

CITY OF SAN CLEMENTE

City Council Minutes

Regular City Council Meeting - June 19, 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.

A Regular Meeting of the San Clemente City Council was called to order on June 19, 2012 at 5:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Evert.

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

* Councilmember Dahl arrived at 5:03 p.m.

ABSENT NONE

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

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 4-0 (COUNCILMEMBER DAHL ABSENT), to recess to Closed Session at 5:02 p.m. to discuss the following:

A. CONFERENCE WITH LABOR NEGOTIATOR, pursuant to Government Code Section 54957.6:

Agency Representative: Pall Gudgeirsson, Assistant City Manager.

Employee Organizations: San Clemente City Employees Association, Management Employees, Mid-Management Employees and Confidential Employees.

B. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

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

In attendance for the full Closed Session were all members of the City Council, City Manager Scarborough, City Attorney Goldfarb, Assistant City Manager Gudgeirsson, and City Clerk Baade. Human Resources Manager Penrod was present during Closed Session Item A only.

MEETING RECONVENED

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

INVOCATION

Mayor Pro Tem Brown gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Donchak led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Donation of Original Painting by Rick Delanty**

Mayor Evert expressed gratitude to artist Rick Delanty for his donation of an original painting, entitled "Sunset on Marblehead", an acrylic on canvass, 38 X 48 inches, to the City.

B. **Human Affairs Committee 2012 Annual Report**

Pat Pinto, Chair of the Human Affairs Committee (HAC), reviewed the contents of the HAC's 2012 Annual Report; summarized the accomplishments and goals of the Human Affairs Committee.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to receive and file the Human Affairs Committee 2012 Annual Report, dated June 19, 2012, that is on file with the City Clerk.

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

None.

3. MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER BAKER, 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 Goldfarb stated that Council took no reportable action during this evening's Closed Session.

6. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve the Consent Calendar, with the removal of Items C, F, H, J, and N.

A. **City Council Minutes**

None.

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

- (1) Zoning Administrator Regular Meeting minutes of June 6, 2012.
- (2) Planning Commission Adjourned Regular Meeting minutes of June 6, 2012.

D. **Contract Amendment - Interstate-5/Avenida Vista Hermosa Right-of-Way Closeout**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve, and authorize the Mayor to execute, the First Amendment to Contract C10-07, by and between the City of San Clemente and RBF Consulting, providing for right-of-way closeout services for the Interstate-5/Avenida Vista Hermosa Interchange, Project No. 12155. This contract amendment increases the contract amount from \$20,000 to \$46,425 (an increase of \$26,425).

E. **Appropriations Limit for Fiscal Year 2013**

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

1. Approve selection of the following annual adjustment factors:
 - a. Population increase for the County of Orange.
 - b. Increase in California per-capita personal income.
2. Adopt Resolution No. 12-32 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING AN APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA CONSTITUTION.

G. **Lease Agreement - San Clemente Sheriff Substation (100 Avenida Presidio)**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve, and authorize the Mayor to execute, the Lease Agreement, by and between the City of San Clemente and the County of Orange, providing for the lease of the San Clemente Sheriff Substation located at 100 Avenida Presidio. (Contract C93-16) ***Note: This action was modified later in the meeting. See below.**

Note: Later in the meeting, Council reconsidered the above action as follows:

City Manager Scarborough requested that Council reconsider its earlier action relative to the lease agreement for the San Clemente Sheriff Substation. MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to reconsider the previous motion relative to the lease agreement for the San Clemente Sheriff Substation.

(Council action continued on next page.)

Following clarification, MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve, and authorize the Mayor to execute, the Lease Agreement, by and between the City of San Clemente and the County of Orange, providing for the lease of the San Clemente Sheriff Substation located at 100 Avenida Presidio, subject to concurrence by the City Manager and City Attorney. (Contract C93-16)

I. **Contract Amendment - Monthly Water Meter Reading**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve, and authorize the Mayor to execute, the First Amendment to Contract C07-04, by and between the City of San Clemente and Alexander's Contract Services Incorporated, providing for monthly water meter reading services. This amendment extends the contract for a period of three years, through June 30, 2015.

