

CITY OF SAN CLEMENTE

City Council Minutes

Regular City Council Meeting – March 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 Regular Meeting of the San Clemente City Council was called to order on March 7, 2017 at 5:04 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Ward.

PRESENT BROWN*, DONCHAK, HAMM**, SWARTZ, MAYOR WARD
*Arrived at 5:09 p.m.
**Arrived at 5:50 p.m.; left meeting at 7:35 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 (5:00 P.M.)

MOTION BY COUNCILMEMBER SWARTZ, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 3-0 (MAYOR PRO TEM BROWN AND COUNCILMEMBER HAMM ABSENT), to recess to Closed Session at 5:05 p.m. to discuss the following:

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code section 54957
Title: City Attorney

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Existing litigation pursuant to Government Code section 54956.9(d)(1)
Number of Cases: 2

Case Name: Memorial Health Services, et al. v. City of San Clemente
Case Number: USDC 8:16-cv-00852-DOC-JCG

Case Name: Emergency Shelter Coalition v. City of San Clemente
Case Number: OCSC 30-201400758880

In attendance for the full Closed Session were all members of the City Council (Councilmember Hamm arrived at 5:50 p.m.), City Manager Makshanoff and Assistant City Manager Sund. City Attorney Smith, Attorney Jeff Dunn with Best Best & Krieger and Community Development Director Gallardo-Daly were in attendance for Closed Session Item B.

MEETING RECONVENED

Council reconvened at 6:20 p.m., with all members present.

INVOCATION

James “Jim” Davis, Senior Chaplain with the Orange County Sheriff’s Department, gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Swartz led the Pledge of Allegiance.

1. SPECIAL PRESENTATIONS

A. San Clemente Library Update

Karen Wall, Senior Branch Librarian, provided an update on library events locally and regionally.

Council requested that Staff include Library activities and events on the City’s website and cable channel.

B. San Clemente High School Update

Brigham Maready, San Clemente High School student, narrated a PowerPoint presentation entitled “San Clemente High School City Council Meeting”. A hard copy of Mr. Maready’s presentation, dated March 7, 2017, is on file with the City Clerk.

C. San Clemente Day

Samantha Thomas, Provisional Recreation Manager, explained that the first annual San Clemente Day was a success and displayed photographs of the various events. Hard copies of the photographs are on file with the City Clerk.

Council suggested the possibility of the City conducting an art contest to commemorate the City’s 90th anniversary.

2. ORAL COMMUNICATIONS (PART 1)**Nuclear Waste at San Onofre Nuclear Generating Station (SONGS)**

Laurie Headrick, representing San Clemente Green, displayed a PowerPoint presentation concerning the San Onofre Nuclear Generating Station, which is on file with the City Clerk; stated that SONGS has the worst safety record in the nation; voiced concern with the temporary storage canisters at SONGS and noted that a microscopic crack will generate radiation; voiced concern with the placement of nuclear waste behind a sea wall that is in a state of disrepair and located within a tsunami zone; requested Council's assistance in seeking written responses from Southern California Edison to questions previously submitted.

Steve Netherby, San Clemente, voiced concern that an earthquake or tsunami near SONGS could generate a fire; suggested that dry cask storage could be breached if the sea wall fails; opined that property values would severely decline if a catastrophic event occurs at SONGS.

Alan Korsen, San Clemente, noted that spent fuel assemblies may have been compromised before they were loaded into dry casks; suggested that SONGS is a prime target for terrorists; stated that dry cask storage units are known to crack and the only remedy is to place them in a larger cask, which only provides a temporary solution.

Ed Schlegel, representing San Clemente Green, reported that toxic chemicals will be used in the decommissioning of SONGS; commented that chemicals will be discharged into the ocean near SONGS.

Council requested that the speakers send a list of their questions to the City Manager for distribution to Council.

3. MOTION BY COUNCILMEMBER HAMM, SECOND BY MAYOR PRO TEM 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 Attorney Smith advised that Council took no reportable action during this evening's Closed Session.

6. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to approve the Consent Calendar, with the removal of Items G, H and J.

A. **City Council Minutes**

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

- (1) Approve the Adjourned Regular City Council Meeting minutes of February 21, 2017.

B. **Receive and file:**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to receive and file:

- (1) Regular Human Affairs Committee Meeting minutes of December 14, 2016.
- (2) Regular Planning Commission Meeting minutes of February 22, 2017.

