

CITY OF SAN CLEMENTE

City Council Minutes

Adjourned Regular City Council Meeting – January 20, 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.

An Adjourned Regular Meeting of the San Clemente City Council was called to order on January 20, 2015 at 2:30 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Pro Tem Baker.

PRESENT BAKER, BROWN, DONCHAK, WARD, MAYOR HAMM*
*Arrived at 2:40 p.m.

ABSENT NONE

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 DONCHAK, SECOND BY COUNCILMEMBER BROWN, CARRIED 4-0, to recess to Closed Session at 2:30 p.m. to discuss the following:

A. CONFERENCE WITH LEGAL COUNSEL — PENDING LITIGATION, pursuant to Government Code Section 54956.9(a):

Select Electric, Inc. v. City of San Clemente, Orange County Superior Court Case No. 30-2014-00753366-CU-BC-CJC

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

C. PUBLIC EMPLOYEE APPOINTMENT, pursuant to Government Code Section 54957(b)(1):

Title: City Attorney

In attendance for the full Closed Session were all members of the City Council, City Manager Makshanoff and Assistant City Manager Sund. Legal Counsel Oderman and City Clerk Baade were in attendance for Items A and B only.

MEETING RECONVENED

Council reconvened at 6:17 p.m., with all members present.

INVOCATION

Don Kappauf, Chaplain with the Orange County Sheriff's-Coroner Department, gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Ward led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. Commendation – Jim Holloway, Community Development Director

Mayor Hamm presented a Commendation to Community Development Director Jim Holloway in recognition of 28 years of exemplary service to the City of San Clemente.

B. Commendation – Rita Mueller, Records Management Coordinator

Mayor Hamm presented a Commendation to Records Management Coordinator Rita Mueller in recognition of 27 years of exemplary service to the City of San Clemente.

C. San Clemente High School Update

San Clemente High School student McKenna Brownell narrated a PowerPoint presentation concerning campus activities. A hard copy of the presentation is on file in the City Clerk Department.

D. South Orange County Economic Coalition

John Heffernan and Kristen Camuglia of the South Orange County Economic Coalition, narrated a PowerPoint presentation concerning the inaugural South Orange County Economic Report. A hard copy of the presentation is on file in the City Clerk Department.

E. Lifeguard Recognition

Mayor Hamm presented Certificates of Recognition to Marine Safety Officer Anderson, Marine Safety Officer Burton, and Marine Safety Chief Humphreys for their successful lifesaving efforts in rescuing a victim who walked into the water and immediately submerged and fell unconscious.

2. ORAL COMMUNICATIONS (PART 1)

Senate Bill 2 (Homeless Shelters)

Anthony LaFrano, San Clemente, urged Council to fight the lawsuit that was filed against the City regarding SB2 (homeless shelters); urged Council to not allow alcoholic beverages to be sold at the Vista Hermosa Sports Park.

Santa Margarita Water District Rate Adjustments

Jonathan Volzke, Public Information Officer for the Santa Margarita Water District (SMWD), identified efforts being undertaken to reduce dependence on imported water; stated that the SMWD needs to consider adjusting its rates, noting that a hearing will be held on March 4, 2015.

San Clemente Campus of Saddleback Memorial Hospital (Potential Closure)

Lynn Jung, San Clemente, stated her mother lives at San Clemente Villas by the Sea and voiced concerns with the potential closure of the hospital.

Syl Mulino, San Clemente, spoke on the importance of a community hospital.

Donna Vidrine, San Clemente, expressed concerns with a recent visit to a Memorial Care Urgent Care facility.

Warren Vidrine, San Clemente, distributed a map of the hospital property to Council; opined that it is feasible to build a tower without disrupting hospital operations.

Roger Jolicoeur, San Clemente, stated that access to a local hospital was a factor in his decision to relocate to San Clemente; opined that the real estate industry is concerned with the potential closure of the hospital.

Tony Struthers, Administrator at Saddleback San Clemente, provided an update on the feasibility study to transform San Clemente Hospital to a state-of-the-art urgent care facility; reviewed outreach efforts to communicate with the community; expressed support for regulatory reform that would make free-standing emergency rooms possible.

Mike Clark, San Clemente, noted that Memorial Care plans to spend \$40 million on a futuristic urgent care facility and requested that Memorial Care identify how the same investment could be used to improve the hospital and emergency department; requested that Council meet with Memorial Care's board of directors to discuss its 501(c)(3) status and implications of closing the hospital.

