

# CITY OF SAN CLEMENTE

## City Council Minutes

### Special and Regular City Council Meeting – February 7, 2017

*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 Special and Regular Meeting of the San Clemente City Council was called to order on February 7, 2017 at 4:02 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Ward.

**PRESENT** BROWN, DONCHAK, SWARTZ, MAYOR WARD

**ABSENT** HAMM

**STAFF PRESENT** James Makshanoff, City Manager; Scott Smith, City Attorney; Joanne Baade, City Clerk; Laura Campagnolo, Deputy City Clerk

### **CLOSED SESSION (4:00 P.M.) – Special Council Meeting**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to recess to Closed Session at 4:02 p.m. to discuss the following:

**A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Existing litigation pursuant to Government Code section 54956.9(d)(1)  
Number of Cases: 3

Case Name: City of San Clemente v Sobertec LLC (1)

Case Number: OCSC 30-2015-00805227

Case Name: City of San Clemente v. Dual Diagnosis Treatment Center, Inc.

Case Number: OCSC 30-2015-00805214

Case Name: Dual Diagnosis Treatment Center, Inc. v. City of San Clemente

Case Number: USDC 8:15-cv-01611CJC-JCG

**B. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**

Initiation of litigation pursuant to Government Code section 54956.9(d)(4)  
Number of potential cases: 2

*Closed Session items continued on following page*

**C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2)

Number of potential cases: 1

**D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8  
Property: Portion of 100 Avenida Presidio  
Agency negotiator: City Manager/Assistant City Manager  
Negotiating party: Orange County Sheriff  
Under Negotiation: Price and Terms of Payment

In attendance for the full Closed Session were all members of the City Council with the exception of Councilmember Hamm who was absent, City Manager Makshanoff, Assistant City Manager Sund, and City Attorney Smith. Community Development Director Gallardo-Daly was in attendance for Closed Session Items A and B.

**MEETING RECONVENED**

Council reconvened at 6:13 p.m., with all members present.

**INVOCATION**

Martin Garff, of the Church of Jesus Christ of Latter-Day Saints, gave the invocation.

**PLEDGE OF ALLEGIANCE**

Councilmember Donchak led the Pledge of Allegiance.

**1. SPECIAL PRESENTATIONS**

**A. Camp Pendleton Report**

Wayne Eggleston, representing the Heritage of San Clemente, introduced Lt Col Cook, the new Commanding Officer of the 4<sup>th</sup> Battalion, 2<sup>nd</sup> Marines, and his executive officer, Major Cunningham; introduced Nancy Hunt of the San Clemente Chamber of Commerce, noting that the City and Chamber of Commerce co-sponsor the 4<sup>th</sup> Battalion, 2<sup>nd</sup> Marines; displayed photographs of recent Camp Pendleton events. Hard copies of the photographs are on file with the City Clerk.

Lt Col Cook provided an update on Camp Pendleton matters.

Mayor Ward presented Lt Col Cook with a framed copy of Resolution No. 96-45, which was adopted by the San Clemente City Council on July 3, 1996 to officially adopt the 4<sup>th</sup> Battalion, 2<sup>nd</sup> Marines.

**B. San Clemente High School Update**

San Clemente High School students Sara Barnes and Brigham Maready narrated a PowerPoint presentation entitled "San Clemente High School", concerning campus activities. A hard copy of the presentation is on file with the City Clerk.

**C. Planning Commission Update**

Don Brown, Planning Commission Chair, provided an update on Planning Commission activities, focusing on recent accomplishments, current efforts, and future involvements. A hard copy of Mr. Brown's presentation is on file with the City Clerk.

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

None.

3. MOTION BY MAYOR PRO TEM BROWN, SECOND BY MAYOR WARD, CARRIED 4-0 (COUNCILMEMBER HAMM 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 Attorney Smith advised that Council took no reportable action during this evening's Closed Session; noted that Council deleted Closed Session Item D from the agenda.

6. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to approve the Consent Calendar, with the removal of Items 6-B(4), G, J and L.

A. **City Council Minutes**

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

- (1) Approve the Special and Regular City Council Meeting minutes of January 17, 2017.

B. **Receive and file:**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to receive and file:

- (1) Regular Golf Course Committee Meeting minutes of January 5, 2017.
- (2) Regular Beaches, Parks and Recreation Commission Meeting minutes of January 10, 2017.
- (3) Regular Zoning Administrator Meeting minutes of January 18, 2017.

