

CITY OF SAN CLEMENTE

City Council Minutes

Special and Regular City Council Meeting – June 17, 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 Special Meeting of the San Clemente City Council was called to order on June 17, 2014 at 3:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Brown.

PRESENT BAKER, DONCHAK, EVERT, HAMM, MAYOR BROWN

ABSENT None.

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

1. **COMMISSION/COMMITTEE INTERVIEWS AND APPOINTMENTS**

A. **Beaches, Parks and Recreation Commission**

Council interviewed the following Beaches, Parks and Recreation Commission applicants:

John McMains
David Bradshaw
Linda Chitwood
Steven Streger
Fred Olsen
Joseph Zidron
Jerry Quinlan
Chris McCormack
Michael Smith
Martin Garff

Councilmembers cast written ballots as follows:

BAKER: McCormack, Smith, Streger
BROWN: Bradshaw, Smith, Streger
DONCHAK: Chitwood, Garff, Streger
EVERT: Chitwood, McMains, Streger
HAMM: McCormack, McMains, Streger

Council noted that Steven Streger received five votes and that Linda Chitwood, Chris McCormack, John McMains and Michael Smith each received two votes. Council voted as follows to break the tie between Linda Chitwood, Chris McCormack, John McMains and Michael Smith.

BAKER: Chitwood, McCormack
BROWN: McCormack, Smith
DONCHAK: Chitwood, McCormack
EVERT: Chitwood, McCormack
HAMM: McCormack, McMains

MOTION BY COUNCILMEMBER EVERT, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to appoint Steven Streger, Linda Chitwood, and Chris McCormack to the Beaches, Parks and Recreation Commission for terms to expire June 30, 2016.

B. **Human Affairs Committee**

City Clerk Baade announced that Kristel Namimatsu has withdrawn her candidacy.

Council interviewed the following Human Affairs Committee applicants:

Patricia Hasbrook
Marta Smith

**William Ewing was not present to be interviewed and Council determined that it was not necessary to interview Kay Childs because of the lateness of the hour and fact that she is an incumbent.*

Council determined to appoint all four applicants (Kay Childs, William Ewing, Patricia Hasbrook and Marta Smith). A drawing was conducted to determine whether Patricia Hasbrook or Marta Smith would fill the unexpired term. The results of the drawing determined that Marta Smith would fill the one-year term.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to appoint Kay Childs, William Ewing, and Patricia Hasbrook to the Human Affairs Committee for terms to expire June 30, 2016, and to appoint Marta Smith to fill the unexpired term to expire June 30, 2015.

C. **Investment Advisory Committee (Industry Specialist Position)**

Leslie Wells was not present to be interviewed.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to appoint Leslie Wells to the Investment Advisory Committee (Industry Specialist Position) for a term to expire June 30, 2016.

CLOSED SESSION

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to recess to Closed Session at 5:00 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 - ANTICIPATED LITIGATION

Significant exposure to litigation, pursuant to Government Code Section 54956.9(b): One potential case.

- D. 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, City Manager Gudgeirsson, City Legal Counsel Oderman, Assistant City Manager Sund and City Clerk Baade. Building Official Jorgensen was in attendance for Closed Session Items A, B and C only. Public Works Director/City Engineer Cameron was in attendance for Closed Session D only.

MEETING RECONVENED

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

INVOCATION

Mark Boud, The Church of Jesus Christ of Latter-day Saints.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Hamm led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS.**

A. **San Clemente High School Report**

Matt Garritson and Gabby Meyer, student representatives of San Clemente High School, narrated a PowerPoint presentation entitled “San Clemente High School”, concerning campus activities. A copy of the presentation is on file in the City Clerk’s Department.

Mayor Brown presented Certificates of Recognition to Gabby Meyer and Matt Garritson in appreciation for providing San Clemente High School updates on campus activities for the 2013/14 school year.

B. **Certificates of Recognition – Jeane McPhee and Mike Conlon, San Clemente High School Faculty**

Mayor Brown presented Certificates of Recognition to San Clemente High School Faculty members Jeane McPhee and Mike Conlon in appreciation for outstanding instruction, support, and guidance to the students of San Clemente High School and wishing them continued success and happiness in their retirement years. Jeane McPhee then played a choreographed music video showcasing the San Clemente High School Dance Team.

C. **Mothers Against Drunk Driving (MADD) Award**

Tiffany Townson, of Orange County MADD, presented an award to San Clemente Sheriff’s Deputy Aaron Schulte for his achievement in making 26 DUI arrests in 2013.

