

CITY OF SAN CLEMENTE

City Council Minutes

Regular City Council Meeting – March 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.

A Regular Meeting of the San Clemente City Council was called to order on March 3, 2015 at 5:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Hamm.

PRESENT BAKER, BROWN, DONCHAK, WARD*, MAYOR HAMM
*Arrived at 5:03 p.m.

ABSENT NONE

STAFF PRESENT James Makshanoff, City Manager; Scott Smith, City Attorney;
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 5:00 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

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

Property: Community Development Department, Second Floor, 910 Calle Negocio, San Clemente

Agency Negotiator: Erik Sund, Assistant City Manager

Negotiating Parties: City of San Clemente and Saddleback Community College

Under Negotiation: Price and terms of payment

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

Emergency Shelter Coalition v. City of San Clemente, OCSC Case No. 30-2014-00758880-CU-WM-CJC.

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

Callan, et al. v. Marlborough Seaview Estates Homeowners Association, et al., OCSC Case No. 01CC07556 (consolidated with Case No. 01CC15381)

- E. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, pursuant to Government Code Section 54956.9(d)(2):

Number of Potential Claims: 1

In attendance for the full Closed Session were all members of the Council, City Manager Makshanoff, Assistant City Manager Sund and City Attorney Smith. City Clerk Baade was in attendance for Closed Session Items A, B, C and D only. Public Works Director/City Engineer Cameron was in attendance for Closed Session Item D only.

MEETING RECONVENED

Council reconvened at 6:01 p.m., with all members present.

INVOCATION

Shadi Farhadi, Baha'i Faith Community, gave the invocation.

PLEDGE OF ALLEGIANCE

Boy Scouts Ben and Bennett led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. Certificate of Recognition – Larry Rannals

Mayor Hamm presented a Certificate of Recognition to Larry Rannals, in honor of his service as Community Plans and Liaison Officer at Marine Corps Base Camp Pendleton.

Wayne Eggleston, San Clemente, thanked Mr. Rannals for his service and presented him with a photograph of Park Semper Fi.

B. Wellness and Prevention Center San Clemente

Susan Parmalee, Director, Wellness and Prevention Center San Clemente, provided Council with an update of past-year accomplishments of the program and current challenges facing youth, families and the community.

Dr. Ed Taub, Advisor to the Wellness and Prevention Center, spoke on drug use in the community; urged Council to continue to support the Wellness and Prevention Center program.

Michael Halt, San Clemente High School Principal, spoke of the positive impacts the Wellness and Prevention Center has had on the students at San Clemente High School.

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

Vista Hermosa Sports Park (Alcohol Sales)

Anthony LaFrano, San Clemente, urged Council to not allow alcohol sales at the Vista Hermosa Sports Park because of safety concerns; displayed statistics from Mothers Against Drunk Driving (MADD) on alcohol consumption and associated impairments. A hard copy of the documents provided by Mr. LaFrano are on file with the City Clerk.

Potential Closure of Saddleback Hospital San Clemente Campus

Wayne Brown, South Orange County Economic Coalition, commented on the high level of care and cost-effectiveness associated with the out-patient pavilion proposed by Saddleback Memorial; spoke in support of time-sensitive legislation to allow stand-alone emergency rooms.

Pamela Schuler, Dana Point, spoke in opposition to the closure of San Clemente Hospital; spoke on the upcoming Wag-A-Thon, El Presidential Ball and Swallows Day Parade.

Dr. David Deyhimy, San Clemente, spoke in support of Saddleback Memorial's proposal for a state-of-the-art ambulatory care campus.

Dr. Lowell Kleinman, San Clemente, noted that a state-of-the-art ambulatory center will provide patients access to many different medical specialists on one campus.

Hugo Folli, San Clemente, spoke in support of a state-of-the-art ambulatory center and opined it will serve a larger patient base than the current hospital.

Tony Struthers, San Clemente, stated Saddleback Memorial Care will never lower its standard of care; noted that many medical centers are moving toward outpatient ambulatory centers; reported that while Saddleback Memorial is interested in potential opportunities through legislation, Saddleback will continue to explore an ambulatory center.

Kristy Khachigian, Consultant for Saddleback Memorial and resident of San Clemente, opined that a 24-hour outpatient center will provide a lower cost option for residents in need of medical attention.

Dr. Steve Cullen, San Clemente, opined that an additional medical office on Camino De Los Mares will not be sustainable; asserted that Memorial Care has been disingenuous in its statements to the City and residents.

Roger Jolicoeur, San Clemente, spoke in opposition to the closure of San Clemente Hospital; voiced concerns with the additional time needed to access Mission Hospital in the event of an emergency.

Council requested that an update on San Clemente Hospital be agendaized for the City Council meeting of March 17, 2015.

San Clemente High School Crosswalk to Albertsons

Dan Snyder, San Clemente, urged Council to consider a crosswalk (or other controlled mechanism) at the corner of Avenida Pico and Avenida Presidio to help high school students safely access the Albertsons shopping center.

