

CITY OF SAN CLEMENTE

City Council Minutes

Regular City Council Meeting – May 20, 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 May 20, 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

ABSENT NONE

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

CLOSED SESSION

Legal Counsel Oderman requested a Closed Session to discuss the items listed on the Closed Session agenda; noted that Item F relates to potential litigation from the Capistrano Shores Mobile Home Park.

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 LABOR NEGOTIATOR, pursuant to Government Code Section 54957.6:

Agency Negotiator: Erik Sund, Assistant City Manager

Employee Organizations: San Clemente City Employees Association, Management Employees, Mid-Management Employees and Confidential Employees.

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

Joseph A. Arriola v. L.H.C. Investments LLC, et al., OCSC 30-2011-00450299-CU-CD-CXC

- C. 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

- D. 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)

- E. 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)

- F. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

- G. PUBLIC EMPLOYEE APPOINTMENT, pursuant to Government Code Section 54957:

Position to be filled: City Manager

In attendance for the full Closed Session were all members of the City Council. City Manager Gudgeirsson, Legal Counsel Oderman, Assistant City Manager Sund, and City Clerk Baade were in attendance for the full Closed Session, with the exception of Closed Session Item G. Human Resources Manager Penrod was in attendance for Closed Session Item A only. Public Works Director/City Engineer Cameron was in attendance for Closed Session B only. Community Development Director Holloway and Building Official Jorgensen were in attendance for Closed Session Items D, E and F only. Bobbi Peckham, with Peckham and McKenney, was in attendance for Closed Session G only.

MEETING RECONVENED

Council reconvened at 6:08 p.m., with all members present.

INVOCATION

Don Kappauf, Chaplain, Orange County Sheriff – Coroner Department, gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Baker led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **800 MHz Radios**

Robert Stoffel, Director, Communications & Technology Division, Orange County Sheriff's Department, narrated a PowerPoint presentation entitled "800 Mhz CCCA – Countywide Coordinated Communications System", concerning upcoming changes and associated costs with 800MHz radios. A copy of Mr. Stoffel's PowerPoint presentation is on file in the City Clerk Department.

B. **Orange County Sheriff's Department (OCSD) South County Operations**

OCSD Captain John Coppock and OCSD Captain Brian Schmutz narrated a PowerPoint presentation entitled "South Operations Realignment Pilot Program". A copy of the PowerPoint presentation is on file in the City Clerk Department.

C. **Proclamation – Buddy Poppy Days**

Mayor Brown presented a proclamation to Col. Ret. Dolores Padgett, Commander of VFW San Clemente Post 7142, proclaiming May 24 -26, 2014 as Buddy Poppy Days.

D. **Proclamation – National Beach Safety and Rip Current Awareness Week**

Mayor Brown presented a proclamation to Marine Safety Officers Nick Giugni and Ocean Lifeguard Supervisor Dennis White declaring June 1-8, 2014 as National Beach Safety and Rip Current Awareness Week.

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

Police Services Citizens Academy

Lew Avera, San Clemente, spoke on his participation in the Police Services Citizens Academy; thanked Captain Coppock for starting the program and further thanked Deputy Bull and Lt. Moodie for their efforts in the 13-week academy.

3. MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM 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**

None.

6. **CONSENT CALENDAR**

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

A. **City Council Minutes**

None.

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

(1) Zoning Administrator Regular Meeting minutes of May 7, 2014.

(2) Coastal Advisory Committee Regular Meeting minutes of March 13, 2014 and April 10, 2014.

(3) Planning Commission Regular Meeting minutes of May 7, 2014.

C. **Warrant Register**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to approve Wire Transfer Nos. 1252 through 1256, paid on 5/2/14; approve Warrant Nos. 515891 through 516027, paid on 5/2/14, in the amount of \$1,240,805.91; and approve Warrant Nos. 516028 through 516206, paid on 5/9/14, in the amount of \$1,252,145.51; for a total Warrant Register of \$2,492,951.42.

Payroll Register

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, 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 \$416,427.83; for a total Payroll Register of \$416,427.83.

D. **Contract Award - Street Rehabilitation for Calle Sarmentoso, Phase 2; Calle Aguila; Avenida Vista Montana, Phase 2 and Avenida Presidio, Phase 3**

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

1. Approve the plans and specifications for the Street Rehabilitation of Calle Sarmentoso, Phase 2, Project No. 11303; Calle Aguila, Project No. 12336; Avenida Vista Montana, Project No. 12339 and Avenida Presidio, Phase 3, Project No. 14332.
2. Approve, and authorize the Mayor to execute, Contract #C14-19 by and between the City of San Clemente and R. J. Noble Company, providing for the rehabilitation of Calle Sarmentoso, Phase 2, Project No. 11303; Calle Aguila, Project No. 12336; Avenida Vista Montana, Project No. 12339 and Avenida Presidio, Phase 3, Project No. 14332, in the amount of \$1,256,901.15.

