

CITY OF SAN CLEMENTE

City Council Minutes

Regular City Council Meeting – March 17, 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 17, 2015 at 5:00 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 5:07 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 BROWN, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 4-0, to recess to Closed Session at 5:00 p.m. to discuss the following:

A. Capistrano Shores, Inc. v. City of San Clemente:

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

Capistrano Shores Inc. v. City of San Clemente (OCSC No. 30-2014-00708545-CU-WM-CXC)

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

Capistrano Shores Inc. v. City of San Clemente (OCSC No. 30-2014-00709987-CU-EI-CXC)

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

Capistrano Shores Inc. v. City of San Clemente (OCSC No. 30-2014-00726889)

- B. 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.

- C. 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 (Mayor Hamm arrived at 5:07 p.m.), City Manager Makshanoff, Assistant City Manager Sund, City Attorney Smith and City Clerk Baade. Building Official Jorgensen was in attendance for Closed Session Item A only.

MEETING RECONVENED

Council reconvened at 6:11 p.m., with all members present.

INVOCATION

Pastor Roger Gales, Heritage Christian Fellowship, gave the invocation.

PLEDGE OF ALLEGIANCE

San Clemente Boy Scouts led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. San Clemente High School Update

McKenna Brownell narrated a PowerPoint presentation entitled "San Clemente High School - March 2015" concerning campus activities at San Clemente High School. A hard copy of the presentation is on file with the City Clerk.

B. Certificate of Recognition - Jay Merrifield

Councilmember Brown presented a Certificate of Recognition to Jay Merrifield for his heroic efforts that saved the life of a potential drowning victim at San Clemente State Beach.

C. Modern Roundabout Education and Outreach Program

This presentation was deferred to a future Council meeting.

2. ORAL COMMUNICATIONS (PART 1)**North Beach Historic District**

G. Wayne Eggleston, San Clemente, spoke in support of utilizing the lawn area near the Ole Hanson Beach Club for special events; urged Council to make North Beach an historic district and requested to meet with the City Manager and a Councilmember to discuss North Beach revitalization.

Tom Barnes, San Clemente, spoke in support of the alternate design for the El Camino Real parking lot; reviewed Resolution No. 94-55 which approved the acquisition by eminent domain of property at 1832 N. El Camino Real for storm drain improvements and public parking and opined that said resolution precludes the lot from being used for valet parking. A hard copy of Mr. Barnes' PowerPoint is on file with the City Clerk.

Vonne Barnes, San Clemente, reviewed Resolution No. 69-70 which approved the acquisition by eminent domain of ten lots in the triangle site for public parking, public park, and public use; spoke in support of the alternate design for the El Camino Real parking lot and suggested that other locations should be designated for public events. A hard copy of Ms. Barnes' PowerPoint is on file with the City Clerk.

Charles Mann, San Clemente, urged that North Beach be designated as an historic district to protect the historic properties and the City's heritage; suggested that an historic district will revitalize North Beach.

Pete Van Nuys, San Clemente, spoke on the importance of revitalizing North Beach; opined North Beach is unique because it includes seven historical buildings.

Paramedic Transportation Billing Issue

Lewis Barbe, San Clemente, stated that he has been attempting to resolve a paramedic billing issue with the Orange County Fire Authority and City since his accident in February 2013; voiced concern that the matter has been referred to collections. Mayor Hamm agreed to meet with Mr. Barbe to discuss the situation.

Energy Efficiency Training (San Clemente Green)

Gary Headrick, San Clemente, noted that a Swedish family is embarking on a world-wide expedition to bring attention to climate change; reported that San Clemente Green will conduct a public workshop on April 4, 2015 at the Community Center (Ole Hanson Room) to review ways to achieve energy efficiency, and urged that the City partner with San Clemente Green by waiving the facility rental fee and assisting with publicity.

3. MOTION BY COUNCILMEMBER BROWN, SECOND BY MAYOR HAMM, 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 COUNCILMEMBER WARD, CARRIED 5-0, to approve the Consent Calendar, with the removal of Items 6B(3) and 6-D.