C. **Warrant Register**

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

Warrant Nos. 538396 through 538547,  
paid on 1/13/17, in the amount of.....\$ 860,973.87

Wire Transfers Nos. 1593 through 1596,  
paid on 1/20/17, and Warrant Nos. 538548  
through 538686, paid on 1/20/17, in the amount  
of.....\$2,341,377.80

Wire Transfer No. 1597, paid on 1/20/17, and  
Warrant Nos. 538687 through 538826,  
paid on 1/27/17, in the amount of .....\$1,160,943.52

TOTAL WARRANT REGISTER.....\$4,363,295.19

**Payroll Register**

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

Warrant Nos. 553 through 554, and  
Automatic Deposit Advises 37616 through  
37896, for the period 1/2/17 through 1/15/17,  
paid on 1/20/17, in the amount of.....\$ 415,938.39

TOTAL PAYROLL REGISTER.....\$ 415,938.39

D. **Appointment of Director and Alternate Directors to South Orange County Wastewater Authority (SOCWA) Joint Powers Agency Board of Directors**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to adopt Resolution No. 17-01 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA APPOINTING A DIRECTOR AND ALTERNATE DIRECTORS TO THE SOUTH ORANGE COUNTY WASTE WATER AUTHORITY (SOCWA) JOINT POWERS AGENCY BOARD OF DIRECTORS.

E. **Recreation Sports Partnership Review – San Clemente Girls Softball**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to approve, and authorize the Mayor to execute, a Platinum Partnership agreement by and between the City of San Clemente and San Clemente Girls Softball for a three-year term. (Contract #C17-03)

F. **Proposed Parking Prohibition – El Levante**

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

1. Prohibit parking on the west side of El Levante from a point 20 feet east of the driveway at 154 El Levante in a southerly direction of 220 feet.
2. Adopt Resolution No. 17-02 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 EL LEVANTE.

H. **Contract Award – Tesoro Pressure Reducing Station Rehabilitation**

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

1. Approve the plans and specifications for the Tesoro Pressure Reducing Station Rehabilitation, Project No. 16407.
2. Approve, and authorize the Mayor to execute, Contract C17-04, by and between the City of San Clemente and O'Connell Engineering and Construction, providing for the rehabilitation of the Tesoro Pressure Reducing Station, in the amount of \$244,800.

I. **Contract Award – FY 2017 Replacement of Traffic Signal Controllers**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to approve, and authorize the Mayor to execute, Contract C17-05, by and between the City of San Clemente and Control Tech West, providing for replacement of traffic signal controllers, in the amount of \$71,903.

K. **Contract Amendment/Budget Transfer – Planning Division Temporary Staff Augmentation**

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

1. Approve a budget transfer in the amount of \$40,000 from Account 001-433-41010-000-00000 (Salaries, Full-Time) to Account 001-431-43890-000-00000 (Contractual Services).
2. Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract AC-710, by and between the City of San Clemente and Civic Solutions, providing for a Temporary Planning Technician. This contract amendment increases the contract amount from \$40,486 to \$80,486, an increase of \$40,000, and extends the contract terms through April 30, 2017, or until services are no longer needed.

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

6B(4). **Planning Commission Adjourned Regular Meeting Minutes of January 18, 2017**

Council referenced Item 8D of the Adjourned Regular Planning Commission meeting minutes of January 18, 2017 relating to Discretionary Sign Permit 16-178, Los Mares 76 Station Master Sign Program (Coury), and questioned if the Applicant is considering LED lighting for the station's signage.

Interim City Planner Gregg noted that a Condition of Approval for the project, which the Applicant has accepted, requires that the Applicant work with Staff relative to various signage options, including LED lighting and other technological advancements, to ensure that the signage does not create adverse impacts; noted that while the City has not yet adopted Dark Skies Guidelines, dark skies are addressed in the Implementation Measures of the General Plan.

Council directed Staff to inform the City Council and the Planning Commission of the solution reached by the City Planner and Applicant for lighting of the 76 Station signage.

---

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR WARD, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to receive and file the Planning Commission Adjourned Regular Meeting minutes of January 18, 2017.

