

CITY OF SAN CLEMENTE

City Council Minutes

Regular City Council Meeting – July 1, 2014

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 July 1, 2014 at 5:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Brown.

PRESENT BAKER, DONCHAK, EVERT, HAMM*, MAYOR BROWN
*Arrived at 5:09 p.m.

ABSENT None.

STAFF PRESENT Pall Gudgeirsson, City Manager; Jeff Oderman, City Legal Counsel;
Joanne Baade, City Clerk; Laura Campagnolo, Deputy City Clerk

CLOSED SESSION

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER BAKER, CARRIED 4-0, to recess to Closed Session at 5:03 p.m. to discuss the following:

- A. 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)
- B. 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)
- C. 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)

In attendance for the full Closed Session were all members of Council, City Manager Gudgeirsson, City Legal Counsel Oderman, Assitant City Manager Sund, Community Development Director Holloway, Building Official Jorgensen, and City Clerk Baade.

MEETING RECONVENED

Council reconvened at 6:03 p.m., with all members present.

INVOCATION

Jonathan Ord gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Evert led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS.**

A. **Orange County American Planning Association Award (OCAPA) – Transportation Planning Award for Bicycle and Pedestrian Master Plan**

Randy Nichols, Juror for Orange County American Planning Association Award (OCAPA), presented the Transportation Planning Award from the Orange County American Planning Association for the Bicycle and Pedestrian Master Plan to Jeff Hook, Principal Planner, Cliff Jones, Associate Planner, and Brenda Miller.

Cliff Jones, Associate Planner, presented to the City a Certificate of Recognition from Assemblywoman Harkey that recognizes San Clemente for being the first city to win the OCAPA Award for Transportation Planning.

Brenda Miller, San Clemente, thanked Council, Planning Commission, and GPAC for listening and sharing the ideas relating to complete streets; expressed appreciation for the Council's support for a complete transportation system.

Gary Headrick, San Clemente Green, expressed gratitude to the Council and Brenda Miller for their efforts in making complete streets a reality.

B. **Certificate of Recognition – Eric Ord, Community Bench at San Clemente’s Highest Point**

Mayor Brown presented a Certificate of Recognition to Eric Ord for his Eagle Scout community service project of planning and constructing a bench at San Clemente’s highest peak (an elevation of 1,008-feet) on the Cristianitos Regional Trail.

C. **Presentation of Proclamation – Spinal Muscular Atrophy Awareness Month**

Mayor Brown presented a Proclamation to Julie Prenditz, representing Hope for Spinal Muscular Atrophy, designating August as Spinal Atrophy Awareness Month.

D. **Presentation of Proclamation - Parks Make Life Better Month**

Mayor Brown presented a Proclamation to Beaches, Parks, and Recreation Director Sharon Heider and Recreation Manager Pamela Passow, proclaiming July 2014 as “Parks Make Life Better” Month.

E. **4th of July Logistics and Activities Report**

Public Information Officer Laura Ferguson narrated a PowerPoint presentation entitled “Independence Day Logistics” concerning logistics and activities for the 4th of July holiday. A hard copy of the PowerPoint presentation is on file in the City Clerk’s Department.

F. **Certificate of Recognition – Rocky Fenton (Winner of State Championship in Discus Throwing)**

Mayor Brown presented a Certificate of Recognition to San Clemente High School student Rocky Fenton for winning the State championship in discus throwing.

G. **Certificate of Recognition – Mike Viti, Operation Enduring Freedom Veteran and West Point Graduate**

Mayor Brown presented a Certificate of Recognition to Mike Viti, Operation Enduring Freedom Veteran and West Point Graduate, for his efforts to honor the Fallen Military Members of the Global War on Terror by hiking over 7,000 miles to increase awareness of the sacrifices of war and to raise funds for permanent memorials for our country’s fallen heroes.

H. Presentation of Commendation - Joshua Brooks Johnston, Quartermaster

Mayor Brown presented Joshua Brooks Johnston with a commendation for achieving the prestigious rank of Quartermaster.

2. ORAL COMMUNICATIONS (PART 1)

Orange County Sheriff's Department Citizens Academy

Lew Avera, San Clemente, spoke in support of the Sheriff's Department Citizens Academy and the program's significant return on investment; suggested the possibility of requesting that homeowner associations contribute funding to allow the program to be funded in FY 2015.

3. MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER BAKER, 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

Legal Counsel Oderman advised that Council took no reportable actions during this evening's Closed Session.

6. CONSENT CALENDAR

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

A. City Council Minutes

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to approve the Adjourned Regular Council meeting minutes of June 18, 2014 and June 5, 2014.

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

- (1) Regular Planning Commission meeting minutes of June 18, 2014.
- (2) Regular Zoning Administrator meeting minutes of June 18, 2014.

