

# CITY OF SAN CLEMENTE

## City Council Minutes

### Regular City Council Meeting – January 16, 2018

*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 January 16, 2018 at 5:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Brown.

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

**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 MAYOR PRO TEM HAMM, CARRIED 5-0, to recess to Closed Session at 5:00 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: 6

Case Name: City of San Clemente v. Foothill/Eastern Transportation Corridor Agency and County of Orange

Case Number: 30-2017-00934703-CU-PT-CXC

Case Name: Emergency Shelter Coalition v. City of San Clemente

Case Number: OCSC 30-201400758880

Case Name: Capistrano Shores, Inc. v. City of San Clemente

Case Numbers: OCSC 30-2014-00709987 and 30-2014-00726889

Case Name: San Clemente Vacation Rental Alliance v. City of San Clemente

Case Number: OCSC 30-2016-00858999-CU-WM-CJC

*Closed Session items continued on next page*

Case Name: Wajih Malki v. City of San Clemente  
Case Number: OCSC 30-2016-00840667

Case Name: Villa San Clemente, LLC v. City of San Clemente  
Case Number: USDC 8:17-cv-1484

- B. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2)  
Number of potential cases: 1
- C. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION  
Initiation of litigation pursuant to Government Code section 54956.9(d)(4)  
Number of potential cases: 2
- D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Pursuant to Government Code Section 54956.8  
Property: 1 Acre Vacant Land Parcel North of the Northeast Corner of Avenida Fabricante and Calle Extremo, APN # 690-661-09  
Agency Negotiator: Erik Sund, Assistant City Manager  
Negotiating Parties: City of San Clemente and Glaukos Corporation  
Under Negotiation: Price and Terms of Payment for Purchase

**MEETING RECONVENED**

Council reconvened at 6:15 p.m., with all members present.

**INVOCATION**

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

**PLEDGE OF ALLEGIANCE**

Councilmember Donchak led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **San Clemente High School Presentation**

This item was deferred to the Council meeting of February 6, 2018.

B. **Commendation Presentation - John Abel, Retired Orange County Fire Authority Division Chief**

Mayor Brown and Mayor Pro Tem Hamm presented a plaque and commendation to John Abel, retired Orange County Fire Authority Division Chief, in recognition of 34 years of exceptional public service.

C. **2018 Long Term Financial Plan (LTFP) Issue Papers and Objectives**

Assistant City Manager Sund narrated a PowerPoint presentation entitled "2018 LTFP Introduction". A hard copy of Mr. Sund's presentation, dated January 16, 2018, is on file with the City Clerk.

D. **Toll Road Update**

City Attorney Smith reported that the Transportation Corridor Agency Joint Powers Agreement requires 120 days' advance notice prior to the end of the fiscal year to withdraw from the Agency; advised that Council, in Closed Session, directed Staff to write to the TCA and partner agencies to ask for a waiver of the notice requirement to allow more time for the City to communicate with the TCA before the City makes a decision to withdraw; advised that if the 120-day notice requirement is not waived, a Special Council Meeting will be called prior to February 1, 2018 to enable Council to authorize a formal notice of withdrawal from the TCA.

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

**Request for Pickleball Court(s)**

Raudel Barba, San Clemente, urged that Pickleball courts be installed in San Clemente, suggesting that San Luis Rey Park and/or the lawn bowling site would be suitable locations.

**Nuclear Storage at the San Onofre Nuclear Generating Station**

Jackson Hinkle, founder of the Team Zissou environmental organization at San Clemente High School, urged that Senator Kamala Harris be invited to a site visit to hear concerns about the storage of nuclear waste at SONGS and to answer questions.

Torgen Johnson, Solana Beach, cited safety concerns with the storage of nuclear waste at SONGS and urged Council to request that federal officials visit SONGS to review the situation.

Christa Gostenhofer, Laguna Woods, voiced concern that a nuclear accident could occur at SONGS and urged Council to encourage federal officials to become involved.