G. **Notice of Completion - Emergency Repairs to Vista Hermosa 14-inch Water Line, Water System Rehabilitation**

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

1. Accept the Emergency Repairs to the Vista Hermosa 14-inch Water Line, Water System Rehabilitation, Project No. 24401, from GCI Construction, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Emergency Repairs to the Vista Hermosa 14-inch Water Line, Water System Rehabilitation, Project No. 24401. (C13-03)
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 GCI Construction, Inc.
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.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

E. **Utility Easements - Calle Valle/Los Molinos Utility Undergrounding District No. 98-3**

Assistant City Engineer Bonigut responded to Council inquiries.

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

1. Approve, and authorize the Mayor to execute, the Easement Document granting three (3) utility easements for the Calle Valle/Los Molinos Utility Undergrounding District to SDG&E.
2. Authorize the City Clerk to record the Easement Document with the County of Orange Clerk-Recorder.

F. **Quitclaim Deeds - Avenida Vista Hermosa Interchange**

Staff clarified that there are four (4) Quitclaim Deeds to be processed, rather than six (6) as referenced in the Administrative Report.

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

1. Approve, and authorize the Mayor to execute, four (4) Quitclaim Deeds to quitclaim various easements from the City of San Clemente to the State of California Department of Transportation in connection with the Avenida Vista Hermosa interchange.
2. Authorize the City Clerk to record the Quitclaim Deeds and related documents with the County of Orange Clerk Recorder.

7. **PUBLIC HEARINGS**

None.

8. **UNFINISHED BUSINESS**

A. **North Beach/El Camino Real Beach Parking Lot Design**

Report from the Public Works Director concerning the design of the North Beach/El Camino Real Beach Parking Lot.

Public Works Director Cameron narrated a PowerPoint presentation entitled "North Beach/El Camino Real Parking Lot Redesign". A hard copy of Mr. Cameron's Powerpoint presentation is on file in the City Clerk Department.

Art Guy, Landscape Architect for the City, reviewed the parking lot design and responded to Council inquiries.

Donald Slater, San Clemente, urged Council to approve the original design of the North Beach/El Camino Real Parking Lot Design; stated the original design would be the best option for the businesses and residents of North Beach.

During the course of discussion, Legal Counsel Oderman stated that the Beach Parking Fund will not be the funding source for the subject project, unless and until the court's order in the Walker case is overturned on appeal.

Following discussion, MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 4-1 (COUNCILMEMBER BAKER VOTING NOE), to take action as follows:

1. Approve the original preliminary design of the North Beach/El Camino Real Beach Parking Lot (as delineated on Page 8-A-21 of the Administrative Report), with the following value engineering items to be implemented.

<u>Item</u>	<u>Action</u>
Concrete Unit Pavers (includes subgrade)	Eliminated
Cable Rail Barrier Fence or Similar	Eliminated
Electric Charging Station (Allowance)	Eliminated
Kiosk	Eliminated
Remove Existing AC Paving. Interlocking Paver Crosswalk.	Eliminated
12x12 Terra Cotta Pavers	To be replaced with concrete

2. Direct that the parking lot (with the value engineering modifications cited above) proceed to final design, regulatory permitting and public construction bidding of the project for Council's approval of a construction contract.

MEETING RECESSED

Council recessed at 8:10 p.m. and reconvened at 8:22 p.m., with all members present.

9. **NEW BUSINESS**

A. **Contract Award - Construction of Courtney's Sandcastle Sensory Garden**

Report from the Beaches, Parks, and Recreation Director concerning the possibility of awarding a contract providing for construction of the Courtney's Sandcastle Sensory Garden.

Park Planner Donnelly narrated a PowerPoint presentation entitled "Courtney's Sandcastle Sensory Garden" and responded to Council inquiries.

Courtney Smith, San Clemente, presented Council with a symbolic check for \$50,000, representing funds raised by the Courtney's Sandcastle Foundation; urged Council to accept the bid from Micon Construction, Inc.

Sharla Pitzen, Executive Director for Special Education for the Capistrano Unified School District and Board Member with Courtney's Sandcastle, spoke in support of Courtney's Sandcastle; urged Council to accept the bid from Micon Construction, Inc.; informed Council that the Capistrano Unified School District has arranged for a field trip to Courtney's Sandcastle for special needs students.

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

1. Approve, and authorize the Mayor to execute, Contract #14-17 by and between the City of San Clemente and Micon Construction, Inc., providing for the construction of the Courtney's Sandcastle Sensory Garden, in the amount of \$439,579.
2. Accept a commitment of \$50,000 from the Courtney's Sandcastle Charitable Foundation to be deposited into the Parks Acquisition and Development Fund.
3. Approve a supplemental appropriation of \$113,030 from the Parks Acquisition and Development Fund balance to project Account 031-862-45300-000-10143.

B. General Municipal Election – November 4, 2014

Report from the City Clerk concerning the General Municipal Election on November 4, 2014.

City Clerk Baade reviewed the contents of the Administrative Report and responded to Council inquiries.

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

1. Adopt Resolution No.14-14 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CALLING AND GIVING NOTICE OF 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.

