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# CITY OF SAN CLEMENTE

## City Council Minutes

### Regular Meeting – October 15, 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 October 15, 2013 at 5:02 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Baker.

**PRESENT** BROWN\*, DONCHAK, EVERT, HAMM, MAYOR BAKER  
\*Arrived at 5:04 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 B, 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 COUNCILMEMBER EVERT, CARRIED 4-0 (MAYOR PRO TEM BROWN ABSENT), to recess to Closed Session at 5:03 p.m. to discuss the following:

- A. 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, on behalf of Surf N' Turf Paradiso, LLC

Under Negotiation: Price and terms of payment

*Closed Session items continued on next page*

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B. 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

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

Property: 24 new lots within Tract 17049 of Shorecliffs Mobile Home Park, located at 3000 Calle Nuevo, San Clemente

Agency Negotiator: Bill Cameron, Acting Assistant City Manager/Public Works Director

Negotiating Parties: Five Star Homes; Factory Housing

Under Negotiation: Price and terms of payment

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 B. Also in attendance for the full Closed Session were City Manager Gudgeirsson, City Attorney Goldfarb, Acting Assistant City Manager Cameron, and City Clerk Baade. Beaches, Parks and Recreation Director Heider was in attendance for Closed Session Item A only.

**MEETING RECONVENED**

Council reconvened at 6:08 p.m. with all members present.

**INVOCATION**

Don Kappauf, Senior Chaplain, Orange County Sheriff's Department, gave the invocation.

**PLEDGE OF ALLEGIANCE**

Councilmember Donchak 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" concerning campus activities. A hard copy of the subject PowerPoint is on file with the City Clerk.

**B. Scholarship Program – Military Families Stationed at Camp Pendleton**

Carla Hogan, Co-Founder, San Clemente Marine Corps Support Group, provided an update on the current scholarship program for military families stationed at Camp Pendleton; presented an American flag to the City that was flown in Afghanistan. The flag is available for viewing in the City Clerk's Department.

**C. Proclamation – Hunger Walk Week**

Mayor Baker presented a Proclamation to Mary Gray Perdue, Executive Director, Family Assistance Ministries, proclaiming October 14, 2013 through October 20, 2013 as "Hunger Walk Week" in San Clemente.

**D. Certificate of Recognition – Healthy Eating Active Living (HEAL)**

Scott Kelly, Assistant Director of Public Affairs and Brand Communications, Kaiser Permanente, presented a certificate to the City, acknowledging San Clemente as an active member of Healthy Eating Active Living (HEAL) cities. The subject certificate is on file with the City Clerk.

**2. ORAL COMMUNICATIONS (PART 1)****Street Parking on Avenida Vaquero**

Michael A. Johnson, San Clemente, conveyed her understanding that the City plans to remove street parking spots on the east side of Avenida Vaquero; voiced concern that bicycle lanes may replace the subject parking spots; asserted that elderly residents will be adversely impacted; urged Council to not eliminate parking on the east side of Avenida Vaquero.

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**Mosquito Outbreak/Semper Fi Golf Tournament**

Jim Dahl, speaking on behalf of the Orange County Vector Control District, reported on a recent mosquito outbreak in San Mateo Creek; advised that affected areas were sprayed to eliminate the threat; noted that the West Nile Virus was also discovered in North Orange County; reminded residents to be aware of standing pools of water near their homes; encouraged proper disposal of deceased animals by directing residents to call the Orange County Vector Control District office.

Mr. Dahl announced that the Semper Fi Golf Tournament will take place on October 28, 2013; relayed the Exchange Club's request for volunteers and directed interested persons to contact him for more details.

**HELP Program**

Rose Velasquez, San Clemente, reported on the HELP program, which is a recently established after-school tutoring program that was not previously budgeted; asked Council to help fund the new program.

Council directed staff to look into the possibility of providing funding for the subject program via Community Development Block Grant (CDBG) funds. City Manager Gudgerisson stated that staff will report back to Council concerning this matter.

**San Clemente Farmer's Market**

Sam Olmstead, President of the Board of the San Clemente Community Market, speaking on behalf of 113 families who own the Community Market, requested that Council issue a request for proposal for the Farmer's Market operations; suggested that a limited extension be granted for the current operator in order to not disrupt current operations; requested that Council look into other Farmer's Markets to determine best practice models.

**Halloween Haunt Event**

Ken Nielsen, speaking on behalf of the Doheny State Beach Interpretive Association, invited members of the public to attend the Halloween Haunt event on October 26, 2013; informed that a can of food will substitute for the admission fee, and will benefit Family Assistance Ministries.

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

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to waive reading in full of all Resolutions and Ordinances.

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4. **CONSIDERATION OF AGENDIZING ITEMS REQUIRING IMMEDIATE ACTION**

None.

5. **CLOSED SESSION REPORT - CITY ATTORNEY**

City Attorney Goldfarb announced that no reportable actions occurred during this evening's Closed Session.

Councilmember Donchak stated for the record that she recused herself from participation in Closed Session Item B (Chamber of Commerce property negotiations) because her husband and she own property within 300' of the property that is the subject of negotiations.

6. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to approve the Consent Calendar with the removal of Items A, B(1), B(2), E, H, and I.

C. **Warrant Register**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to approve Wire Transfer No. 1177 and Warrant Nos. 511273 through 511499, paid on 09/27/2013 in the amount of \$2,006,948.83; and approve Wire Transfer Nos. 1178 through 1181 and Warrant Nos. 511500 through 511634 paid on 10/04/2013 in the amount of \$624,407.75, for a total Warrant Register of \$2,631,356.58.

**Payroll Register**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to approve Warrant Nos. 251 through 252 and Automatic Deposit Advises 10915 through 11210 for the period of 09/16/2013 through 09/29/2013 in the amount of \$415,451.26 for a total Payroll Register of \$415,451.26.

D. **Request to Authorize a Limited-Term, Benefited Employee (Maintenance Worker II)**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to authorize a Limited-Term, benefited position (Maintenance Worker II) for the Beaches and Parks Maintenance Division, effective November 1, 2013 through June 30, 2014.

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F. **Notice of Completion – Street Rehabilitation for Arriba Linda, Cerrito Cielo, La Ventana, Via Breve and Major Maintenance for Encino Lane and South Ola Vista**

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

1. Accept the street rehabilitation for Arriba Linda and Cerrito Cielo, Project No. 13310, La Ventana, Project No. 13313, Via Breve, Project No. 13314, and Major Street Maintenance for Encino Lane, Project No. 23301, from the contractor, R.J. Noble Company.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the street rehabilitation for Arriba Linda and Cerrito Cielo, Project No. 13310, La Ventana, Project No. 13313, Via Breve, Project No. 13314, and Major Street Maintenance for Encino Lane, Project No. 23301. (Contract No. C12-55)
3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion, upon verification with the Engineering Division that no liens have been levied against R.J. Noble 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.