Karen Sharp, Capistrano Beach, Director of Emergency Center at Saddleback San Clemente, opined that Saddleback Memorial has been unable to overcome the poor reputation of previous ownership; stated most trauma patients are transported to another facility for treatment; opined that the community will be well served by an advanced urgent care facility.

Gus Gialamas, San Clemente, provided an update on the Save our Hospital (SOS) campaign; stated that various State Legislators support retaining the hospital; pointed out that legislation to facilitate the hospital's retention would require a three-year process; urged a three-year moratorium on the hospital transformation issue.

Wendy Esparos, San Clemente, stated that she moved to San Clemente because of the hospital; stated that time is critical for emergency patients.

Metropolitan Water District of Orange County

Susan Hinman, Board Member with the Metropolitan Water District of Orange County (MWDOC), reported that the District's 28 agencies are working on a water reliability program, noting that the gap analysis is expected to be complete by June 2015, with the final report being available in early fall 2015; invited Council to attend a Water Forum policy dinner on February 5, 2015, noting that the keynote speaker will be Dr. Lucy Jones with the US Geological Survey.

North Beach/El Camino Real Parking Lot

Ricardo Nicol, San Clemente, voiced concern with the City's proposed design for the EL Camino Real parking lot in North Beach because of his concern that it contains excessive pavement; noted that the California Coastal Commission rejected the City's design and expressed a preference for his alternative plan; recommended that the City save \$100,000 by eliminating the archway and walkway from the design.

Vonne Barnes, San Clemente, continued the PowerPoint Presentation; urged Council to approve Mr. Nicol's proposed design for the North Beach/El Camino Real parking lot because it would preserve ocean views.

Tom Barnes, San Clemente, continued the PowerPoint presentation by identifying differences between the plan and Mr. Nicol's alternate design for the North Beach/El Camino Real parking lot; pointed out that the Coastal Commission favored Mr. Nicol's design.

Appreciation for Flowers for Karen (Kay) Kunze's Passing

Amy Kunze, Chicago, and Don Kunze, San Clemente, thanked Council for sending a plant in memory of Karen (Kay) Kunze.

3. MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER 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**

Councilmember Donchak reported that Council will continue the Closed Session that was started earlier this afternoon at the close of the Business Meeting.

6. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to approve the Consent Calendar, with the removal of item 6B(1), 6B(3), 6-F, 6-G, and 6-L.

A. **City Council Minutes**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to approve the following:

- (1) Minutes of the Regular City Council meeting of December 16, 2014.
- (2) Minutes of the Special City Council meeting of December 24, 2014.
- (3) Minutes of the Regular City Council meeting of January 6, 2015.
- (4) Minutes of the Adjourned Regular City Council meeting of January 13, 2015.

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

- (2) Minutes of the Regular Planning Commission Study Session of January 7, 2015.
- (4) Minutes of the Regular Zoning Administrator meeting of January 7, 2015.

C. **Warrant Register**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to approve the following:

Wire Transfers Nos. 1340 through 1344, paid on 12/26/14, and Warrant Nos. 521398 through 521540, paid on 12/26/14, in the amount of.....\$2,710,734.53

Handwrite No. 521541, Wire Transfers No. 1345 through 1348, paid on 1/9/15, and Warrant Nos. 521542 through 521629, paid on 1/9/15, in the amount of.....\$1,117,153.25

TOTAL WARRANT REGISTER.....\$3,827,887.78

Payroll Register

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to approve the following:

Warrant Nos. 348 through 350 and Automatic Deposit Advises 20837 through 21131 for the period 12/8/14 through 12/21/14, paid on 12/26/14, in the amount of.....\$ 412,597.49

Warrant No. 351 and Automatic Deposit Advises 21132 through 21375 for the period 12/22/14 through 1/4/15, paid on 1/09/15, in the amount of.....\$ 385,094.93

TOTAL PAYROLL REGISTER.....\$ 797,692.42

D. **Contract Award – Landscape Maintenance of City Water Facilities**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C15-01, by and between the City of San Clemente and TruGreen LandCare, providing for landscape maintenance of City water facilities, for a two-year period, in an amount not to exceed \$50,928 (\$25,464.00 each year). The project contingency shall not exceed 25% of the basic contract amount or \$6,366 annually for supplemental work done by proposal and based on the unit service costs included in Attachment F to the contract proposal.

E. **Contract Extensions – Electronic Document Imaging and Indexing Services**

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

1. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C14-56, by and between the City of San Clemente and Maris Imaging Solutions, providing for electronic document indexing services for the City's Building Division, for a term to expire February 18, 2016.
2. Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract C03-47, by and between the City of San Clemente and Maris Imaging Solutions, providing for City-wide electronic document imaging services, for a term to expire February 18, 2016.