G. **Amendment to the Measure M2 Seven-Year Capital Improvement Program (CIP) Projects for FY 2016/17 through FY 2022/23**

Council provided an update on the SC Ride program, noting that ridership continues to increase; urged residents to use Lyft as an alternative to public bus service; acknowledged the importance of using the full balance of the funds allocated by OCTA for the program.

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to approve an amendment to the Measure M2 Seven-Year Capital Improvement Program for Fiscal Years 2016/17 through 2022/23 to include the Rideshare Services and Summer Trolley projects.

J. **FY 2017- FY 2020 Memorandum of Understanding (MOU) Between the City of San Clemente and the San Clemente City Employees Association (SCCEA)**

Human Resources Manager Lowe itemized the provisions of the proposed MOU with the San Clemente City Employees Association.

Matt Squires, President of the San Clemente City Employees Association, thanked Council for its ongoing support of City Staff and for approving the MOU.

MOTION BY COUNCILMEMBER SWARTZ, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to:

1. Approve the Memorandum of Understanding between the City of San Clemente and the San Clemente City Employees Association.
2. Approve all salary, pension offset, holiday changes, vacation buy-back, opt-out provisions, and cafeteria benefit changes noted above for the Executive, Mid-Management, and Confidential employee groups.
3. Adopt Resolution No. 17-03 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING RESOLUTION NO. 14-38, APPROVING EMPLOYER PAID MEMBER CONTRIBUTIONS.

L. **San Clemente Day**

In response to Council request, Provisional Recreation Manager Thomas provided an update on San Clemente Day and reviewed the activities planned to commemorate the occasion.

Council requested that Staff reach out to San Clemente's sister cities to include them in San Clemente Day celebrations.

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

1. Designate the last Saturday in February of each year as San Clemente Day.
2. Direct Staff to develop celebration opportunities.



7. **PUBLIC HEARINGS**

None.

8. **UNFINISHED BUSINESS**

None.

9. **NEW BUSINESS**

A. **2016 T-Zone Occupancy Count Update**

Report from the Community Development Director concerning the 2016 T-Zone Occupancy Count update.

Associate Planner Jones narrated a PowerPoint presentation entitled “2016 T-Zone Occupancy Count Update” and responded to Council inquiries. A hard copy of Mr. Jones’ presentation is on file with the City Clerk.

During the course of discussion, Council requested that Staff 1) evaluate the possibility of expanding the trolley schedule to include Thursdays (i.e., operate Thursday through Sunday); 2) consider the possibility of outsourcing parking enforcement; 3) encourage business owners to ask their patrons to utilize appropriate parking lots; 4) assess the feasibility of expanding the parking radius for employee parking to shared parking lots situated within 900’ of the employees’ work location (as opposed to the current radius of 500’); 5) consider raising the priority of Recommendation 25G (shuttle system) to the top ten priorities; and 6) invite ride providers, such as Lyft or Uber, to offer suggestions to improve the downtown parking situation (e.g., coupon vouchers, etc.). Additionally, it was noted that some business owners have indicated support for parking meters as a revenue source for new parking. Staff recommended that business owners/landowners submit a petition to the City to help it understand the extent of the support for parking meters.

Don Brown, Planning Commission Chair, noted that the Planning Commission has conditioned recent restaurant projects on El Camino Real on shared parking agreements and that the businesses promote their parking site(s) to their patrons; stressed the importance of forming an internal City parking management team.

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

1. Implement Recommendations 1-7\* (as described in the Administrative Report, dated February 7, 2017, which is on file with the City Clerk) at this time.

*\*Note: Recommendation #7 was modified to read as follows: "Consider forming Form an internal City parking management team to create a coordinated parking management effort that includes Planning, Traffic, Maintenance and Sheriff (no additional costs)."*

2. Investigate and implement Recommendations 8-17 as opportunities present themselves.
3. Continue current parking management policy, Recommendations 18-24.
4. Recommendations 1-24 plus 25G (relating to the trolley) and 25H (relating to ride-sharing services) are to be considered as a comprehensive work plan for the new internal City parking management team. The team's work plan is to be organized in a way that is focused on results and measurability, and the team is to report back to Council in six months relative to progress made in solving the downtown parking situation.
5. Initiate comprehensive parking and circulation strategy, Recommendation 25, after the higher priority Implementation Measures in process are complete (e.g., Zoning Ordinance Update/Specific Plan update, Local Coastal Plan, etc).

