

CITY OF SAN CLEMENTE

City Council Minutes

Regular City Council Meeting – February 3, 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.

City Clerk Baade recessed the meeting at 5:00 p.m. to 5:30 p.m.

A Regular Meeting of the San Clemente City Council was called to order on February 3, 2015 at 5:30 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Hamm.

PRESENT BAKER, BROWN, DONCHAK, WARD, MAYOR HAMM

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 5-0, to recess to Closed Session at 5:30 p.m. to discuss the following:

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

Property: Vista Hermosa Sports Park, 987 Avenida Vista Hermosa, San Clemente

Agency Negotiator: James Makshanoff, City Manager

Negotiating Parties: City of San Clemente and SC Surf LLC.

Under Negotiation: Price and terms of payment

In attendance for the full Closed Session were all members of the City Council, City Manager Makshanoff, City Legal Counsel Oderman, Assistant City Manager Sund, and City Clerk Baade. (Note: Agendized Closed Session Item B (Arriola existing litigation) was not discussed).

MEETING RECONVENED

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

INVOCATION

Councilmember Brown gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Baker led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. Presentation of Proclamation – Blue Ribbon Activities

Mayor Hamm presented a Proclamation to Janet Dunford, Crime Prevention Specialist, proclaiming February 3 -16, 2015 as days set apart for Blue Ribbon activities in San Clemente.

B. State of Water Resources and Conservation

Andrew Kanzler, Water Conservation Analyst, narrated a PowerPoint Presentation entitled "Water Resources Update". A hard copy of the presentation is on file in the City Clerk Department.

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

Storm Drains on Del Gado Road

Michael Moniak, San Clemente, voiced concerns with the storm drains that the homeowners association installed on Del Gado Road in 2009 (and modified in 2014); opined that the drains on the private property do not comply with the California Building Code; suggested that the storm drains should be subject to the City's permit process. A hard copy of the PowerPoint presentation is on file in the City Clerk's office.

Vista Hermosa Sports Park

Anthony LaFrano, San Clemente, voiced concerns regarding the possibility of a wave pool and miniature golf course at the Vista Hermosa Sports Park; urged Council to not allow alcohol sales at the Sports Park.

San Clemente Campus of Saddleback Memorial Hospital (Potential Closure)

Sharon Gonzalez, President of the Assistance League of Capistrano Valley, spoke in support of the state-of-the-art Urgent Care/Outpatient Center proposed by Saddleback Memorial Hospital.

Colin Leclair, San Clemente, Healthcare Policy Advisor, spoke in support of the transformation of the hospital to a state-of-the-art outpatient facility.

Warren Vidrine, San Clemente, voiced concerns with the potential closure of San Clemente Hospital; opined that the statistics concerning bed counts at the hospital are not accurate; stated that the Memorial Care Board members do not appear to be communicating with each other on the issue of the hospital closure.

Lowell Kleinman, MD, San Clemente, spoke in support of the proposed Urgent Care Center; opined there are several benefits to patients, including comprehensive care, that do not currently exist in the community; stated the proposed facility will raise patient care to a new level.

Dr. Gus Gialamus, San Clemente, thanked Council for its support; shared a Press Release from Assemblyman William P. Brough and Senator Patricia Bates, which stated their intent to pursue legislation to help resolve the hospital situation, if needed.

Tony Struthers, Administrator of Saddleback Memorial Hospital San Clemente, spoke concerning outreach efforts to the community regarding the potential changes to Saddleback Hospital San Clemente; spoke in support of administrative or regulatory relief from the State of California to allow free-standing emergency rooms; voiced objection to the full page newspaper ad that was taken out by the Save the Hospital organization.

Commercial Vehicle Parking

George Gregory, San Clemente, voiced concerns over the City's commercial vehicle regulations because of his belief that they discriminate against tradesmen.

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**

City Legal Counsel Oderman advised that Council took no reportable actions during the 5:30 p.m. Closed Session.

6. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve the Consent Calendar, with the removal of item 6-G.

A. **City Council Minutes**

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve the minutes of the Adjourned Regular City Council meeting of January 20, 2015.