Madge Torres, Encinitas, stated that storing nuclear waste in an earthquake zone is unsafe, noting that insurance is not available for a nuclear disaster.

Pantera Michelle, San Clemente, conveyed concern with the storage of nuclear waste at SONGS; spoke on the need for public outreach.

Laurie and Gary Headrick, San Clemente, stated that they initiated a postcard campaign to raise awareness of SONGS; voiced concern with the potential for a nuclear accident and opined that independent experts should evaluate risks; urged that Council send a letter to Senator Kamala Harris to invite her to hear concerns; narrated a PowerPoint presentation which is on file with the City Clerk.

Roger Johnson, San Clemente, spoke on the importance of emergency preparedness; noted that earthquakes and terrorists could cause a nuclear incident.

Ron Rodarte, San Clemente, opined that the City budget should include funding for a SONGS emergency plan; stated that Edison's engineering has been proven in some cases to be substandard.

Michelle Anderson, Coto de Caza, commented that other countries use thicker casks to store radioactive waste and urged Council to do all in its power to protect citizens.

Monet Button, San Clemente, together with her spokesperson, asserted that the students of Concordia Elementary School are worried about SONGS.

Council determined to send a letter to Senator Kamala Harris to invite her to hear concerns and answer questions concerning nuclear storage at SONGS. The letter is to reference that San Clemente is an unwilling host to nuclear storage.

3. MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER SWARTZ, 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**

The Closed Session report was given earlier in the meeting. Please refer to the Toll Road Update on Page 3 of these minutes for a summary of that report.

6. **CONSENT CALENDAR**

MOTION BY MAYOR PRO TEM HAMM, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve the Consent Calendar, with the removal of Item E.

A. **City Council Minutes**

MOTION BY MAYOR PRO TEM HAMM, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve the Regular City Council Minutes of December 5, 2017 and Adjourned Regular City Council Minutes of December 19, 2017.

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

- (1) Coastal Advisory Committee Special Meeting Minutes of November 9, 2017.
- (2) Planning Commission Adjourned Regular Meeting Minutes of December 20, 2017.
- (3) Design Review Subcommittee Minutes of December 13, 2017.
- (4) Zoning Administrator Regular Meeting Minutes of December 20, 2017.
- (5) Beaches, Parks and Recreation Commission Adjourned Regular Meeting Minutes of December 12, 2017.
- (6) Golf Course Committee Regular Meeting Minutes of November 2, 2017.

C. **Warrant Register**

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

Wire Transfers Nos. 1747 through 1748  
and Warrant Nos. 546727 through 546875, paid  
on 12/15/17, in the amount of.....\$3,409,728.17

Wire Transfers Nos. 1749 through 1754  
and Warrant Nos. 546876 through 547103, paid  
on 12/22/17, in the amount of.....\$1,531,573.10

Wire Transfers Nos. 1755 through 1761,  
and Warrant Nos. 547104 through 547193, paid  
on 1/5/18, in the amount of.....\$3,016,153.41

TOTAL WARRANT REGISTER.....\$7,957,454.68

**Payroll Register**

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

Warrant No. 644 and Automatic Deposit  
Advises 45048 through 45349 for the period 12/4/17  
through 12/17/17, paid on 12/22/17, in the amount of.....\$ 432,111.03

Warrant Nos. 645 through 647, Automatic  
Deposit Advises 45350 through 45625, for the  
period 12/18/17 through 12/31/17, paid on 1/5/18,  
in the amount of.....\$ 424,780.95

TOTAL PAYROLL REGISTER.....\$ 856,891.98

D. **Takeover Agreement - Completion of Work on the T-Street Overpass Concrete Maintenance Stair Nosing and Concrete Deck Repairs**

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

1. Approve the new plans and specifications for the completion of work on the T-Street Overpass Concrete Maintenance Stair Nosing and Concrete Deck Repairs, Project No. 25801.
2. Approve, and authorize the Mayor to execute, Contract C18-01, a Takeover Agreement by and between the City of San Clemente and Philadelphia Indemnity Insurance Company, providing for completion of the remaining work that The Richard Group did not perform on the T-Street Overpass Concrete Maintenance Stair Nosing and Concrete Deck Repairs, Project No. 25801.

