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# CITY OF SAN CLEMENTE

## City Council Minutes

### Adjourned Regular City Council Meeting - June 12, 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 June 12, 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

**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 MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, 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.

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B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

C. 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, 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. Community Development Director Holloway participated in Closed Session Item C via speaker phone.

**MEETING RECONVENED**

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

**INVOCATION**

David Keehn, Orange County Fire Authority Chaplain, gave the invocation.

**PLEDGE OF ALLEGIANCE**

Councilmember Dahl led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Presentation of Commendation - Dr. Charlotte Hibschi**

Mayor Evert presented a Commendation to Dr. Charlotte Hibschi in recognition of her 30-year career in public education and 12 years as Principal of Truman Benedict Elementary School.

*LA-J*

B. **Presentation of Honoraria to Haben Mekonnen, Recipient of the Human Affairs Committee's Leadership Award for 2012**

Mayor Evert presented a Commendation to Haben Mekonnen, San Clemente High School student, in recognition of being named the recipient of the 2012 Leadership Award by the Human Affairs Committee.

C. **San Diego Gas and Electric (SDG&E) Summer Energy Outlook**

Presentation by Duane Cave, SDG&E External Affairs Manager, concerning the summer energy outlook.

Duane Cave, SDG&E External Affairs Manager, narrated a PowerPoint presentation entitled "SDG&E Summer Preparedness"; reviewed the status of the San Onofre Nuclear Generating Station (SONGS) and the impact of its current non-operational status on southern California's electricity supply; explained that the California Independent System Operator (CAISO), Southern California Edison, and SDG&E are taking proactive measures to ensure there is adequate electricity supply during the summer months; urged customers to conserve electricity during peak demand times; responded to Council inquiries. A hard copy of Mr. Cave's presentation, dated June 12, 2012, is on file with the City Clerk.

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

Report from Bill Hart, General Plan Advisory Committee representative, concerning the status of the San Clemente General Plan.

Bill Hart, General Plan Advisory Committee (GPAC) representative, noted that the GPAC Meeting scheduled for May was cancelled; advised that the next GPAC meeting is scheduled for June 13, 2012 to discuss the City's delivery of services, facilities, utilities and governance.

**2. ORAL COMMUNICATIONS (PART ONE)****North Beach Revitalization - Surface Parking Lot**

Ricardo Nicol, San Clemente, displayed slides depicting the North Beach parking lot adjacent to the Ole Hanson Beach Club; suggested that the existing parking lot be utilized as a park and that the City-owned property on El Camino Real be converted into a parking lot; requested that Council direct Staff to agendize consideration of including the projects into the City's Capital Improvement Program. Hard copies of Mr. Nicol's slides, dated June 12, 2012, are on file with the City Clerk.

**I-5/South El Camino Real Sound Wall**

Steve Hill, San Clemente, displayed photos depicting SoundSorb sound walls; stated that Caltrans is conducting a structural analysis to determine the feasibility of installing sound-absorbing material on the I-5/South El Camino Real sound wall. Hard copies of Mr. Hill's photos, dated June 12, 2012, are on file with the City Clerk.

**2<sup>nd</sup> Battalion, 4<sup>th</sup> Marines Welcome Home Parade and BBQ**

Wayne Eggleston, San Clemente, invited the community to attend the 2<sup>nd</sup> Battalion, 4<sup>th</sup> Marines Welcome Home Parade on June 14, 2012 at 10:00 a.m. on Avenida Del Mar; displayed photos and commended the Chamber of Commerce for hosting a successful BBQ for the 2<sup>nd</sup> Battalion, 4<sup>th</sup> Marines last week. Hard copies of Mr. Eggleston's photos, dated June 12, 2012, are on file with the City Clerk.

Councilmember Baker displayed photos depicting the 2<sup>nd</sup> Battalion, 4<sup>th</sup> Marines BBQ hosted by the Chamber of Commerce. Hard copies of Councilmember Baker's photos, dated June 12, 2012, are on file with the City Clerk.

**Friends of the Beaches, Parks and Recreation Foundation - 2<sup>nd</sup> Annual Fundraising Golf Tournament**

Tom Wicks, representing the Friends of the Beaches, Parks and Recreation Foundation, announced that the Foundation is hosting the 2<sup>nd</sup> Annual Golf Tournament on July 13, 2012; encouraged businesses to sponsor the event; noted that the proceeds will benefit Phase II of Courtney's Sand Castle and the children's scholarship fund for the City's recreational activities.

**Spent Nuclear Fuel Storage**

John Tengdin, San Clemente, stated that on June 8, 2012, Congress appropriated \$10 million to complete the Yucca Mountain nuclear waste repository study; noted that the U.S. Court of Appeals, District of Columbia, ruled against long-term on-site storage of spent nuclear fuel.

- 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**

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

In response to Council inquiry, City Attorney Goldfarb summarized Brad Malamud's letter of March 5, 2012 relative to the Beach Parking Fund; stated that Mr. Malamud concludes that the funds collected should be considered surplus because the City's Mitigation Fees Act Annual Report does not identify specific projects that will utilize the subject funds; opined that the City does not have an obligation to identify specific projects until the City determines that it has collected sufficient funds; stated that the City does not have an obligation to refund the Beach Parking funds by June 18, 2012 as asserted by Mr. Malamud.

- 6. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve the Consent Calendar, with the removal of Items G, J, K, and L.

- A. **City Council Minutes**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve the minutes of the City Council Special and Regular Meeting of May 1, 2012, Regular Meeting of May 15, 2012, and Adjourned Regular Meeting of May 17, 2012.