G. **Notice of Completion – Calle Seville Sidewalk Improvements, Project No. 13309**

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

1. Accept the Calle Seville Sidewalk Improvements, Project No. 13309 from the contractor, CT&T, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Calle Seville Sidewalk Improvements, Project No. 13309. (Contract No. C13-17)
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 CT&T, 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.

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

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 October 1, 2013.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to defer the City Council Adjourned Regular Meeting minutes of September 24, 2013 to the Council Meeting of November 5, 2013 to enable additional time to review the minutes.

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

MOTION BY MAYOR BAKER, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to receive and file the Planning Commission Regular Meeting minutes of October 2, 2013 as written, and to receive and file the Planning Commission Regular Study Session minutes of October 2, 2013 as amended to replace the word "since" on Page 1 with the word "sense".

B(2). **Zoning Administrator Regular Meeting Minutes of October 2, 2013**

Council referenced the portion of the Zoning Administrator Regular Meeting minutes of October 2, 2013 that related to the design of the Base of Pier Restroom Renovation; requested clarification concerning the use of tile murals in relation to Mr. Pechous' reference to the project's "tight budget". Beaches, Parks, and Recreation Heider stated that the use of tile murals was previously budgeted and clarified that the context of the discussion related to the most economical ways to provide the tile murals.

MOTION BY MAYOR BAKER, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to receive and file the Zoning Administrator Regular Meeting Minutes of October 2, 2013.

E. **Contract Award – Aquatics Program Agreement**

Council noted that the public pool at the Aquatics Center is owned by the people of San Clemente, and not by San Clemente Aquatics; stressed that all persons utilizing the public pool should be given equal consideration.

MOTION BY MAYOR BAKER, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract No. C13-42, the Aquatics Program Agreement, by and between the City of San Clemente and San Clemente Aquatics.

H. **Recreation Sports Partnership Agreements**

In response to Council inquiry, Beaches, Parks, and Recreation Director Heider stated that discussions with the French Soccer Institute (FSI) are ongoing; advised that the FSI is currently seeking to establish a land lease, as opposed to a sports partnership agreement.

In response to Council inquiry, Recreation Manager Passow stated that staff will evaluate other cities' sports partnerships and fee structures; indicated that staff will return to Council with a recommendation on how to proceed with future sports partnership agreements.

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

1. Approve, and authorize the Mayor to execute, Contract No. C13-43, by and between the City of San Clemente and American Youth Soccer Organization (AYSO), providing for Recreation Sports Senior Partnership status.
2. Approve, and authorize the Mayor to execute, Contract No. C13-44, by and between the City of San Clemente and San Clemente Girls Softball (SCGS), providing for Recreation Sports Senior Partnership status.
3. Approve, and authorize the Mayor to execute, Contract No. C13-45, by and between the City of San Clemente and San Clemente Little League (SCLL), providing for Recreation Sports Senior Partnership status.
4. Approve, and authorize the Mayor to execute, Contract No. C13-46, by and between the City of San Clemente and South Coast Youth Football (SCYF), providing for Recreation Sports Senior Partnership status.
5. Approve, and authorize the Mayor to execute, Contract No. C13-47, by and between the City of San Clemente and Elite Soccer, providing for Recreation Sports Junior Partnership status.

6A-8



I. **Contract Contingency Increase – Sewer System Rehabilitation and Arenoso Lane Sewer Line Replacement Contracts**

Council referenced the portion of the Administrative Report, dated October 15, 2013, that referred to an alternative method of maintaining an 18" cast-iron pipe; acknowledged the estimated cost-savings and commended staff for its efforts in reducing costs for the City.

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

1. Approve an increase in the construction contract contingency with Sancon Engineering, Inc., in the amount of \$103,065, providing for Sewer System Rehabilitation Fiscal Year 2013, Project No. 24200. (Contract No. C13-19)
2. Approve an increase in the construction contract contingency with Sancon Engineering, Inc., in the amount of \$28,323, providing for the Arenoso Lane Sewer Line Replacement, Project No. 14203. (Contract No. C13-19)

7. **PUBLIC HEARINGS**

A. **Community Development Block Grant (CDBG) Funds – 2013-2017 Consolidated Plan and 2012-2013 Consolidated Annual Performance Evaluation Report (CAPER)**

Continued Public Hearing to consider approving the Consolidated Annual Performance Evaluation Report for 2012-2013, which summarizes last year's program accomplishments funded under the U.S. Department of Housing and Urban Development (HUD), Community Development Block Grant (CDBG) Program, and adopting the CDBG Consolidated Plan Report, which delineates the City's priority housing and community development needs.

Community Development Director Holloway reported that due to the Federal Government shutdown, staff has been unable to communicate with the Housing and Urban Development (HUD) Department to resolve certain technical issues; requested that the Public Hearing on this item be continued to the Council Meeting of November 19, 2013.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to continue the Public Hearing to the Council Meeting of November 19, 2013.

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**B. Clean Ocean Fee Renewal**

Public Hearing to consider a proposal to renew and increase the existing Clean Ocean Fee.

City Clerk Baade announced that 30 written protests to the Clean Ocean Fee have been received; noted that 22,074 properties would be subject to the fee and hence the 30 protests do not constitute a majority protest.

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

Mayor Baker opened the Public Hearing.

Daniel Apt, San Clemente, spoke in favor of the Clean Ocean Fee; voiced his desire to maintain a clean beach and ocean, since they are essential to Ole Hanson's vision and the local economy.

Ken Nielsen, San Clemente, spoke in favor of the Clean Ocean Fee increase; stated that the Regional Water Quality Control Board identified street sweeping as an effective practice for keeping oceans clean; urged Council to evaluate street sweeping parking enforcement as a source of revenue for the Clean Ocean Program.

Bill Hart, speaking on behalf of the Watershed Task Force and Coastal Advisory Committee, noted that property owners have approved the fee in the past and summarized the program's success; encouraged Council and members of the public to vote in favor of the Clean Ocean Fee increase.

George Gregory, San Clemente, expressed concern that the Clean Ocean Fee negatively affects residents who struggle financially; suggested that Council look into assessing the Clean Ocean Fee on a per-lot basis as opposed to a per-unit basis.

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

MOTION BY COUNCILMEMBER EVERT, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to adopt Resolution No. 13-41, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CALLING A SPECIAL MAIL BALLOT ELECTION FOR SUBMITTAL OF A RENEWAL AND INCREASE OF THE EXISTING CLEAN OCEAN FEE TO THE OWNERS OF REAL PROPERTY SUBJECT TO THE FEE.

*Action continued on next page*

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MOTION BY COUNCILMEMBER EVERT, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to authorize the Mayor to vote in favor of the Clean Ocean Fee increase on the ballots for those properties on which the City currently pays a Clean Ocean Fee.

