach Parking Lot Design Services, Project No. 13813**

Brad Malamud, San Clemente, stated that there can be no need for additional beach parking spaces until the City adds 150 Metrolink parking spaces at North Beach; stated that the City can only use the Beach Parking Impact Funds (BPIF) if a parking shortage exists; suggested that the City conduct additional studies; distributed a document to Council entitled "Summary of North Beach Fee from Talega". A hard copy of Mr. Malamud's document is on file with the City Clerk.

In response to Council inquiry, City Attorney Goldfarb stated that a lawsuit pertaining to the BPIF is ongoing; stated that a hearing date has been set for November 25, 2013.

Ricardo Nicol, San Clemente, stated that beach parking is needed; asserted that the concept plan that is being used as a guide for the design firm is inconsistent with Council's May 7, 2013 direction.

Mayor Baker requested that Mr. Nicol discuss his concerns with Assistant City Engineer Bonigut and himself.

*Item continued on next page*

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 4-1 (MAYOR BAKER VOTING NOE), to:

1. Approve, and authorize the Mayor to execute, Contract No. C13-37, by and between the City of San Clemente and Gable Engineering, Inc., providing for design services for the North Beach/El Camino Real Beach Parking Lot, Project No. 13813, in the amount of \$89,260.
2. Approve an appropriation of \$150,000 from the Public Facilities Construction Fee Fund undesignated fund balance to Account 030-818-45300-000-13813 for the North Beach/El Camino Real Beach Parking Lot, Project No. 13813.

7. **PUBLIC HEARINGS**

A. **De La Estrella Plaza (Valero) – 504 N. Avenida De La Estrella**

Continued Public Hearing to consider Conditional Use Permit (CUP) 11-507, Sign Exception Permit (SEP) 11-508, Discretionary Sign Permit (DSP) 11-509, Minor Conditional Use Permit (MCUP) 11-510, Architectural Permit (AP) 11-511, and Site Plan Permit (SPP) 11-512, for the De La Estrella Plaza (Valero) project, located at 504 N. De La Estrella.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to table the De La Estrella Plaza (Valero) item and direct staff to re-notice the Public Hearing for the project once the applicant has determined the project for which it desires to move forward.

8. **UNFINISHED BUSINESS**

A. **Consideration of a Pharmaceutical Drop Box at the City Hall Sheriff Station**

Report from the Public Works Director/City Engineer concerning possible implementation of a pharmaceutical drop box at the City Hall Sheriff Station.

Assistant City Engineer Bonigut reviewed the contents of the Administrative Report and responded to Council inquiries.

*Item continued on next page*

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 4-1 (MAYOR BAKER VOTING NOE), to approve implementation of a household pharmaceutical drop box at the City Hall Sheriff Station for a cost not to exceed \$500, and to direct that material be available at the drop box to educate people on proper disposal of unused medications in their homes. Further, to direct staff to report back to Council in one year concerning the level of success of the drop box program.

**B. Lease Agreement – Vista Hermosa Sports Park**

Report from the Beaches, Parks, and Recreation Director concerning a new lease agreement for the development of a miniature golf course, an interactive wave feature, and a food and beverage facility.

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

During the course of discussion, Council requested that the existing miniature golf course sign at the Vista Hermosa Sports Park be covered to avoid the impression that the miniature golf course is currently in operation.

Scott Melcher, on behalf of Surf N Turf Paradiso LLC, announced that the facility is scheduled to open by June 2014; thanked Council for the opportunity to provide the proposed amenity.

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

1. Approve, and authorize the Mayor to execute, Contract No. C07-44, a Termination of Agreement to Lease, by and between the City of San Clemente and Scott Melcher.
2. Approve, and authorize the Mayor to execute, Contract No. C13-38, a Lease Agreement, by and between the City of San Clemente and Surf N' Turf Paradiso, LLC, with the modification that the agreement include the site address and a more-detailed description of the water feature.

**Meeting Recessed**

Council recessed at 8:00 p.m. and reconvened at 8:05 p.m., with all members present.

C. **Clean Ocean Fee Renewal**

Report from the Public Works Director concerning possible continuation of the Clean Ocean Fee.

Assistant City Engineer Bonigut narrated the contents of a PowerPoint presentation entitled "Clean Ocean Fee Renewal" and responded to Council inquiries. A hard copy of the subject PowerPoint is on file with the City Clerk.

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

1. Approve a proposed continuation of the Clean Ocean Fee consisting of a fixed fee for a 6.5-year term to expire June 30, 2020, with the fixed fee amounts per the fee rate schedule contained in the Administrative Report, dated August 20, 2013, that is on file with the City Clerk.
2. Direct staff to mail written notice of the proposed fee continuation to the record owners of each identified parcel upon which the fee is proposed as required by law, and establish a public hearing date of Tuesday, October 15, 2013 to consider continuing the Clean Ocean Fee.

