

CITY OF SAN CLEMENTE

City Council Minutes

Adjourned Regular City Council Meeting – June 5, 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.

An Adjourned Regular Meeting of the San Clemente City Council was called to order on June 5, 2014 at 4:30 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Pro Tem Hamm.

PRESENT BAKER, DONCHAK, EVERT, HAMM

ABSENT MAYOR BROWN

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 HAMM, SECOND BY COUNCILMEMBER BAKER, CARRIED 4-0, to recess to Closed Session at 4:35 p.m. to discuss the following:

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

Daniel Walker, as Trustee for the 1997 Walker Family Trust v. City of San Clemente, Orange County Superior Court Case No. 30-2012-00591239-CU-WM-CJC

- 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. 30-2014-00708545-CU-WM-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. 30-2014-00709987-CU-EI-CXC)

- D. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation, pursuant to Government Code Section 54956.9(b): One potential case.
- E. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, pursuant to Government Code Section 54956.9(a):
Callan, et al. v. Marlborough Seaview Estates Homeowners Association, et al., OCSC Case No. 01CC07556 (consolidated with Case No. 01CC15381)

In attendance for the full Closed Session were all members of the City Council, with the exception of Mayor Brown. Additionally, Councilmember Evert recused himself from a portion of Closed Session E because Scott Hunt represents the City in the sale of the Bellota lots and also represents his personal residence that is on the market. City Manager Gudgeirsson, Legal Counsel Oderman, Assistant City Manager Sund, and City Clerk Baade were in attendance for the full Closed Session. Public Works Director/City Engineer Cameron was in attendance for Closed Session Items A and E only. Community Development Director Holloway and Building Official Jorgensen were in attendance for Closed Session Items B, C and D only.

MEETING RECONVENED

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

INVOCATION

Habib Hosseiny, Baha'i Faith Community, gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Donchak led the Pledge of Allegiance.

1. SPECIAL PRESENTATIONS.

A. San Clemente High School Report

This item was deferred to the City Council meeting of June 17, 2014.

B. **Certificates of Recognition – Camp Pendleton Fire Department, CalFire, Orange County Fire Authority**

Mayor Pro Tem Hamm presented Certificates of Recognition to the Camp Pendleton Fire Department, CalFire, and the Orange County Fire Authority expressing the City's gratitude for their outstanding air and ground attacks on the recent brush fires on Camp Pendleton and in San Diego County.

C. **Certificate of Recognition - Deputy Jeremiah Prescott**

Mayor Pro Tem Hamm presented a Certificate of Recognition to Deputy Jeremiah Prescott in recognition of being awarded the Medal of Lifesaving by the Orange County Sheriff's Department for his meritorious efforts in saving the life of a critically injured motorist.

D. **Certificate of Recognition – Ruth DeNault (2014 Wall of Recognition Recipient)**

Mayor Pro Tem Hamm presented a Certificate of Recognition to Ruth DeNault for being named to the 2014 Wall of Recognition.

E. **Certificates of Recognition – Street Art Program**

Mayor Pro Tem Hamm presented Certificates of Recognition to Meghann and Frederic Nelson, Jason Kuncas, Josh Risch, Joan Gonzales, Audrey Miller and Dennis Ruble, in recognition of their artistic contributions to the Street Art Program.

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

San Clemente Ocean Festival

Paul Jessup, San Clemente Ocean Festival, spoke on the history of the San Clemente Ocean Festival, and invited the Council and public to attend the San Clemente Ocean Festival; thanked Council and staff for their support.

North Beach Traffic Safety

Rey Harju, San Clemente North Beach Association, presented a PowerPoint presentation, entitled "North Beach, San Clemente, CA, An Easy Place To Be", stating safety and traffic concerns in the North Beach area. A copy of Mr. Harju's presentation is on file with the City Clerk.

North Beach/El Camino Real Parking Lot

Ricardo Nicol, San Clemente, spoke concerning the Council's decision on the design of the North Beach/El Camino Real parking lot; opined that the design with the bus turnout is a superior option, and urged Council to reconsider its decision.

3. MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 4-0, 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 EVERT, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 4-0, to approve the Consent Calendar, with the removal of Item 6-B(3).

A. **City Council Minutes**

MOTION BY COUNCILMEMBER EVERT, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 4-0, to approve the Regular City Council meeting minutes of May 6, 2014 and May 20, 2014 and the Adjourned Regular City Council Meeting of May 15, 2014.

