

CITY OF SAN CLEMENTE

City Council Minutes

Regular City Council Meeting – March 18, 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 March 18, 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 Goldfarb, City Attorney; Joanne Baade, City Clerk; Laura Campagnolo, Deputy City Clerk

CLOSED SESSION

MOTION BY MAYOR BROWN, SECOND BY COUNCILMEMBER EVERT, 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):

Callan, et al. v. Marlborough Seaview Estates Homeowners Association, et al., OCSC Case No. 01CC07556 (consolidated with Case No. 01CC15381)

- B. 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

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

In attendance for the Closed Session were all members of the City Council, City Manager Gudgeirsson, Assistant City Manager Sund, City Attorney Goldfarb, Public Works Director/City Engineer Cameron, Community Development Director Holloway, Building Official Jorgensen and City Clerk Baade.

MEETING RECONVENED

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

INVOCATION

Jim Davis, Senior Chaplain with the Orange County Sheriff's Department, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Brown led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **San Clemente High School Report**

City Manager Gudgeirsson narrated a PowerPoint presentation entitled "SCHS Recognition Day", noting that the City recognized San Clemente High School on March 7, 2014. A hard copy of Mr. Gudgeirsson's PowerPoint is on file with the City Clerk.

Gabby Meyer and Matt Garritson narrated a PowerPoint presentation entitled "San Clemente High School" concerning campus activities. A hard copy of the subject PowerPoint is on file with the City Clerk.

B. **Relay for Life Proclamation**

Mayor Brown presented a proclamation to Donald Muir, Chairman of San Clemente's Relay for Life, proclaiming July 26 and July 27, 2014 as days set apart for the Relay for Life.

C. **Orange County Human Relations Report**

Francisco Marmolejo and Sue Reese, Members of the Board of Directors of the Orange County Human Relations Council, reviewed human relations activities and services in Orange County and San Clemente; distributed a copy of the "2012-13 Annual Report from OC Human Relations". A hard copy of the subject report is on file with the City Clerk.

D. **Commendation - Lt. John Coppock**

Mayor Brown presented a commendation to Lt. John Coppock recognizing him for a job well done and congratulating him on his promotion to Captain.

Wayne Eggleston, San Clemente, expressed gratitude to Lt. Coppock for his outstanding protection of Park Semper Fi and presented him with a photograph of the marine monument.

E. **Courtney's SandCastle Update**

Sharon Heider, Director of Beaches, Parks and Recreation, provided an update on the status of Courtney's SandCastle; reviewed a map that depicted plans for Phase II of the Vista Hermosa Sports Park (a copy of which is on file with the City Clerk); noted that past bids came in high and, as a result, design changes were implemented; reviewed the modified plan and explained that the revised project is ready to go out to bid; responded to Council inquiries.

Council noted that local contractors may be interested in the project; requested that Staff provide the Vista Hermosa Sports Park Phase II map to Councilmembers, along with a recap of the project, so that they may help publicize the project to potential contractors.

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

Kim Yim, San Clemente Abolitionists, explained that the purpose of her organization is to raise awareness and understanding of the global problem of modern day human trafficking; asserted that sex trafficking occurs in San Clemente and commended the Orange County Sheriff's Department for their assistance in addressing the matter.

San Clemente Community Market

Sam Olmstead, San Clemente Community Market, advised that his organization desires to bring a full-service market to San Clemente that specializes in local organic foods; reviewed the structure of his organization, noting that feasibility studies for possible market locations will take place when their membership reaches 300 shareholders; encouraged the public to attend an open house on April 5, 2014 to learn more about the project.

Closure of SONGS/Home Energy Conservation

Sandy Exelby, San Clemente, advised that Devon Hartman addressed the League of Women Voters concerning energy and the Claremont Home Energy Retrofit Project (CHERP) that he co-founded; noted that SONGS is closing and that a shortage of power could result; stated that Devon Hartman will speak on home energy conservation on April 26, 2014 at the Dana Point Library; urged City participation.

All American Boys Chorus - Patriotic Music Presentation to Benefit South Coast Marine Corps League

Wayne Eggleston, San Clemente, noted that the All American Boys Chorus will perform patriotic music in celebration of America at the Community Center on March 27, 2014; noted that event proceeds will benefit the South Coast Marine Corps League; distributed an event flyer that is on file with the City Clerk.

