

03/06/12

6A

CITY OF SAN CLEMENTE

City Council Minutes

Adjourned Regular City Council Meeting - January 31, 2012

These minutes reflect the order in which items appeared on the meeting agenda and do not necessarily reflect the order in which items were actually considered.

An Adjourned Regular Meeting of the San Clemente City Council was called to order on January 31, 2012 at 4:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Evert.

PRESENT BAKER, BROWN, DAHL, DONCHAK, MAYOR EVERT

ABSENT NONE

STAFF PRESENT George Scarborough, City Manager; Joanne Baade, City Clerk; Anthony Mejia, Deputy City Clerk.

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Information Technology Strategies Workshop

Information Technology Manager Moore and Information Technology Staff narrated a PowerPoint presentation entitled "Council IT Workshop"; provided an overview of the City's technological infrastructure; identified the City's internal and external software services; demonstrated the City's current website and Recreation Division Facebook page; summarized the City's technological goals and future opportunities; and responded to Council inquiries. A hard copy of the presentation, dated January 31, 2012, is on file with the City Clerk.

Jim Ruehlin, General Plan Advisory Committee member, speaking as a private citizen, recommended the formation of a committee to consider the technological priorities of the community; conveyed support for the utilization of open source software.

Brenda Miller, San Clemente, requested that documents be posted on the City's website in their original format (i.e. Microsoft Word); suggested that Staff PowerPoints be posted on the City's website and linked with their corresponding agenda items; recommended that Leadership San Clemente, City Council, and Planning Commission videos and audio files be available via iTunes.

6A-1

Marino Crivello, San Clemente, explained the benefits of utilizing open source software; offered to provide consulting assistance to implement open source software.

Council requested that Staff provide an update concerning the amount of utility bills collected via the City's website.

Individual Councilmember(s) expressed commentary as follows. The below statements do not necessarily reflect Council consensus:

- It would be beneficial to establish a task force on information technology.
- The City should look toward the League of California Cities (LOCC) and Association of California Cities - Orange County (ACC-OC) to determine if partnering or cost-efficiency benchmarks are available.
- A community satisfaction survey should be conducted relative to the current information technology approach, including satisfaction with the City's website.
- Public communication is a critical City service and it would be worthwhile to dedicate resources to improve methods of public communication, such as the City's website and direct e-mail.
- It would be useful to expand the use of Facebook for traffic notifications and business openings.
- A protocol should be developed for the use of the City homepage in the event of an emergency.
- The website appears busy and overwhelming and many cities are moving towards a more artistic approach.
- The City should move forward with alternative telephone options.
- The website has excessive dropdown menus and any under-utilized menu items should be removed.
- The search bar should be enlarged and highlighted.
- Staff should move forward with utilizing open source software.
- An information technology strategic document which outlines current activities and future goals should be developed.

It was agreed that Information Technology Staff will develop an issue paper concerning an information technology strategic document for consideration at the Council Meeting of February 15, 2012.

Oral Communications

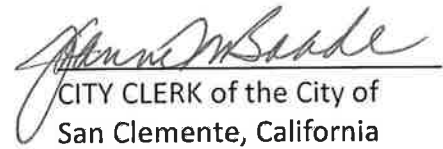
None.

6A-2

Adjournment

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to adjourn at 6:45 p.m.

The next Regular Council Meeting will take place on February 7, 2012 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 take place at 6:00 p.m.


CITY CLERK of the City of
San Clemente, California

MAYOR of the City of
San Clemente, California

03/06/12
6A

CITY OF SAN CLEMENTE

City Council Minutes

Adjourned Regular City Council Meeting – February 21, 2012

These minutes reflect the order in which items appeared on the meeting agenda and do not necessarily reflect the order in which items were actually considered.

An Adjourned Regular Meeting of the San Clemente City Council was called to order on February 21, 2012 at 4:30 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Evert.

PRESENT BAKER, BROWN, DAHL, DONCHAK, MAYOR EVERT

ABSENT NONE

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

* * *

CLOSED SESSION

Assistant City Attorney Goldfarb requested a Closed Session to discuss the items that appear on the Closed Session agenda.

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to recess to Closed Session at 4:31 p.m. to discuss the following:

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

Property: Second Floor of the Community Development Department building, located at 910 Calle Negocio, San Clemente

Agency Negotiator: George Scarborough, City Manager

Negotiating Parties: City of San Clemente and Quest Diagnostics

Under Negotiation: Both Price and Terms of Payment.