- B. MOTION BY COUNCILMEMBER EVERT, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 4-0, to receive and file:

- (1) Regular Zoning Administrator meeting minutes of May 21, 2014.
- (2) Regular Planning Commission Study Session minutes of May 21, 2014.
- (4) Regular Beaches, Parks and Recreation Commission meeting minutes of May 13, 2014.

C. Warrant Register

MOTION BY COUNCILMEMBER EVERT, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 4-0, to approve Wire Transfer Nos. 1257 through 1260, paid on 5/16/14; approve Warrant Nos. 516207 through 516357, paid on 5/16/14, in the amount of \$1,632,748.82; and approve Handwrite No. 516358, paid on 5/19/14, Wire Transfer No. 1261, paid on 5/20/14, and Warrant Nos. 516359 through 516613, paid on 5/23/14, in the amount of \$4,289,978.43; for a total Warrant Register of \$5,922,727.25.

Payroll Register

MOTION BY COUNCILMEMBER EVERT, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 4-0, to approve Warrant Nos. 309 through 314, and Automatic Deposit Advises 15543 through 15868 for the period of 4/28/14 through 5/11/14, paid on 5/16/14, in the amount of \$419,666.39; for a total Payroll Register of \$419,666.39.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**6-B(3) Regular Planning Commission Meeting Minutes of May 21, 2014.**

Council referenced the portion of the Planning Commission meeting minutes of May 21, 2014 that related to the residential projects on South El Camino Real; noted the importance of adequate street lighting to facilitate public safety.

Community Development Director Holloway advised that an additional street light will be installed on Comercio in the subject area to address the lighting issue.

MOTION BY MAYOR PRO TEM HAMM, SECOND BY COUNCILMEMBER BAKER, CARRIED 4-0, to receive and file the Regular Planning Commission meeting minutes of May 21, 2014.

7. PUBLIC HEARINGS**A. City of San Clemente Proposed Budget for Fiscal Year 2015**

Public Hearing relative to the proposed San Clemente Fiscal Year 2015 budget.

Finance Manager Vincent reviewed Slides 1 through 14 of a PowerPoint presentation entitled "FY 2015 Proposed Budget Public Hearing June 5, 2014". City Manager Gudgeirsson narrated Slide 15 of the subject PowerPoint. Assistant City Manager Sund continued the PowerPoint by reviewing Slides 16 through 24. Beaches, Parks and Recreation Director Heider narrated Slides 25 through 29. A hard copy of Staff's PowerPoint is on file with the City Clerk.

During the ensuing discussion, City Manager Gudgeirsson, Assistant City Manager Sund, Finance Manager Vincent, City Planner Pechous, Financial Services Officer Rahn, Lt. Moodie, and Beaches, Parks and Recreation Director Heider responded to Council inquiries.

MEETING RECESSED

Council recessed at 7:55 p.m. and reconvened at 8:08 p.m., with all members present, except Mayor Brown.

Mayor Pro Tem Hamm opened the Public Hearing.

Lew Avera, San Clemente, referenced his letter to Sheriff Hutchins, dated May 31, 2014, that is on file with the City Clerk; spoke in support of the Police Citizens Academy and urged its retention in the budget; summarized his experience in attending the Academy and asserted that the program yields a large return for its \$15,000 cost.

Lew Leto, San Clemente, stated that he attended the most-recent Police Citizens Academy, noting that the program helped him to understand San Clemente's crime challenges; summarized his police ride-a-long experience; urged Council to fund all existing Police positions.

Wayne Eggleston, San Clemente, spoke on the importance of the City protecting health and safety; urged that Council not reduce deputy positions; asserted that crime could be reduced if alcohol establishments would be more proactive in helping to maintain safe conditions; commented on the importance of appropriate zoning to facilitate a safe community, and recommended that the City utilize care in determining how and where it sites homeless facilities.

Brenda Miller, San Clemente, noted the importance of retaining the City's current complement of law enforcement personnel; commented on the value of the Police Citizens Academy.

Michael Metcalf, San Clemente, spoke in support of extending the beach pedestrian beach trail.