C. **Introduction to the Draft Centennial General Plan, Draft Environmental Impact Report, Draft Bicycle and Pedestrian Master Plan, and Draft Climate Action Plan** *(Continued from the Council Meetings of September 24, 2013, October 1, 2013, and October 8, 2013)*

Public Hearing concerning the Draft Centennial General Plan, Draft Environmental Impact Report, Draft Bicycle and Pedestrian Master Plan, and Draft Climate Action Plan.

**Council reviewed the Mobility Element by page and provided direction as follows:**

General Plan Section	Issue	Council Decision
M-3	Council requested the addition of a subsection to M-1.01 that, in essence, captures Council's intent to ensure that all roadways are maintained at an acceptable standard to ensure efficient travel.	M-101.f is to be added as a separate subsection in M-1.01 that will ensure that all roadways are maintained at a standard that provides for efficient travel, with language to be developed by Engineering staff.
M-4	Council questioned whether Section M-1.10, concerning regional transportation improvements, covers the City's desire to extend the I-5 HOV lane to San Diego.	Language is to be added to M-1.10 that expresses support for the extension of the HOV lane on the I-5 to the San Diego County line.
M-5	Council expressed concern relating to the amount of detail in subsection M-1.18.a through M-1.18.h; expressed that the subsections appear to be implementation measures. Senior Planner Hook recommended removing M-1.18.a since it is redundant inasmuch as it is contained as an implementation measure elsewhere in the General Plan.	M-1.18a. is to be deleted in its entirety.
M-6	Council referenced Section M-1.26 relating to Scenic View Corridor Enhancement and Designation and noted that Council previously directed that a map of the Scenic View corridor be included in the General Plan.	It was noted that Council directed at a past meeting that a Scenic View Corridor map be incorporated into the General Plan.
M-7	Council noted that Section M-1.33 prohibits billboards within scenic corridors and discussed extending the subject prohibition throughout the City.	M-1.33 is to be replaced with the following verbiage: "We prohibit the construction of billboards within the City of San Clemente." A definition of "billboard" is to be included in the General Plan glossary.

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M-10	Council referenced Section M-2.23 that reads as follows: "We encourage and support skateboard use as an efficient and legitimate transportation mode to connect gaps between destination and transit stops and rail stations."	Section M-2.23 is to be modified to read as follows: "We encourage and support skateboarding use as an efficient and legitimate transportation mode."
M-11	Council referenced Section M-2.30 which reads as follows: "We encourage city staff, employees, residents and visitors to walk and bicycle as often as possible."	M-2.30 is to be deleted in its entirety.
M-12	Council referenced Section M-2.47 which reads as follows: "We improve appropriate legal access to public lands for cyclists and pedestrians."	Section M-2.47 is to be modified to read as follows: "We improve appropriate legal access to appropriate public lands for cyclists and pedestrians."
M-13	Council referenced Section M-2.55 which reads as follows: "We may approve certain commercial uses in public sidewalks in the Pedestrian Overlay District when those uses benefit the overall pedestrian environment."	Section M-2.55 is to be modified to replace "in public sidewalks" with "on public sidewalks".
M-14	Commissioner Darden referenced the "Parking" section that commences on Page M-14 and recommended that Council revisit parking issues in light of Council's action of October 8, 2013 relating to height limitations on Avenida Del Mar. Specifically, Commissioner Darden suggested that possible tools be identified and added that will help achieve goals (e.g., pedestrian amenities) for the downtown area.	Council requested that Commissioner Darden send an email to Council explaining her proposal.
M-14, M-15, and M-17	Council referenced the Goal on Page M-14 which reads as follows: "Create a parking system which provides an appropriate level of multi-modal parking supply in public and private parking areas."	<p>The Goal and/or Parking sections on Page M-14 are to be modified to include verbiage similar to the following: "Create a circulation-driven parking system which provides an appropriate level of multi-modal parking supply in public and private parking areas."</p> <p>Section M-4.06 is to be modified to read as follows: "We base parking decisions and related improvements in key commercial areas on comprehensive parking strategies and circulation studies."</p> <p>Implementation Measure 14 on Page M-17 is to be modified to read as follows: "Prepare comprehensive parking and circulation strategies for key commercial areas, including: North Beach, Pier Bowl, Del Mar/T-Zone, and Plaza San Clemente."</p>

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M-14	Senior Planner Hook recommended that a new Section M-3.07 be added to read as follows: "Railway Safety. We coordinate with appropriate agencies and organizations when reviewing development projects located adjacent to or near railroad rights of way to minimize negative impacts on surrounding areas and railway operations."	A new Section M-3.07 was added to read as follows: "Railway Safety. We coordinate with appropriate agencies and organizations when reviewing development projects located adjacent to or near railroad rights of way to minimize negative impacts on surrounding areas and railway operations."
M-15	Council referenced Section M-4.04 which reads as follows: "We consider alternative parking strategies that address multi-modal parking needs, improve land use efficiency and enhance environmental quality, such as use of energy-saving/generating features, demand based parking strategies, stacking, alternative paving, accommodating multiple uses, and parking elevators."	Section M-4.04 is to be modified to read as follows: "We consider alternative parking strategies that address multi-modal parking needs, improve land use efficiency and enhance environmental quality, such as use of energy-saving/generating features, demand based parking strategies, stacking, alternative paving, and accommodating multiple uses."
M-16	Council referenced Implementation Measure 7 that reads as follows: "Update the Municipal Code to require end of trip bicycle facilities, as appropriate to the scale of the project, such as lockers, showers and enclosed bicycle parking, within non-residential sites and bicycle parking within multi-family and non-residential sites."	Implementation Measure 7 is to be modified to read as follows: "Update the Municipal Code to require end of trip bicycle facilities, as appropriate to the scale and use of the project, such as lockers, showers and enclosed bicycle parking, within non-residential sites and bicycle parking within multi-family and non-residential sites."
M-17	Council referenced Implementation Measure 10 that reads as follows: "When and where appropriate, prepare feasibility study for a shuttle service connecting North Beach, Del Mar/T-Zone, Pier Bowl, and other major commercial areas within the City."	Council modified Implementation Measure 10 to read as follows: "When and where appropriate, prepare a feasibility study for a community-serving shuttle or trolley type transit system that connects San Clemente's key destinations and residential areas (e.g. North Beach, Del Mar/T-Zone, Marblehead Coastal, and Pier Bowl) with public transit and bicycle routes."
M-19	Council referenced Figure M-1 entitled "Roadway System Map" on Page M-19.	The title of Figure M-1 on Page M-19 is to be modified to replace "Roadway System Map" with "Future Roadway System Map."

Council continued discussion of the General Plan to the Council meeting of November 5, 2013.

8. **UNFINISHED BUSINESS**

None.

9. **NEW BUSINESS**

A. **Contract Award – City Website Redesign and Hosting**

Report from the Finance and Administrative Services Director concerning the redesign and hosting of the City's website.

Information Systems Specialist Boisseranc reviewed the contents of the Administrative Report and responded to Council inquiries.