- A. **City Council Minutes**

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

- (1) Approve the minutes of the Regular City Council Meeting of March 3, 2015.
- (2) Approve the minutes of the Adjourned Regular City Council Meeting of March 4, 2015.

B. Commission and Committee Minutes

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

- (1) Minutes of the Regular Beaches, Parks, and Recreation Commission Meeting of February 10, 2015.
- (2) Minutes of the Zoning Administrator Meeting of March 3, 2015.

C. Warrant Register

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

Wire Transfer Nos. 1365 through
 1371 paid on 3/6/15, and Warrant Nos.
 522704 through 522942, paid on 3/6/15,
 in the amount of.....\$1,360,112.78

TOTAL WARRANT REGISTER.....\$1,360,112.78

Payroll Register

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

Warrant Nos. 364 through 365 and
 Automatic Deposit Advises 22277 through 22578
 for the period 2/16/15 through 3/1/15,
 paid on 3/6/15, in the amount of.....\$ 406,699.80

TOTAL PAYROLL REGISTER.....\$ 406,699.80

E. Establishment of Weed Abatement Program for 2015

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to adopt Resolution No. 15-06 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PURSUANT TO SECTIONS 39561 AND 39562 OF THE CALIFORNIA GOVERNMENT CODE DECLARING WEEDS, RUBBISH, REFUSE, AND DIRT UPON STREETS, SIDEWALKS, PARKWAYS, AND PRIVATE PROPERTY TO BE PUBLIC NUISANCES AND PROVIDING FOR THE ABATEMENT THEREOF.

F. **Release of Improvement Performance Bonds & Grading Sureties - Tract 16335, Lucia Talega Village 4E-1 Development, WL Homes LLC**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to adopt Resolution No. 15-07 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE RELEASE OF IMPROVEMENT BONDS, WITHOUT LIMITATION, FOR TRACT 16335, WL HOMES LLC.

G. **Release of Improvement Performance Bonds & Grading Sureties - Tract 16570, Ravenna Talega Village 4D-2 Development, WL Homes LLC**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to adopt Resolution No. 15-08 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE RELEASE OF IMPROVEMENT BONDS, WITHOUT LIMITATION, FOR TRACT 16570, WL HOMES LLC.

H. **Final Parcel Map 2013-101, Bonnett Condominium Conversion at 3407 South El Camino Real**

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

1. Accept on behalf of the City of San Clemente the water rights as dedicated.
2. Approve Final Parcel Map 2013-101 as it conforms to the requirements set forth in the Subdivision Map Act and the previously approved Tentative Parcel Map.
3. Authorize the Public Works Director/City Engineer to execute the Final Parcel Map.
4. Authorize the City Clerk to execute and submit the Final Parcel Map to the County of Orange Recorder's Office for recordation.

I. **Notice of Completion - Street Rehabilitation for Calle Amanecer, Phase 2; Calle Cordillera; Camino Vera Cruz, and Avenida Presidio, Phase 1; and Major Street Maintenance for Via Ensueno**

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

1. Accept the street rehabilitation for Calle Amanecer, Phase 2, Project No. 11304; Calle Cordillera, Project No. 11305; Camino Vera Cruz, Project No. 12333 and Avenida Presidio, Phase 1, Project No. 14330; and Major Street Maintenance for Via Ensueno, Project No. 24301, from the contractor, All American Asphalt.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the street rehabilitation for Calle Amanecer, Phase 2, Project No. 11304; Calle Cordillera, Project No. 11305; Camino Vera Cruz, Project No. 12333 and Avenida Presidio, Phase 1, Project No. 14330, and Major Street Maintenance for Via Ensueno, Project No. 24301.
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 the contractor, All American Asphalt.
4. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

J. **Purchase of Crack Seal Equipment**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to approve the purchase of a trailer-mounted crack seal machine from Cafco, Inc. at a cost of \$40,231, in lieu of the budgeted paving machine.