Closed Session items continued on next page

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B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

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

Property: Irons in the Fire Restaurant, located at 150 East Avenida Magdalena, San Clemente

City Negotiator: George Scarborough, City Manager

Negotiating Parties: City of San Clemente and Dave Donaldson

Under Negotiation: Both Price and Terms of Payment.

D. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation, pursuant to Government Code Section 54956.9(b): One Potential Case.

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

Property: Portion of the Second Floor of the Community Development Department building, located at 910 Calle Negocio, San Clemente

Agency Negotiator: George Scarborough, City Manager

Negotiating Parties: City of San Clemente and Association Management and Maintenance Corporation (AMMCOR)

Under Negotiation: Both Price and Terms of Payment.

In attendance for the full Closed Session were all members of the City Council (with the exception of Councilmember Donchak who abstained from deliberations and left the meeting room during consideration of Item B), City Manager Scarborough, Assistant City Attorney Goldfarb, Assistant City Manager Gudgeirsson, and City Clerk Baade. Central Services Officer Elston was in attendance for Closed Session Items A, D and E only. City Planner Pechous was in attendance for Closed Session Item B only. Rob Johnston, of Johnston Pacific, was in attendance for Closed Session Items A and E only.

6A-5

MEETING RECONVENED

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

INVOCATION

Rev. Linda Robison, Palisades United Methodist Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Dahl led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Presentation of Proclamation - DMV/Donate Life California Month**

This presentation was deferred to April 2012.

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

Sydney Adams and Matt Garritson, student representatives of San Clemente High School, narrated a PowerPoint presentation entitled "San Clemente High School" that addressed campus activities. A hard copy of the subject PowerPoint, dated February 21, 2012, is on file with the City Clerk.

C. **San Clemente General Plan - Status Report**

Alan Korsen, General Plan Advisory Committee representative, provided a status report concerning the San Clemente General Plan; reviewed elements considered to date, noting that the GPAC has been generally supportive of the working drafts submitted by The Planning Center; explained that the Specific Plan for North Beach is a major area that has not yet been addressed or resolved; stated that Marblehead Coastal has not been reviewed in depth due to the pending development agreement; identified topics that will be considered at the GPAC meetings of March 14, 2012, April 25, 2012 and May 14, 2012; stated that a telephone survey indicated that 97% of San Clemente's citizens rate the City's quality of life as good or excellent and 86% attribute the City's unique village character as the primary reason; responded to Council inquiries.

6A-6

Council requested that Staff provide a two-year calendar that indicates timelines associated with future General Plan activity as well as the zoning updates that will follow.

Lyn Harris Hicks, San Clemente, offered suggestions to enhance awareness of GPAC meetings; urged that a community poll be conducted to determine public sentiment concerning City issues.

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

San Onofre Nuclear Generating Station (SONGS)

William Bibb, San Diego, related his concern for safety at SONGS and urged that an epidemiological study be conducted; noted that he previously submitted an email to Council that contained a proposal from Joseph Magano and Jenette Sherman for the conduct of an epidemiological study; responded to Council inquiries. A copy of Mr. Bibb's email, dated February 19, 2012 (which included a proposed outline for an epidemiological study), is on file with the City Clerk.

Marion Pack, Laguna Beach, stated that the Laguna Beach City Council voted 4 to 1 to request that spent fuel be removed from SONGS and that the plant not be relicensed if the fuel is not relocated; noted that the Irvine City Council will consider the issue next month.

Gary Headrick, San Clemente Green, reported that a Fukushima remembrance event will be held on March 10, 2012 at the Community Center; urged that an independent radiation monitoring station be established; conveyed support for an epidemiological study.

Dick Eiden, Vista, expressed concern with SONGS; questioned, and received clarification, that the City does not have an on-going standing committee concerning SONGS.

Mel Kernahan, Laguna Woods, voiced concern for the safety of San Clemente citizens due to their proximity to SONGS; urged that independent monitoring be conducted to assess the extent of any radiological leaks at the plant.

Donna Gilmore, San Clemente, stated that SONGS has the worst safety record of any nuclear plant in the country; opined that SONGS is not needed for energy purposes.

6A-7

Geoff Harris, San Clemente, voiced concern that SONGS poses a safety hazard; stated that San Clemente needs additional evacuation routes in the event of an emergency and recommended that La Pata and Cristianitos be extended to facilitate evacuation.