C. **Warrant Register**

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

Wire Transfers Nos. 1602 through 1607,
 paid on 2/17/17, and Warrant Nos. 539153
 through 539330, paid on 2/17/17, in the amount
 of.....\$ 884,248.91

Warrant Nos. 539331 through 539453,
 paid on 2/24/17, in the amount of.....\$3,815,861.99

TOTAL WARRANT REGISTER.....\$4,700,110.90

Payroll Register

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

Warrant Nos. 557 through 558, and
 Automatic Deposit Advises 38176 through 38457,
 for the period 1/30/17 through 2/12/17, paid on
 2/17/17, in the amount of.....\$ 404,108.25

TOTAL PAYROLL REGISTER.....\$ 404,108.25

D. **Grant Application – California Division of Boating and Waterways (North Beach Opportunistic Sand Replenishment Project)**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to adopt Resolution No. 17-04 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS UNDER THE CALIFORNIA DIVISION OF BOATING AND WATERWAYS PUBLIC BEACH RESTORATION PROGRAM FOR THE NORTH BEACH OPPORTUNISTIC SAND REPLENISHMENT PROJECT.

E. **Bond Release - Marblehead Coastal Development Commercial Site Bridge (Tract 8817)**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to adopt Resolution No. 17-05 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE RELEASE OF PERFORMANCE AND LABOR & MATERIAL BONDS RELATED TO THE MARBLEHEAD COASTAL DEVELOPMENT COMMERCIAL SITE BRIDGE IN TRACT 8817, SUBJECT TO RECEIPT AND APPROVAL OF A WARRANTY BOND.

F. **Contract Amendment – Water Conservation Participation Agreement with Municipal Water District of Orange County**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to approve, and authorize the City Manager to execute, Amendment No. 1 to the Water Conservation Participation Agreement by and between the City of San Clemente and the Municipal Water District of Orange County (MWDOC).

I. **Wyland National Mayor's Challenge for Water Conservation**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to approve the City's participation in the National Mayor's Challenge for Water Conservation and authorize the Mayor to sign the online letter of support.

K. **Contract Award – Workers' Compensation Third Party Administration Services**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C17-09, by and between the City of San Clemente and AdminSure, Inc., providing for Workers' Compensation Claims Administration Services, for a period of five years, for an amount not to exceed \$190,000.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

G. **Bid Rejection - Reservoir No. 8 Interior Coating**

Deputy Public Works Director Rebensdorf noted that the scope of work for the two reservoir projects will vary; explained that Staff will evaluate whether the two projects should be bid together or separately.

MOTION BY COUNCILMEMBER SWARTZ, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to reject the public bids received on October 12, 2016 for Reservoir No. 8 Interior Coating, Project No. 15408, and direct Staff to rebid the project.

H. **Contract Award – Avenida Del Presidente Waterline Replacement**

Council requested a memo from the City Attorney concerning the possibility of providing a preference (perhaps 5%) to contractors that are based in San Clemente.

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

1. Approve the plans and specifications for the Avenida Del Presidente Waterline Replacement, Project No. 16405.
2. Approve, and authorize the Mayor to execute, Contract C17-08, by and between the City of San Clemente and Ferreira Construction, Inc., providing for the replacement of the Avenida Del Presidente Waterline, in the amount of \$608,018.

J. **Contract Amendment – Laboratory Services**

Deputy Public Works Director Rebensdorf responded to Council inquiries and confirmed that the City will be charged an hourly rate for each water test.

MOTION BY COUNCILMEMBER SWARTZ, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to:

1. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C15-53, by and between the City of San Clemente and Sierra Analytical. This contract amendment increases the contract amount from \$250,000 to \$435,000, an increase of \$185,000, and extends the contract term to June 30, 2018.
2. Approve and authorize the City Manager to extend the contract for an additional twelve months for an amount not to exceed \$130,000.

7. **PUBLIC HEARINGS**

None.

8. **UNFINISHED BUSINESS**

A. **Ambulance Services Request for Proposals Scope of Services**

Report from the Assistant City Manager concerning the scope of services for the Request for Proposals for Ambulance Services.

Assistant City Manager Sund distributed a letter from the Orange County Fire Authority (OCFA), dated March 2, 2017 and on file with the City Clerk, that indicated that the OCFA will not submit a proposal for ambulance services. City Attorney Smith noted that Councilmember Hamm, in his capacity as an OCFA employee, does not have a conflict of interest in participating in deliberations on the ambulance issue.

Assistant City Manager Sund reviewed the contents of the Administrative Report and responded to Council inquiries.

Following discussion, MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to direct Staff to prepare and release a Request for Proposals (RFP) to pursue an ambulance provider to furnish the City with the services of two full-time ambulances, along with ambulance overflow services on an as-needed basis, with the following modifications:

The below shall be stricken from the RFP:

1. ~~Section i. Turned Call Penalties Any calls for service that are not handled by the Contractor through the First Tier or Second Tier Mutual Aid Service, that require OCFA to request service from another ambulance service operator, will result in the assessment of a "Turned Call" penalty in the amount of \$1,000 per occurrence. Contractor is to immediately notify City and OCFA EMS Chief of said occurrence within 24 hours.~~
2. ~~Adherence to the OCFA ET handbook will be utilized as part of the performance criteria.~~
 - Changes to the RFP are to be made in the categories of equipment, staffing and personnel as follows:

Equipment

- Contractor shall provide modular box ambulances with an exterior box dimension of L-14'4" W-8'4" H-7'5"
- Ambulances will be outfitted with the following equipment: automatic gurneys, rugged track stair chair, Opticom light system, two portable 800mhz radios.