Susan Nguyen, Regional Sales Manager, Vision Internet, narrated the contents of a PowerPoint presentation entitled "Creating What's Next for the City of San Clemente", concerning the City's proposed website. A hard copy of the subject PowerPoint is on file with the City Clerk.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract No. C13-48, by and between the City of San Clemente and Vision Internet, providing for the redesign of the City's website, in the amount of \$51,562, subject to City Attorney approval of the final contract language.

Council recessed at 7:40 p.m. and reconvened at 7:56 p.m. with all members present.

B. **Farmer's Market on Avenida Del Mar**

Report from the Beaches, Parks, and Recreation Director concerning the Farmer's Market on Avenida Del Mar.

Beaches, Parks, and Recreation Director Heider reviewed the contents of the Administrative Report; stated that petitions have been generated both in favor and against the current Farmer's Market special event permit renewal; responded to Council inquiries.

Sandy Heil, representing the Farmer's Market on Avenida Del Mar, stated that her family takes pride in operating the Farmer's Market; relayed that her husband, Rick Heil, and she are very involved in the community and wish to continue operating the Farmer's Market.

Bill Hart, San Clemente, spoke in favor of extending the current Farmer's Market permit; stated that operating a Farmer's Market is a difficult task and asserted that Mr. Heil successfully balances multiple interests within the community and strictly adheres to rules and regulations.

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Freda D'Souza, San Clemente, spoke against extending the current Farmer's Market Permit; displayed a petition on behalf of the Friends of San Clemente Farmer's Market, urging Council to issue a Request for Proposal (RFP); suggested that Council solicit bids to attract additional vendors and allow the Farmer's Market to expand.

Eli Herrera, San Clemente, spoke against extending the current Farmer's Market Permit; opined that the market's operation can be improved; suggested that arts, crafts, culture, and music can be added to the event; stated that issuing RFP's for the Farmer's Market may attract more visitors and benefit local merchants.

David Franco, Farmer's Market concession booth operator, spoke in favor of extending the current operator's permit; expressed satisfaction with Mr. Heil's current operation; stated that an alternative open-air market could result in lower quality produce for residents.

Heidi Johnson, San Clemente, spoke against extending the current Farmer's Market Permit; asserted that the quality of the Farmer's Market has diminished over recent years; expressed a need for variety to improve the Farmer's Market.

Eli Hofshi, Farmer's Market concession booth operator, spoke in favor of extending the current Farmer's Market permit; expressed that operating a Farmer's Market is difficult and stated that Mr. Heil manages the market harmoniously and effectively.

Rick Heil, current Farmer's Market operator, summarized regulatory conditions and definitions associated with operating the Farmer's Market; explained State and County requirements for the conduct of a Certified Farmer's Market; referenced a petition that he submitted to the City Clerk's office on October 15, 2013, that supported the renewal of his current operation; requested that Council extend his Special Event Permit and increase his monthly fee to \$300 per month to accommodate the City's need for increased revenue. A hard copy of Mr. Heil's petition is on file with the City Clerk.

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER EVERT, CARRIED 4-1 (COUNCILMEMBER DONCHAK VOTING NOE), to extend the existing Farmer's Market Special Event Permit with Sandy and Rick Heil and Jan Peverill for two years, at an increased monthly rate of \$300. Further, to direct staff to issue a Request for Proposal when the permit is nearing expiration.

10. ORAL COMMUNICATIONS (PART 2)

None.

6A-15

11. **REPORTS**

A. **COMMISSIONS AND COMMITTEES**

None.

B. **CITY MANAGER**

(1) **Avenida Vaquero – Waterline Incident**

Public Works Director Cameron narrated a PowerPoint presentation entitled “18-Inch Water Line Break – Camino de los Mares and Avenida Vaquero” concerning the City’s response to a recent waterline break on Avenida Vaquero; responded to Council inquiries. A hard copy of the subject PowerPoint is on file with the City Clerk.

C. **CITY ATTORNEY**

None.

D. **COUNCIL MEMBERS**

(1) **San Joaquin Hills Transportation Corridor Agency Report**

None.

(2) **Foothill Eastern Transportation Corridor Agency Report**

Mayor Baker reported that the Foothill Eastern Transportation Corridor Agency Board voted to refinance \$2.4 billion in bonds; stated that he voted against the proposal to refinance because it will extend the toll road payoff date to 2053.

(3) **California Joint Powers Insurance Authority Report**

None.

(4) **The Great California Shakeout**

Mayor Pro Tem Brown encouraged residents to participate in an emergency earthquake drill on October 17, 2013; urged residents to become aware of earthquake preparation procedures.

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(5) **Coastal Animal Services Authority (CASA)**

Councilmember Hamm announced that CASA will provide animal clinic services at decreased costs on October 16, 2013.

(6) **Flu Shots**

Mayor Baker announced that free flu shots will be administered at San Clemente Hospital on October 18, 2013.

(7) **Mayor's Hours in Talega Shopping Center**

Mayor Baker reported that Mayor's Hours will be held at Panera Bread in Talega on October 26, 2013 from 8:30 a.m. – 10:00 a.m.

(8) **Saddleback Church**

Mayor Baker reported on his attendance at a service at Saddleback Church and displayed photographs. Hard copies of the subject photographs are on file with the City Clerk.

(9) **San Clemente High School Homecoming Parade**

Mayor Baker reported on his participation in San Clemente High School's Homecoming Parade; expressed appreciation for the small-town character of the City.

(10) **Introduction of Brigadier General John W. Bullard Jr.**

Mayor Baker announced that Brigadier General John W. Bullard Jr., Marine Corps Camp Pendleton, will attend the Council Meeting of November 5, 2013.

(11) **Death of Paul Michelena**

Mayor Baker expressed regret about the recent tragic death of Paul Michelena; expressed condolences on behalf of all Councilmembers to Mr. Michelena's family.

12. RESOLUTIONS/ORDINANCES

A. Ordinance No. 1571 (Second Reading) – Construction and Maintenance of Sidewalks Relating to the City’s Comprehensive Sidewalk Policy No. 801-1

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to adopt Ordinance No. 1571 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO AMEND MUNICIPAL CODE CHAPTER 12.08.

13. ADJOURNMENT

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to adjourn at 10:31 p.m., to a Joint City Council/Commissions/Committees Meeting to be held on October 22, 2013 at 7:00 p.m., at Pride of the Pacific Restaurant – San Clemente Municipal Golf Course, located at 150 Avenida Magdalena, San Clemente, California.

The next Regular Council Meeting will be held on November 5, 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.

A subsequent Adjourned Regular Council Meeting will be held on November 13, 2013 at 5:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, for the purpose of considering the Centennial General Plan.

  
CITY CLERK of the City of  
San Clemente, California

\_\_\_\_\_  
MAYOR of the City of  
San Clemente, California



12-3-13  
6A

# CITY OF SAN CLEMENTE

## City Council Minutes

### Regular City Council Meeting – November 19, 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 November 19, 2013 at 5:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by City Clerk Baade.