Nancy Nolan, San Clemente, cited concerns with genetic problems caused by radiation.

Patti Davis, San Clemente, identified recent problems at SONGS that have generated concerns; supported an epidemiological study and radiation monitoring.

Council requested that the issue of independent radiation monitoring be agendized for a future Council meeting (March 20, 2012 was suggested). Staff was directed to prepare a report that identifies radiation monitoring resources that are currently in place.

It was agreed that the City Manager will determine the status of funding for the La Pata extension and will agendize the issue for a future Council meeting.

San Clemente Garden Club Report

Kathleen Scopaz, San Clemente Garden Club, reported on the Club's efforts to maintain various City gardens.

Shooting Incident Involving Orange County Sheriff's Deputy at San Clemente High School

Timothy Brun, San Clemente, voiced concern with the Deputy-involved shooting at San Clemente High School that occurred on February 7, 2012; urged that the City Council request that the FBI conduct an investigation.

3. MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to waive reading in full of all Resolutions and Ordinances.

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

None.

6A-8

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

None.

6. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve the Consent Calendar, with the removal of Item 6-E.

A. **City Council Minutes**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve the minutes of the City Council Regular Meeting of January 17, 2012.

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

- (1) Coastal Advisory Committee Regular Meeting minutes of January 12, 2012.
- (2) Design Review Subcommittee Meeting minutes of December 14, 2011.
- (3) Planning Commission Regular Meeting minutes of February 8, 2012.
- (4) Planning Commission Study Session minutes of February 8, 2012.

C. **Warrant Register**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve Warrant Nos. 825323 through 825470, for the period 01-23-12 through 01-27-12, in the amount of \$6,809,180.01; for a total Warrant Register of \$6,809,180.01.

GA-9

D. Parking Restrictions on the South Side of Avenida Presidio at City Hall

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

1. Approve parking prohibitions on the south side of Avenida Presidio along the City Hall at 100 Avenida Presidio for:
 - a. Twenty (20) feet east of the City Hall driveway.
 - b. Seventy (70) feet west of the City Hall driveway.
 - c. An additional thirty (30) feet west of the easterly Fire Station driveway.
2. Approve removal of eighty seven (87) feet of existing parking prohibitions from the north side of Avenida Presidio across from the easterly Fire Station driveway.
3. Adopt Resolution No. 12-06 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING 'NO PARKING AREAS' ON AVENIDA PRESIDIO.

F. Redevelopment Agency Successor Actions

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

1. Direct the City Manager to pursue the formation of the Oversight Board related to the dissolution of the Redevelopment Agency.
2. Accept and submit the preliminary Recognized Obligation Payment Schedule (ROPS) to the Oversight Board.
3. Accept and submit the administrative budget to the Oversight Board for operations from February 1, 2012 to June 30, 2012 in relation to the dissolution of the Redevelopment Agency.

**Note:* Later in the meeting, Guy Varriano, Casa Romantica Board Member, inquired about the status of funding for the Casa Romantica parking lot surfacing project that is identified in the City/RDA Cooperative Agreement as a project to be funded under the RDA in FY 2013. City Manager Scarborough responded that funding for this project is no longer available pursuant to State Law and that the project will need to compete for General Fund funding in the future.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**E. Parking Restrictions on Avenida Presidio at Calle Mendoza**

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

Council requested that Staff investigate possible traffic-calming measures at the intersection of Avenida Presidio and Avenida Salvador.

Jeff Taylor, San Clemente, spoke on the importance of promoting safety over convenience and urged that the proposed parking restrictions be implemented; noted that he previously provided the City with a petition signed by five residents.

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

1. Approve parking prohibitions on the east side of Avenida Presidio for:
 - a. Twenty (20) feet north of Calle Mendoza.
 - b. Thirty-five (35) feet south of Calle Mendoza.
2. Direct Staff to work with the concerned residents as outlined in the City's Traffic Calming Policy and Resource Manual.
3. Adopt Resolution No. 12-07 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING 'NO PARKING AREAS' ON AVENIDA PRESIDIO.

7. PUBLIC HEARINGSA. Nonconforming Structure Ordinance Update – Zoning Amendment 11-020

Public Hearing to consider a City-initiated proposal to update zoning requirements that affect nonconforming structures and uses. Structures and land uses are “nonconforming” when they do not comply with current zoning requirements. The zoning amendment would streamline the review process for some projects and clarify, remove inconsistencies, and improve effectiveness of the regulations.