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

- (1) Beaches, Parks and Recreation Commission Regular Meeting minutes of May 8, 2012.
- (2) Planning Commission Adjourned Regular Meeting minutes of May 16, 2012 and May 24, 2012.
- (3) Zoning Administrator Regular Meeting minutes of May 16, 2012.
- (4) Design Review Subcommittee Meeting minutes of April 11, 2012 and April 25, 2012.

C. **Warrant Register**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve Warrant Nos. 500000 through 500156, for the period 04-30-12 through 05-04-12, in the amount of \$824,871.75; approve Wire Transfer Nos. 1000 through 1003, and Warrant Nos. 500157 through 500324, for the period 05-07-12 through 05-11-12, in the amount of \$735,174.66; approve Wire Transfer No. 1004, and Warrant Nos. 500325 through 500507, for the period 05-14-12 through 05-18-12, in the amount of \$2,127,958.94; approve Handwrite Nos. 500651 through 500652, Wire Transfer Nos. 1005 through 1009, and Warrant Nos. 500508 through 500650, for the period 05-21-12 through 05-25-12, in the amount of \$3,740,366.93; for a total Warrant Register in the amount of \$7,428,372.28.

**Payroll Register**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve Warrant Nos. 322687 through 322696, Automatic Deposit Advises 200 through 489, for the period 04-30-12 through 05-13-12, in the amount of \$430,727.50; approve Warrant Nos. 3 through 13, Automatic Deposit Advises 490 through 777, for the period 05-14-12 through 05-27-12, in the amount of \$429,452.30; for a total Payroll Register in the amount of \$860,179.80.

D. **Records Destruction**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to adopt Resolution No. 12-29 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE DESTRUCTION OF CERTAIN CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

E. **231 and 233 Avenida Granada (Final Parcel Maps 2010-122 and 2010-123) - Granada Duplex, LLC**

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

1. Approve Final Parcel Maps 2010-122 and 2010-123 as each conforms to the requirements set forth in the Subdivision Map Act and the previously approved Tentative Parcel Maps.
2. Authorize the Public Works Director/City Engineer to execute Final Parcel Maps 2010-122 and 2010-123.
3. Authorize the City Clerk to execute and submit Final Parcel Maps 2010-122 and 2010-123 to the County of Orange Recorder's Office for recordation, with instructions to the Title Officer of the required sequential recordation process.

F. **Recycled Water Easement for the Recycled Water System Expansion**

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

1. Accept the Recycled Water Easement from New Providence Homeowners Association for the Recycled Water System Expansion, Project No. 18201. (Deed D457)
2. Authorize the City Clerk to submit the Recycled Water Easement Deed to the Orange County Recorder for recordation.

H. **Contract Award - Calle Valle Water System Replacement**

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

1. Approve the plans and specifications for the Calle Valle Water Replacement, Project No. 24400.
2. Approve a supplemental appropriation of \$135,700 to Account 052-466-43420-24400 from the Water Fund Depreciation Reserve.
3. Approve, and authorize the Mayor to execute, Contract C12-17, by and between the City of San Clemente and Concrete Coring Company, providing for the Calle Valle Water System Replacement, Project No. 24400, in the amount of \$143,482.31.

I. **Contract Award - 2012 Fourth of July Fireworks Show**

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

1. Exercise Section 7.1 of Policy 201-2-3 for the selection of a Professional Services Contractor to conduct the 2012 Fourth of July Fireworks Show.
2. Authorize the City Manager to select Fireworks & Stage FX America as the service provider for the 2012 Fourth of July Fireworks Show.
3. Approve, and authorize the Mayor to execute, Contract C12-18, by and between the City of San Clemente and Fireworks & Stage FX America, providing for the 2012 Fourth of July Fireworks Show, in an amount not to exceed \$38,000.



M. **Contract Award - Signal Synchronization of the Avenida Pico and El Camino Real Corridors**

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

1. Approve, and authorize the Mayor to execute, Contract C12-20, by and between the City of San Clemente and Advantec Consulting Engineers, providing for traffic engineering services for the signal synchronization of the Avenida Pico Corridor (Project No. 13305) and the El Camino Real Corridor (Project No. 13307), in an amount not to exceed \$234,631.
2. Approve a supplemental appropriation for the Avenida Pico Signal Synchronization Project (Account 012-861-45300-000-13305) totaling \$460,000 and a supplemental appropriation for the El Camino Real Signal Synchronization Project (Account 012-861-45300-000-13307) totaling \$573,000, with 80% funding from M2 Grant funds and 20% local match from Gas Tax as included in the Fiscal Year 2013 Proposed Budget.

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

G. **Business License Renewals on the Web**

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

1. Approve the creation of a web page to process business license renewal payments.
2. Approve an appropriation of \$26,000 from the General Fund unassigned fund balance to Account 001-144-43690 (Other Professional Services).

J. **Sponsorship Contract for San Clemente Aquatics Center Amenity and Naming of Aquatics Center Multi-Purpose Room**

Council discussed whether the subject sponsorship contract should be amended to include a provision to enable the Aquatics Center Multi-Purpose Room to be renamed if a monetary sponsor comes forward in the future.

Tom Wicks, representing the Friends of the Beaches, Parks and Recreation Foundation, pointed out that the Foundation raised \$31,000 through its carnival fundraiser to benefit the Vista Hermosa Sports Park, in addition to \$200,000+ raised through donations and fundraisers. In response to Council inquiry, Mr. Wicks advised that the Foundation has not considered whether or not it would agree to a future name change if a sponsor is obtained in the future.