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

- (1) Minutes of the Zoning Administrator Regular Meeting of January 21, 2015.
- (2) Minutes of the Planning Commission Regular Study Session of January 21, 2015.
- (3) Minutes of the Planning Commission Regular Meeting of January 21, 2015.
- (4) Minutes of the Beaches, Parks, and Recreation Commission Regular Meeting of January 13, 2015.

C. Warrant Register

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

Warrant Nos. 521630 through 521760,
paid on 1/16/15, in the amount of.....\$1,166,661.17

Wire Transfers No. 1349 through
1352, paid on 1/23/15, and Warrant Nos.
521761 through 521927, paid on 1/23/15,
in the amount of.....\$1,110,849.08

TOTAL WARRANT REGISTER.....\$2,277,510.25

Payroll Register

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

Warrant Nos. 352 through 356 and
Automatic Deposit Advises 21376 through 21680
for the period 1/5/15 through 1/18/15,
paid on 1/23/15, in the amount of.....\$ 410,602.59

TOTAL PAYROLL REGISTER.....\$ 410,602.59

D. Notice of Completion – FY 2013 and FY 2014 Sidewalk Repair Program

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

1. Accept the FY 2013 and FY 2014 Sidewalk Repair Program, Project No. 19317 from the contractor, Carvajal Trucking & Tractor, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the FY 2013 and FY 2014 Sidewalk Repair Program, Project. No. 19317. Contract C13-40.
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 Carvajal Trucking & Tractor, Inc.
4. Authorize a supplemental appropriation in the amount of \$17,800 to the Sidewalk Repair Program Account 001-416-45710-000-19317 from the General Fund Unassigned Fund Balance.

E. **Fee Waivers – Calle Valle/Los Molinos Utility Undergrounding Project**

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve waiving electrical permit and plan check fees related to the SDG&E Calle Valle/Los Molinos utility undergrounding project. *(Note: After this action was taken, a member of the public requested that this item be removed from the consent calendar for separate discussion. Council subsequently voted to reconsider this item. Please refer to Page 6 of these minutes for further action on this item.)*

F. **Contract Award – Engineering and Design Services for Water Reclamation Plant Structural Concrete Repairs, Primary Clarifier Covers and Grating Replacements**

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract No. C15-09 by and between the City of San Clemente and South Coast Engineering Services, providing for engineering and design services for Water Reclamation Plant Structural Concrete Repairs, and Primary Clarifier Covers and Grating Replacements, Project Nos. 25208 and 25206, respectively, in the amount of \$97,890.

H. **Limited Term Building Inspector I/II Position**

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

1. Authorize one Limited-Term Building Inspector I/II position for approximately 14 months with the following benefits (in addition to the required payroll-related benefits): vacation at the rate of 80 hours per year, health coverage (medical, dental and vision), and City-observed holidays.
2. Authorize an additional appropriation of \$51,000 from the General Fund Unassigned Fund Balance to the 001-422 program for Salary and Benefits.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**E. Fee Waivers – Calle Valle/Los Molinos Utility Undergrounding Project**

Following notation that a member of the public requested that this item be removed from the Consent Calendar after Council action was taken, MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER BROWN, CARRIED 5-0, to reconsider Council's earlier action on fee waivers for the Calle Valle/Los Molinos utility undergrounding project. (See Page 5 of these minutes for Council's earlier action).

George Gregory, San Clemente, suggested that funding for undergrounding projects would be better spent in multi-family areas of the city, as opposed to the commercial/industrial areas; noted that safety would be enhanced by removing utility poles from sidewalks.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to approve waiving electrical permit and plan check fees related to the SDG&E Calle Valle/Los Molinos utility undergrounding project.

G. Water Conservation Projects

Water Conservation Analyst Kanzler narrated a PowerPoint presentation that identified water conservation efforts that are currently in place. A hard copy of the presentation is on file in the City Clerk Department.

Council requested that the City Clerk provide a memo that describes the criteria utilized in determining whether an item is agendaized under the consent calendar.

MOTION BY MAYOR PRO TEM BAKER, SECOND BY MAYOR HAMM, CARRIED 5-0, to approve the turf removal plan for the City of San Clemente Community Development building, Forster Ranch Community Park, Camino de los Mares medians, Marblehead Inland Park, and Vista Hermosa Sports Park and return Mira Costa Park to its original design.