Motion continued on the following page

2. Adopt Resolution No.14-15 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 GENERAL ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE.
3. Adopt Resolution No.14-16 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2014.
4. Adopt Resolution No.14-17 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PROVIDING FOR THE CONDUCT OF A SPECIAL RUNOFF ELECTION FOR ELECTIVE OFFICES IN THE EVENT OF A TIE VOTE AT ANY MUNICIPAL ELECTION.

C. **Contract Award - Friends of San Clemente Beaches, Parks and Recreation**

Report from the Beaches, Parks, and Recreation Director concerning a proposed agreement with Friends of San Clemente Beaches, Parks and Recreation, to establish a more formal relationship, acknowledge the totality of the Friends' contributions rather than case by case, and clarify the roles and responsibilities of each.

Recreation Manager Passow reviewed the contents of the Administrative Report and responded to Council inquiries.

Peggy Vance, President of the Beaches, Parks and Recreation Foundation, thanked Council and staff for supporting the Friends; urged Council to support the agreement with the Friends of the Beaches, Parks and Recreation Foundation.

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

1. Approve, and authorize the Mayor to execute, Contract C14-18 by and between the City of San Clemente and the Friends of San Clemente Beaches, Parks and Recreation Foundation, to establish a more formal relationship, acknowledge the totality of the Friends' contributions rather than case by case, and clarifying the roles and responsibilities of each.
2. Approve a supplemental appropriation of \$9,000 in Account 001-218-43625 (Police Contract Services) for Sheriff support for the Carnival Colossal and Expo beginning in fiscal year 2015.

D. **Citywide Geographic Information Systems (GIS) Needs Assessment**

Report from the Assistant City Manager concerning the Geographic Information Systems (GIS) Needs Assessment.

Information Systems Analyst Brower narrated a PowerPoint presentation entitled "Geographic Information Systems (GIS) Needs Assessment" and responded to Council inquiries.

Melissa Caric Lee, President of Compass Rose, answered Council questions.

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

1. Receive and file the GIS Needs Assessment by Compass Rose GIS.
2. Direct staff to move forward with implementation of the needs assessment recommendations per the approach presented in the Administrative Report, dated May 20, 2014, that is on file with the City Clerk.
3. Direct staff to provide periodic updates on the status and progress of implementation.

E. **Funding of Annual Marine Light Helicopter Squadron (HMLA) 469 Barbecue**

Report from the Assistant City Manager concerning the possibility of funding the Annual Marine Light Helicopter Squadron 469 Barbecue.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to approve a transfer of \$4,000 in FY 2014 from Council Contingency Account 001-203-44900 to City General Social Services Marine Unit Support Account 001-202-44756 to fund the HMLA 469 Barbecue event in June 2014.

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

None.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. **City Attorney**

Legal Counsel Oderman extended his appreciation for the opportunity to serve the City Council and residents of the City of San Clemente.

D. **Council Members**

(1) City Voting Delegate and Alternate(s) – League of California Cities Annual Business Meeting

MOTION BY MAYOR BROWN, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to appoint Mayor Pro Tem Hamm as the Voting Delegate on the City's behalf at the League of California Cities Annual Business Meeting on September 3-5, 2014 in Los Angeles.

OCTA Information Cards on Freeway Expansion

Councilmember Donchak distributed information cards from the OCTA regarding the I-5 freeway expansion.

Brush Fires on Camp Pendleton

Councilmember Baker complimented the USMC's response to the recent fires on Camp Pendleton, focusing on the outstanding coordination and training of the pilots that conducted the water drops.

Memorial Day Observances

Mayor Brown invited residents to attend the Memorial Day events scheduled for Monday, May 26, 2014 at the Community Center and Park Semper Fi.

"In Flanders Field" War Poem

Mayor Brown recited the poem "In Flanders Field" in honor of Buddy Poppy Days.

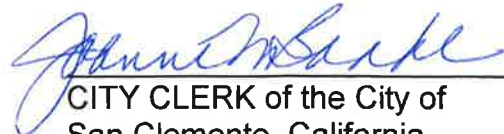
12. **RESOLUTIONS/ORDINANCES**

A. **Ordinance No. 1580 (Second Reading) – Speed Zones on City Streets**

MOTION BY MAYOR BROWN, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to adopt Ordinance No. 1580 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 10 OF THE MUNICIPAL CODE CONCERNING SPEED ZONES ON CITY STREETS.

13. **ADJOURNMENT**

MOTION BY MAYOR BROWN, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to adjourn at 9:40 p.m., in memory of Neal Gibby, to an Adjourned Regular Meeting to be held on **June 5, 2014** in the Council Chambers, located at 100 Avenida Presidio, San Clemente. Closed Session items will be considered at 4:30 p.m. The business meeting will commence at 6:00 p.m. *Note: The meeting was previously changed to June 5, 2014 to accommodate the General Election on June 3, 2014.*


CITY CLERK of the City of
San Clemente, California


MAYOR of the City of
San Clemente, California *pro TEM*