K. **Contract Award - Landscape Maintenance of City Water Facilities**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C12-25, by and between the City of San Clemente and Vista Del Verde Landscape, providing for landscape maintenance of City water facilities, for a period of two years, for an annual amount not to exceed \$17,739, and an annual not-to-exceed amount of 25% of the basic contract amount or \$4,435 for supplemental work as needed, with all supplemental work done by proposal and based on the unit service costs included in Attachment F to the contract proposal.

L. **State-Local Partnership Program Grant Application - Camino De Los Mares and Avenida Vaquero Rehabilitation Projects**

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

1. Adopt Resolution No. 12-35 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, AUTHORIZING APPLICATION FOR FUNDS FOR THE STATE-LOCAL PARTNERSHIP PROGRAM UNDER THE PROPOSITION 1B HIGHWAY SAFETY, TRAFFIC REDUCTION, AIR QUALITY, AND PORT SECURITY BOND ACT OF 2006 FOR CAMINO DE LOS MARES REHABILITATION PROJECT.
2. Adopt Resolution No. 12-36 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, AUTHORIZING APPLICATION FOR FUNDS FOR THE STATE-LOCAL PARTNERSHIP PROGRAM UNDER THE PROPOSITION 1B HIGHWAY SAFETY, TRAFFIC REDUCTION, AIR QUALITY, AND PORT SECURITY BOND ACT OF 2006 FOR AVENIDA VAQUERO REHABILITATION PROJECT.

M. **Contract Award - Storm Drain Rehabilitation**

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

1. Approve the plans and specifications for the rehabilitation of storm drains, Project No. 26001.
2. Approve, and authorize the Mayor to execute, Contract C12-26, by and between the City of San Clemente and SANCON Engineering, Inc., providing for the rehabilitation of storm drains, Project No. 26001, in the amount of \$118,675.

O. **Contract Amendment - Sewer and Water Supervisory Control and Data Acquisition (SCADA) System Integration**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve, and authorize the Mayor to execute, the First Amendment to Contract C07-56, by and between the City of San Clemente and Delta Systems Engineering, Inc., providing for additional programming and integration services for the sewer and water Supervisory Control and Data Acquisition (SCADA) system integration, Project Nos. 12605 and 13501. This amendment increases the contract amount from \$250,985 to \$284,860 (an increase of \$33,875).

P. **Contract Contingency Adjustment for Domestic Well No. 6 Rehabilitation**

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

1. Approve a supplemental appropriation of \$140,000 from the Water Fund Depreciation Reserve to Account 052-466-45300-000-16522.
2. Approve a \$140,000 increase in construction contingency for Domestic Well No. 6 Rehabilitation, Project No. 16522.

Q. **Dedication of Sources of Revenue for Repayment of State Water Resources Control Board, State Revolving Fund Loan for City's Recycled Water System Expansion Project**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to adopt Resolution No. 12-43 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DEDICATING SOURCES OF REVENUE FOR REPAYMENT OF THE STATE REVOLVING FUND LOAN FOR THE CITY'S RECYCLED WATER SYSTEM EXPANSION PROJECT; AND RESCIND PREVIOUSLY APPROVED RESOLUTION NO. 10-87 IN ITS ENTIRETY.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**C. Warrant Register**

In response to Council inquiry, Assistant City Manager/City Treasurer Gudgeirsson explained that checks have been issued for an Alcoholic Beverage Control (ABC) liquor license for the Municipal Golf Course restaurant. MOTION BY COUNCILMEMBER BAKER, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve Handwrite Nos. 500653 through 500654, Wire Transfer Nos. 1005 through 1009, and Warrant Nos. 500655 through 500772, for the period 05-28-12 through 06-01-12, in the amount of \$380,236.24; for a total Warrant Register in the amount of \$380,236.24.

F. Redevelopment Agency Successor Agency Actions

City Manager Scarborough advised that due to uncertainties related to the dissolution of Redevelopment Agencies, the proposed Administrative Budget for the Successor Agency has been increased from \$50,000 to \$250,000 to ensure adequate funding is available.

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

1. Approve the Recognized Obligation Payment Schedule (ROPS) for the period July 1, 2012 to December 31, 2012.
2. Approve the Administrative Budget for the Successor Agency for Fiscal Year 2013.

H. Contract Award - Appointment of Auditors for Audit of City Financial Records, Federal Grants, Public Financing Authority, Coastal Animal Services Authority, and Issuance of Related Financial Reports

Following clarification, MOTION BY COUNCILMEMBER BAKER, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C12-24, by and between the City of San Clemente and Teaman, Ramirez and Smith, Inc., providing for the annual audit of the City's financial records, federal grants, Public Financing Authority and Coastal Animal Services Authority and issuance of related financial reports.