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER BAKER, **FAILED** 2-2-1 (COUNCILMEMBER DONCHAK AND MAYOR EVERT VOTING NOE AND COUNCILMEMBER DAHL ABSTAINING), to:

1. Approve, and authorize the Mayor to execute, the Sponsorship Agreement, by and between the City of San Clemente and the Friends of San Clemente Beaches, Parks and Recreation Foundation, relative to the naming of the San Clemente Aquatics Center Multi-Purpose Room as "The Friends Room". (Contract C12-19)
2. Request that the Friends of the Beaches, Parks and Recreation Foundation consider allowing the Aquatics Center Multi-Purpose Room to be renamed if a sponsor is later identified.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR EVERT, **FAILED** 2-2-1 (COUNCILMEMBER BAKER AND MAYOR PRO TEM BROWN VOTING NOE AND COUNCILMEMBER DAHL ABSTAINING), to approve, and authorize the Mayor to execute, the Sponsorship Agreement, by and between the City of San Clemente and the Friends of San Clemente Beaches, Parks and Recreation Foundation, relative to the naming of the San Clemente Aquatics Center Multi-Purpose Room as "The Friends Room". (Contract C12-19)

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER BAKER, to:

1. Approve, and authorize the Mayor to execute, the Sponsorship Agreement, by and between the City of San Clemente and the Friends of San Clemente Beaches, Parks and Recreation Foundation, relative to the naming of the San Clemente Aquatics Center Multi-Purpose Room as "The Friends Room". (Contract C12-19)
2. Request that the Friends of the Beaches, Parks and Recreation Foundation consider whether it would allow the Aquatics Center Multi-Purpose Room to be renamed if a donor is identified in the future.

SUBSTITUTE MOTION BY COUNCILMEMBER DONCHAK to:

1. Approve, and authorize the Mayor to execute, the Sponsorship Agreement, by and between the City of San Clemente and the Friends of San Clemente Beaches, Parks and Recreation Foundation, relative to the naming of the San Clemente Aquatics Center Multi-Purpose Room as "The Friends Room". (Contract C12-19)
2. Direct Mayor Pro Tem Brown to attend the next meeting of the Friends of the Beaches, Parks and Recreation Foundation to discuss the possibility of amending the Sponsorship Agreement to include a provision for the future renaming of the Aquatics Center Multi-Purpose Room and to report back to Council.

The Motion died for a lack of a second.

THE ORIGINAL MOTION WAS VOTED ON AND CARRIED 4-1 (COUNCILMEMBER DONCHAK VOTING NOE).

K. **Use of T-Street Beach for San Clemente Open Surf Contest**

Tanner Gudauskas, San Clemente, conveyed his desire to help promote the San Clemente Open Surf Contest to encourage youth to participate in surfing and to help raise funds for the Friends of the Beaches, Parks and Recreation Foundation.

Patrick Gudauskas, San Clemente, conveyed support for relocating the San Clemente Open Surf Contest to T-Street Beach, noting that it is home to several professional surfers; expressed excitement to partner with the Foundation to raise funds to benefit San Clemente youth.

John Dorey, representing the Friends of the Beaches, Parks and Recreation Foundation, urged Council to support the use of the T-Street Beach for the San Clemente Open Surf Contest.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve the San Clemente Open Surf Contest to be held at T-Street Beach on Saturday, September 15, 2012, as it provides increased benefit to the community.

L. **Renewed Measure M Annual Funding Eligibility for Fiscal Year 2013**

In response to Council inquiries, Transportation Engineering Manager Frank explained the process for including projects on the Measure M2 funding eligibility list. MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to:

1. Approve the Seven-Year Capital Improvement Program.
2. Adopt Resolution No. 12-30 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DECLARING THE CITY'S CIRCULATION ELEMENT IS IN CONFORMANCE WITH THE MASTER PLAN OF ARTERIAL HIGHWAYS.
3. Authorize Staff to submit Measure M2 funding eligibility requirements on behalf of the City of San Clemente in order to continue to receive Measure M2 funds.

7. **PUBLIC HEARINGS**

A. **Code Amendment - Water Fixed Rates, Consumption Charges and Season Definitions**

Public Hearing to consider amending Section 13.04 of the Code of the City of San Clemente relating to an increase or adjustment to water fixed rates and consumption charges.

City Clerk Baade advised that the City has received 15 written protests to the proposed rate increase; advised that the City did not receive a majority protest.

Municipal Services Manager Rendina and Sanjay Guar, Raftelis Financial Consultants, narrated a PowerPoint presentation entitled "City of San Clemente Public Hearing" and responded to Council inquiries. A hard copy of the presentation, dated June 12, 2012, is on file with the City Clerk.

Mayor Evert opened the Public Hearing.

Yaisong Chen, San Clemente, voiced objections to changing the season definitions for water and sewer rates; asserted that the season modifications will not accurately reflect necessary water usage during summer and winter months.

George Gregory, San Clemente, expressed concerns that water rates continue to escalate despite his efforts to reduce water consumption; opined that sewer rates should be calculated by actual use rather than a cost formula.

John Tengdin, San Clemente, commended the City for containing water rates, noting that South Orange Coast Water District water rates are significantly higher than San Clemente's rates.