Michael Kaupp, speaking on behalf of the Downtown Business Association (DBA), explained the DBA's funding request; stated that the DBA can make funds go farther than the City since it is not subject to prevailing wage requirements and does not have high management costs; stated that a total of \$60,000 is needed to complete the bulb-out projects, but stated that the DBA will pay \$15,000 of that amount if the City will pay \$45,000 (\$15,000 per year over the next three budget cycles); stated that the bulb-out projects are a significant public art project for the community.

Christina Carbonara, President of the Downtown Business Association, summarized costs that the DBA incurs in maintaining the hanging plants and producing the Classic Car Show and Puttin' on the Glitz events and requested that the City assist in funding those endeavors; noted that the DBA is self-sustainable in other areas, such as the Art Fair and office space; requested that the City continue to partner with the DBA.

There being no others desiring to speak to this issue, the Public Hearing was closed.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 3-1 (COUNCILMEMBER BAKER VOTING NOE), to approve the Motor Officer refunding scenario, as presented this evening, and direct Police Services to value engineer (in terms of cost as well as staff resources) the Police Citizens Academy to aid Council in considering the possibility of restoring funding for the program in FY 2016.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, **FAILED 2-2** (COUNCILMEMBER BAKER AND MAYOR PRO TEM HAMM VOTING NOE), to approve \$40,320 for the Downtown Business Association as previously budgeted.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 3-1 (COUNCILMEMBER BAKER VOTING NOE), to approve \$40,000 for the Downtown Business Association.

MOTION BY MAYOR PRO TEM HAMM, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 3-1 (COUNCILMEMBER BAKER VOTING NOE), to approve \$7,500 for the Landmarks on Del Mar "Bulb Out" program.

During the course of deliberations, Council determined as follows:

1. The beach pedestrian trail extension project will not be funded at this time. Staff is to continue communications with OCTA and other potential funding sources to determine if money is available for the project and whether timing restrictions apply to any funding opportunities. Council expressed a desire to receive the results of the Beaches, Parks and Recreation Master Plan survey to ascertain the level of public interest in extending the trail before it makes a decision on the project.
2. The Beaches, Parks and Recreation Master Plan is to remain in the budget. Council expressed an interest in phasing the project, with the first phase focusing on a community overview, developing survey questions and reviewing existing facilities, and the second phase focusing on the Request for Proposal (RFP) process. Council directed Staff to submit the draft RFP to Council for approval before the RFP is issued.

MOTION BY MAYOR PRO TEM HAMM, SECOND BY COUNCILMEMBER EVERT, CARRIED 4-0, to direct Staff to prepare resolutions approving the City budget for Fiscal Year 2015 for consideration at the Council Meeting of June 17, 2014.

8. **UNFINISHED BUSINESS**

None.

9. **NEW BUSINESS**

A. **Contract Award – Lucy Computerized Maintenance Management System**

Report from the Public Works Director/City Engineer concerning the possibility of entering into a contract with Lucy for purchase and implementation of the Lucy Computerized Maintenance Management System for the Utilities Division.

Principal Civil Engineer Knatz narrated a PowerPoint presentation entitled "Lucy Computerized Maintenance Management System" that is on file with the City Clerk; responded to inquiries.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER BAKER, CARRIED 4-0, to:

1. Approve, and authorize the Mayor to execute, Contract No. C14-20 by and between the City of San Clemente and Lucity, providing for the purchase and implementation of the Lucity Computerized Maintenance System for the Utilities Division, in the amount of \$187,620.
2. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C14-20 by and between the City of San Clemente and Lucity, relating to the purchase and implementation of the Lucity Computerized Maintenance Management System for the Public Works and Beaches and Parks Maintenance Divisions, at a cost not to exceed \$137,000, contingent upon the following: 1) Council approval of FY 2015 Decision Package PW-0314, and 2) approval of the City Attorney and Public Works Director.

B. Code Amendment – Bike Riding on Mariposa Boardwalk

Report from the Beaches, Parks and Recreation Director concerning the possibility of amending the Code of the City of San Clemente to allow bike riding on the Mariposa Boardwalk.

Marine Safety Lieutenant Mellott reviewed the contents of the Administrative Report and responded to Council inquiries.

Brenda Miller, San Clemente, spoke in support of the Code Amendment to allow bicycles on the Mariposa Boardwalk; encouraged Council to vote in favor of the Code Amendment, for at least a trial basis.