J. **Bicycle Corridor Improvement Grant Application with Orange County Transportation Authority (OCTA) - Avenida La Pata Off-Road Bike Trail and Pacific Coast Bicycle Route Signage and Rack Projects**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to postpone consideration of this matter to the end of the meeting to enable time for members of the public that indicated a desire to address Council to arrive.

Discussion of this item resumed later in the meeting as follows:

Transportation Engineering Manager Frank reviewed the contents of the Administrative Report.

Brenda Miller and Barry Wood, San Clemente, urged Council to authorize Staff to submit the proposed grant applications; demonstrated a prototype website featuring Quick Response (QR) codes proposed for the Pacific Coast Bicycle Route signage program.

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

1. Adopt Resolution No. 12-33 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING APPLICATION FOR FUNDS FOR THE BICYCLE CORRIDOR IMPROVEMENT PROGRAM FUNDED WITH CONGESTION MITIGATION AND AIR QUALITY PROGRAM UNDER THE 2005 SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT, TRANSPORTATION ACT - LEGACY FOR USERS OR SUBSEQUENT FEDERAL TRANSPORTATION ACT FOR LA PATA AVENUE OFF-ROAD BIKE TRAIL PROJECT.
2. Adopt Resolution No. 12-34 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING APPLICATION FOR FUNDS FOR THE BICYCLE CORRIDOR IMPROVEMENT PROGRAM FUNDED WITH CONGESTION MITIGATION AND AIR QUALITY PROGRAM UNDER THE 2005 SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT, TRANSPORTATION ACT - LEGACY FOR USERS OR SUBSEQUENT FEDERAL TRANSPORTATION ACT FOR PACIFIC COAST BICYCLE ROUTE SIGNAGE AND RACK PROJECT.

N. **Parking Prohibitions on El Levante**

Mayor Evert recused himself from deliberations, and left the Council Chambers at 6:19 p.m., because he owns property within 500' of the subject project.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER BAKER, CARRIED 4-0-1 (MAYOR EVERT ABSTAINING), to:

1. Approve sixty feet of parking prohibition for El Levante, west side, from a point twenty (20) feet east side of the driveway curb return at 154 El Levante in a southerly direction for a distance of sixty (60) feet.
2. Adopt Resolution No. 12-37 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 EL LEVANTE.

Mayor Evert returned to the dais at 6:21 p.m.

7. **PUBLIC HEARINGS**

None.

8. **UNFINISHED BUSINESS**

A. **Adoption of Fiscal Year 2013 City Budget**

Report from the Assistant City Manager/City Treasurer relative to the City Budget for Fiscal Year 2013.

Assistant City Manager/City Treasurer Gudgeirsson narrated a PowerPoint presentation entitled "Fiscal Year 2013 Annual Budget" and responded to Council inquiries. A hard copy of Mr. Gudgeirsson's presentation, dated June 19, 2012, is on file with the City Clerk.

Council requested to be provided with the percentage of moving violation citation fines retained by the City.

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

1. Adopt Resolution No. 12-38 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING AND APPROVING THE BUDGET AT THE FUND LEVEL FOR THE CITY OF SAN CLEMENTE FOR THE 2013 FISCAL YEAR.
2. Adopt Resolution No. 12-39 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING THE COMMITMENT TO FUND BALANCE BASED ON THE FISCAL YEAR 2013 BUDGET.
3. Adopt Resolution No. 12-40 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A REVISED SALARY SCHEDULE AND NEW CLASSIFICATIONS AND AMENDING RESOLUTION NO. 97-09 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH.

9. **NEW BUSINESS**

A. **Parking Prohibitions on Plaza a La Playa**

Report from the Public Works Director/City Engineer concerning potential parking prohibitions on Plaza a la Playa.

Councilmember Dahl recused himself from deliberations, and left the Council Chambers at 6:30 p.m., because his family trust owns property within 500' of the subject project.

Transportation Engineering Manager Frank reviewed the contents of the Administrative Report and responded to Council inquiries.

John Dorey, San Clemente, opined that Plaza a la Playa was designed to serve only as a residential beach access point; pointed out that a red curb creates a sense of urgency for those persons unloading beach equipment; voiced concern that a loading zone will result in blocked residential driveways and impede emergency vehicle access.