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

In response to Council inquiries, Mr. Rendina explained the rationale for the proposed modifications to the season definitions; explained that wet winter month averaging is a methodology utilized to determine sewer costs for single-family residential units.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to introduce 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. **Code Amendment - Sanitary Sewer Fixed Rates, Commodity Charges and Season Definitions**

Public Hearing to consider amending Section 13.24 of the Code of the City of San Clemente relating to an increase or adjustment to sanitary sewer fixed rates and commodity charges.

City Clerk Baade advised that the City has received 9 written protests to the proposed rate increase; advised that the City did not receive a majority protest.

Municipal Services Manager Rendina and Sanjay Guar, Raftelis Financial Consultants, narrated a PowerPoint presentation entitled "Sewer Rate Study" and responded to Council inquiries. A hard copy of the presentation, dated June 12, 2012, is on file with the City Clerk.

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

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to introduce 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.

**MEETING RECESSED AND RECONVENED**

Council recessed at 8:18 p.m. and reconvened at 8:26 p.m., with all members present.

C. **City of San Clemente Proposed Budget for Fiscal Year 2013**

Public Hearing to consider adopting the City of San Clemente proposed budget for Fiscal Year 2013.

Assistant City Manager Gudgeirsson narrated a source document presentation entitled "Fiscal Year 2013 Annual Budget" and responded to Council inquiries. A hard copy of Mr. Gudgeirsson's presentation, dated June 12, 2012, is on file with the City Clerk.

Discussion ensued relative to the propriety of utilizing City funds to support the Chamber of Commerce Visitor's Guide.

Mayor Evert opened the Public Hearing.

Nancy Hunt, representing the Chamber of Commerce, stated that the Visitor's Guide helps promote San Clemente hotels and motels and thereby increases Transient Occupancy Tax (TOT) revenues; pointed out that the Chamber does not charge administrative fees to the City for programs such as the street banners; opined that the Chamber serves in an economic development role in lieu of a City Economic Development Department; noted that the Chamber owns its building but leases the property from the City.

Don Kindred, representing the Chamber of Commerce, asserted that the City sought the Chamber's support for increasing the TOT and promised to utilize the funds to increase tourism; opined that the City should increase its financial support of local businesses.

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 4-1 (COUNCILMEMBER BAKER VOTING NOE), to support the Chamber of Commerce's funding request of \$31,260 for the street banners program and Visitor's Guide.

Michael Kaupp, President of the DBA, summarized the goals and objectives of the DBA; reviewed the community events and public improvements sponsored by the DBA; stated that without supplemental funding, the DBA may need to eliminate DBA-sponsored community events; submitted a revised request for funding and a copy of the DBA's 2011 tax return which are on file with the City Clerk. In response to Council inquiry, Mr. Kaupp explained the rationale for creating a business association outside of the Chamber of Commerce; noted that the DBA is working towards long-term financial sustainability through the formation of a Business Improvement District (BID).

Marie Luna, representing the DBA, narrated a PowerPoint presentation entitled "Downtown Business Association"; noted that the DBA utilizes the "Main Street Program" approach for its organizational structure; summarized the mission of the organization, promotions, design and economic development committees; reviewed the DBA's efforts to collaborate with other community organizations. A hard copy of Ms. Luna's presentation, dated June 12, 2012, is on file with the City Clerk.

In response to Council inquiry, Assistant City Engineer Bonigut advised that the Los Molinos and Del Mar utility underground districts are moving forward and he will provide Council with updated project schedules.

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

Following discussion, MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER DAHL, CARRIED 4-1 (COUNCILMEMBER BAKER VOTING NOE), to support the Downtown Business Association's funding request of \$44,000.

8. UNFINISHED BUSINESSA. Disposition and Development Agreement - Affordable Workforce Housing Development (107-115 Avenida Serra)

Report from the Community Development Director concerning the possibility of entering into a Disposition and Development Agreement with National Community Renaissance (National CORE) for a 19-unit affordable workforce housing development at 107-115 Avenida Serra.

Housing Specialist Obrero narrated a PowerPoint presentation entitled "Avenida Serra Affordable Workforce Housing - Disposition and Development Agreement" and responded to Council inquiries. A hard copy of Ms. Obrero's presentation, dated June 12, 2012, is on file with the City Clerk.

Kate Klimow, Orange County Business Council, commended the City for moving forward with the project and advancing its housing objectives; urged Council to support the proposed Disposition and Development Agreement.

Eduardo Moreno, representing Mission Hospital, read a letter on behalf of Kenneth McFarland, President of Mission Hospital, which conveyed support for the Avenida Serra Affordable Workforce Housing Development; opined that there is a shortage of housing for moderate- to low-income families in south Orange County. A hard copy of Mr. McFarland's letter, dated June 12, 2012, is on file with the City Clerk.

Larry Culbertson, San Clemente, voiced objection to the proposed development, citing that the property would be better utilized as a parking lot; voiced concerns relative to the development's mass, density, and impact on historical resources and neighborhood parking.

Leslie Davis, San Clemente, spoke on the need for additional affordable workforce housing; encouraged Council to support the proposed development.

Cheryl Hopper, San Clemente, conveyed that there is a need for additional affordable housing units to help those at risk of becoming homeless; urged Council to support the proposed development.

Cesar Covarrubias, Executive Director of the Kennedy Commission, voiced support for the proposed development; commended the City for taking the leadership to ensure that the community has affordable housing available.