Community Development Director Holloway provided introductory comments, focusing on the background of the subject issue and the process that led to the Zoning Ordinance amendment currently under consideration.

Associate Planner Wright narrated a PowerPoint presentation entitled “Nonconforming Ordinance Update” and responded to Council inquiries. A hard copy of Mr. Wright’s PowerPoint, dated February 21, 2012, is on file with the City Clerk.

Council noted that Pages 11 and 12 of Exhibit C of the proposed Ordinance cites square footage thresholds that trigger a Cultural Heritage Permit or Minor Cultural Heritage Permit; noted that the Ordinance currently identifies addition sizes that are either greater to, or less than, a specific square footage, but does not address addition sizes that are “equal to” the specified square footage. It was agreed that addition sizes that are equal to the square footage indicated will be included in the “greater than” category.

Mayor Evert opened the Public Hearing.

Larry Culbertson, San Clemente, related support for the Alternative Ordinance proposed by Staff since it limits expansions of nonconforming dwellings to a maximum of 2,100 total square feet; urged that historic structures be addressed in the subject ordinance.

Christine Lampert, San Clemente, stated that she is an architect and explained her experiences with the City’s prior non-conforming structure Ordinance; spoke in support of a Code amendment to enable small additions to be approved without a Conditional Use Permit.

Richard Jansen, San Clemente, urged Council to approve the Zoning Amendment since it would reduce the cost to expand a nonconforming structure.

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

CA-12

Following discussion, MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to introduce alternative Ordinance No. 1548 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING TITLE 17 OF THE CITY OF SAN CLEMENTE MUNICIPAL CODE RELATING TO NONCONFORMING STRUCTURES AND USES. The alternative zoning amendments would also:

- a. Cap the expansion of a nonconforming dwelling to a maximum of 2,100 total square feet.
- b. Continue to require a Conditional Use Permit (CUP) to replace nonconforming structures in non-residential zones if they are damaged by an accident.

MEETING RECESSED

Council recessed at 8:10 p.m. and reconvened at 8:20 p.m., with all members present.

8. UNFINISHED BUSINESS

A. Implementation of Wayfinding Signs, Phase I

Report from the Community Development Director relative to the implementation of Wayfinding Signs, Phase I.

Community Development Director Holloway narrated a PowerPoint presentation entitled "Wayfinding Sign Program Phase I" and responded to Council inquiries. A hard copy of Mr. Holloway's PowerPoint presentation is on file with the City Clerk.

Suzanne Schwartz, Redmond Schwartz Design, stated that she likes the proposed signs, but stated that refinements could be made since the increase in lettering size from 3-1/2" to 4" was based on a code that has not yet been adopted; suggested that a better design, lower cost, and reduced sign weight, could be achieved; stated that QR codes can be included on signs to help pedestrians.

Council requested that Staff clarify standards of the Manual of Uniform Traffic Control Devices and report on the legal implications and impact on grant funding that could be associated with installing smaller, nonconforming signs.

Martin Schwartz, Redmond Schwartz Design, stated that he likes the overall layout of the signs, but believes that spacing could be simplified; suggested that mock-up signs be installed at their intended locations to facilitate an assessment of the signs' scale, readability, and compatibility with their surroundings.

Brenda Miller, San Clemente, urged that the sign contents be expanded to include non-motorized routes.

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

1. Approve Phase I of the Wayfinding Sign Program, as amended and outlined in the Administrative Report, for all signs except Signs No. 3, 5, and 6. A hard copy of the Administrative Report, dated February 21, 2012, is on file with the City Clerk.
2. Direct Staff to evaluate alternatives for the placement of Signs No. 3, 5, and 6 and report back to Council with a recommendation.
3. Direct Staff to investigate the following: a) Possibility of using the reverse sides of the signs, especially for freeway wayfinding; b) Possibility of incorporating the language "Downtown Village" (rather than "Downtown"), on signage if determined to be recommended and feasible; and c) Possibility of addressing the location of Parque Semper Fi as a San Clemente destination through a freestanding sign, or within the existing sign system.

Council also requested the following: 1) That Staff investigate the feasibility of installing a preview sign, possibly on an existing pole; and 2) That the City's Information Technology Division determine cyber solutions for wayfinding that will be included in the IT Strategic Plan.