Camp Pendleton Training Noise

Charles Mansur, San Clemente, voiced concern with noise generated by Camp Pendleton training exercises and urged City assistance in addressing the situation.

CicLAvia - April 6, 2014

Brenda Miller, San Clemente, reported that the next CicLAvia will take place in Los Angeles on April 6, 2014; noted that transportation to the event is available via Metrolink.

Sand Replenishment/EI Camino Real Parking Lot

Don Slater, San Clemente, spoke in support of sand replenishment; expressed disappointment with the court decision relative to the Beach Parking Impact Fund and urged that Council proceed with development of the EI Camino Real parking lot in North Beach.

3. MOTION BY MAYOR PRO TEM HAMM, SECOND BY COUNCILMEMBER BAKER, 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 A, B(1), B(2), D, E and H.

C. **Warrant Register**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to approve Wire Transfers Nos. 1228 through 1229 paid on 2/25/14 and Warrant Nos. 514536 through 514724, paid on 2/28/14 in the amount of \$3,040,292.45; approve Wire Transfers Nos. 1230 through 1234 paid on 3/7/14 and Warrant Nos. 514725 through 514845 paid on 3/7/14 in the amount of \$4,063,748.30; for a total Warrant Register of \$7,104,040.75.

Payroll Register

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to approve Warrant Nos. 286 through 288 and Automatic Deposit Advises 14070 through 14346 for the period 2/17/14 through 3/2/14, paid on 3/7/14 in the amount of \$405,317.20; for a total Payroll Register of \$405,317.20.

F. Establishment of Weed Abatement Program for 2014

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to adopt Resolution No. 14-07 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PURSUANT TO SECTIONS 39561 AND 39562 OF THE CALIFORNIA GOVERNMENT CODE DECLARING WEEDS, RUBBISH, REFUSE, AND DIRT UPON STREETS, SIDEWALKS, PARKWAYS, AND PRIVATE PROPERTY TO BE PUBLIC NUISANCES AND PROVIDING FOR THE ABATEMENT THEREOF.

G. Emergency Repair/Replacement of Refrigeration Condensing Units at the San Clemente Municipal Golf Course Clubhouse

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to approve a supplemental appropriation of \$13,169 from the Golf Capital Improvement Reserve to Account 056-667-45300 for the purpose of repairing the HVAC system at the San Clemente Municipal Golf Course.

I. Notice of Completion - Los Mares/Vaquero Storm Drain Upgrade

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

1. Accept the Los Mares/Vaquero Storm Drain Upgrade, Project No. 16001, from GCI Construction, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Los Mares/Vaquero Storm Drain Upgrade, Project No. 16001. (Contract C13-27)

Action continued on next 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 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.

J. **Emergency Repairs to Vista Hermosa Water Line, Water System Rehabilitation, Project No. 24401**

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

1. Make a finding that an emergency exists due to the need for repairing a water main. The situation requires immediate action to prevent or mitigate impairment to property and public convenience, which might otherwise occur if required to incur delays attributed to the typical engineering design and public competitive bidding process.
2. Approve a supplemental appropriation in the amount of \$135,274 from the Water Depreciation Reserve to Account 052-466-43420-000-24401.
3. Ratify the contract approved by the City Manager with GCI Construction, Inc., in the amount of \$104,274, to complete an emergency repair to Vista Hermosa Water Line, Water System Rehabilitation, Project No. 24401.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

A. City Council Minutes

MOTION BY MAYOR BROWN, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to approve the City Council Adjourned Regular Meeting minutes of February 25, 2014, with modifications as follows:

1. That the last paragraph on Page 8 be revised to read in its entirety as follows:

“It may be appropriate for the City to consider placing a measure on the ballot to ask voters if they wish to tax themselves for sand replenishment, provided that 1) the project is approved by the necessary agencies, 2) the other agencies participate, and 3) the first sand project is successful. An opposing viewpoint was expressed that the beaches are used by many non-City residents and, as such, it would be unfair to tax San Clemente citizens to replenish lost sand.”

2. That the last paragraph on Page 9 be revised to read in its entirety as follows:

“Direct Lt. Coppock to review whether or not each individual Deputy should be assigned a radio and to further ascertain whether they are being purchased at the appropriate price.”

