

CITY OF SAN CLEMENTE

City Council Minutes

Regular City Council Meeting – January 6, 2015

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 January 6, 2015 at 5:05 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Hamm.

PRESENT BAKER, BROWN, WARD*, MAYOR HAMM
*Arrived at 5:04 p.m.

ABSENT DONCHAK

STAFF PRESENT James Makshanoff, City Manager; Jeff Oderman, City Legal Counsel; Joanne Baade, City Clerk; Laura Campagnolo, Deputy City Clerk

CLOSED SESSION

MOTION BY COUNCILMEMBER BROWN, SECOND BY MAYOR PRO TEM BAKER, CARRIED 3-0, to recess to Closed Session at 5:05 p.m. to discuss the following:

A. Capistrano Shores, Inc. v. City of San Clemente:

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

Capistrano Shores Inc. v. City of San Clemente (OCSC No. 30-2014-00708545-CU-WM-CXC)

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

Capistrano Shores Inc. v. City of San Clemente (OCSC No. 30-2014-00709987-CU-EI-CXC)

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

Capistrano Shores Inc. v. City of San Clemente (OCSC No. 30-2014-00726889)

- B. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION, pursuant to Government Code Section 54956.9(a):

Lehman Construction, Inc. v. City of San Clemente, Orange County Superior Court Case No. 30-2014-00762021-CU-NM-CJC

In attendance for the full Closed Session were all members of the City Council (with the exception of Councilmember Donchak), City Manager Makshanoff, City Legal Counsel Oderman, Assistant City Manager Sund, and City Clerk Baade. Community Development Director Holloway and Building Official Jorgensen were in attendance for Closed Session Item A only. Public Works Director/City Engineer Cameron and Senior Civil Engineer Ilkhanipour were in attendance for Closed Session Item B only.

MEETING RECONVENED

Council reconvened at 6:04 p.m., with all members present.

INVOCATION

David Keehn, Orange County Fire Authority Chaplain, Battalion 6, gave the invocation.

PLEDGE OF ALLEGIANCE

Members of Boy Scout Troop #737 led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

None.

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

City Transparency

Brad Malamud, San Clemente, stated that the City is not transparent, noting that 10 years of historical records were removed from the City website; asserted that City officials have declined to meet with him; opined that the City defends lawsuits instead of seeking resolution.

San Clemente Campus of Saddleback Memorial Hospital (Potential Closure)

Dr. Lawrence Chang, San Clemente, stated that he serves as a physician to the senior population, noting that his patients are concerned about the potential closure of San Clemente Hospital; opined that access to specialized healthcare has always been geographically difficult in San Clemente and will be even more difficult with the closure of the hospital; spoke in support of finding an entity that will support a world-class hospital in San Clemente.

Pete Curran, San Clemente, opined that statistics provided by Saddleback Memorial Hospital are misleading and asserted that, in actuality, 82% of ambulance patients were transported to San Clemente Hospital during 2013 and 2014.

Dr. Steve Cullen, San Clemente, stated that 19 hospitals in Orange County were recently closed to paramedic units because they were at capacity; noted that the Intensive Care Unit at San Clemente Hospital is limited to only three patients.

Warren Vidrine, San Clemente, reported that he is trying to obtain a map of the hospital property to enable him to determine whether the hospital can be re-built in phases without impacting service.

North Beach/El Camino Real Parking Lot

Ricardo Nicol, San Clemente, expressed safety concerns with the proposed design of the North Beach/ El Camino Real parking lot; asserted that the current proposal contains excessive hardscape; urged Council to rescind its previous approval of the current parking lot design. A hard copy of Mr. Nicol's PowerPoint is on file in the City Clerk Department.

Vonne Barnes, San Clemente, urged Council to approve Mr. Nicol's proposed design for the North Beach/El Camino Real parking lot because it would preserve ocean views. A hard copy of Ms. Barnes' PowerPoint is on file with the City Clerk.