Pete Van Nuys, San Clemente, spoke in support of allowing bicyclists to ride on the Mariposa Boardwalk, noting that it will support active transportation at no cost to the city; urged Council to vote in favor of the Code Amendment.

Richard Boyer, San Clemente, urged Council to support the Code Amendment to allow bicyclists on the Mariposa Boardwalk for health and connectivity reasons.

Michael Metcalf, San Clemente, stated that the Beach Trail is a multi-modal trail and urged Council to allow bicyclists on the Mariposa Boardwalk.

Following discussion, MOTION BY MAYOR PRO TEM HAMM, SECOND BY COUNCILMEMBER BAKER, CARRIED 3-1 (COUNCILMEMBER EVERT VOTING NOE), to introduce Ordinance No. 1581 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 12.32.130 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO THE USE OF BICYCLES AND OTHER ACTIVITIES ON THE PIER, BEACH ACCESS ROAD AND BEACH TRAIL, with the incorporation of an additional "Whereas" to read as follows:

"Whereas, upon its construction, the railing height on the Mariposa Boardwalk did not meet Caltrans height requirements to allow bicycle riding, and recent changes to Caltrans requirements no longer preclude bicycle riding from the boardwalk;"

Ordinance No. 1581, if adopted, will eliminate the Mariposa Point boardwalk from the list of areas where bicycles are not permitted.

C. **Code Amendment – Fees for Sidewalk Waiver Applications and Appeals Fees**

Report from the Public Works Director/City Engineer concerning the possibility of establishing fees for sidewalk waiver applications and appeals.

Assistant City Engineer Bonigut responded to Council inquiries.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER BAKER, CARRIED 4-0, to:

1. Introduce Ordinance No. 1582 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SUBSECTION 12.08.020 OF THE SAN CLEMENTE MUNICIPAL CODE TO REQUIRE A SIDEWALK WAIVER APPLICATION FEE.
2. Adopt Resolution No. 14-18 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING FEES FOR SIDEWALK WAIVER APPLICATIONS AND APPEALS.

D. **Federal Lobbyist Assistance – FY 2015**

Report from the Public Works Director/City Engineer concerning the possibility of extending the agreement with Marlowe and Company for Federal lobbyist assistance in FY 2015.

Assistant City Engineer Bonigut reviewed the contents of the Administrative report and responded to Council inquiries.

MOTION BY COUNCILMEMBER BAKER, SECOND BY MAYOR PRO TEM HAMM, CARRIED 4-0, to not retain Marlowe & Company for Federal lobbying and government affairs consulting services for FY 2015.

Staff is to return to Council if it believes that future circumstances warrant reconsideration of Council's decision.

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

None.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

San Clemente Library Construction Update

City Manager Gudgeirsson reported that construction on the Library will begin on June 26, 2014; advised that a temporary library space has been secured on Camino de los Mares, and the relocation effort will begin on June 16, 2014; pointed out that the County is paying for lease of the library space.

C. **City Attorney**

None.

D. **Council Members**

Code Compliance Weekend Sign Enforcement

Mayor Pro Tem Hamm requested the issue of removing real estate signs and garage sale signs on weekends be agendaized for a future Council meeting.

Director Recruitment - Metropolitan Water District of Southern California

Councilmember Baker requested that an item be agendaized to appoint a Council voting representative to participate in the selection of a Director for the Metropolitan Water District of Southern California.

Memorial Day Events

Councilmember Baker commended the Memorial Day events, and displayed pictures of events at the Community Center and Park Semper Fi. Copies of the photographs are on file with the City Clerk.

Cotton's Point Senior Housing

Councilmember Baker reported that he participated in a tour of the Cotton's Point Senior Housing project and showed pictures of the project. Copies of the photographs are on file with the City Clerk.

12. **RESOLUTIONS/ORDINANCES**

None.

13. **ADJOURNMENT**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 4-0, to adjourn at 10:06 p.m., to an Adjourned Regular Meeting to be held on June 17, 2014 at 3:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, for Council to conduct interviews and fill Commission and Committee vacancies. The regular business meeting will commence at 6:00 p.m.

A subsequent Adjourned Regular Meeting will be held on June 18, 2014 at 4:00 p.m. at the Community Development Building, Conference Room A, 910 Calle Negocio, for the purpose of conducting interviews and fill vacancies on City Commissions/Committees.



CITY CLERK of the City of
San Clemente, California



MAYOR of the City of
San Clemente, California