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

1. Adopt Resolution No. 12-31 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT FOR A 19-UNIT, AFFORDABLE WORKFORCE HOUSING DEVELOPMENT LOCATED AT 107-115 AVENIDA SERRA.
2. Approve, and authorize the Mayor to execute, the Disposition and Development Agreement, by and between the City of San Clemente and National Community Renaissance (National CORE), providing for a 19-unit affordable workforce housing development at 107-115 Avenida Serra, as well as related documents. (Contract C12-21)
3. Approve a supplemental appropriation in the amount of \$2,630,000 for Affordable Housing (Account 037-866-44758-000-00000).

**B. Implementation of Wayfinding Signage Program, Phase I**

Report from the Community Development Director concerning the implementation of the first phase of the Wayfinding Signage Program.

City Planner Pechous reviewed the contents of the Administrative Report, displayed a slide depicting a sample wayfinding sign, and responded to Council inquiries.

Discussion ensued relative to: 1) whether or not to proceed with the Wayfinding Signage Program due to advancements in navigational technology; and 2) whether the Wayfinding Signage Program will reduce the overall number of street signs.

Council requested that the Senior Center sign be removed from the library building.

Following discussion, MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to limit the wayfinding signage program to those that: 1) replace other signs; 2) provide direction to parking lots; and 3) provide direction within the Pier Bowl loop.

9. **NEW BUSINESS**

A. **Fiscal Year 2013 Police Services Contract**

Report from the Assistant City Manager/City Treasurer concerning the Fiscal Year 2013 Police Services contract.

Central Services Officer Elston reviewed the contents of the Administrative Report.

Wayne Richardson, San Clemente, asserted that the City lacks control over discipline or dissemination of information relative to its Police Services; stated that there is a rise of deputy-involved shootings in Orange and Los Angeles counties.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C93-16, by and between the City of San Clemente and the County of Orange, providing for law enforcement services for Fiscal Year 2013, in the amount of \$11,931,808.

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

**Rehabilitation Institute of Southern California (RIO)**

Alicia Fiore, Program Director for the Rehabilitation Institute of Southern California, pointed out that all RIO participants have a mental or physical disability; expressed a desire to raise awareness of the program; thanked the City for its support during the transition from the Leo Fessenden Center to RIO.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. City Attorney

None.

D. Council Members(1) Selection of Voting Delegate and Alternate(s) - League of California Cities Annual Conference

MOTION BY MAYOR EVERT, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to appoint Jim Dahl as the delegate and Jim Evert as the alternate delegate to vote on the City's behalf at the Annual Business Meeting of the League of California Cities on September 7, 2012.

(2) Consideration of Reaffirming or Rescheduling the Regular City Council Meeting of July 3, 2012

Council requested a light agenda for the July 3, 2012 Council meeting.

(3) Report from Councilmember Dahl, City Representative to the Orange County Fire Authority (OCFA), relative to OCFA Matters

Councilmember Dahl reported that the OCFA has a balanced budget for Fiscal Year 2013; advised that the OCFA is preparing for the upcoming fire season; noted that the OCFA helicopters will be able to perform night operations.

(4) Welcome Home Parade for Marines

Councilmember Baker encouraged the community to attend the Welcome Home Parade for marines on June 14, 2012 on Avenida Del Mar.

(5) City Website Survey

Councilmember Baker requested the community to complete the online survey relative to the City's website.

(6) **Capistrano Unified School District**

Councilmember Baker reported that Capistrano Unified School District Superintendent Farley has indicated that the State is increasing its contributions to the school district as a result of the dissolution of redevelopment agencies.

(7) **Association of California Cities - Orange County (ACC-OC) Infrastructure Conference**

Mayor Pro Tem Brown reported on the ACC-OC Infrastructure Conference, noting that discussions included high-speed rail systems and California's electricity supply and demand.

(8) **Truman Benedict Elementary School**

Mayor Pro Tem Brown spoke on his attendance at Truman Benedict Elementary School to honor the life of Truman Benedict and to present honoraria to Dr. Charlotte Hibsich.

12. **RESOLUTIONS/ORDINANCES**

None.

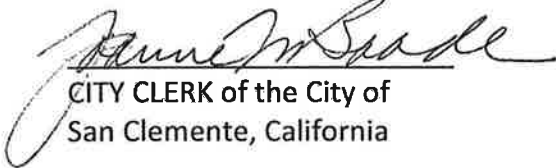
13. **ADJOURNMENT**

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to adjourn at 10:47 p.m.

The next Regular Council Meeting will be held on Tuesday, June 19, 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.

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*Note: The previously scheduled Council Meeting of Monday, June 18, 2012, for the purpose of interviewing and making appointments to various City Commissions and Committees, was cancelled since appointments were completed at the Council meeting of June 11, 2012.*



CITY CLERK of the City of  
San Clemente, California

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MAYOR of the City of  
San Clemente, California

6 A-21

08/21/12

CA

# CITY OF SAN CLEMENTE

## City Council Minutes

### Regular City Council Meeting - July 3, 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 July 3, 2012 at 5:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by City Clerk Baade. City Clerk Baade recessed the meeting until 5:30 p.m.

The meeting was reconvened at 5:30 p.m. with Mayor Evert presiding.

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

**ABSENT**                        NONE

**STAFF PRESENT**            George Scarborough, City Manager; Jeff Oderman, Legal Counsel; Joanne Baade, City Clerk; Anthony Mejia, Deputy City Clerk.

\* \* \*

### **CLOSED SESSION**

Legal Counsel Oderman requested a Closed Session to discuss the items listed on the Closed Session agenda.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to recess to Closed Session at 5:30 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.