Staffing

- The contractor shall work the OCFA schedule which currently is 48/96.
- Each position shall be fully staffed with a regular full time employee.
- Employees shall have the ability to trade shifts.
- Employees shall work at the discretion of OCFA station Captains/Paramedics.
- Employees are assigned to the City at the discretion of the OCFA and the City.
- Employees will adhere to the OCFA grooming standards.

Council requested that 1) The OCFA review the draft RFP before it is issued, and 2) That Councilmembers Hamm and Swartz be included in the proposal reviews.

Councilmember Hamm left the meeting at 7:35 p.m.

9. NEW BUSINESS**A. Selection of San Clemente Trolley Signage and Stops**

Report from the Public Works Director/City Engineer concerning the selection of San Clemente Trolley signage and stops.

Senior Transportation Engineer Rosales narrated a PowerPoint presentation entitled "Agenda Item 9-A – Selection of San Clemente Trolley Signage and Stops" and responded to Council inquiries. A hard copy of Ms. Rosales' PowerPoint is on file with the City Clerk.

Council directed Staff to return to Council with a report that addresses the cost to operate the trolley on Thursdays.

Additionally, Council requested that Staff consider ways to publicize the trolley within the Pier Bowl area to attract train and beach trail users. Suggestions included installing a kiosk near the Fisherman's Restaurant with maps that show trolley route/stop locations, requesting that individuals (e.g., high school students or RSVPs) distribute maps to Pier Bowl visitors during busy summer weekends, and/or asking members of the Downtown Business Association to publicize the trolley in their businesses via signage, distributing maps, etc.

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

1. Approve the trolley stop signage and route, as depicted in Attachments 2 and 3 of the Administrative Report, dated March 7, 2017, and on file with the City Clerk.
2. Select Trolley Stop B as the trolley stop location at the San Clemente Outlets, as depicted in Attachment 4 of the Administrative Report, dated March 7, 2017, and on file with the City Clerk.

B. Selection of Signage for the Rideshare Beta Test Rider Program

Report from the Public Works Director/City Engineer concerning the selection of signage for the Rideshare Beta Test Rider Program.

Transportation Engineering Manager Frank narrated a PowerPoint presentation entitled "Agenda Item 9B – Signage for the Rideshare Beta Test Rider Program" and responded to Council inquiries. A copy of Mr. Frank's PowerPoint is on file with the City Clerk.

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

1. Confirm the program name of “SC Rides with Lyft”.
2. Approve the “SC Rides with Lyft” Concept 4 signage, as depicted in Attachment 2 of the Administrative Report, dated March 7, 2017, and on file with the City Clerk.

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

None.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

Beach Parking Impact Fee

City Manager Makshanoff reported that beginning March 7, 2017, 6,200 notices will be mailed to residents that are entitled to receive a Beach Parking Impact Fee refund.

C. **City Attorney**

None.

D. **Council Members**

Swallows Day Parade - Call for Volunteers

Mayor Pro Tem Brown reported that the San Juan Capistrano Fiesta Association needs volunteers for the Swallows Day Parade on March 25, 2017; urged interested persons to visit the Fiesta Association website at www.swallowsparade.com.

Toll Road Extension

Mayor Pro Tem Brown requested that Staff give a presentation at a future Council meeting that explains the status of the toll road extension issue.

Mayor's Prayer Breakfast

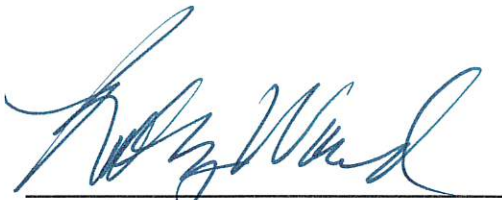
Mayor Ward thanked the Kiwanis Club for hosting this morning's Mayor's Prayer Breakfast; commended the quality of the program, noting that the event was well attended.

12. **RESOLUTIONS/ORDINANCES**

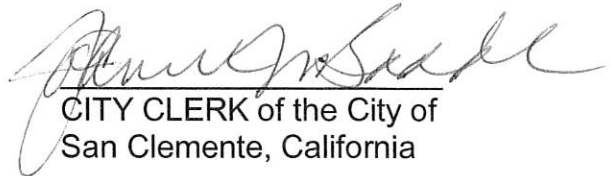
None.

13. **ADJOURNMENT**

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to adjourn at 8:13 p.m., in in memory of Don Bonanno. The next Regular City Council Meeting will be held on March 21, 2017 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