Cindy Lewis, San Clemente, voiced objections to establishing a loading zone on Plaza a la Playa; stressed that additional traffic will block residential driveways and restrict emergency vehicle access.

Wendy Morris, San Clemente, expressed opposition to a loading zone on Plaza a la Playa; urged Council to make the existing illegal red curb a legal red curb; voiced concern that traffic has impeded emergency vehicle access to the street.

Bill Morris, San Clemente, voiced concern that a loading zone will cause a queuing of vehicles on Plaza a la Playa, thereby creating a public safety hazard; opined that a red curb creates a sense of urgency for persons unloading beach equipment.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER BAKER, CARRIED 4-0-1 (COUNCILMEMBER DAHL ABSTAINING), to:

1. Approve the addition of 20 feet of parking prohibition north of the existing red curb located on the northeast corner of Plaza a la Playa and Avenida La Costa.
2. Adopt Resolution No. 12-41 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 PLAZA A LA PLAYA.

Councilmember Dahl returned to the dais at 6:55 p.m.

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

None.

11. **REPORTS**

A. **Commissions and Committees**

(1) **Appointment of City Representatives/Alternates to the San Joaquin Hills and Foothill/Eastern Transportation Corridor Agencies (TCA)**

Report from the City Clerk concerning the possibility of appointing City representatives/alternates to the San Joaquin Hills and Foothill/Eastern Transportation Corridor Agencies (TCA).

This item was deleted from the agenda at the request of Staff.

B. **City Manager**

None.

C. **City Attorney**

None.

D. **Council Members**

(1) **San Onofre Nuclear Generating Station (SONGS) Exit Meeting**

Councilmember Donchak reported on her attendance at the San Onofre Nuclear Generating Station (SONGS) exit meeting held on June 18, 2012; noted that the Nuclear Regulatory Commission (NRC) has identified issues at Generator Unit 2 and will be implementing corrective actions.

(2) **City's Grant Activities**

Councilmember Donchak requested that Staff update Council relative to the City's grant activities.

(3) **Change in Command for Marine Light Attack Helicopter (HMLA) Squadron 367**

Councilmember Baker spoke on the change in command ceremony for Lt.Col. Carlton Hasle who was transferred to the Marine Corps War College; noted that Lt.Col. Hasle expressed gratitude to the City for adopting HMLA 367.

(4) **Marines Welcome Home Parade**

Councilmember Baker spoke on the success of the Marines Welcome Home Parade held on June 14, 2012. Hard copies of photos displayed by Councilmember Baker are on file with the City Clerk.

(5) **Richard and Donna O'Neill Land Conservancy**

Councilmember Baker voiced concerns relative to trespassing at the Richard and Donna O'Neill Land Conservancy; spoke on the importance of protecting the wildlife conservancy.

(6) **Change in Command Ceremony for 2nd Battalion, 4th Marines**

Councilmember Dahl noted that the change in command ceremony for the 2nd Battalion, 4th Marines will take place on June 22, 2012 at Camp San Mateo.

(7) **San Clemente Art Association Quick Draw Event**

Councilmember Dahl reported on the success of the quick draw event held at the Community Center by the San Clemente Art Association.

(8) **San Clemente Beach Trail**

Mayor Evert urged bicyclists to follow the safety rules and pet owners to pick up after their pets while using the beach trail, particularly during the busy summer months.

12. **RESOLUTIONS/ORDINANCES**

A. **Ordinance No. 1552 (Second Reading) - Water Fixed Rates, Consumption Charges, and Season Definitions**

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to adopt Ordinance No. 1552 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 13.04.220, SUBSECTIONS (A), (B), (C), and (D) OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO WATER RATES.

B. **Ordinance No. 1553 (Second Reading) - Sanitary Sewer Fixed Rates, Commodity Charges and Season Definitions**

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to adopt Ordinance No. 1553 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 13.24.190, SUBSECTIONS (D) AND (E) OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO SANITARY SEWER RATES.

13. **ADJOURNMENT**

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to adjourn at 7:24 p.m.

The next Regular Council Meeting will be held on Tuesday, July 3, 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.

/S/ Joanne Baade
CITY CLERK of the City of
San Clemente, California

MAYOR of the City of
San Clemente, California