D. **Certificate of Recognition – Associate Planner Sean Nicholas**

Mayor Brown presented a Certificate of Recognition to Sean Nicholas, Associate Planner, who was recognized by the American Planning Association for becoming one of five Planners in the county that passed the distinguished American Institute of Certified Planners (AICP) exam.

E. **Human Affairs Committee Annual Report**

Kay Childs, Chair of the Human Affairs Committee, provided Council with a status report concerning Human Affairs Committee activities for the period of July 1, 2013 through June 30, 2014.

F. **Human Relations Leadership Award – Kevin Mariano**

Mayor Brown presented the 2014 Human Relations Leadership Award to San Clemente High School student Kevin Mariano.

G. **Certificate of Recognition – Ethan Gacek (San Clemente High School Scholar of Scholars)**

Mayor Brown presented a Certificate of Recognition to Ethan Gacek, San Clemente High School's Scholar of Scholars.

H. **Certificate of Recognition - Mason Delahooke (San Clemente High School Triton of Tritons)**

Mayor Brown presented a Certificate of Recognition to Mason Delahooke, San Clemente High School's Triton of Tritons.

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

Friends of San Clemente Golf Tournament

John Dorey, speaking on behalf of the Friends of San Clemente, invited Council and the public to participate in the Friends' fourth annual charity golf tournament; spoke of other fundraising events sponsored by the Friends of San Clemente.

Outlets at San Clemente/Surfing Heritage Museum

Jancee Aellig, Craig Realty, provided an update on the construction status of the commercial project at Marblehead Coastal; informed Council that Craig Realty is working to find a permanent location for the Surfing Heritage Museum within the outlet center at a discounted rental price.

Trees and Verde Park

George Brody, San Clemente, requested that Council direct that trees at Verde Park be removed and replaced; opined that eucalyptus trees pose a fire hazard and requested that Council reconsider the tree ordinance as it relates to the removal of trees.

3. MOTION BY MAYOR PRO TEM HAMM, 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 EVERT, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to approve the Consent Calendar, with the removal of Items 6-B(1), 6-D, and 6-K.

A. **City Council Minutes**

None.

- B. MOTION BY COUNCILMEMBER EVERT, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to receive and file:

(2) Zoning Administrator Regular Meeting Minutes of June 4, 2014.

(3) Planning Commission Study Session Meeting Minutes of June 4, 2014.

(4) Planning Commission Regular Meeting Minutes of June 4, 2014.

C. **Warrant Register**

MOTION BY COUNCILMEMBER EVERT, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to approve Wire Transfer Nos. 1262 through 1266, paid on 5/30/14; approve Warrant Nos. 516614 through 516734, paid on 5/30/14, in the amount of \$2,405,831.05; and approve Warrant Nos. 516735 through 516875, paid on 6/6/14, in the amount of \$1,862,134.99; for a total Warrant Register of \$4,267,966.04.

Payroll Register

MOTION BY COUNCILMEMBER EVERT, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to approve Warrant Nos. 305 through 308, and Automatic Deposit Advises 15235 through 15542 for the period of 4/14/14 through 4/27/14, paid on 5/2/14, in the amount of \$416,437.83; approve Warrant Nos. 315 through 316, and Automatic Deposit Advises 15869 through 16192 for the period of 5/12/14 through 5/25/14, paid on 5/30/14 in the amount of \$426,192.40; for a total Payroll Register of \$842,630.23.

E. **Revised Resolutions to Call the General Municipal Election for November 4, 2014 and to Request Consolidation with the Statewide General Election**

MOTION BY COUNCILMEMBER EVERT, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to:

1. Adopt Resolution No.14-19 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2014, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES, AND REPEALING RESOLUTION NO. 14-14.
2. Adopt Resolution No. 14-20 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 4, 2014, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE, AND REPEALING RESOLUTION NO. 14-15.

F. **Contract Award – Marblehead Coastal Construction Inspection Services FY 2015**

MOTION BY COUNCILMEMBER EVERT, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract No. C14-21 by and between the City of San Clemente and Anderson Penna, to provide construction inspection services for the Marblehead Coastal Development project for FY 2015, in an amount not to exceed \$195,000.