F. **Contract Award - LED Street Light Conversion Phase 2**

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

1. Approve the specifications for the LED Street Light Conversion Phase 2, Project No. 18806.
2. Approve, and authorize the Mayor to execute, Contract C18-03, by and between the City of San Clemente and Siemens Industry, Inc., providing for construction of the LED Street Light Conversion Phase 2, in the amount of \$49,425.

G. **Contract Award - Fourth of July Fireworks Display**

Council requested that future Administrative Reports concerning the annual fireworks display identify private donations received.

MOTION BY MAYOR PRO TEM HAMM, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C18-04 by and between the City of San Clemente and Fireworks & Stage FX America, providing for the execution of the City's annual Fourth of July fireworks display for three (3) years, in an amount not to exceed \$41,985 per year.

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

**E. Contract Award - Maintenance Yard Covers**

In response to Council inquiry, Staff clarified the reasoning for the high cost of the Maintenance Yard Covers, noting that prefabricated covers are not suitable for the subject use. Council also noted that government projects are subject to prevailing wage requirements.

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

1. Approve the plans and specifications for the Maintenance Yard Covers, Project No. 17808.
2. Approve a supplemental appropriation of \$175,000 from the Clean Ocean Improvement Reserve Fund to Account 057-543-45300-000-17808, Maintenance Yard Covers, Project No. 17808.
3. Approve, and authorize the Mayor to execute, Contract C18-02, an agreement by and between the City of San Clemente and O'Connell Engineering & Construction, Inc., providing for construction of Maintenance Yard Covers, in the amount of \$535,200.

**7. PUBLIC HEARINGS**

None.

**8. UNFINISHED BUSINESS**

None.

**9. NEW BUSINESS**

None.



**10. ORAL COMMUNICATIONS (PART 2)****Effects of the Discharge of Radioactive Waste Into the Pacific Ocean**

Ron Rodarte, San Clemente, commented on the effect that radioactive leakage from the Fukushima nuclear disaster had on the Pacific Ocean and its marine life; voiced concern that concentrations of radioactive material into the Pacific Ocean from an accident at SONGS would be 100 times greater than the effects from Fukushima.

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

None.

**B. City Manager**

None.

**C. City Attorney**

None.

**D. Council Members****(1) Toll Road Subcommittee (Appointment of Representatives)**

Council reappointed Councilmembers Donchak and Ward to the Toll Road Subcommittee. Appointments will be reconsidered each December when Council updates its assignments to Regional Commissions and Committees.

**Capistrano Unified School District (CUSD) Liaison Committee**

Council requested that the February 6, 2018 Council agenda include an item to enable Council to appoint a second representative (in addition to Mayor Brown) to the CUSD Liaison Committee.

**Pickleball Courts**

Mayor Pro Tem Hamm requested that Council consider authorizing the installation of Pickleball courts when the Beaches, Parks and Recreation Master Plan is agendized.

**Winterfest**

Mayor Brown reported that he attended Winterfest at the Orange County Fairgrounds, at which time he represented San Clemente at the tree lighting.

**San Clemente Day**

Mayor Brown announced that San Clemente Day will be celebrated on February 24, 2018.

12. **RESOLUTIONS/ORDINANCES**

None.


13. **ADJOURNMENT**

MOTION BY MAYOR BROWN, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 5-0, to adjourn at 7:20 p.m. in memory of John Tengdin and Fred Dungan.

The next Regular Council Meeting will be held on February 6, 2018 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