Tom Barnes, San Clemente, narrated a PowerPoint presentation which identified differences between the proposed plan and Mr. Nicol's alternate design for the North Beach/El Camino Real parking lot; spoke in support of the alternate plan; opined that the current design violates the California Coastal Act because it negatively affects ocean views. A hard copy of the PowerPoint is on file in the City Clerk Department.

3. MOTION BY MAYOR PRO TEM BAKER, SECOND BY COUNCILMEMBER BROWN, CARRIED 4-0 (COUNCILMEMBER DONCHAK ABSENT), 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**

City Legal Counsel Oderman advised that Council took no reportable actions during the 5:00 p.m. Closed Session.

6. **CONSENT CALENDAR**

MOTION BY MAYOR PRO TEM BAKER, SECOND BY COUNCILMEMBER BROWN, CARRIED 4-0 (COUNCILMEMBER DONCHAK ABSENT), to approve the Consent Calendar, with the removal of item 6-F.

A. **City Council Minutes**

MOTION BY MAYOR PRO TEM BAKER, SECOND BY COUNCILMEMBER BROWN, CARRIED 4-0 (COUNCILMEMBER DONCHAK ABSENT), to approve the minutes of the Regular City Council meeting of December 2, 2014.

B. MOTION BY MAYOR PRO TEM BAKER, SECOND BY COUNCILMEMBER BROWN, CARRIED 4-0 (COUNCILMEMBER DONCHAK ABSENT), to receive and file the following:

- (1) Minutes of the Regular Coastal Advisory Committee meeting of November 13, 2014.
- (2) Minutes of the Regular Zoning Administrator Meeting of December 17, 2014.
- (3) Minutes of the Regular Planning Commission Study Session of December 17, 2014.
- (4) Minutes of the Regular Planning Commission Meeting of December 17, 2014.

C. Warrant Register

MOTION BY MAYOR PRO TEM BAKER, SECOND BY COUNCILMEMBER BROWN, CARRIED 4-0 (COUNCILMEMBER DONCHAK ABSENT), to approve:

Wire Transfers Nos. 1335 through 1338, paid on 12/12/14, and Warrant Nos. 521060 through 521215, paid on 12/12/14, in the amount of.....\$2,982,549.14

Wire Transfer No. 1339, and Warrant Nos. 521216 through 521397, paid on 12/19/14, in the amount of.....\$1,450,431.75

TOTAL WARRANT REGISTER.....\$4,432,980.89

Payroll Register

MOTION BY MAYOR PRO TEM BAKER, SECOND BY COUNCILMEMBER BROWN, CARRIED 4-0 (COUNCILMEMBER DONCHAK ABSENT), to approve:

Warrant Nos. 345 through 347 and Automatic Deposit Advises 20547 through 20836 for the period 11/24/14 through 12/7/14, paid on 12/12/14, in the amount of.....\$ 470,649.74

TOTAL PAYROLL REGISTER.....\$ 470,649.74

D. Contract Amendment – Design and Permitting of Recycled Water Site Retrofit of City Parks, Medians and Customer Sites

MOTION BY MAYOR PRO TEM BAKER, SECOND BY COUNCILMEMBER BROWN, CARRIED 4-0 (COUNCILMEMBER DONCHAK ABSENT), to approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C14-12, by and between the City of San Clemente and RMC Water and Environment. This amendment modifies the contract amount from \$250,000 to \$350,000, an increase of \$100,000.