H. **Contract Award – Reata Pump Station Rehabilitation**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C15-03, by and between the City of San Clemente and AKM Consulting Engineers, providing for the rehabilitation of the Reata Pump Station, in the amount of \$150,891. (Project No. 15406)

I. **Contract Award – Calle Frontera Rehabilitation (from Avenida Pico to Avenida Vista Hermosa)**

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

1. Approve the plans and specifications for the rehabilitation of Calle Frontera, from Avenida Pico to Avenida Vista Hermosa, Project No. 15315.

Motion continued on following page

2. Approve, and authorize the Mayor to execute, Contract C15-04, by and between the City of San Clemente and All American Asphalt, providing for the rehabilitation of Calle Frontera, from Avenida Pico to Avenida Vista Hermosa, in the amount of \$713,113.

J. **Contract Award – As-Needed Transportation Design and Construction Phase Services**

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

1. Approve, and authorize the Mayor to execute, Contract C15-05, by and between the City of San Clemente and Kimley Horn, providing for As-Needed Transportation Design and Construction Phase Services.
2. Approve, and authorize the Mayor to execute, Contract C15-06, by and between the City of San Clemente and Kruezer Consulting Group, providing for As-Needed Transportation Design and Construction Phase Services.
3. Approve, and authorize the Mayor to execute, Contract C15-07, by and between the City of San Clemente and RBF Baker, providing for As-Needed Transportation Design and Construction Phase Services.
4. Approve, and authorize the Mayor to execute, Contract C15-08, by and between the City of San Clemente and Stantec, providing for As-Needed Transportation Design and Construction Phase Services.

K. **Parking Prohibition – Avenida de la Estrella**

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

1. Approve prohibiting parking on Avenida de la Estrella, at its intersection with East Marquita, for 20 feet on the northwest corner.
2. Approve prohibiting parking on Avenida de la Estrella, at the existing taxicab/passenger loading zone for 35 feet between the two driveways, beginning approximately 41 feet north of East Avenida Palizada.
3. Adopt Resolution No. 15-02 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 DE LA ESTRELLA.

M. Contract Amendment – San Clemente Aquatics Agreement

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to approve, and authorize the Mayor to execute, Amendment No. 2 to Contract C13-42, the Aquatics Program Agreement by and between the City of San Clemente and San Clemente Aquatics. The Second Amendment will extend the existing Senior Partnership Agreement through May 31, 2015.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**6B(1). Minutes of the Regular Coastal Advisory Committee Meeting of December 11, 2014**

Following discussion, MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 3-2 (COUNCILMEMBER BROWN and MAYOR PRO TEM BAKER VOTING NOE), to direct that the street sweeping aspect of the City's clean ocean program be agendaized for a future Council meeting. Among the issues to be discussed will be the City's current practices, possibility of expanding the program to include additional areas (including beach parking lots), public notification process, best practices utilized in other cities, possibility of shortening the duration of periods when parking is prohibited, and whether any local cities provide their own street-sweeping services and their associated budgets.

MOTION BY MAYOR PRO TEM BAKER, SECOND BY MAYOR HAMM, CARRIED 5-0, to receive and file the balance of the Coastal Advisory Committee Regular meeting minutes of December 11, 2014.

6B(3). Minutes of the Regular Planning Commission Meeting of January 7, 2015.

Council referenced the portion of the Planning Commission minutes of January 7, 2015 that pertained to the Downtown License Plate Survey; requested that when the issue is agendaized for Council consideration that the staff report be succinct, clear, and organized by priorities.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR HAMM, CARRIED 5-0, to receive and file the Planning Commission Regular Meeting minutes of January 7, 2015.

F. **Agreement with the State of California Coastal Conservancy for a Grant to Prepare Preliminary Design, Environmental Documentation and Final Design Services for the Southern Extension to the San Clemente Beach Trail**

Council noted that progress is being made on the southern extension to the San Clemente beach trail; urged staff to remain alert to opportunities to relocate sand from the area of the beach trail extension to City beaches in need of sand.

Brenda Miller, San Clemente, urged Council to include access to sandy beaches via the beach trail.

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

1. Adopt Resolution No. 15-01 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE STATE OF CALIFORNIA COASTAL CONSERVANCY FOR A GRANT TO PREPARE DESIGN PLANS AND ENVIRONMENTAL DOCUMENTS FOR THE SOUTHERN EXTENSION TO THE SAN CLEMENTE BEACH TRAIL.
2. Accept grant revenues to the General Fund of \$100,000 from the State of California Coastal Conservancy grant (Account 001-000-33446-000-15701) and authorize a supplemental appropriation to the General Fund in the amount of \$100,000 for the Coastal Rail Trails Extension capital project (Account 001-203-45300-000-15701).