D. **Acceptance of Donation – Development of Courtney’s Sandcastle Phase II**

Report from the Beaches, Parks, and Recreation Director concerning acceptance of a donation from the Courtney’s Sandcastle Foundation.

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

Sharla Pitzen, Executive Director of Special Education for the Capistrano Unified School District (CUSD) and Board Member of the Courtney’s Sandcastle Foundation, announced that the Foundation successfully raised \$340,000 for the project, which results in \$450,000 when the City’s \$110,000 in matching funds are added; requested that an additional shade structure be included in the bidding process, noting that it will allow individuals with certain medical needs to utilize the facility.

Courtney Smith, San Clemente, thanked the City for its support; presented a check to the City on behalf of the Foundation in the amount of \$340,000.

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

1. Accept a \$340,000 donation from the Courtney's Sandcastle Foundation into revenue Account 031-000-36790-000-10143 in the Park Acquisition and Development Fund.
2. Approve a \$340,000 supplemental budget appropriation for Courtney's Sandcastle Phase II in Account 031-862-45300-000-10143 in the Park Acquisition and Development Fund.
3. Approve the use of the \$110,000 in matching funds previously appropriated and authorize staff to move forward with bidding the project, including an additional add-on for a shade structure, with the assumption that the Foundation will be able to raise the funds for the shade structure in a timely manner.

9. **NEW BUSINESS**

A. **Naming Contest for Highest Point in San Clemente**

Report from the City Manager concerning a citizen naming contest for the highest point in San Clemente.

Public Information Officer Ferguson reviewed the contents of the Administrative Report and responded to Council inquiries.

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

- 1) Determine the items to be approved and funded from the Council Contingency Fund for the highest point naming contest, with the understanding that the project will be kept simple. Further, to direct staff to reach out to service organizations, Boy Scouts of America, and any other groups to propose potential opportunities to assist in implementing the project.
- 2) Direct staff to hold a citizen naming contest for the highest point.
- 3) Direct staff to commemorate the highest point with a survey monument.

*Motion continued on next page*

- 4) Direct staff to integrate the name of the highest point into the City's trail map when reprinted.
- 5) Authorize the placement of directional signage leading walkers to the highest point on the Cristianitos Trail. This signage will also deflect walkers from the Richard and Donna O'Neill Conservancy located on The Reserve that borders San Clemente.

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

None.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. **City Attorney**

**Bubba Gump Shrimp Company – Settlement Payment**

City Attorney Goldfarb reported that the City of San Clemente received its first payment from the Bubba Gump Shrimp Company as part of its \$500,000 settlement with the City; stated that the case has been dismissed pursuant to the settlement agreement.

D. **Council Members**

1) **Foothill Eastern Transportation Corridor Agency (FETCA) Report**

None.

2) **Orange County Fire Authority (OCFA) Report**

Mayor Baker reported that the Orange County Fire Authority (OCFA) sent letters to certain businesses advising of Hazardous Materials Disclosure (HMD) inspection refunds; encouraged those who received the letters to claim their refunds; advised that businesses that qualify for the refunds are listed on the OCFA website, [www.ocfa.org](http://www.ocfa.org).

3) **San Joaquin Hills Transportation Corridor Agency (SJHTCA) Report**

None.

4) **Happiness Study Publication**

Councilmember Donchak reported that San Clemente is identified as one of the “happiest cities” in the United States, according to a study conducted by researchers at the University of Vermont; referenced a map, published in the Huffington Post in August 2013, that identifies the happiest cities in the country. A hard copy of the subject map is on file with the City Clerk.

5) **Additional Beach Parking on Calle Esplanade**

Councilmember Donchak displayed an aerial photograph of the southern portion of Calle Esplanade near the beach; advised that certain residents suggested that additional diagonal beach parking spaces be installed on the north side of the street. A hard copy of the subject photograph is on file with the City Clerk.

6) **Max Berg Plaza Park – Playground Opening**

Mayor Baker reported on his attendance at the Max Berg Plaza Park Playground Opening and displayed photographs of the event; indicated that Max Berg also attended the event; commended staff for its prompt execution of the project. Hard copies of the subject photographs are on file with the City Clerk.

12. **RESOLUTIONS/ORDINANCES**

None.



13. **ADJOURNMENT**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to adjourn at 8:51 p.m. The next Regular Council Meeting will be held on September 3, 2013 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be discussed at 5:00 p.m. The public business meeting will commence at 6:00 p.m.

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CITY CLERK of the City of  
San Clemente, California

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MAYOR of the City of  
San Clemente, California