G. **Renewed Measure M (M2) Annual Funding Eligibility – Fiscal Year 2014-2015**

MOTION BY COUNCILMEMBER EVERT, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to:

1. Approve the Measure M2 Seven Year Capital Improvement Program for Fiscal Years 2014-2015 through 2020-2021.
2. Adopt Resolution No. 14-21 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CONCERNING THE STATUS OF THE CIRCULATION ELEMENT AND MITIGATION FEE PROGRAM FOR THE RENEWED MEASURE M (M2) PROGRAM.
3. Authorize the Public Works Director/City Engineer to submit Measure M2 funding eligibility requirements on behalf of the City of San Clemente to the Orange County Transportation Authority.

H. **Citizen Option for Public Safety Program (COPS)**

MOTION BY COUNCILMEMBER EVERT, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to approve the use of COPS grant funds for a portion of one patrol deputy position for FY 2015.

I. **Code Compliance Funding and Organization**

MOTION BY COUNCILMEMBER EVERT, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to approve a supplemental appropriation in the amount of \$13,000 to the Clean Ocean Fund account #057-542-41030.

J. Establishing Appropriations Limit for Fiscal Year 2015

MOTION BY COUNCILMEMBER EVERT, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to:

1. Approve selection of the following annual adjustment factors:
 - a. Population increase for the County of Orange.
 - b. Increase in California per capita personal income.
2. Adopt Resolution No. 14-22, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING AN APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA CONSTITUTION.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**6-B(1). Planning Commission Adjourned Regular Meeting Minutes of May 28, 2014.**

Council referenced the portion of the Planning Commission meeting minutes of May 28, 2014 that related to the homeless shelter discussion and questioned whether or not the City will be participating in the County's "point in time" homeless enumeration counts.

Community Development Director Holloway advised that the City is not planning to participate in the County's "point in time" homeless enumeration study, and stated that a budget request was not made for the \$25,000 cost to participate in the County's study. Community Development Director Holloway further stated that the City has relied on the expertise of the Orange County Sheriff's Department/San Clemente Police Services to determine the City's homeless population count.

MOTION BY COUNCILMEMBER BAKER, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to receive and file the Adjourned Regular Planning Commission meeting minutes of May 28, 2014.

D. **Contract Award - Fleet Services**

Council questioned and received clarifications relative to the terms of the proposed contract.

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

1. Approve and authorize the contracting of Fleet Maintenance Services to First Vehicle Services.
2. Approve, and authorize the Mayor to execute, Contract No. C14-22 by and between the City of San Clemente and First Vehicle Services, Inc., to provide Fleet Maintenance services, in an amount not to exceed \$485,000, with the direction that the contract include the contract improvements identified on pages 10-15 of the Fleet Maintenance Services Evaluation report prepared by Mercury Associates, Inc.

K. **Contract Award – San Clemente Beach Trail Crossings Safety and Audible Warning System, and Submittal of a Request to the Federal Railroad Administration for a Waiver of the Train Horn Rule**

Assistant City Engineer Bonigut provided Council with an update on the Safety/Quiet Zone.

MOTION BY COUNCILMEMBER BAKER, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to:

1. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C13-11, by and between the City of San Clemente and the Orange County Transportation Authority (OCTA), providing for San Clemente Beach Trail Crossing Safety Enhancements and Audible Warning System. OCTA Contract #C-3-1528
2. Approve and authorize the City Manager to submit an application to the Federal Railroad Administration requesting a waiver of the Train Horn Rule.

7. **PUBLIC HEARINGS**

A. **Water Rates**

Public Hearing concerning the possibility of modifying the City's water rates.

Assistant City Manager Sund narrated a PowerPoint entitled "2014 Water Rate Review Summary". A copy of the presentation is on file with the City Clerk.

Public Works Director/City Engineer Cameron, Utilities Manager Kaylor and Business Services Officer Rendina responded to Council inquiries.

Mayor Brown opened the Public Hearing and there being no one desiring to speak, the Public Hearing was closed.

City Clerk Baade reported that the City received 46 written protests; advised that 17,234 properties in the City receive water service and, hence, the 46 protests do not represent a majority protest.

MOTION BY COUNCILMEMBER BAKER, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to introduce 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. **Sanitary Sewer Rates**

Public Hearing relative to the possibility of modifying the City's sanitary sewer rates.

Assistant City Manager Sund summarized the contents of the Administrative Report.

Mayor Brown opened the Public Hearing and there being no one desiring to speak, the Public Hearing was closed.

City Clerk Baade indicated that the City received eight written protests; explained that 17,014 properties receive sewer service and, hence, the eight protests do not represent a majority.

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

MEETING RECESSED

Council recessed at 7:36 p.m. and reconvened at 7:50 p.m., with all members present.

8. **UNFINISHED BUSINESS**

None.