7. PUBLIC HEARINGS

A. General Plan Clarifications and Amendment Initiation

Public Hearing to consider General Plan Clarifications and Amendment Initiation.

City Planner Pechous and Associate Planner Wright narrated a PowerPoint presentation entitled "General Plan Clarifications and Amendment Initiation" and responded to Council inquiries. A hard copy of the PowerPoint is on file in the City Clerk Department.

MEETING RECESSED

Council recessed at 7:43 p.m., and reconvened at 7:55 p.m., with all members present.

Mayor Hamm opened the Public Hearing.

Alba McKinley, San Clemente, read a letter from John McKinley concerning his property in the Pier Bowl area; opined the MU4 zoning should remain for Coronado Lane; noted that a hotel exists on the property and indicated concern that rezoning the property to high-density residential would render the property non-conforming. A copy of the letter, dated February 2, 2015, is on file in the City Clerk Department.

Nick Buchanan, San Clemente, stated that he purchased an abandoned gas station on South El Camino Real; opined that changing the allowable building height from 45' to 30' would preclude the ability to construct a quality building and urged that the rules not be changed.

Larry Culbertson, San Clemente, suggested that Mixed Use in the T zone will worsen the parking situation and will hinder the goal of enhancing the pedestrian nature of the downtown.

Michael Luna, San Clemente, noted that zoning in the southern portion of El Camino Real currently allows a building height of 33', but staff is proposing a 30' height limitation; opined that a 30' height is insufficient to allow a two-story structure with quality architecture; recommended that Council uphold the recommendations of the General Plan Advisory Committee.

Bob Conrad, San Clemente, spoke in support of Mr. Buchanan's proposal for the property at the corner of Esplanade and El Camino Real; urged Council to retain the current height limit due to his belief that it will serve as a catalyst for future area improvements.

Mark McGuire, San Clemente, opined that the FAR for the North Beach self storage site was intended to be .5, noting that a .35 FAR would be below the property's current FAR; opined that the mid-block area on El Camino Real was never proposed to be reduced from a maximum 2.0 FAR to 1.0 FAR; stated that the FAR for the mixed use overlay was not incorporated in the Land Use Map and asserted that Brian Judd, of The Planning Center, indicated that the density/intensity standards for the mixed use overlay would be consistent with the MU3.1 designation.

Shawn Danesh, San Clemente, owner of 1430 South El Camino Real, spoke on the design and financing challenges that would be encountered if Council were to lower the height limit to 30'.

There being no others wishing to speak, Mayor Hamm closed the Public Hearing.

Council initiated a General Plan amendment to clean up errors and ambiguities and clarify land uses for the below areas:

Location	Motion
<p>1 Talega Neighborhood Commercial</p>	<p>MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER BROWN, CARRIED 5-0, to initiate a General Plan Amendment that would modify the Neighborhood Commercial land use to private open space.</p>
<p>2 MU for 1600 Block of North El Camino Real</p>	<p>MOTION BY COUNCILMEMBER BROWN, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to initiate a General Plan Amendment that would modify the area shown as MU2 to MU 3.1 to restore this land use designation over the north end of the block between the streets Calle Lago and Los Molinos.</p>
<p>3 MU Overlay in North Beach near Los Molinos</p>	<p>MOTION BY COUNCILMEMBER BROWN, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to initiate a General Plan Amendment that would:</p> <ul style="list-style-type: none"> A. Amend or clarify that the industrial land use has a FAR of .5. B. Amend the maximum FAR for the MU Overlay to 2.0. <p style="text-align: right;"><i>Motion continued on following page</i></p>