K. Interim Community Development Director

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to adopt Resolution No 15-09 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE APPOINTMENT OF ROB ZUR SCHMIEDE AS INTERIM COMMUNITY DEVELOPMENT DIRECTOR.

L. League of California Cities 2015 City Managers Department Meeting

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to receive and file the Administrative Report, dated March 17, 2015, that is on file with the City Clerk.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**6B(3) Minutes of the Adjourned Regular Planning Commission Meeting of March 9, 2015.**

Steve Usdan, Executive Vice President for Kornwasser Shopping Center Properties and Managing Partner for Estrella Project Phase I, referenced the portion of the Planning Commission minutes of March 9, 2015 relating to the Estrella Shopping Center Master Sign Program; urged Council to support the Planning Commission's approval of the project's monument and freeway-oriented signage; voiced concern that calling up the item will delay the start of construction, thereby enabling SteinMart and Sprouts to exercise their rights to terminate their leases if they are not able to open in 2015; noted that Sports Authority has indicated that it will not locate at the center if it is not granted freeway-oriented signage; stressed that a Council call-up, and subsequent delay, will jeopardize the project; identified the merits of the project and the reasons that the requested signage is justified; committed to work with the City, in lieu of a Council call-up, to make reasonable signage concessions (e.g., height of letters).

Therese Hotvedt, Managing Partner for Phase II of the Estrella Shopping Center, requested that Council not call up the Estrella Shopping Center signage for review since a delay could jeopardize the leases of the anchor tenants, T.J. Maxx and Ulta.

Sue Jagodzinski, Managing Member of Kornwasser Properties, reiterated the importance of the project to the City.

Associate Planner Nicholas responded to Council inquiries.

Following discussion, MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR HAMM, CARRIED 4-1 (COUNCILMEMBER WARD VOTING NOE), to receive and file the Planning Commission Adjourned Regular Meeting minutes of March 9, 2015.

Staff is to work with the applicant of the Estrella Shopping Center project concerning signage issues.

D. **Contract Award – Traffic Signal Systems Upgrade for Avenida Vista Hermosa and Camino De Los Mares**

Following staff explanation of the traffic signal synchronization project, MOTION BY MAYOR PRO TEM BAKER, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C15-15 by and between the City of San Clemente and Crosstown Electrical and Data, providing for Traffic Signal Systems Upgrades for Avenida Vista Hermosa and Camino De Los Mares (Project Nos. 13318 and 13319), in the amount of \$210,980.00.

MEETING RECESSED

Council recessed at 7:41 p.m., and reconvened at 7:52 p.m., with all members present.

7. **PUBLIC HEARINGS**

None.

8. **UNFINISHED BUSINESS**

A. **Conceptual Designs for Beach Restrooms at Boca Del Canon and T-Street**

Report from the Public Works Director concerning conceptual designs for the beach restrooms at Boca Del Canon and T-Street.

Mayor Pro Tem Baker announced that he resides within 500' of the T-Street restroom, but resides beyond 500' of the Boca Del Canon restroom; requested that the two issues be bifurcated to enable him to participate in the Boca Del Canon deliberations.

Boca Del Canon Restrooms

Public Works Director/City Engineer Cameron provided an overview of the project and Park Planner Donnelly narrated the Boca Del Canon portion of a PowerPoint presentation entitled "Conceptual Designs for Beach Restrooms at Boca Del Canon and T-Street" and responded to Council inquiries. A hard copy of the PowerPoint is on file with the City Clerk.

Sandra Weaver, San Clemente, spoke in support of restroom upgrades, but at a basic level; suggested that expensive modifications are not needed.

MOTION BY MAYOR PRO TEM BAKER, SECOND BY MAYOR HAMM, CARRIED 3-2 (COUNCILMEMBER DONCHAK AND COUNCILMEMBER BROWN VOTING NOE), to approve the minimal repair work for the Boca Del Canon restroom, as described in a document that was distributed by Public Works Director/City Engineer Cameron at the meeting, and is on file with the City Clerk.