The City Manager agreed to provide a memorandum to Council when the results of Staff's analyses are complete and the preview sign has been erected. Councilmembers will then have the opportunity to direct that the issue be agendaized for a future meeting, if desired.

6A-14

B. **Billing for 2011 Weed Abatement Program**

Report from the Community Development Director concerning the costs of the abatement of weeds, rubbish, refuse, and dirt upon streets, sidewalks, parkways, and private property within the City of San Clemente and to the assignment of these costs to the properties on which the abatement was completed.

Code Compliance Officer Panas reviewed the contents of the Administrative Report.

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

1. Waive the City's notification expenses (postage, paper and staff costs) for the compliant property owners and approve the Weed Abatement Report.
2. Authorize the Weed Abatement Contract Administrator to bill property owners the amounts indicated in the Administrative Report, dated February 17, 2012, which is on file with the City Clerk.

C. **Update on Alternative Sources of Ole Hanson Replica Tiles and Test Results**

Report from the Public Works Director/City Engineer relative to alternative sources of Ole Hanson replica tiles and test results.

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

Larry Culbertson, San Clemente, recommended that the City not approve Terra Tile since its tiles are produced outside the United States and suitable tiles are made in California; recommended that Council only approve Arto Brick's tiles since its tiles are the most attractive, least costly and have the best coefficient of friction.

Following discussion, MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER DAHL, to:

1. Approve Arto Brick, Terra Tile, Malibu Ceramic Works and Gucciano General Building Contractor/Tilecrete as suppliers of Ole Hanson replica tiles.
2. Approve the use of replica tiles in sidewalks and single-family residential drive approaches.
3. Approve the use of replica tiles in heavy traffic loading locations such as public streets, public alleys and accesses, commercial developments, and multifamily developments, subject to findings made by the Public Works Director/City Engineer that an acceptable tile and structural section is developed to substantially reduce the potential of tiles cracking or failing.
4. Direct Staff to investigate grout sealing and the width of grout between tiles and report back to Council via email.

Gucciano Tataria, manufacturer of Gucciano General Building Contractor/Tilecrete tiles, stated that he can match any tile color that the City desires; stated that his tile surpasses the other tile choices in terms of strength.

THE MOTION ON THE FLOOR CARRIED 5-0.

9. **NEW BUSINESS**

None.

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

San Onofre Nuclear Generating Station (SONGS)

Lyn Harris Hicks, San Clemente, urged that the agenda item for the March 20, 2012 Council meeting, relating to radiation monitoring of the SONGS facility, be broadened to include a discussion of general safety improvements at the plant.

Gene Stone, San Clemente, spoke in support of an epidemiological study and radiation monitoring; stressed that citizens have a right to obtain information relating to SONGS.

6A-16

Shooting Incident Involving Orange County Sheriff's Deputy at San Clemente High School

Wayne Richardson, San Clemente, voiced concern with the February 7, 2012 Deputy-involved shooting at San Clemente High School; opined that excessive force was used; suggested that the City should reinstitute its own Police Department, rather than contracting with the County; opined that federal officials should investigate the Orange County Sheriff's Department. Hard copies of the materials presented by Mr. Richardson are on file with the City Clerk.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. **City Attorney**

None.

D. **Council Members**

Coastal Animal Services Authority (CASA)

Councilmember Donchak requested that a Coastal Animal Services Authority report be agendaized for the Council meeting of March 6, 2012.

Richard and Donna O'Neill Land Conservancy

Councilmember Baker urged that the public not trespass onto unauthorized areas of the Richard and Donna O'Neill Land Conservancy; pointed out that signage at the end of Avenida Talega indicates the areas on which the public is, and is not, allowed access.

Orange County Fire Authority (OCFA)

Councilmember Dahl stated that the City of Santa Ana is voting this evening as to whether to join the Orange County Fire Authority; noted that the OCFA Board of Directors has voted to allow the City of Santa Ana to join the Authority.

Transportation Corridor Agencies (TCA) – Conservancy Area Tours

Councilmember Dahl stated that the TCA hosts guided hikes of open space protected by the public tollroad system and invited citizens interested in joining the spring tour to contact the TCA.

Cabrillo Playhouse – Performance of “Proof”

Mayor Evert stated that the play “Proof” will be performed at the Cabrillo Playhouse, commencing on February 24, 2012; stated that a pre-show gala will take place on opening night.