**B. 2016 North Beach Parking Study**

Report from the Community Development Director concerning the 2016 North Beach Parking Study.

Associate Planner Jones narrated a PowerPoint presentation entitled "2016 North Beach Parking Study" and responded to Council inquiries. A hard copy of Mr. Jones' presentation is on file with the City Clerk.

During the course of discussion, Council provided direction as follows: 1) That Staff establish the framework for in-lieu parking fees for Council consideration as part of the comprehensive parking and circulation strategy (Recommendation 9); 2) That future studies consider Pico Park as a parking

resource, especially during evening hours; 3) That the Internal City parking management team work with City staff to ensure that parking enforcement occurs in North Beach and the surrounding area; and 4) That the Internal City parking management team work with City staff to ensure that continuous sidewalks on Buena Vista and Boca de la Playa remain unobstructed by enforcing the prohibition of parking over continuous sidewalk areas.

Don Brown, Planning Commission Chair, spoke in support of tasking the newly developed Internal City parking management team with the oversight of North Beach parking issues.

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

1. Implement Recommendations 1-2 (as described in the Administrative Report, dated February 7, 2017, and on file with the City Clerk) at this time.
2. Investigate and implement Recommendations 3-4 as opportunities present themselves.
3. Continue current parking management policy in North Beach, Recommendations 5-8.
4. Initiate comprehensive parking and circulation strategy, Recommendation 9, after the higher priority Implementation Measures in process are complete (e.g. Zoning Ordinance Update/Specific Plan Update, Local Coastal Plan, etc.).
5. Direct that the foregoing actions be overseen by the Internal City parking management team and that the team look at parking enforcement for continuous sidewalks in North Beach proper.

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

**Capistrano Unified School District (CUSD) – Health and Safety Concerns in Schools**

Dawn Urbanek, San Clemente, voiced concern that the Capistrano Unified School District Board does not plan to abate asbestos in schools for twenty years; related concerns with school crowding; stated that the CUSD board has authorized \$120 million in pay increases instead of addressing health and safety issues.

**Parking on El Levante (Item 6-F on the Consent Calendar)**

Starr Bales, San Clemente, related concerns that the sober living home on El Levante generates significant on-street parking on El Levante; urged Council to authorize the installation of red striping on El Levante.

*Council informed Ms. Bales that parking restrictions on El Levante were approved as part of the Consent Calendar that was considered earlier in this meeting (Item 6-F).*

Ann Barr, San Clemente, thanked Council for approving parking prohibitions on El Levante and specifically thanked Jane Mrotek, in Engineering, for her time and effort in preserving the parking space in front of her home.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. **City Attorney**

None.

D. **Council Members**

**Association of California Cities (ACC-OC) - Proposition 64 Cannabis Regulations Roundtable**

Councilmember Swartz reported on his attendance at the ACC-OC Proposition 64 Cannabis Regulation Roundtable discussion.

**Community Engagement Panel (CEP)**

Mayor Pro Tem Brown reported that the next CEP meeting will take place on February 16, 2017 from 5:30 – 8:30 p.m. at the Ocean Institute in Dana Point.

**New State Law Concerning Accessory Dwelling Units**

Mayor Ward referenced the new State law relating to accessory dwelling units; requested, and Council agreed, that Staff report back to Council on associated issues, impacts, and regulation opportunities.

**Emergency Medical Committee**

Mayor Ward reported that she was not selected to be on the Emergency Medical Committee; thanked Council and neighboring cities for their support of her candidacy.

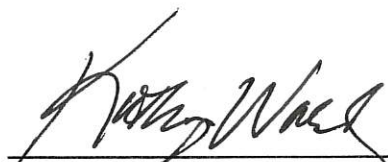
12. **RESOLUTIONS/ORDINANCES**

None.

13. **ADJOURNMENT**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to adjourn at 7:55 p.m., to an Adjourned Regular City Council Meeting to be held on February 13, 2017 at 6:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, for the purpose of interviewing candidates and making appointments to the Human Affairs Committee and Golf Course Committee.

A subsequent Adjourned Regular Council Meeting will be held on February 21, 2017 in the Council Chambers, located at 100 Avenida Presidio, San Clemente. Closed Session items will be considered at 4:30 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