9. **NEW BUSINESS**

A. **Policy and Procedure 301-2-1 – City Owned Trees: Protection and Administration**

Report from the Director of Beaches, Parks, and Recreation concerning the possibility of amending the City's Policy regarding removal, relocation or replacement of public trees.

Director of Beaches, Parks, and Recreation Heider reviewed the contents of the Administrative Report and responded to Council inquiries.

Alan Korsen, San Clemente, commented that the City's vision document specifies that the City should protect its urban forest; suggested that mature trees should not be removed to benefit a private view.

Bruce Walls, Sr., San Clemente, commented that trees at Verde Park are shadowing his house and he is fearful that branches will fall onto his house; requested that the trees be trimmed at Verde Park.

Mike Lehter, San Clemente, spoke in support of a policy that would address tree relocation; suggested that some trees have become too large and requested that Council not subject residents to an exhaustive process to have problem trees relocated.

Georgette Korsen, San Clemente, spoke on the value of trees and urged their retention.

George Brody, San Clemente, suggested that Mr. and Mrs. Korsen recuse themselves from the tree policy conversation since they are not impacted by the trees at Verde Park.

Jeff Chambers, San Clemente, commented that certain homeowner associations have rules regarding tree heights, but do not enforce those rules; suggested that trees should be trimmed to a more reasonable height in order to preserve both trees and views.

During the course of discussion, individual Councilmember(s) offered commentary as follows. The below statements do not necessarily reflect Council consensus:

- It is important to be mindful of residents with regard to the tree policy and to avoid creating a bureaucratic process.
- A method should be created to determine the level of community support for removing/relocating a given tree. This may possibly be achieved via a proactive system similar to the process used to underground utilities, whereby the citizen who initiates a proposal would assume a proactive role in determining public sentiment before an application is filed with the City.
- A collaborative process should be developed that allows City staff input into the proposal offered by citizen(s).
- Thought should be given as to whether requesters should bear the full cost of tree removal/relocation in all cases. It may be appropriate to waive or lower the cost in cases where the tree's location was inappropriate from the time of planting.
- Consideration should be given to developing a fast-track process for addressing trees that are unlikely to create controversy.
- The Beaches, Parks and Recreation Commission, Planning Commission and Golf Course Committee are to conduct public workshops and provide recommendations on the tree policy as it relates to their specific purview. (For example, the Golf Course Committee will provide input concerning trees on the golf course.) Staff will then coalesce the data received into an implementable process for Council consideration.
- Information concerning the City's 1986 tree ballot initiative should be provided to the Beaches, Parks and Recreation Commission, Planning Commission, and Golf Course Committee.
- Noticing for the Commission/Committee meetings is to be expansive in an effort to maximize public participation.
- Best practices should be developed for notifying individuals that could be affected by removal/relocation of a tree. Issues to consider include whether notices should be mailed to properties within a 300' radius of the tree in question, and/or whether a placard about the proposal should be posted at the tree's location for a 30-day period.

- The City's tree policy should not include the word "removal".
- If a tree is removed from one location, the requester should fund a new tree in another area of the City, such as the downtown area.
- Residents requesting tree removal/relocation should share in the cost of tree removal/replacement since they will receive a benefit.

Council directed Staff to present the proposed changes to the "City Owned Trees: Protection and Administration Policy" to the Golf Course Committee, Beaches, Parks and Recreation Commission and Planning Commission for recommendations and development of criteria and return to Council for action.

B. Ole Hanson Beach Club Rehabilitation Scope and Bid Options

Report from the Director of Beaches, Parks, and Recreation concerning scope and bid options for the Ole Hanson Beach Club rehabilitation.

Senior Civil Engineer Ilkhanipour provided Council with an update on the scope of the Ole Hanson Beach Club rehabilitation project and associated bid options. During the course of discussion, Staff responded to Council inquiries relative to factors that contributed to the 27% increase in project cost and identified the work that has occurred since Council approved the rehabilitation effort in May 2013.

Council requested a listing of items that have been downgraded as a result of the cost-savings effort.

Alan Korsen, San Clemente, suggested that Council not redesign the north-facing elevation of the original building in an effort to reduce construction costs; spoke on the importance of retaining the historical integrity of the building.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to direct Staff to proceed with bidding the approved scope of work for the rehabilitation of the Ole Hanson Beach Club.

C. **City of San Clemente Fiscal Year 2015 Budget Adoption**

Report from the Assistant City Manager concerning adoption of the Fiscal Year 2015 City budget.