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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, Legal Counsel Jeff Oderman, Human Resources Manager Penrod, and City Clerk Baade. Assistant City Manager Gudgeirsson participated in the Closed Session via speaker phone.

**MEETING RECONVENED**

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

**INVOCATION**

Martin Garff, Church of Jesus Christ of Latter-day Saints, San Clemente Stake, gave the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Brown led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Presentation of Honoraria - Jeff Oderman, City Attorney**

Mayor Evert presented honoraria to Jeff Oderman, City Attorney, for 31 years of outstanding legal services to the City of San Clemente.

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

Mayor Evert recognized the following outgoing City Commission and Committee members and presented honoraria to those in attendance: Bill Osier, Beaches, Parks and Recreation Commission; Harold Larson, Golf Course Committee; Carol Stiff, Human Affairs Committee; Isobel Pelham, Human Affairs Committee.

C. Presentation of Proclamation - Parks and Recreation Month

Mayor Evert presented a Proclamation to Sharon Heider, Beaches, Parks and Recreation Director, declaring the month of July 2012 as "Parks Make Life Better!" Month.

D. Interstate-5 High Occupancy Vehicle (HOV) Lanes through San Clemente - Status Report

Presentation by Hamid Torkamanha, Orange County Transportation Authority (OCTA), concerning the Interstate-5, Segment 2, High Occupancy Vehicle (HOV) lanes through San Clemente.

Public Works Director/City Engineer Cameron introduced Hamid Torkamanha and Julie Toledo, of the Orange County Transportation Authority (OCTA), who narrated a PowerPoint presentation entitled "Interstate 5 (I-5) Improvement Project Ave. Pico to San Juan Creek Road"; reviewed the project schedule, noting that construction is anticipated to begin in October 2013; summarized the proposed improvements and cost estimates; pointed out that one new sound wall will be constructed and four existing sound walls will be reconstructed; related that OCTA will conduct public informational meetings and expand its public outreach efforts to ensure residents are informed of the project. In response to Council inquiries, Mr. Torkamanha advised that Caltrans is conducting a structural analysis of whether or not the I-5/El Camino Real sound wall can support the additional weight of sound-absorbing material; responded to Council inquiries relative to past and future noticing procedures.

Steve Hill, San Clemente, pointed out that the I-5/South El Camino Real sound wall increased noise and decreased his property values; urged OCTA to consider utilizing sound-absorbing material on the proposed sound walls to minimize noise impacts to nearby residents.

Don Krall, owner of Little Inn by the Beach, asserted that the I-5/El Camino Real sound wall has decreased his property value and business revenue by \$1 million; stressed the importance of ensuring all residents near the I-5/Avenida Pico project are notified prior to installing sound walls.

Evan Weiss, San Clemente, stated that he has not seen any project notices in the newspaper and questioned whether OCTA's project notices were published in the legal classifieds section of the newspaper; recommended that OCTA send direct mailers to residents concerning the project; voiced objection to the use of Paraglas walls.

6A-24



Ross Shaw, San Clemente, displayed photos depicting cypress trees planted along the I-5/El Camino Real sound wall; voiced concern that the cypress trees will block ocean views; urged that the trees be replaced with a species that reach a maximum growth height of 15'. Hard copies of Mr. Shaw's photos are on file with the City Clerk.

Alan Korsen, San Clemente, urged Council and Caltrans to consider the aesthetics of the sound walls, pointed out that other cities have decorated freeway walls.

In response to Council inquiry, Mr. Torkamanha related that Council may request that Caltrans consider including an aesthetic treatment for the I-5/Avenida Pico sound walls.

Council directed Staff to notify residents within a 500' radius that Council will consider the Avenida Pico interchange, HOV lanes, and associated sound walls at its meeting of August 21, 2012.

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

Report from Alan Korsen, General Plan Advisory Committee representative, concerning the status of the San Clemente General Plan.

Alan Korsen, General Plan Advisory Committee (GPAC) representative, advised that GPAC meetings are scheduled for July 11, August 1, and September 26, 2012; summarized the GPAC's discussion of June 13, 2012 relative to the City's delivery of services, facilities, and utilities; noted that health and welfare, coastal element, circulation, growth management, urban design and governance will be considered at future GPAC meetings.

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

**Swim Across America - San Clemente**

Steve Hops and Barbara Helton, San Clemente, invited the community to participate in a fundraiser at the Vista Hermosa Aquatic Center on July 15, 2012 to benefit cancer research.

Council directed Staff to post a link to [www.swimacrossamerica.org/sanclemente](http://www.swimacrossamerica.org/sanclemente) on the City's homepage.

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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**

Legal Counsel Oderman 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 deletion of Item E from the agenda and removal of Items D, F, and H for discussion.

- A. **City Council Minutes**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve the minutes of the City Council Adjourned Regular Meeting of June 11, 2012 and Regular Meeting of June 19, 2012.

- 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 20, 2012.
2. Planning Commission Special Meeting minutes of June 20, 2012.
3. Beaches, Parks and Recreation Commission Regular Meeting minutes of June 19, 2012.

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C. **Warrant Register**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve Wire Transfer Nos. 1000 through 1003, and Warrant Nos. 500157 through 500324, for the period 05-07-12 through 05-11-12, in the amount of \$735,674.72; approve Handwrite No. 500901, Wire Transfer Nos. 1010 through 1013, and Warrant Nos. 500773 through 500900, for the period 06-04-12 through 06-08-12, in the amount of \$823,458.93; approve Handwrite No. 500902 and Warrant Nos. 500903 through 501088, for the period 06-11-12 through 06-15-12, in the amount of \$1,116,846.07; for a total Warrant Register in the amount of \$2,675,979.72.