#### CLOSED SESSION

There being no Closed Session items to discuss, Deputy City Clerk Aghabegians recessed the meeting to 6:00 p.m.

#### MEETING CALLED TO ORDER

Mayor Baker called the Regular Meeting to order at 6:05 p.m.

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.

\* \* \*

#### INVOCATION

Mike Fanning, Heritage Christian Fellowship, gave the invocation.

#### PLEDGE OF ALLEGIANCE

Fire Chief Richter, Orange County Fire Authority, led the Pledge of Allegiance.

6A-19

1. **SPECIAL PRESENTATIONS**

A. **San Clemente High School Report**

Matt Garritson and Gabby Meyer, student representatives of San Clemente High School, reported on campus activities.

B. **Proclamation – Family Week**

Mayor Baker presented a Proclamation to Mark and Amanda Earnest proclaiming November 24 through November 30, 2013 as “Family Week” in San Clemente. Martin Garff narrated a PowerPoint presentation entitled “National Family Week 2013”, a hard copy of which is on file with the City Clerk.

C. **Proclamation – Ole Hanson Day**

Mayor Baker presented a Proclamation to Larry Culbertson, President of the San Clemente Historical Society, declaring December 6, 2013, and each December 6<sup>th</sup> in perpetuity, as “Ole Hanson Day” in San Clemente. Mike Fitzsimmons, an Ole Hanson impressionist, recited Ole Hanson’s vision.

D. **City Fiscal Reports**

Finance Manager Vincent narrated a PowerPoint presentation entitled “Fiscal Report Card”, which summarized the Fiscal Year (FY) 2013 4<sup>th</sup> Quarter Financial Report, and FY 2014 1<sup>st</sup> Quarter Financial Report; responded to Council inquiries. A hard copy of Ms. Vincent’s PowerPoint is on file with the City Clerk.

Assistant City Manager/Finance and Administrative Services Director Sund narrated a PowerPoint presentation entitled “Fiscal State of the City” that covered the period ending June 30, 2013. A hard copy of Mr. Sund’s PowerPoint is on file with the City Clerk.

**E. 2014 Long Term Financial Plan**

Assistant City Manager/Finance and Administrative Services Director Sund introduced the 2014 Long Term Financial Planning Issue Papers and Objectives; distributed a revised Page 1-E77 that reflects that 98.1% of calls for service were handled by the Coastal Animal Services Authority within 24 hours.

During the course of discussion, Council requested that Staff: 1) Address pier maintenance funding in the Long Term Financial Plan; and 2) Evaluate and propose updates, as appropriate, to the fee schedule for the City's ambulance subscription program.

**2. ORAL COMMUNICATIONS (PART 1)****Pedestrian and Traffic Safety at Vista Del Mar School (Corner of Avenida Talega and Calle Portofino)**

Pamela Denayer, San Clemente, crossing guard for Vista Del Mar students who cross at the intersection of Avenida Talega and Calle Portofino, voiced concern that safety is jeopardized as a result of the volume of traffic, visibility constraints, and increase in student enrollment at Vista Del Mar School; presented a petition that supported the addition of a second crossing guard at the subject location. A copy of Ms. Denayer's petition is on file with the City Clerk.

Laura Burnes, San Clemente, reiterated that a traffic problem exists at Avenida Talega and Calle Portofino; stated that a task force was established six years ago that resulted in improvements, but opined that increases in vehicular traffic, school attendance, and road rage incidents necessitate further action; spoke in support of enhanced Police enforcement of the existing "No U-Turn" signs and the re-establishment of a traffic task force.

Katie Calkins, San Clemente, suggested that vehicle and pedestrian traffic at the Portofino/Talega intersection warrants a second crossing guard and second route into the school campus; urged that the City increase enforcement of the "No School Parking" restrictions in the San Rafael development.

Karen Sillas, San Clemente, voiced concern that she can't access her home in Terra Linda between 2:15 p.m. and 3:00 p.m. when students are leaving the campus; expressed concern that residents would not be able to egress the area in an emergency due to traffic gridlock.

Council suggested that Ms. Denayer provide a copy of her petition to the Capistrano Unified School District. It was agreed that Police Chief Coppock will meet with area residents concerning the subject situation.

CA-21

3. MOTION BY COUNCILMEMBER EVERT, 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**

A Closed Session was not conducted this evening.

6. **CONSENT CALENDAR**

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

A. **City Council Minutes**

MOTION BY COUNCILMEMBER EVERT, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to approve the Joint City Council/Commissions/Committees Meeting minutes of October 22, 2013.

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

(2) Zoning Administrator Regular Meeting minutes of November 6, 2013.

CA-22

C. **Warrant Register**

MOTION BY COUNCILMEMBER EVERT, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to approve Wire Transfer Nos. 1186 through 1190 and Warrant Nos. 512153 through 512297 paid on 11/01/2013 in the amount of \$1,858,682.43; approve Warrant Nos. 512298 through 512435 paid on 11/08/2013 in the amount of \$494,802.66; for a total Warrant Register of \$2,353,485.09.

**Payroll Register**

MOTION BY COUNCILMEMBER EVERT, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to approve Warrant Nos. 255 through 258 and Automatic Deposit Advises 11499 through 11797 for the period of 10/14/2013 through 10/27/2013 in the amount of \$408,879.59; for a total Payroll Register of \$408,879.59.

D. **Contract Amendment – Main Pump Station Rehabilitation and Force Main Cathodic Protection, Project Nos. 10203 and 12202**

MOTION BY COUNCILMEMBER EVERT, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to approve, and authorize the Mayor to execute, the First Amendment to Contract No. C12-40, by and between the City of San Clemente and Pacific Advanced Civil Engineering, providing for the preparation of plans and specifications for the realignment of the Main Pump Station Force Main, Project Nos. 10203 and 12202.

F. **Contract Award – Marblehead Coastal Construction Inspection Services**

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

1. Approve, and authorize the Mayor to execute, Contract No. C13-51, by and between the City of San Clemente and Anderson Penna, providing for Marblehead Coastal Development inspection services, in an amount not to exceed \$115,000.
2. Approve a supplemental appropriation of \$115,000 to General Fund Account 001-411-43892-000-0000 (Development Contractual Services).
3. Accept revenue of \$115,000 into General Fund Account 001-000-34531 for construction inspection fees associated with the Marblehead Coastal Development project.



G. **Reassignment of Subdivision Obligations – Marblehead Coastal Development**

MOTION BY COUNCILMEMBER EVERT, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract No. C98-61, the First Implementation Agreement Respecting Triparty Agreement and Subdivision Improvement Agreement, by and between the City of San Clemente, LV Marblehead LLC, Arch Insurance Company, and Villa San Clemente, LLC. This agreement will assign certain subdivision improvement obligations associated with the Marblehead Coastal Development to Villa San Clemente LLC and release LV Marblehead LLC from those obligations.