C. **Warrant Register**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to approve Handwrite No. 517019, paid on 6/13/14; approve Wire Transfer Nos. 1267 through 1270, paid on 6/13/14; approve Warrant Nos. 516876 through 517018, paid on 6/13/14, in the amount of \$1,407,589.49; and approve Warrant Nos. 517020 through 517215, paid on 6/20/14, in the amount of \$1,786,164.59; for a total Warrant Register of \$3,193,754.08.

Payroll Register

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to approve Warrant Nos. 317 through 318, and Automatic Deposit Advises 16193 through 16535 for the period of 5/26/14 through 6/8/14, paid on 6/13/14, in the amount of \$442,045.58; for a total Payroll Register of \$442,045.58.

D. **Notice of Completion - Street Rehabilitation (Calle Hidalgo and Via Hidalgo) and FY 2014 Major Street Maintenance for Calle Gaucho, Calle Chueca, Via Chueca, Calle Luego, Calle Juarez and 1406 Jinette**

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

1. Accept the Street Rehabilitation for Calle Hidalgo and Via Hidalgo, (Project No. 14333) and FY 2014 Major Street Maintenance for Calle Gaucho, Calle Chueca, Via Chueca, Calle Luego, Calle Juarez, and 1406 Jinette, Project No. 24301, from the contractor, R.J. Noble Company.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Street Rehabilitation for Calle Hidalgo and Via Hidalgo, and FY 2014 Major Street Maintenance for Calle Gaucho, Calle Chueca, Via Chueca, Calle Luego, Calle Juarez, and 1406 Jinette. (Contract C13-39)

Motion continued on following page

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, R.J. Noble Company.
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.

E. **Notice of Completion - Recycled Water System Expansion, Pipeline Schedules I & II and Pressure Reducing Station**

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

1. Accept the Recycled Water System Expansion, Pipeline Schedules I & II and Pressure Reducing Station, Project No. 18201CD, from the contractor, Colich & Sons, L.P.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Recycled Water System Expansion, Pipeline Schedules I & II and Pressure Reducing Station, Project No. 18201CD. (Contract C12-54)
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 Colich & Sons, L.P.
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.

F. **Contract Amendment - Design of Digester No. 1 Structural and Mechanical Rehabilitation as Part of the Solids Handling Sludge Storage Tank**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C13-28, by and between the City of San Clemente and Wilson Engineers, providing for design of Digester No. 1 Structural and Mechanical Rehabilitation as part of the Solids Handling Sludge Storage Tank, Project No. 14205. This Amendment will increase the contract amount from \$134,100 to \$203,495 (an increase of \$69,395).

G. **Contract Amendment – On Call Building Plan Review Services**

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

1. Accept a supplemental appropriation of \$48,000 from the General Fund unassigned fund balance to Account 001-421-43890-000-00000.
2. Approve, and authorize the Mayor to execute, Amendment No. 3 to Contract C10-37, by and between the City of San Clemente and VCA Code Group, providing for temporary on-site building plans examiner services. This contract amendment will increase the contract amount from \$65,000 to \$113,000 (an increase of \$48,000).

H. **Fee Waiver Request – San Clemente Marine Corps Support Group Pancake Breakfast**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to waive the rental fees of \$1,125 for the Ole Hanson Beach Club, so that the San Clemente Marine Corps Support Group's pancake breakfast planned for September 6, 2014 can be conducted with no associated site fees.

Carla Hogan, San Clemente, spoke on the Marine Corps Support Group pancake breakfast, and expressed gratitude to Council for waiving the rental fee for the Ole Hanson Beach Club.

I. **Contract Award - City-Wide Classification and Compensation Study**

This agenda item was deferred to the July 15, 2014 City Council meeting.

7. **PUBLIC HEARINGS**

None.

8. **UNFINISHED BUSINESS**

A. **60% Design for the North El Camino Real Class I Bicycle and Pedestrian Path Project**

Report from the Public Works Director/City Engineer concerning the 60% design for the North El Camino Real Class I Bicycle and Pedestrian Path Project.

Transportation Engineering Manager Frank narrated a PowerPoint presentation entitled "North El Camino Real Class I Bicycle and Pedestrian Path 60% Design". A hard copy of the PowerPoint is on file in the City Clerk's Department. Public Works Director/City Engineer Cameron and Transportation Engineering Manager Frank responded to Council inquiries.

Brenda Miller, San Clemente, spoke in support of the project, noting that it will provide a corridor from San Clemente to Dana Point Harbor and suggested partnering with the City of Dana Point to expand the length of the project.

Pete Van Nuys, San Clemente, spoke in support of the project, suggested that landscaping will increase the perceived safety in the area; urged Council to vote in favor of the landscaping project.

Richard Boyer, San Clemente, spoke in support of complete sidewalks; urged Council to support Option 4.

Following discussion, MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to:

1. Approve the approach for the 60% design concept for the North El Camino Real Class I Bicycle and Pedestrian Path Project.
2. Approve a supplemental appropriation of \$78,600 from the unassigned fund balance in the Gas Tax Fund to Account 012-861-45300-000-13308.
3. Direct Staff to proceed with landscaping and irrigation design for Option 4 to include value engineered options for Council's contemplation.
4. Direct Staff to complete a technical amendment to the RCFPP to fund the additional cost of Design Option 4.