Staff is to provide Council with an update on this issue.

Wellness and Prevention Center

Carie Webb, San Juan Capistrano, spoke in support of the Wellness and Prevention Center at San Clemente High School; urged Council to provide financial support for the program.

3. MOTION BY COUNCILMEMBER BROWN, SECOND BY COUNCILMEMBER WARD, 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 Attorney Smith reported that Council took no reportable actions during this evening's Closed Session.

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 6-B (Sub-Items 1 through 4).

- A. **City Council Minutes**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to approve the minutes of the Regular City Council meeting of February 17, 2015.

C. **Warrant Register**

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

Warrant Nos. 522212 through 522404,
paid on 2/13/15, in the amount of.....\$2,463,693.66

Wire Transfers Nos. 1359 through
1362, paid on 2/20/15, and Warrant Nos.
522405 through 522544, paid on 2/20/15,
in the amount of.....\$822,084.06

Wire Transfers Nos. 1363 through
1364, paid on 2/27/15, and Warrant Nos.
522545 through 522703, paid on 2/27/15,
in the amount of.....\$4,004,103.00

TOTAL WARRANT REGISTER.....\$7,289,880.72

Payroll Register

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

Warrant Nos. 361 through 363 and
Automatic Deposit Advises 21974 through 22276
for the period 2/2/15 through 2/15/15,
paid on 2/20/15, in the amount of.....\$ 418,855.18

TOTAL PAYROLL REGISTER.....\$ 418,855.18

D. **Zoning Amendment Initiation – Commercial Mascots**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to initiate a Zoning Amendment to prohibit commercial mascots.

E. **Contract Award – San Gorgonio Park Recycled Water Retrofit**

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

1. Approve the plans and specifications for the San Gorgonio Park Recycled Water Retrofit, Project No. 13111.
2. Approve, and authorize the Mayor to execute, Contract C15-13 by and between the City of San Clemente and Midori Landscape, Inc., providing for Recycled Water Retrofits, in the amount of \$33,462.08.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

6B. **Commission and Committee Minutes**

Council requested that Commission and Committee minutes be prepared in a consistent format that is brief, concise and devoid of unnecessary detail.

Council referenced the Regular Planning Commission Meeting minutes of February 18, 2015 and determined to call up for review the Pico U-Haul left turn lane.

MOTION BY MAYOR HAMM, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to receive and file the following:

- (1) Minutes of the Regular Coastal Advisory Committee Meeting of January 8, 2015.
- (2) Minutes of the Regular Zoning Administrator Meeting of February 18, 2015.
- (3) Minutes of the Regular Planning Commission Study Session of February 18, 2015.
- (4) Minutes of the Regular Planning Commission Meeting of February 18, 2015, with the exception of the Pico U-Haul Left Turn Lane, 310 E. Avenida Pico (Amendment to Conditional Use Permit 80-011) that was called up for review.

7. **PUBLIC HEARINGS**

None.

8. UNFINISHED BUSINESS**A. Proposed El Camino Real Parking Lot at North Beach**

Report from the Public Works Director concerning the proposed parking lot on El Camino Real at North Beach.

Public Works Director Cameron narrated a PowerPoint presentation entitled "Proposed North Beach Parking Lot Visual Impact Analysis"; noted a correction to page 8-A-3 of the Administrative Report, in that the report should have cited a 30" wall height, instead of a 36" wall height; responded to Council inquiries. A hard copy of Mr. Cameron's PowerPoint is on file with the City Clerk.

Tyler Johnson, North Beach Community Association, conveyed support for the City-approved parking lot design.

Ricardo Nicol, San Clemente, urged Council to support his alternative plan for the El Camino Real parking lot at North Beach.

Vonne Barnes, San Clemente, narrated a PowerPoint presentation that supported an alternative plan for the North Beach Parking Lot; urged Council to vote in support of the Alternative Plan to protect the El Camino Real view corridor. A hard copy of the PowerPoint is on file with the City Clerk.

Tom Barnes, San Clemente, stated the Coastal Commission preferred the Alternate Plan for the North Beach Parking Lot; urged Council to vote in support of the alternative plan.

Richard Price, representing the Architectural Guild of South Orange County, offered the Guild's services to provide an unbiased view of the design.

Brad Malamud, San Clemente, voiced concern regarding the 3-minute limitation for public speakers to voice their opinions.

MOTION BY COUNCILMEMBER BROWN, SECOND BY MAYOR HAMM, CARRIED 3-2 (MAYOR PRO TEM BAKER AND COUNCILMEMBER WARD VOTING NOE), to direct staff to consider the input provided by the Coastal Commission and to try to address those issues to create an optimal design, remembering that time is of the essence. Ricardo Nicol, Tom Barnes and Vonne Barnes are to be included in the process. Staff is to keep Council informed and ensure that professionals agree with the final design. The design is to be submitted to the Coastal Commission without returning to Council. Issues to be addressed include the following:

- Public Safety (including single versus dual entrances and one-way circulation versus two-way circulation).
- Permeable surfaces
- View Corridor impacts (possibly grading down the lot surface to help preserve views)
- Modifying the white wall to a landscape hedge or other green alternative.