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

B(1). **Planning Commission Regular Study Session Minutes of November 6, 2013 and Regular Meeting Minutes of November 6, 2013**

Mayor Pro Tem Brown recused himself from deliberations on the Planning Commission Regular Meeting minutes of November 6, 2013, and left the Chambers, because he lives within 500' of the McMahon residence that was the subject of Public Hearing Item 8-B on those minutes.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 4-0-1 (MAYOR PRO TEM BROWN ABSTAINING), to receive and file the Planning Commission Regular Meeting minutes of November 6, 2013.

MOTION BY COUNCILMEMBER EVERT, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to receive and file the Planning Commission Regular Study Session minutes of November 6, 2013.

E. **Contract Amendment – Orange County Fire Authority Joint Powers Authority Agreement, Equity Sharing**

Councilmember Hamm recused himself from deliberations on this item, and left the Council Chambers, because he is employed by the Orange County Fire Authority.

In response to Council inquiry, Orange County Fire Authority Division Chief Wells and Chief Richter summarized the equity sharing issue that was raised by the City of Irvine, focusing on the equity model that was ultimately developed and the potential negative affect on San Clemente if Irvine were to withdraw from the OCFA.

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MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER EVERT, CARRIED 4-0-1 (COUNCILMEMBER HAMM ABSTAINING), to:

1. Approve, and direct the City Manager to execute, the Second Amendment to Contract No. C95-02, the Amended Orange County Fire Authority (OCFA) Joint Powers Authority (JPA) Agreement, by and between the City of San Clemente, and the Cities of Aliso Viejo, Buena Park, Cypress, Dana Point, Irvine, La Palma, Laguna Hills, Laguna Niguel, Laguna Woods, Lake Forest, Los Alamitos, Mission Viejo, Placentia, Rancho Santa Margarita, San Juan Capistrano, Santa Ana, Seal Beach, Stanton, Tustin, Villa Park, Westminster, Yorba Linda, and the County of Orange.
2. Authorize the City Attorney to join in supporting the OCFA's validation action, when filed, seeking to obtain a judicial declaration of the validity of the Second Amendment to the Amended JPA Agreement.

H. **Contract Award – Marbella Pressure Reducing Station Rehabilitation, Project No. 14404**

Councilmember Hamm recused himself from deliberations on this item, and left the Council Chambers, because he owns property within 500' of the Marbella Pressure Reducing Station.

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER EVERT, CARRIED 4-0-1 (COUNCILMEMBER HAMM ABSTAINING), to:

1. Approve the plans and specifications for the Marbella Pressure Reducing System Rehabilitation, Project No. 14404.
2. Approve a supplemental appropriation of \$30,000 to Account 052-466-45300-14404.
3. Approve, and authorize the Mayor to execute, Contract No. C13-52, by and between the City of San Clemente and O'Connell Engineering & Construction, Inc., providing for the Marbella Pressure Reducing Station Rehabilitation, Project No. 14404, in the amount of \$178,671.

GA-25

I. **Request for Waiver of Community Center Auditorium Rental Fee – All-American Boys Chorus Veterans Concert**

In response to Council inquiry, Recreation Manager Passow reviewed the proposed veterans concert that is proposed by the All-American Boys Chorus.

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

1. Waive the fees of \$1,622 for the rental of the Community Center Auditorium for the All-American Boys Chorus Veterans Concert scheduled to take place on March 27, 2014.
2. Authorize staff to consider veteran's groups who would take a lead on selling tickets, assist with marketing the event, and be the benefactor of the proceeds.

J. **Fiscal Years 2013 and 2014 Sidewalk Repair Program, Project No. 19317**

Mayor Baker and Mayor Pro Tem Brown recused themselves from deliberations on this, and left the Council Chambers, because they individually own property within 500' of sidewalks that are included in the subject sidewalk repair program.

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

1. Authorize staff to issue a change order for additional work requested by the owners in an amount not to exceed \$60,000.
2. Approve a supplemental appropriation of \$60,000 to Account 001-416-45710-000-19317, Sidewalk Repair and Improvements, in the General Fund for the Sidewalk Repair Program, Project No. 19317.
3. Accept revenue of \$60,000 into General Fund Account 001-000-36851 for the Sidewalk Repair Program project.

GA-26

**K. Repair of the Avenida Pico/El Camino Real Intersection**

In response to Council inquiry, Public Works Director/City Engineer Cameron reviewed the emergency condition at the Avenida Pico/El Camino Real intersection that was caused by failing decorative pavers.

Council requested that Staff evaluate the possibility of installing decorative concrete crosswalks or painted asphalt at the Avenida Pico/El Camino Real intersection and return to Council if a decorative alternative is deemed to be a viable option.

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

1. Make a finding that an emergency condition exists at the Avenida Pico/El Camino Real intersection due to failing decorative pavers which are causing a potential safety hazard to motorists and bicyclists.
2. Approve and direct staff to replace the decorative pavers in the Avenida Pico/El Camino Real intersection with asphalt as soon as possible.
3. Authorize the Public Works Director/City Engineer to execute a construction contract change order for the replacement of the decorative pavers with asphalt at a cost not to exceed \$59,000.
4. Approve an increase to the contingency from \$54,600 to \$113,600 for the existing street rehabilitation, Contract No. C10-35 with R.J. Noble Company, with the increased amount of \$59,000 to be funded from RCFPP Account 020-419-45300-000-12903.

**7. PUBLIC HEARINGS****A. Zoning Amendment 13-313, Zoning Ordinance Clean-up Items and Procedure for Withdrawing Inactive Applications**

Public Hearing to consider amendments to Title 17 (Zoning Ordinance) of the San Clemente Municipal Code to correct errors, clarify text, and add procedures for withdrawing inactive applications.

Associate Planner Wright reviewed the contents of the Administrative Report and proposed additional wording to Section 3 relating to measurement of height to the top of a roof element; concurred with a Council suggestion that Section 2(A)2 of the Ordinance include reference

6A-27

to a table that would identify the designated decision making authority referenced in that section.

Mayor Baker opened and closed the Public Hearing, there being no one desiring to speak to this item.