<p>4 MU on Coronado Lane in the Pier Bowl</p>	<p>MOTION BY COUNCILMEMBER BROWN, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to initiate a General Plan Amendment that would modify the Mixed Use land use on Coronado Lane to High Density Residential.</p>
<p>5 MU near El Portal</p>	<p>MOTION BY MAYOR HAMM, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to initiate a General Plan Amendment that would modify the MU3.1 land use on the east side of El Camino Real to NC2.</p> <p>MOTION BY MAYOR HAMM, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to initiate a General Plan Amendment that would modify the MU3.1 land use to Medium Density Residential.</p>
<p>6 MU areas in the Downtown</p>	<p>MOTION BY MAYOR PRO TEM BAKER, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to initiate a General Plan Amendment that would modify the MU3 to clarify the intent to allow standalone residential.</p> <p>MOTION BY MAYOR HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to initiate a General Plan Amendment that would modify the height standard for the MU3 land use to reflect building height and scale policies in the downtown.</p>
<p>7 New MU on South El Camino Real</p>	<p>Councilmember Brown announced that he would recuse himself from deliberations on Location 7 because he owns property within 500' of the area in question; left the Chambers at 9:02 p.m.</p> <p>MOTION BY MAYOR HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 3-1-1 (COUNCILMEMBER DONCHAK VOTING NOE and COUNCILMEMBER BROWN ABSTAINING) to NOT initiate a General Plan Amendment that would modify the MU land use standard to allow standalone residential uses.</p> <p>MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR HAMM, CARRIED 4-0-1 (COUNCILMEMBER BROWN ABSTAINING), to initiate a General Plan Amendment that would modify the MU land use standard for the west side of El Camino Real to specify height limit to two stories along El Camino Real and three along the alley.</p> <p>Councilmember Brown returned to the dais at 9:22 p.m.</p>

8. **UNFINISHED BUSINESS**

None.

9. **NEW BUSINESS**

A. **Code Amendment – Establishment of a Utility Annual Encroachment Permit**

Report from the Public Works Director/City Engineer concerning the possibility of amending the Code of the City of San Clemente to allow utility annual encroachment permits for utility companies when conducting routine work associated with existing utilities in the public right-of-way.

Assistant City Engineer Bonigut reviewed the contents of the Administrative Report; requested that the words “on newly resurfaced streets” be omitted from Section 1 of the Ordinance.

Kristen Camuglia, Cox Communications Government Affairs, urged Council to vote in support of the issuance of annual encroachment permits for utility companies.

Duane Cave, San Diego Gas & Electric, spoke in support of the issuance of annual encroachment permits for utility companies, noting that it will expedite routine projects.

MOTION BY COUNCILMEMBER BROWN, SECOND BY MAYOR HAMM, CARRIED 5-0, to introduce Ordinance No. 1592 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 12.20 OF THE SAN CLEMENTE MUNICIPAL CODE TO INCLUDE A NEW SUBSECTION 12.20.025 TO ALLOW ISSUANCE OF UTILITY ANNUAL ENCROACHMENT PERMITS, with the modification that the last sentence of Section 1 be modified to read as follows: “Such authorized work may include, but not be limited to: routine inspection and/or maintenance on existing facilities, modifications to existing facilities provided there is no increase in the size of the facility and/or it is not relocated, pulling cable/wire or work that does not require any roadway or sidewalk excavation, tree/shrub trimming as needed for clearance and access to utility lines, emergency work on existing facilities for service restoration, and small excavations (as defined in the utility annual encroachment permit) ~~on newly resurfaced streets.~~” *Strike-out type indicates deleted verbiage.*

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

None.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. **City Attorney**

None.

D. **Councilmembers**

Human Signage

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR HAMM, CARRIED 5-0, to agendize Human Signage for an upcoming agenda.

Friends of the Library – Meet the Authors Luncheon

Councilmember Donchak invited residents to attend the Friends of the Library’s Meet the Authors Luncheon on February 14, 2015 at the Laguna Cliffs Marriott Resort & Spa in Dana Point.

Spent Nuclear Fuel

Councilmember Donchak reported that the City of Laguna Woods unanimously adopted a Resolution in support of the City of San Clemente’s position on spent nuclear fuel at the San Onofre Nuclear Generating Station (SONGS).

SONGS Community Engagement Panel

Councilmember Brown reported on his attendance at a meeting concerning the issue of nuclear waste; noted that nuclear waste is a national problem that is garnering national attention; stated that possible solutions exist to relocate spent nuclear fuel.

12. **RESOLUTIONS/ORDINANCES**

None.

13. **ADJOURNMENT**

MOTION BY MAYOR HAMM, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to adjourn at 9:34 p.m. The next Regular Council Meeting will be held on February 17, 2015 at 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 commence at 6:00 p.m.



MAYOR of the City of
San Clemente, California



CITY CLERK of the City of
San Clemente, California