E. **Notice of Completion – Recycled Water System Expansion, Water Reclamation Plant and Pump Station, and Second Amendment to Professional Services Agreement with Carollo Engineers, Inc.**

MOTION BY MAYOR PRO TEM BAKER, SECOND BY COUNCILMEMBER BROWN, CARRIED 4-0 (COUNCILMEMBER DONCHAK ABSENT), to:

1. Accept the Recycled Water System Expansion, Water Reclamation Plant and Pump Station, Project No. 18201A, from Gateway Pacific Contractors, Inc.
2. Authorize the Mayor to execute, and City Clerk to record, the Notice of Completion for the Recycled Water System Expansion, Water Reclamation Plant and Pump Station, Project No. 18201A. (Contract C12-52)
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 Gateway Pacific Contractors, Inc.
4. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.
5. Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract No. C12-63, by and between the City of San Clemente and Carollo Engineers, Inc., providing for additional construction services during the construction period. This Amendment modifies the total compensation from \$1,942,864 to \$1,960,624, an increase of \$17,760.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

F. **Printing of the Quarterly City Magazine**

Recreation Manager Passow responded to Council inquires.

MOTION BY MAYOR HAMM, SECOND BY MAYOR PRO TEM BAKER, CARRIED 4-0 (COUNCILMEMBER DONCHAK ABSENT), to approve, and authorize the Mayor to execute, Contract C13-62 by and between the City of San Clemente and Advanced Web Offset, providing for the printing of the City Magazine, for a one-year period, with two possible one-year extensions. The yearly contract amount shall not exceed \$50,000.

7. **PUBLIC HEARINGS**

A. **Fee Modification – Vista Hermosa Sports Park and San Clemente Aquatics Center**

Public Hearing to consider fee adjustments for the Vista Hermosa Sports Park and San Clemente Aquatics Center.

MOTION BY MAYOR HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0 (COUNCILMEMBER DONCHAK ABSENT), to table consideration of the Fee Modifications for the Vista Hermosa Sports Park and San Clemente Aquatics Center.

8. **UNFINISHED BUSINESS**

None.

9. **NEW BUSINESS**

None.

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

None.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. **City Attorney**

None.

D. **Councilmembers**

SONGS Community Engagement Panel

Councilmember Brown invited the public to attend a meeting on January 27, 2015 at the San Juan Capistrano Community Center that will focus on the issue of nuclear waste.

Ole Hanson Beach Club

Councilmember Ward invited the public to attend an open house on January 10, 2015 at 10:00 a.m. to showcase changes to the design of the Ole Hanson Beach Club.

Commission/Committee Applications Being Accepted

Mayor Hamm noted that the City is accepting applications for vacancies on the Investment Advisory Committee, Coastal Advisory Committee and Planning Commission; encouraged interested persons to submit their applications by January 8, 2015.

12. **RESOLUTIONS/ORDINANCES**

A. **Second Reading - Ordinance No. 1591 (Replacement of Residential Mobile Homes when their Use is Legally Non-Conforming)**

MOTION BY COUNCILMEMBER BROWN, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0 (COUNCILMEMBER DONCHAK ABSENT), to adopt Ordinance No. 1591 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 17.72.060 REGARDING THE REPLACEMENT OF MOBILE HOMES WHEN THEIR RESIDENTIAL USE IS LEGALLY NON-CONFORMING.

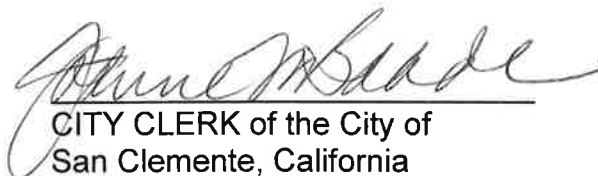
13. **ADJOURNMENT**

MOTION BY MAYOR PRO TEM BAKER, SECOND BY COUNCILMEMBER BROWN, CARRIED 4-0 (COUNCILMEMBER DONCHAK ABSENT), to adjourn in memory of Roy Hurlbut at 6:41 p.m., to an Adjourned Regular Meeting to be held on January 13, 2015 at 6:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California for the purpose of interviewing candidates and making appointments to the City Planning Commission, Investment Advisory Committee and Coastal Advisory Committee.

A subsequent Adjourned Regular Council Meeting will be held on January 20, 2015 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be considered at 2:30 p.m. The Regular Business Meeting will commence at 6:00 p.m.



MAYOR of the City of
San Clemente, California



CITY CLERK of the City of
San Clemente, California