MOTION BY MAYOR BAKER, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to introduce Ordinance No. 1575 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING ZONING AMENDMENT 13-313 THAT AMENDS TITLE 17 OF THE CITY OF SAN CLEMENTE MUNICIPAL CODE TO FIX ERRORS, CLARIFY TEXT, AND ADD PROCEDURES FOR WITHDRAWING INACTIVE APPLICATIONS, with amendments as follows:

Section 6.B.3 shall read as follows:

3. *Measurement of Height to the Top of a Roof Element (TOR). Unless additional height limits are indicated in the development standard tables in Chapters 17.32, Residential Zones and Standards, through 17.48, Public Zones and Standards, of this title, the maximum height limit stated for a zone shall be a limit upon the "average height to the top of the roof element." The average height to the top of a roof element is calculated by:*
  - a. *Measuring the height of each corner of the roof element. The height of each corner of the roof element is the vertical distance between original or finished grade and a projection of the top of the roof element, at each corner. Please refer to subsection (B)(1), Measurement of Height from Original or Finished Grade, of this section, regarding whether original or finished grade should be used; and*
  - b. *Averaging the sum of the height of each corner of the roof element.*

Additionally, Section 2.A.2 is to be modified to read as follows:

2. *Schedule for the designated decision making authority (see Table 17.12.020) to consider the application as a consent item at the next available meeting. The City Planner may recommend for the decision making authority to deny the application without prejudice. The applicant would be notified of the meeting in advance.*

B. **Community Development Block Grant (CDBG) Funds – 2013-2017 Consolidated Plan and 2012-2013 Consolidated Annual Performance Evaluation Report (CAPER)**

Continued Public Hearing to consider approving the Consolidated Annual Performance Evaluation Report for 2012-2013, which summarizes last year's program accomplishments funded under the U.S. Department of Housing and Urban Development (HUD), Community Development Block Grant (CDBG) Program, and adopting the CDBG Consolidated Plan Report, which delineates the City's priority housing and community development needs.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to continue the Public Hearing to the Council meeting of December 3, 2013.

**MEETING RECESSED**

Council recessed at 8:00 p.m. and reconvened at 8:15 p.m., with all members present.

C. **Draft Centennial General Plan and Final Environmental Impact Report, Draft Bicycle and Pedestrian Master Plan and Draft Climate Action Plan**

Public Hearing concerning adoption of the Centennial General Plan and Final Environmental Impact Report, Draft Bicycle and Pedestrian Master Plan and Draft Climate Action Plan.

Brian Judd, the Planning Center, requested Council direction concerning the staff-prepared white paper, dated November 13, 2013, relating to building heights in the Downtown Core area; noted that Council will receive a matrix prior to the December 10, 2013 Council meeting that identifies Council's changes to the Draft General Plan and related documents. A copy of the referenced white paper is on file with the City Clerk.

Mayor Baker opened the Public Hearing, however, no one desired to speak to this issue at this time.

Council discussed the "Area of Effect" that the white paper defines as the area that would be subject to story/height limits for the "Downtown Core" area. Specifically, the white paper identifies the affected area as "Lots located within the MU-3.0 Land Use designation, defined as 100 and 200 blocks of Avenida Del Mar, both sides of the street, and both sides of El

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Camino Real between Avenida Palizada and Avenida Presidio, as shown in Exhibit A.”

In response to Council inquiry, City Attorney Goldfarb opined that limiting the height/story limits to only the Downtown Core area as defined in the white paper would not constitute spot zoning.

Council discussed the possibility of directing Staff and the City consultant to study the implications of expanding the area to which the two-story, 33 foot building height limit would apply.

During discussion, it was noted that the Planning Commission and members of the public who spoke had focused on height and story limits in the area identified in the white paper, and that property owners outside that area have not been noticed about a possible expansion of the area subject to such limits.

During discussion, City Attorney Goldfarb suggested that Requirement 5.D of the white paper be amended to read as follows: “The development project is consistent with the Zoning Ordinance, *with the exception of the number of building stories or building height.*”

Ron Troser, San Clemente, asserted that reducing the allowable height of buildings along Avenida Del Mar is ill-advised, since adequate design controls are already in place; objected to an expansion of the borders of the area subject to building height and story limits since it will reduce property values.

Mark McGuire, San Clemente, urged that affected property owners be notified before a decision is made to expand the area that would be subject to the building height and story limits.

Alan Korsen, San Clemente, suggested that the proposed building height and story limits be extended to the boundaries of the Central Business Overlay as depicted in a PowerPoint that was utilized in May 2013; urged that the maximum building height be established at 33 feet; stated that the Supreme Court ruled that spot zoning does not exist when a regulation is consistently applied.

Council requested copies of the GPAC minutes to help clarify the geographical borders of the Downtown Core area that the Committee considered.

Following discussion, the Council majority (Councilmember Hamm, Mayor Pro Tem Brown and Mayor Baker supporting, and Councilmembers Donchak and Evert opposing) directed Staff and the Planning Consultant to

study the implications of enlarging the proposed area where new or remodeled buildings would be limited to two stories and 33 feet in height to include properties along the south side of Avenida Cabrillo and along the north side of Avenida Granada, adjacent to the 100 and 200 blocks of Avenida Del Mar, unless Council grants an exception to allow buildings with three stories up to 35 feet in height.

Associate Planner Jones provided an overview of the Draft Bicycle and Pedestrian Master Plan and the process that led to the draft document that is currently before Council; narrated a PowerPoint presentation entitled “Bicycle and Pedestrian Master Plan” and responded to Council inquiries. A hard copy of Mr. Jones’ PowerPoint is on file with the City Clerk.

Brenda Miller, PEDAL, urged Council to view the Bicycle and Pedestrian Master Plan, in conjunction with the Mobility and Complete Streets Element, as an opportunity to enhance public safety; spoke on the importance of enabling safe non-motorized transportation and suggested that a Mobility and Complete Streets Commission be established.

Michael Metcalf, San Clemente, spoke in support of the Bicycle and Pedestrian Master Plan, but suggested that the phrase “where feasible” be omitted from Policies M.101A and M.1.19.

Council reviewed the Bicycle and Pedestrian Master Plan and provided input as follows:

Page	Issue	Council Direction
ES-1	Council discussed the “Plan Scope” and opined that it could be rewritten in a manner that is more clear.	The “Plan Scope” is to be rewritten for clarity purposes.
9	Council referenced Policy P-1-11 that reads as follows: “The City encourages and supports skateboard use as an efficient and legitimate mode of transportation to connect gaps between destinations and transit stops and rail stations.”	Policy P-1-11 is to be shortened to read as follows: “The City encourages and supports skateboard use as an efficient and legitimate mode of transportation.”
11	Council referenced Implementation Measure 1-1-9 which reads as follows: “The City will recognize skateboarding as a legitimate form of transportation and accommodate it in its transportation policies and, where appropriate, in street and other public improvements. City will revise ordinances as necessary to accommodate safe skateboard use.”	Staff is to determine whether the City’s existing skateboard ordinance is in alignment with Implementation Measure 1-1-9, or whether modifications are needed.



14	Council referenced 1-5.3 under "Implementation Programs", which reads as follows: "Work towards closing existing gaps in the City's pedestrian network."	The current 1-5.3 is to be renumbered as 1-5.1 and listed as the first item under the Implementation Program section. Subsequent Implementation Measures are to be re-numbered accordingly.
49	Council referenced the third sentence under "Neighborhood Sidewalks" that reads as follows: "They are not as difficult to cross and pedestrian and pedestrian collisions occur less frequently because drivers have ample time to see, react and brake."	The third sentence under "Neighborhood Sidewalks" is to be re-written for clarity purposes.

Assistant City Engineer Bonigut provided an overview of the Climate Action Plan, noting that the purpose is to inventory greenhouse gas emissions and to develop strategies to reduce those emissions; reviewed the process that led to the draft document that is currently before Council and responded to Council inquiries.