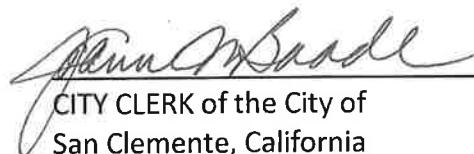
12. **RESOLUTIONS/ORDINANCES**

None.

13. **ADJOURNMENT**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to adjourn at 10:06 p.m.

The next Regular Council Meeting will be held on Tuesday, March 6, 2012 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be discussed at 5:00 p.m. The General Session will commence at 6:00 p.m.


CITY CLERK of the City of
San Clemente, California

MAYOR of the City of
San Clemente, California

CA-18

03/06/12
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City Council Minutes

Regular City Council Meeting - February 7, 2012

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PRESENT BAKER, BROWN, DAHL, DONCHAK, MAYOR EVERT

ABSENT NONE

STAFF PRESENT George Scarborough, City Manager; Jeff Goldfarb, Assistant City Attorney; Joanne Baade, City Clerk; Anthony Mejia, Deputy City Clerk.

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CLOSED SESSION

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

Councilmember Donchak announced that she would recuse herself from deliberations on Closed Session Item B because she owns property within 500' of the property that is the subject of the Closed Session.

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to recess to Closed Session at 5:00 p.m. to discuss the following:

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

Property: Second Floor of the Community Development Department building, located at 910 Calle Negocio, San Clemente

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Negotiating Parties: City of San Clemente and Quest Diagnostics

Under Negotiation: Both Price and Terms of Payment.

6A-19

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

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

Property: Irons in the Fire Restaurant, located at 150 East Avenida Magdalena, San Clemente

City Negotiator: George Scarborough, City Manager

Negotiating Parties: City of San Clemente and Dave Donaldson

Under Negotiation: Both Price and Terms of Payment.

D. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

In attendance for the full Closed Session were all members of the City Council (with the exception of Councilmember Donchak who abstained from deliberations and left the meeting room during discussion of Closed Session Item B), City Manager Scarborough, Assistant City Attorney Goldfarb, Assistant City Manager Gudgeirsson, and City Clerk Baade. Central Services Officer Elston and Jim Wynne, of Johnston Pacific, were in attendance for Closed Session Item A.

MEETING RECONVENED

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

INVOCATION

Mark Barrett, Pastor of Calvary Chapel South County, gave the invocation.

GA-20

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Brown led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Certificates of Recognition - Blue Ribbon Week "KindnesSCounts" Campaign**

Mayor Evert presented Certificates of Recognition to representatives of the Capistrano Unified School District, San Clemente Police Services, San Clemente Family of PTAs and Southern California Edison in recognition of the Blue Ribbon Week "KindnesSCounts" campaign.

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

San Clemente Mayor's Prayer Breakfast

Frank Butsko, San Clemente Kiwanis Club, announced that the 28th Annual San Clemente Mayor's Prayer Breakfast will be held on March 6, 2012 at the San Clemente Community Center; stated that tickets are available for sale and invited the community to attend.

iHope Day Resource Center

Susan Parmelee, San Clemente, spoke on the need for additional support services for the working poor and homeless; announced the opening of the iHope Day Resource Center on West Canada; noted that a ribbon-cutting ceremony will be held on February 10, 2012.

Fighters for the World After-School Program/Los Molinos Business District

Joe Calvitta, co-owner of Finish Strong MMA, reported on the activities of the "Fighters for the World" after-school program for at-risk children; thanked the City for its support in revitalizing the Los Molinos Business District.

6A-21

San Onofre Nuclear Generating Station (SONGS)

Gene Stone, San Clemente, submitted a proposal that requests that the City partner for a remembrance event and press conference regarding the Fukushima-Daiichi Nuclear Power Plant and San Onofre Nuclear Generating Station (SONGS); urged Council support for the installation of an independent real-time radiation monitoring system; suggested that an epidemiology study be conducted. A hard copy of the proposal, dated February 6, 2012, is on file with the City Clerk.

Dick Eiden, Vista, pointed out that he is running for Congress in the 49th District; applauded citizens for their efforts to monitor and provide recommendations concerning SONGS.