Finance Manager Vincent and Assistant City Manager Sund narrated a PowerPoint presentation entitled "FY 2015 Budget Adoption", which is on file with the City Clerk; responded to Council inquiries.

MOTION BY MAYOR BROWN, SECOND BY COUNCILMEMBER BAKER, **FAILED** 2-3 (COUNCILMEMBER DONCHAK, COUNCILMEMBER EVERT, AND MAYOR PRO TEM HAMM VOTING NOE), to fund the Deputy II position, but defund the Deputy II Motor Officer from the FY 2015 Budget.

Brenda Miller, San Clemente, spoke in support of motorcycle officers; opined their presence is critical to the safety of residents and bicyclists.

It was noted that Council previously appropriated \$40,000 to the DBA for community events. Council requested that the DBA provide the City with itemized invoices to ensure that funding is appropriately spent.

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

1. Adopt Resolution No. 14-23 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING AND APPROVING THE BUDGET AT THE FUND LEVEL FOR THE CITY OF SAN CLEMENTE FOR THE 2015 FISCAL YEAR AND THE COMMITMENT OF FUND BALANCE.
2. Adopt Resolution No. 14-24 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A REVISED SALARY SCHEDULE AND NEW CLASSIFICATIONS AND AMENDING RESOLUTION NO. 13-28 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH.

D. **Contract Award – FY 2015 Police Services**

Report from the Assistant City Manager concerning the Fiscal Year 2015 Police Services Contract.

Finance Manager Vincent provided an overview of the FY 2015 Police Services contract and responded to Council inquiries.

Lt. Moodie responded to Council inquiries regarding operations as they relate to Police Services cost reductions.

MOTION BY COUNCILMEMBER EVERT, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract No. 93-16 by and between the City of San Clemente and the County of Orange, providing for Police Services for FY 2015, in an amount not to exceed \$12,430,310.

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

None.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

Budget Team

City Manager Gudgeirsson expressed his thanks and gratitude to the budget team for its hard work in the preparation and adoption of the FY 2015 budget.

C. **City Attorney**

1. **Consideration of providing amicus support for the City of Newport Beach's group home litigation.**

Legal Counsel Oderman provided an overview of Newport Beach's group home litigation.

Harold Warman, San Clemente, spoke in support of the City providing amicus support for Newport Beach's group home litigation; spoke of issues at a residence on S. Ola Vista and requested Council involvement.

Monica Burick, San Clemente, requested that Council adopt rigorous zoning restrictions to address group homes; urged Council to enforce every law in an effort to reduce crime associated with sober living homes.

Sherman Fowler, San Clemente, expressed concern that sober living homes need to be regulated; thanked Council for its support.

Pat Wernet, San Clemente, stated that a property on South Ola Vista is dangerous to the community and is detrimental to the neighborhood.

Richard Tomberg, San Clemente, expressed concerns regarding a property on South Ola Vista; commented that the City should investigate ways to enforce violations at the home.

Council requested that Legal Counsel Oderman communicate with Staff about enforcing laws on books (drug houses, etc.). Mr. Oderman will investigate whether or not the City can bill for excessive police and emergency responses for bad behavior and report back.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to provide amicus support and provide \$5,000 for the City of Newport Beach's group home litigation. The \$5,000 contribution is to be transferred from Council Contingency.

D. **Council Members**

1. **Consideration of appointing a voting representative to the Metropolitan Water District of Southern California.**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to appoint Councilmember Baker as the City's voting representative to the Metropolitan Water District of Southern California to appoint a new director.

12. **RESOLUTIONS/ORDINANCES**

A. **Ordinance No. 1581 (Second Reading) – Bike Riding on Mariposa Boardwalk**

MOTION BY MAYOR PRO TEM HAMM, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 4-1 (COUNCILMEMBER EVERT VOTING NOE), to adopt 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.

B. **Ordinance No. 1582 (Second Reading) - Fees for Sidewalk Waiver Applications and Appeals Fees**

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

13. **ADJOURNMENT**

MOTION BY MAYOR PRO TEM HAMM, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to adjourn at 10:26 p.m., to an Adjourned Regular Meeting to be held on June 18, 2014 at 4:00 p.m. at the Community Development Building, Conference Room A, 910 Calle Negocio, San Clemente, for the purpose of conducting interviews and filling vacancies on City Commissions/Committees.

The next Regular Council Meeting will be held on July 1, 2014 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.


CITY CLERK of the City of
San Clemente, California



MAYOR of the City of
San Clemente, California