**Payroll Register**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve Warrant Nos. 14 through 21, Automatic Deposit Advises 778 through 1077, for the period 05-28-12 through 06-10-12, in the amount of \$440,007.74; for a total Payroll Register in the amount of \$440,007.74.

E. **244 West Marquita (Final Parcel Map 2011-118) - Sayer Condominiums**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to delete this item from the agenda at the request of Staff. This item will be re-agendized for a future meeting.

G. **Parking Prohibition on Calle Negocio at Calle Trepadora Bus Stop**

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

1. Approve the prohibition of parking on the southwest corner of Calle Negocio at Calle Trepadora for sixty (60) feet.
2. Adopt Resolution No. 12-44 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 CALLE NEGOCIO.

I. **Contract Award - Reservoir No. 9 Drainage and Slope Repair**

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

1. Approve the plans and specifications for the Reservoir No. 9 Drainage and Slope Repair, Project No. 22402.
2. Approve, and authorize the Mayor to execute, Contract C12-28, by and between the City of San Clemente and Ted Enterprises, Inc., providing for the repair of the Reservoir No. 9 Drainage and Slope, Project No. 22402, in the amount of \$58,900.

J. **Bid Rejection - Cathodic Protection System Evaluation**

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

1. Reject all bids for the Cathodic Protection System Evaluation, Project No. 26402.
2. Authorize Staff to rebid the Cathodic Protection System Evaluation, Project No. 26402.

K. **Citizens Option for Public Safety Program (COPS)**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve the use of COPS funds for a portion of a patrol deputy's position.

L. **Adoption of Form 806 (Agency Report of Public Official Appointments)**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to adopt Form 806 (Agency Report of Public Official Appointments) as presented in the Administrative Report, dated July 3, 2012, which is on file with the City Clerk.

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

D. **Sports Hall of Fame Program**

Mayor Evert summarized the purpose and concept of the Sports Hall of Fame program, noting that the Friends of the Beaches, Parks and Recreation Foundation could administer the program.

Tom Wicks, President of the Friends of the Beaches, Parks and Recreation Foundation, explained that inductees into the Sports Hall of Fame would be positive examples for youth, noting that inductees can be retracted if necessary; advised that Kathryn Stovall Dennis has volunteered to design the Sports Hall of Fame wall.

Discussion ensued relative to: 1) whether the Beaches, Parks and Recreation Commission or the Friends of the Beaches, Parks and Recreation Foundation should administer the Sports Hall of Fame program; and 2) the City's liability in relation to allowing the Foundation to administer the program.

Following discussion, MOTION BY MAYOR EVERT, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to refer the Sports Hall of Fame program to the Beaches, Parks and Recreation Commission for input.

Council requested that the Council's enthusiasm for the program be conveyed to the Commission and that the Commission specifically consider whether the program should be administered by the Beaches, Parks and Recreation Commission or the Friends of the Beaches, Parks and Recreation Foundation.

F. **Transfer of North Beach Concessionaire Lease**

In response to Council inquiry, Martin Foxman, Applicant, related his operational experience, noting that his adult children have experience in the restaurant industry and will work part-time at the concession; conveyed that his wife and he intend to operate the North Beach concession on a full-time basis.

City Manager Scarborough explained the rationale for recommending denial of the transfer of the North Beach concession lease to Mr. Foxman; spoke on the importance of ensuring that an operator has restaurant experience; pointed out that the lease term is for a 15-year period.

In response to Council inquiry, Eric Lucy, Lessee, explained that poor weather conditions over the past two years have impacted the profitability of the concession; pointed out that his wife and he had limited restaurant experience prior to leasing the concession.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER DAHL, CARRIED 3-2 (COUNCILMEMBER BAKER AND MAYOR PRO TEM BROWN VOTING NOE), to approve the transfer of the North Beach concession lease from Eric and Gia Lucy to Martin Foxman. (Contract C87-51)

H. **Parking Prohibition on Camino Mira Costa at Vista Azul (Dana Point)**

In response to Council inquiry, Traffic Engineering Manager Frank narrated a PowerPoint presentation entitled "Prohibit Parking on Camino Mira Costa at Vista Azul"; explained the rationale for recommending the parking prohibition on Camino Mira Costa. A hard copy of Mr. Frank's presentation, dated July 3, 2012 is on file with the City Clerk.

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

1. Approve the prohibition of parking on the west side of Camino Mira Costa, from Vista Azul (Dana Point) curb return in a northeasterly direction for a distance of sixty-five (65) feet and in a southwesterly direction for a distance of twenty (20) feet.
2. Adopt Resolution No. 12-45 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 CAMINO MIRA COSTA.

7. **PUBLIC HEARINGS**

A. **Code Amendment - One-Day Business License Permits and Pre-Hearing Suspension Modifications to the Business License Code**

Public Hearing to consider modifications to the Business License Ordinance to create a one-day business license permit and the ability to suspend a business license upon violation of City, State or Federal laws.

Central Services Officer Elston reviewed the contents of the Administrative Report and responded to Council inquiries.

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

Council directed Staff to issue a Press Release and to notify business organizations regarding the one-day business license permit.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to introduce Ordinance No. 1554 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTERS 5.04 AND 5.08 RELATING TO BUSINESS LICENSES AND REGULATIONS.

8. **UNFINISHED BUSINESS**

None.