Donna Gilmore, San Clemente, voiced concern that citizens are not provided information relative to the extent of radiological releases at SONGS and urged that a real-time or near real-time radiation monitoring system be installed in San Clemente; voiced concern regarding long-term storage of spent nuclear fuel; urged citizens to support a state Initiative regarding SONGS and the Diablo Canyon Nuclear Generating Station. Ms. Gilmore submitted a letter, dated February 7, 2012, which is on file with the City Clerk.

Mel Kernahan, Laguna Woods, asserted that the need for nuclear power has been exaggerated and conveyed support for the immediate decommissioning of SONGS; requested quantification of the extent of the radiation leak and condition of the employee involved in an accident at SONGS.

Patti Davis, San Clemente, expressed concerns regarding a radiation leak at SONGS; spoke in support of an independent radiation monitoring system and epidemiology study for San Clemente.

San Onofre Nuclear Generating Station (SONGS)/Retail Malls

Jenifer Massey, San Clemente, conveyed hope that the City will partner for a remembrance event of the 1st Anniversary of the tragedy of Fukushima; urged that the City assist in obtaining an independent radiation monitoring system for SONGS; voiced concerns regarding the "waste confidence proposal" from the Nuclear Regulatory Commission; submitted a New York Times article concerning problems that retail malls are experiencing throughout the country, dated February 6, 2012, which is on file with the City Clerk.

CA-22

I-5/South El Camino Real Sound Wall

Evan Weiss, San Clemente, noted that Caltrans has rejected the City's request that the environmental documents pertaining to the Interstate-5 sound wall be re-evaluated; cited an article in the Orange County Register in which Caltrans indicated that Caltrans is willing to work with the City to consider modifying the I-5 sound wall; urged Council to seek clarification from Caltrans as to whether it is willing to modify the existing sound wall. A hard copy of the referenced article, dated February 3, 2012, is on file with the City Clerk.

City Manager Scarborough stated that Staff will draft a letter to Caltrans, to be signed by the Mayor, requesting clarification of its response to the City relative to the I-5 sound wall.

Kirk Schilling, San Clemente, applauded the City for its efforts concerning the I-5 sound wall; opined that Caltrans disregarded the City's request that Caltrans re-evaluate environmental documents for the I-5 sound wall and urged Council to compel Caltrans to reconsider its decision.

Don Krall, owner of Little Inn by the Beach, thanked the City for retaining a sound study on the I-5 sound wall; questioned and received clarification that the sound study has been completed and the report will soon be available for review; spoke on the importance of improving communication with Caltrans.

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

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

None.

- 5. **CLOSED SESSION REPORT**

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

QA-23

6. **CONSENT CALENDAR**

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve the Consent Calendar, with the removal of Items 6-B(1), 6-E, and 6-H.

A. **City Council Minutes**

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve the minutes of the City Council Regular Meetings of December 20, 2011 and January 3, 2012.

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

(2) Planning Commission Study Session minutes of January 18, 2012.

(3) Zoning Administrator Regular Meeting minutes of January 18, 2012.

C. **Warrant Register**

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve Handwrite No. 824988, Wire Transfer Nos. 899 through 902, Warrant Nos. 824860 through 824506, for the period 01-02-12 through 01-06-12, in the amount of \$1,238,570.06; approve Warrant Nos. 824989 through 825213, for the period 01-09-12 through 01-13-12, in the amount of \$883,139.75; approve Wire Transfer Nos. 903 through 908, Warrant Nos. 825214 through 825322, for the period 01-16-12 through 01-20-12, in the amount of \$2,221,309.03; for a total Warrant Register in the amount of \$4,343,018.84.

Payroll Register

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve Warrant Nos. 322606 through 322612, Automatic Deposit Advises 178165 through 178414, for the period 12-26-11 through 01-08-12, in the amount of \$394,739.25; approve Warrant Nos. 322613 through 322621, Automatic Deposit Advises 178415 through 178684, for the period 01-09-12 through 01-22-12, in the amount of \$411,975.06; for a total Payroll Register in the amount of \$806,714.31.

GA-34

D. Notice of Completion - Coastal Trail Trafalgar Pedestrian Overpass Rehabilitation

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

1. Accept the Coastal Trail Trafalgar Pedestrian Overpass Rehabilitation, City Project No. 20302 and Federal Project No. B-09-SP-CA-0176, from the contractor, R.J. Bullard Construction, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Coastal Trail Trafalgar Pedestrian Overpass Rehabilitation, City Project No. 20302 and Federal Project No. B-09-SP-CA-0176. (Contract C10-58)
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. Bullard Construction, Inc.
4. Authorize the City Clerk to release the Performance Bond upon receipt of two Warranty Bonds (one starting on May 17, 2011 and another starting on February 7, 2012) in the amount of 25% of the construction cost.