T-Street Restrooms

Mayor Pro Tem Baker recused himself from the discussion concerning the restrooms at T-Street because he lives within 500' of those restrooms; left the Chambers at 8:15 p.m.

Following discussion, MOTION BY MAYOR HAMM, SECOND MY COUNCILMEMBER BROWN, CARRIED 3-1-1 (COUNCILMEMBER WARD VOTING NOE AND MAYOR PRO TEM BAKER ABSTAINING), to direct staff to consider the possibility of converting the T-Street snack concession building to Spanish Colonial architecture and to also consider connecting the snack concession building and restroom if it results in cost savings and return to Council.

Mayor Pro Tem Baker returned to the dais at 8:32 p.m.

9. **NEW BUSINESS**

A. **Seven vs. Five Member Planning Commission**

Report from the Interim Community Development Director concerning a Seven versus Five-Member Planning Commission.

City Planner Pechous reviewed the contents of the Administrative Report. A hard copy of the table narrated by City Planner Pechous (which includes Planning Commission sizes and functions associated with other cities) is on file with the City Clerk.

Lew Avera, San Clemente, spoke on the importance of a 7-member Planning Commission; noted that a larger Commission allows for greater geographic representation.

Brenda Miller, San Clemente, spoke in support of maintaining a 7-member Planning Commission; noted the value of the unique backgrounds of Commission members.

Julia Darden, Planning Commission Chair, urged Council to support a 7-member Planning Commission; noted that compared to other similar sized cities, San Clemente's Planning Commission does more with less; stated that a 5-member Commission would negatively impact design review.

MOTION BY MAYOR HAMM, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to maintain a 7-member Planning Commission and direct staff to consider possible ways to increase communication between Council and the Planning Commission.

B. **City Attorney Transition Plan and Special Litigation Counsel Services Agreement**

Report from the City Manager concerning the City Attorney Transition Plan and Special Litigation Counsel Services.

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

1. Receive and file the Administrative Report, dated March 17, 2015, that is on file with the City Clerk.
2. Approve, and authorize the Mayor to execute, Contract C15-14 by and between the City of San Clemente and Rutan & Tucker, providing for Special Counsel Services, effective March 1, 2015.

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

None.

11. **REPORTS**A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. **City Attorney**

None.

D. **Councilmembers****(1) Update on Status of the Potential Closure of the San Clemente Campus of Saddleback Memorial Hospital**

Mayor Hamm reported that the majority of the Hospital Subcommittee was opposed to the closure of the hospital; stated the Resolution that was brought to Council opposing the closure of the hospital was a result of the Subcommittee's findings; reported that Senator Bates and Assemblyman Brough are developing legislation to allow for a stand-alone emergency room.

City Manager Makshanoff noted that staff is continuing to seek other sites as a potential hospital location; noted that property on Avenida La Pata has been identified as a possibility.

City Attorney Smith explained that the La Pata property is currently designated Sector P, adding that development of the property is not subject to a mandatory vote of the electorate pursuant to Measure V (which relates to the re-designation of open space); stated that hospital use is not specifically identified as an allowable use within Sector P, but noted that Council has the ability to add hospital use to the list of allowable uses.

Carol Wilson, San Clemente, thanked Council for examining alternatives for another hospital site in San Clemente and offered her assistance.

Lynne Dossey, Capistrano Beach, spoke in support of the proposed plan to modernize the San Clemente Hospital campus; opined a state-of-the-art facility would provide a higher level of health care.

MaryAnn Marks, San Juan Capistrano, spoke in support of a state-of-the-art health care facility; noted that the proposal to transform the hospital represents the latest trend in health care.

Dr. Scott Shiffman, Senior Medical Director for Memorial Care Medical Group, spoke in support of a state-of-the-art health care facility; suggested that the proposed facility will better serve the community.

Donna Vidrine, San Clemente, thanked Council, Save the Hospital Foundation, Senator Bates and Assemblyman Brough for their efforts to allow a stand-alone emergency room in San Clemente.