9. **NEW BUSINESS**

A. **Code Amendment - Establishment of Speed Limits on Avenida Pico, Avenida Vista Hermosa and Avenida Presidio**

Report from the Public Works Director/City Engineer concerning the possibility of establishing speed limits on Avenida Pico, Avenida Vista Hermosa and Avenida Presidio.

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

Brenda Miller, San Clemente, expressed support for the proposed speed limits on Avenida Pico, Avenida Vista Hermosa and Avenida Presidio.

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

1. Accept the Engineering and Traffic Surveys for sections of Avenida Pico, Avenida Vista Hermosa and Avenida Presidio and establish speed limits on the subject streets as outlined in the Administrative Report, dated July 3, 2012, that is on file with the City Clerk.
2. Introduce Ordinance No. 1555 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 10 OF THE MUNICIPAL CODE CONCERNING SPEED ZONES ON CERTAIN CITY STREETS.

**MEETING RECESSED AND RECONVENED**

Council recessed at 8:30 p.m. and reconvened at 8:35 p.m., with all members present.

B. **Contract Award - Water Reclamation Plant Solids Handling Rehabilitation**

Report from the Public Works Director/City Engineer concerning the possibility of awarding a contract for the rehabilitation of the Water Reclamation Plant Solids Handling.

Principal Civil Engineer Knatz reviewed the contents of the Administrative Report and responded to Council inquiries.

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

1. Approve the plans and specifications for the Water Reclamation Plant Solids Handling Rehabilitation, Project No. 10204.
2. Approve, and authorize the Mayor to execute, Contract C12-29, by and between the City of San Clemente and Newest Construction, Inc., providing for the rehabilitation of the Water Reclamation Plant Solids Handling, Project No. 10204, in the amount of \$1,818,360.



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).

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

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR EVERT, CARRIED 3-2 (COUNCILMEMBER BAKER AND MAYOR PRO TEM BROWN VOTING NOE), to appoint Jim Dahl to serve as the City's representative to the San Joaquin Hills Transportation Corridor Agency and Foothill/Eastern Transportation Corridor Agency.

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to appoint Jim Evert to serve as the City's alternate representative to the San Joaquin Hills Transportation Corridor Agency and Foothill/Eastern Transportation Corridor Agency.

B. City Manager

None.

C. City Attorney

None.

D. Council Members

(1) Request for City Support for Transfer of Ontario International Airport to Local Control

Report from the City Manager concerning a request for City support for the transfer of Ontario International Airport to local control.

Mayor Pro Tem Brown stated that the matter is complicated and pertains to the cities of Los Angeles and Ontario; suggested that Council not take a position on the matter at this time.

Council determined to not take a position on this issue.

(2) Report from Councilmember Donchak, City Representative to the Coastal Animal Services Authority (CASA) Board, Relative to CASA Matters

Councilmember Donchak encouraged residents to adopt a pet from the animal shelter and to visit [www.petprojectfoundation.org](http://www.petprojectfoundation.org) for volunteer information; pointed out that new pet licensing fees became effective on July 2, 2012; advised that several new animal shelter staff will be hired soon.

(3) San Clemente Baha'i Center - Tree Dedication at Tierra Grande Park

Mayor Pro Tem Brown commended the San Clemente Baha'i Center for dedicating a tree at Tierra Grande park.

(4) Orange County Transportation Authority (OCTA)

Councilmember Baker announced that OCTA is offering an "Angels Express Train" for riders to the Anaheim Angels baseball games; noted that progress is being made for a quiet zone in the cities of San Clemente, Dana Point and San Juan Capistrano.

(5) **2<sup>nd</sup> Battalion, 4<sup>th</sup> Marines**

Councilmember Baker reported on his attendance at the 2<sup>nd</sup> Battalion, 4<sup>th</sup> Marines Change-of-Command Ceremony; related that LtCol William Vivian expressed gratitude to the City and its citizens for its support of the 2<sup>nd</sup> Battalion, 4<sup>th</sup> Marines.

(6) **Fireworks Banned in San Clemente**

Councilmember Baker pointed out that fireworks pose a serious fire risk and are banned in San Clemente.

(7) **Fourth of July - High Tide**

Councilmember Dahl urged visitors to use caution during the fireworks show due to a high tide tomorrow evening.

(8) **San Joaquin Hills and Foothill/Eastern Toll Roads**

Councilmember Dahl announced that the San Joaquin Hills and Foothill/Eastern toll roads will be converting from cash payment to a prepayment system in 2013; noted that a toll increase became effective over the weekend.

(9) **Federal Highway Funding Bill - Evacuation Routes**

Mayor Evert pointed out that the Federal Highway Funding Bill includes verbiage which directs states to consider evacuation routes which serve or are adjacent to armed forces; stated that the verbiage may place the Avenida La Pata extension in a more competitive situation for federal funding.

12. **RESOLUTIONS/ORDINANCES**

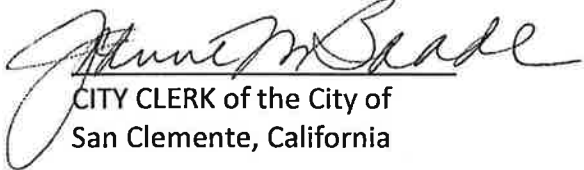
None.

6A-35

13. **ADJOURNMENT**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to adjourn at 8:55 p.m.

The next Regular Council Meeting will be held on Tuesday, July 17, 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

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MAYOR of the City of  
San Clemente, California