G. **Contract Award – Preliminary Design, Environmental Documentation and Final Design Services for the Southern Extension to the San Clemente Beach Trail**

MOTION BY COUNCILMEMBER BROWN, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C15-02, by and between the City of San Clemente and BGB Design Group, providing for Preliminary Design, Environmental Documentation and Final Design Services for the Southern Extension to the San Clemente Beach Trail, in an amount not to exceed \$200,000. (Project No. 001-203-45300-000-15701)

L. **Parking Prohibition – Calle Sarmentoso**

Brenda Miller, San Clemente, urged Council to vote in support of staff's recommendation to restrict parking on Calle Sarmentoso, noted the importance of providing safe routes for children on bicycles.

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

1. Approve prohibiting parking on Calle Sarmentoso, east side, starting at a point at the north end of the radius of the Bernice Ayer Middle School driveway exit and ending 122' north of the starting point.
2. Adopt Resolution No. 15-03 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION 1846, ESTABLISHING 'NO PARKING AREAS' ON CALLE SARMENTOSO.

7. **PUBLIC HEARINGS**

A. **General Plan Clarifications and Amendment Initiation**

Public Hearing to consider General Plan Clarifications and Amendment Initiation.

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

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to continue the Public Hearing on the General Plan Clarifications and Amendment Initiation to the City Council meeting of February 3, 2015.

8. UNFINISHED BUSINESS**A. Landscape Conceptual Design for the North El Camino Real Class I Bicycle and Pedestrian Path Project**

Report from the Public Works Director/City Engineer concerning approval of the Landscape Conceptual Design for the North El Camino Real Class I Bicycle and Pedestrian Path Project.

Public Works Director/City Engineer Cameron narrated a PowerPoint presentation entitled "North El Camino Real Class I Bicycle and Pedestrian Path Landscaping Conceptual Design" and responded to Council inquiries. A hard copy of the PowerPoint presentation is on file in the City Clerk Department. Art Guy, the City's contract landscape architect, responded to Council inquiries concerning the plant palette, noting that no plants with sharp edges will be used.

Brenda Miller, San Clemente, urged Council to vote in support of the project.

MOTION BY MAYOR HAMM, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to approve the landscaping conceptual design for the North El Camino Real Class I Bicycle and Pedestrian Path project as provided in Attachment 1 of the Administrative Report, dated January 20, 2015, that is on file with the City Clerk.

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**

Hike to San Clemente Summit

Councilmember Donchak invited residents to attend the hike to San Clemente Summit on January 24, 2015 at 9:00 a.m.

SONGS Community Engagement Panel

Councilmember Brown invited the public to attend a meeting on January 27, 2015 at the San Juan Capistrano Community Center relative to nuclear waste.

2nd Lt. Frank Cristal, Recipient of US Congressional Gold Medal

Mayor Pro Tem Baker reported on his attendance at a presentation of the US Congressional Gold Medal to 2nd Lt. Frank Cristal, who served with the Montford Point Marines during World War II, when armed services were segregated.

Groundbreaking for Sea Summit at Marblehead Coastal

Mayor Hamm reported on his attendance at the groundbreaking for Sea Summit at Marblehead Coastal; noted that Avenida Vista Hermosa from Avenida Pico and the four miles of trails at Marblehead Coastal will be open in March 2015.

12. **RESOLUTIONS/ORDINANCES**

None.

RECESS TO CLOSED SESSION

MOTION BY MAYOR HAMM, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to recess to Closed Session at 8:34 p.m. to discuss the following:

C. PUBLIC EMPLOYEE APPOINTMENT, pursuant to Government Code Section 54957(b)(1):

Title: City Attorney

In attendance for the Closed Session were all members of the City Council, City Manager Makshanoff and Assistant City Manager Sund.

MEETING RECONVENED

Council reconvened at 10:25 p.m., with all members present.

13. **ADJOURNMENT**

MOTION BY MAYOR PRO TEM BAKER, SECOND BY MAYOR HAMM, CARRIED 5-0, to adjourn in memory of Frank Denison and Judith Swayne at 10:25 p.m. The next Regular Meeting will be held on February 3, 2015 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be considered at 5:00 p.m. The Regular Business Meeting will take place at 6:00 p.m.



MAYOR of the City of
San Clemente, California



CITY CLERK of the City of
San Clemente, California