MEETING RECESSED

Council recessed at 8:37 p.m., and reconvened at 8:50 p.m., with all members present.

B. Consideration of Opposing Toll Lanes on the 405 Freeway and all New Toll Lanes on Other Orange County Freeways

City Manager Makshanoff reviewed the contents of the Administrative Report.

Following deliberations, MOTION BY MAYOR HAMM, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0 to adopt Resolution No. 15-05 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, OPPOSING IMPLEMENTATION OF TOLL FACILITIES ON THE 405 AND ALL OTHER ORANGE COUNTY FREEWAYS, as amended to include content as follows:

WHEREAS, the Orange County Transportation Authority (OCTA) in association with the State of California Department of Transportation (Caltrans) and the cities adjacent to the 405 Freeway Corridor between the SR-73 and 605 freeways, has been working on the 405 Freeway Improvement Project; and

WHEREAS, the State of California continues, despite overwhelming public opposition to toll facilities, to push to implement toll facilities on State freeways by converting existing High Occupancy Vehicle (HOV) facilities to HOT facilities requiring the paying of tolls to use previously non-toll facilities; and

WHEREAS, toll facilities only increase vehicle throughput in the Express toll facilities at the expense of vehicle capacity in the general purpose or mixed flow facilities; and

WHEREAS, Orange County is a self help County and Measure M2 was approved in 2006 by 70% of Orange County residents and prohibits use of funds for toll facilities; and

WHEREAS, the City of San Clemente does not support the conversion of existing freeways to toll facilities; and

WHEREAS, the City agrees with OCTA that this is possibly the only chance in decades to improve the 405 corridor between the SR-73 and the 605, and because this is a rare opportunity, the City believes the socially, economically, and politically responsible action is to construct the greatest transportation improvements that best utilize taxpayer funds without requiring motorists to pay tolls to use portions of the improvements constructed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of San Clemente, California, that:

SECTION 1: The City of San Clemente opposes any new toll facilities on Orange County highways.

SECTION 2: The State of California should be obligated to find other funding solutions to improve the level of service on our roads and highways.

SECTION 3: Any proposal to add new toll facilities on Orange County highways should be placed before the entire Orange County electorate for a vote.

SECTION 4: The City of San Clemente supports keeping all current 2+ HOV facilities free.

SECTION 5: The City of San Clemente supports the efforts of Costa Mesa, Fountain Valley, Huntington Beach, Los Alamitos, Seal Beach, Westminster and other Orange County cities in their efforts to stop toll facilities through their cities and supports State legislation to keep our roads free.

SECTION 6: A copy of this Resolution shall be sent to the Orange County Transportation Authority and the State of California Department of Transportation.

SECTION 7: This Resolution shall become effective immediately upon passage and adoption.

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**

None.

Tesoro Extension (F Street from San Juan Capistrano to Mission Viejo)

Councilmember Donchak requested an update from TCA Representative Ward on the status of the F Street (Tesoro extension) project at the March 17, 2015 Council meeting.

Welcome to New City Attorney

Councilmember Brown welcomed new City Attorney, Scott Smith.

Long Term Financial Plan Meeting

Councilmember Brown invited the public to attend the Long Term Financial Plan meeting on March 4, 2015.

Book Mobile

Councilmember Donchak encouraged residents to visit the Book Mobile at the Vista Hermosa Sports Park.

Sober Living Facilities in San Clemente

Council requested that an update on sober living facilities in San Clemente be agendaized for a future meeting. Council requested information concerning current laws/regulations, an update on legislation addressing this issue (including efforts by Costa Mesa and Newport Beach), the process for neighbors of facilities to submit concerns, and the delineation between various types of facilities (e.g. half-way houses versus drug rehabilitation homes, versus sober living facilities, etc.). Lastly, Council requested to be provided with City regulations pertaining to other commercial uses of residential property that could affect neighborhoods, such as convalescent homes and vacation rentals.

San Clemente Little League Opening Day

Mayor Pro Tem Baker reported on his attendance at San Clemente Little League's Opening Day, and recognized Sam Masotto for his leadership.

Little League Challenger Program

Mayor Hamm reported on his attendance at the Little League Challenger Program and shared a baseball signed by all players in the Challenger Program.

Mayor's Prayer Breakfast

Mayor Hamm thanked the Kiwanis Club for organizing this morning's Mayor's Prayer Breakfast.

12. **RESOLUTIONS/ORDINANCES**


None.

13. **ADJOURNMENT**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR HAMM, CARRIED 5-0, to adjourn at 9:39 p.m. to an Adjourned Regular Council Meeting to be held on March 4, 2015 at 5:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, for the purpose of considering the Long Term Financial Plan, Quarterly Report and Mid-Year Budget Adjustments.



MAYOR of the City of
San Clemente, California



CITY CLERK of the City of
San Clemente, California