F. Reclassification of Building Inspector II to Senior Building Inspector

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve the elimination of one Building Inspector II and the addition of one Senior Building Inspector position.

G. Courtney's Sand Castle Foundation Fundraising Display in San Clemente Aquatic Center

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve a Courtney's Sand Castle Foundation fundraising display in the San Clemente Aquatic Center lobby for one year.

6A-25

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

B(1). Planning Commission Regular Meeting Minutes of January 18, 2012

Following clarification, MOTION BY MAYOR EVERT, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to receive and file the Planning Commission Regular Meeting minutes of January 18, 2012.

E. Equipment Purchase - Pier Bowl Security and Camera System

In response to Council inquiry, Information Services Specialist Squires explained the purpose of the security camera system. MOTION BY COUNCILMEMBER BAKER, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to:

1. Authorize the installation of the Pier Bowl security and camera system.
2. Authorize a transfer in the amount of \$21,410 from Council Contingency Fund (Account 001-203-44900) to the Information Services Fund - Computer Hardware Account 063-241-43454 for a Pier Bowl security and camera system.

H. Vista Hermosa Sports Park - Request to Name Baseball Fields for John Springman

Beaches, Parks and Recreation Director Heider reviewed the contents of the Administrative Report.

Kurt Conone, San Clemente, spoke in support of naming the baseball fields at Vista Hermosa Sports Park for John Springman and Susan Enquist.

Following discussion, Council 1) requested that Staff and the Beaches, Parks and Recreation Commission consider ways to memorialize important sports figures in the community and report back to Council within one year, and 2) directed Staff to report back to Council in 12-18 months on the progress of the Vista Hermosa Sports Park naming rights fund raising effort.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to deny the request to name the baseball fields at Vista Hermosa Sports Park for John Springman.



7. **PUBLIC HEARINGS**

None.

8. **UNFINISHED BUSINESS**

None.

9. **NEW BUSINESS**

None.

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

Measure A/Draft Economic Development Element/Government Transparency

Kurt Conone, San Clemente, asserted that an effort is underway to circumvent Measure A; urged that the draft Economic Development Element relating to North Beach be agendaized for the February 15, 2012 General Plan Advisory Committee (GPAC) meeting; offered suggestions to improve government transparency.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. **City Attorney**

None.

GA-27

D. Council Members

(1) Report from Councilmember Dahl, City Representative to the Transportation Corridor Agencies, Relative to TCA Matters

Councilmember Dahl provided an update on the activities of the Transportation Corridor Agencies, noting that the Fiscal Year 2013 budget is being developed.

(2) Report from Councilmember Donchak, City Representative to the Library Task Force, Relative to Library Task Force Matters

Councilmember Donchak provided an update on the San Clemente Library expansion project, library circulation, and State budget impacts on the Orange County Library system; urged citizens to contact the City Manager if they are aware of potential locations in or around the downtown area that may be suitable for use as a temporary library during the library expansion project.

(3) Orange County Fire Authority (OFCA)

Councilmember Dahl advised that it is anticipated that the City of Santa Ana Fire Department will be absorbed by the Orange County Fire Authority in March 2012.

(4) Ralphs Grocery Store Shuttle Service

Councilmember Baker announced that a shuttle service is currently operating to transport customers from the Ralphs Grocery Store on El Camino Real, which is closed for renovations, to the Ralphs Grocery Store in Talega.

Council requested that Staff contact a representative of the Ralphs Grocery Company to suggest that the shuttle be relocated closer to the street to improve visibility.

12. RESOLUTIONS/ORDINANCES


None.

GA-28

13. **ADJOURNMENT**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to adjourn at 7:08 p.m., to an Adjourned Regular Meeting to be held on Wednesday, February 15, 2012 at 4:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, for the purpose of considering the Long Term Financial Plan and Strategic Priorities.

The next Regular Council Meeting will be held on Tuesday, February 21, 2012 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be discussed at 5:00 p.m. The General Session will commence at 6:00 p.m.


CITY CLERK of the City of
San Clemente, California

MAYOR of the City of
San Clemente, California

6A-29