Warren Vidrine, San Clemente, voiced concern that there has not been enough public outreach concerning the potential closure of the hospital; stated that many residents will be surprised if the hospital closes.

Mike Clark, San Clemente, asserted that an outpatient Urgent Care facility will not improve medical care; opined that closure of the hospital will result in higher mortality rates.

Roger Jolicoeur, San Clemente, noted that as the senior population increases, there will be a greater need for medical care; urged Council to meet with the Attorney General regarding Saddleback Memorial Care's 501(c)(3) designation.

Dr. Steve Cullen, San Clemente, suggested that Council question the nonprofit status of Saddleback Memorial Care; opined that the hospital should not receive tax breaks if it does not support the residents of San Clemente.

Dr. Adam Franklin, San Clemente, stated that he is an orthopedic surgeon who works at Saddleback Memorial Care Hospital; spoke on the importance of a local emergency room.

Council directed the City Attorney to research the possibility of zoning the hospital property for exclusive acute medical care use.

Council requested that Saddleback Memorial Care Group attend the April 7, 2015 Council meeting to provide a status report on the potential closure of the hospital.

Council requested a status update on legislation concerning stand-alone emergency rooms, and an analysis concerning the possibility of engaging a federal lobbyist.

(2) Report from Councilmember Ward (City's Representative to the Transportation Corridor Agencies (TCA)) concerning the F Street Project (Tesoro Extension)

Councilmember Ward provided an update on the proposed extension of the 241 toll road from Oso Parkway in Rancho Santa Margarita to Cow Camp Road in San Juan Capistrano (a 5.5 mile extension); explained that the San Diego Water Quality Control Board disapproved a water quality permit for the project, but the TCA intends to appeal the decision.

Proposal to Connect the 241 Toll Road with the 91 Freeway

Councilmember Ward reported that CalTrans, in cooperation with the Transportation Corridor Agency, is considering a toll facility to connect the 241 Toll Road with the 91 Freeway; noted that a Supplemental Draft EIR is being prepared for the project.

Recycled Water System Expansion – City Receipt of Recycled Water Agency of the Year Award

Mayor Pro Tem Baker presented a video in which Assistant City Engineer Rebensdorf explained the City's recycled water system expansion; stated that Mr. Rebensdorf and he accepted the Recycled Water Agency of the Year Award for Small Projects that was issued by Water Reuse California; congratulated the City's Engineering staff.

Assembly Bill 838 (AB 838)

Councilmember Brown reported that the City received a request from Assemblyman Brough's office to write a letter in support of AB 838 concerning recovery homes; requested that the subject item be agendaized for a future meeting.

Dolly Villarreal - 2015 Volunteer of the Year

Councilmember Donchak recognized Dolly Villarreal, for being named the recipient of the Spirit of Volunteerism 2015 Volunteer of the Year designation; noted Ms. Villarreal's extensive contributions to the San Clemente Senior Center.

Max Berg's 90th Birthday Celebration

Mayor Hamm reported on his attendance at Max Berg's 90th birthday celebration.

Historic District Report

Mayor Hamm requested that Council be provided with a copy of the North Beach historic district administrative report that was considered by Council in 2009.

12. **RESOLUTIONS/ORDINANCES**

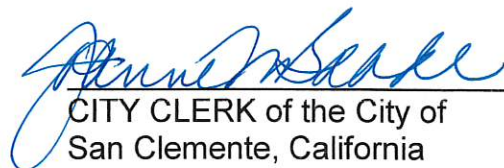
None.

13. **ADJOURNMENT**

MOTION BY MAYOR HAMM, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to adjourn at 10:02 p.m. to an Adjourned Regular Council Meeting to be held on March 31, 2015 at 7:00 p.m. at Wedgewood at the Municipal Golf Course, located at 150 E. Avenida Magdalena, San Clemente, for the purpose of meeting in joint session with the City's Commissions and Committees.



MAYOR of the City of
San Clemente, California



CITY CLERK of the City of
San Clemente, California