Principal Planner Hook noted that the FEIR (Final Environmental Impact Report) incorporates all comments made on the Draft EIR as well as responses to all comments as required by CEQA; responded to Council inquiries.

Council did not make any changes to the Draft Climate Action Plan or Final Environmental Impact Report.

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to continue the Public Hearing on the adoption of the Draft Centennial General Plan, FEIR, Draft Bicycle and Pedestrian Master Plan and Draft Climate Action Plan to an Adjourned Regular Meeting of the City Council to be held on December 10, 2013 at 4:00 p.m. in the Council Chambers.

8. **UNFINISHED BUSINESS**

A. **Ordinance Introduction – Use of Bicycles and Other Activities on the Pier, Beach Access Road and Beach Trail**

Report from the Beaches, Parks, and Recreation Director concerning possible modification of bicycle riding restrictions on the beach trail.

Marine Safety Lieutenant Mellott reviewed the contents of the Administrative Report.

Ricardo Nicol, San Clemente, urged Council to require that bicycles on the beach trail be equipped with bells to warn pedestrians that a bicycle is approaching from behind.

6A-32

Marine Safety Lieutenant explained the difficulty of enforcing a requirement that all bicycles have bells; proposed, as an alternative, that bicycle bells be recommended, but not mandated.

MOTION BY COUNCILMEMBER HAMM, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to introduce Ordinance No. 1576 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 12.32.130 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO THE USE OF BICYCLES AND OTHER ACTIVITIES ON THE PIER, BEACH ACCESS ROAD AND BEACH TRAIL.

9. **NEW BUSINESS**

A. **Cooperative and Utility Agreements with the Orange County Transportation Authority (OCTA) Related to Planned Interstate 5 (I-5) Improvements**

Report from the Public Works Director/City Engineer concerning planned Interstate 5 improvements.

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

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

1. Approve, and authorize the Mayor to execute, Contract No. C13-53, Cooperative Agreement No. C-3-2079, by and between the City of San Clemente and the Orange County Transportation Authority, providing for reimbursement of as-needed City services during construction of the Interstate 5 Widening/HOV and Pico Interchange improvement projects.
2. Approve, and authorize the Mayor to execute, Contract No. C13-54, Utility Agreement No. CSC-1, by and between the City of San Clemente and the Orange County Transportation Authority, providing for reimbursement of City-provided utility relocation services for the Interstate 5/Pico Interchange improvement project.

B. **Contract Award – Funding, Design, and Inspection Related to Construction of the La Pata Gap Closure and Camino Del Rio Extensions and Noise Mitigation Associated with Extension of Camino Del Rio**

Report from the Public Works Director/City Engineer concerning the La Pata Gap Closure and Camino Del Rio extension project.

Harry Persaud, the County's project manager for the La Pata/Del Rio project, provided an update on the project and expressed "guarded optimism" that it will soon become a reality; explained the bidding process that resulted in three bids and a subsequent decision by the Orange County Board of Supervisors to reject all bids, and direct that the project be re-bid; stated that the Board of Supervisors is still on schedule to award a construction contract on December 10, 2013, with construction to start in early 2014.

Transportation Engineering Manager Frank summarized the Memorandum of Understanding with the County of Orange.

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

1. Approve, and authorize the Mayor to execute, Contract No. C13-55, a Memorandum of Understanding, by and between the City of San Clemente and the County of Orange, relating to completion of the La Pata Gap Closure and Camino Del Rio Extension project, subject to approval by the City Attorney.
2. Approve the use of rubberized asphalt overlay to mitigate projected future noise increases associated with future projected traffic on Camino Del Rio, consistent with Mitigation Measure 4.4.7 of the certified project Environmental Impact Report.

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

None.

11. **REPORTS**

A. **Commissions and Committees**

(1) **City Representative to the Orange County Vector Control District Board of Trustees**

Report from the City Clerk concerning appointment of the City's representative to the Orange County Vector Control District Board of Trustees.

City Clerk Baade reviewed the contents of the Administrative Report and responded to Council inquiries.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to direct the City Clerk to advertise and solicit applications from San Clemente registered voters to fill the vacancy for the City's representative on the Orange County Vector Control District Board of Trustees. Council will interview candidates and make an appointment at its meeting of December 17, 2013.

B. **City Manager**

None.

C. **City Attorney**

None.

D. **Council Members**

(1) **San Joaquin Hills Transportation Corridor Agency Report**

Councilmember Evert, City representative to the San Joaquin Hills Transportation Corridor Agency, reported that the TCA plans to discontinue the cash lanes on the toll roads early next year; reported that a TCA representative will attend a future Council meeting to explain the new toll procedures that involve transponders and billing from license plate recognition.

6A-35

(2) **Foothill Eastern Transportation Corridor Agency Report**

Mayor Baker, City representative to the Foothill Eastern Transportation Corridor Agency, reported that the TCA has been informed that its refinancing plan has received investment grade rating from two of the three rating agencies.

(3) **Coastal Animal Services Authority (CASA)**

Councilmember Hamm reported on his attendance at his first CASA Board meeting as Council's representative to the CASA Board.

(4) **La Cristianita Monument Re-Dedication**

Mayor Baker reported that he will participate, on November 21, 2013, in the re-dedication of the La Cristianita monument that was relocated to the Casa Romantica.

12. **RESOLUTIONS/ORDINANCES**

A. **Ordinance No. 1572 (Second Reading) – Various Building Code Regulations and Local Amendments**

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to adopt Ordinance No. 1572 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTERS 15.08, 15.12, 15.16, 15.20, 15.21, AND 15.22 OF TITLE 15 OF THE SAN CLEMENTE MUNICIPAL CODE ADOPTING BUILDING REGULATIONS.

B. **Ordinance No. 1573 (Second Reading) – Fire Code Regulations and Local Amendments**

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to adopt Ordinance No. 1573 entitled AN ORDINANCE OF THE CITY COUNCIL OF SAN CLEMENTE AMENDING CHAPTER 8.16 OF THE SAN CLEMENTE MUNICIPAL CODE AND ADOPTING FIRE CODE REGULATIONS FOR THE CITY OF SAN CLEMENTE.


C. Ordinance No. 1574 (Second Reading) – Various Property Maintenance Requirements

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to adopt Ordinance No. 1574 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 15.09 OF TITLE 15 OF THE SAN CLEMENTE MUNICIPAL CODE ADOPTING PROPERTY MAINTENANCE REQUIREMENTS.

13. ADJOURNMENT

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to adjourn at 10:34 p.m., in memory of Staff Sgt. Mathew R. Marsh, Gunnery Sgt. Gregory J. Mullins, Sgt. Miguel Ortiz and Staff Sgt. Eric W. Summers, members of the United States Marine Corps who were killed in a recent accident at Camp Pendleton.

The next Regular Council Meeting will be held on December 3, 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 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

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