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5. Approve a supplemental appropriation of \$40,000 from the unassigned fund balance of the Air Quality Improvement Fund to Account 012-861-45300-000-13308 to fund additional design and permitting phase for Design Option 4.
6. Direct staff to work collaboratively with the CJPIA (California Joint Powers Insurance Authority) to ensure the highest safety standards for the subject project.

9. **NEW BUSINESS**

A. **Amendment to Park Master Plan – Jim Johnson Memorial Sports Park**

Report from the Director of Beaches, Parks, and Recreation concerning an amendment to the Park Master Plan for the Jim Johnson Memorial Sports Park.

Director of Beaches, Parks and Recreation Heider narrated a PowerPoint presentation entitled “Jim Johnson Memorial Sports Park Master Plan” and responded to Council inquiries. A copy of the PowerPoint is on file in the City Clerk’s Department.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to amend the master plan for the Jim Johnson Memorial Sports Park to replace the area identified for Courtney’s Sandcastle with open turf and a reduced number of trees and that the proceeds be deposited into the Parks Acquisition and Development Fund.

B. **Intention to Consider Altering the Rate and Method of Apportionment of the Special Taxes for Marblehead Coastal Community Facilities District (CFD) No. 2006-1.**

Report from the Public Works Director/City Engineer concerning the intention to alter the rate and method of apportionment of the special taxes for Marblehead Coastal Community Facilities District (CFD) No. 2006-1.

Assistant City Engineer Bonigut provided an overview of the Administrative Report.

Jim Fabian, Principal with Fieldman Rolapp & Associates, narrated a PowerPoint presentation entitled “Community Facilities District (“CFD”) No. 2006-1 (Marblehead Coastal) Modification Proceedings”. A copy of Mr. Fabian’s PowerPoint is on file in the City Clerk’s Department.

Assistant City Engineer Bonigut and Jim Fabian responded to Council inquiries relative to 1) the proposed rate and method of apportionment of the special taxes for the Marblehead Coastal Community Facilities District; and 2) the refined data that have resulted in housing price estimates that are considerably higher than the cost estimates previously presented to Council.

During the course of discussion, Assistant City Engineer Bonigut confirmed that Taylor Morrison Homes will attend the July 15, 2014 Council meeting to provide an update on the Marblehead Coastal Residential project.

Following discussion, MOTION BY MAYOR BROWN, SECOND BY COUNCILMEMBER BAKER, CARRIED 4-1 (MAYOR PRO TEM HAMM VOTING NOE), to adopt Resolution No. 14-25, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2006-1 OF THE CITY OF SAN CLEMENTE, DECLARING ITS INTENTION TO CONSIDER ALTERING THE RATE AND METHOD OF APPORTIONMENT OF THE SPECIAL TAXES.

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

None.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. **City Attorney**

None.

D. **Council Members**

Blood Drive

Councilmember Baker reported on his attendance at a blood drive at the San Clemente Presbyterian Church and thanked City lifeguards for their efforts.

HMLA (Marine Light Attack Helicopter) 469

Mayor Brown presented a plaque from HMLA 469 which was given to the City in appreciation of its support for the HMLA Rodeo that was held in June 2014. Mayor Brown thanked Wayne Eggleston of the Heritage of San Clemente, the Military Support League, and the Church of Jesus Christ of Latter Day Saints for their efforts in this event.

Volunteer of the Year Awards

Mayor Brown noted his attendance at the Volunteer of the Year awards; displayed photographs from the event and congratulated Ed Molina on being named Volunteer of the Year.

4th of July

Mayor Brown advised that the Heritage of San Clemente is hosting a potluck dinner at Park Semper Fi for members of the military and their families.

Courtney's SandCastle Sensory Garden Groundbreaking

Mayor Brown reported on his attendance at the Courtney's SandCastle Sensory Garden Groundbreaking ceremony on June 28, 2014; extended appreciation to Aeryn Donnelly, Pam Passow, Sharon Heider and Laura Ferguson for making the groundbreaking ceremony a success.

12. **RESOLUTIONS/ORDINANCES**

A. **Ordinance No. 1583 (Second Reading) - Water Rates**

MOTION BY COUNCILMEMBER EVERT, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to adopt Ordinance No. 1583, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 13.04.220, SUBSECTIONS (A), (B), and (C) OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO WATER RATES.

B. **Ordinance No. 1584 (Second Reading) - Sanitary Sewer Rates**

MOTION BY MAYOR PRO TEM HAMM, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to adopt Ordinance No. 1584, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 13.24.190, SUBSECTION (D) OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO SANITARY SEWER RATES.

13. **ADJOURNMENT**

MOTION BY MAYOR PRO TEM HAMM, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to adjourn at 9:10 p.m., to an Adjourned Regular Council Meeting to be held on July 15, 2014 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. 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