B(1). Zoning Administrator Regular Meeting Minutes of March 5, 2014

Council referenced Item 4-C of the Zoning Administrator meeting minutes of March 5, 2014 relating to 101 West Avenida Vista Hermosa - Modifications to Building 21 and Buildings 22-24; commended Community Development Director Holloway for his detail in questioning whether a condition of approval exists to address trucks with advertisement panels that park in front of the subject property.

MOTION BY COUNCILMEMBER BAKER, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to receive and file the Zoning Administrator Regular Meeting minutes of March 5, 2014.

B(2). **Planning Commission Regular Meeting Minutes of March 5, 2014 and Regular Study Session Minutes of March 5, 2014**

Council referenced the Planning Commission Study Session minutes of March 5, 2014 related to Zoning Permit Streamlining; acknowledged the importance of ensuring that quality of life is not sacrificed when changes to the Code or policy occur.

MOTION BY COUNCILMEMBER BAKER, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to receive and file the Planning Commission Regular Meeting Minutes of March 5, 2014 and Regular Study Session Minutes of March 5, 2014.

D. **Water Conservation Measures in Response to 2014 Drought - Call for Voluntary Reduction in Water Usage**

Council noted that the proposed resolution, if adopted, will request that citizens voluntarily reduce their water usage by 20%. In response to Council inquiry, Staff identified the measures that the city will utilize to also reduce its water consumption.

Council requested that Staff investigate the sprinklers at the Avenida Esplanade median to ensure that water run-off is not occurring.

MOTION BY MAYOR BROWN, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to adopt Resolution No. 14-06 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, IMPLEMENTING CONSERVATION MEASURES IN RESPONSE TO 2014 DROUGHT CONDITIONS, CALLING FOR A VOLUNTARY REDUCTION IN WATER USAGE.

E. **Communications Site Facility Lease Agreements - 150 Avenida Magdalena and 721 Avenida Salvador Sites (Crown Castle)**

During the course of discussion, Council discussed the possibility of deferring this agenda item for 30-60 days to allow time for the Mayor and staff to evaluate the following: 1) the long-term lease obligations, 2) the sustainability of the proposed rent and proposed 3% cost-of-living increases, 3) the prudence or lack of prudence of renewing the lease agreements two years prior to expiration of the existing leases, and 4) whether the proposed leases conform to City policies so as to ensure that

the proposed leases are fair to holders of other communication site agreements.

MOTION BY MAYOR BROWN, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0 to table the item pending further analysis of the lease agreements.

H. **Fee Increase - San Clemente Municipal Golf Course**

Council commended staff on the aerification of the golf course that occurred immediately prior to the storm.

Following clarification that the revenues from the increase in green fees will be used to fund golf course related items and will not be used to fund other city programs, MOTION BY COUNCILMEMBER BAKER, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0 to adopt Resolution No. 14-08 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING CERTAIN FEES FOR PLAY UPON THE MUNICIPAL GOLF COURSE, AND REPEALING RESOLUTION NO. 11-32.

7. **PUBLIC HEARINGS**

None.

8. **UNFINISHED BUSINESS**

None.

9. **NEW BUSINESS**

A. **Dog Access to City Parks - Phase II**

Report from the Beaches, Parks and Recreation Director concerning the possibility of allowing dogs on-leash in all City parks with the exception of sports fields, play structure areas and Park Semper Fi special use area.

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

Brenda Miller, San Clemente, requested that the resolution be adopted to allow dogs in parks; suggested that the middle section of Linda Lane Park be made an off leash dog park; voiced concern that a dog park does not exist in the central portion of town.

Don Slater, Friends of San Clemente Dog Beach, thanked Council for its efforts in making San Clemente dog friendly; requested that parks be opened for dogs; proposed that the trap range be considered for an off leash dog park; suggested that Poche Beach be considered for a potential dog beach.

During the ensuing discussion, it was noted that City Code Sections 6.08.020 and 6.08.030 are inconsistent inasmuch as section 6.08.020(2)2 states that *“The City Council may, from time to time, designate by duly passed resolution, one or more off-leash dog parks...”*. Section 6.08.030, on the other hand, states that *“No person owning or having charge, care or custody of any dog shall cause, or allow the same to run at large upon any highway, street, alley, or other public place, or upon any private property or premises other than his or her own without written consent of the owner or lessee of such land, unless such dog is restrained by a substantial leash, not to exceed six (6) feet in length, and in the charge of a person competent to restrain such a dog.”* City Attorney Goldfarb suggested that clarifying language should be added to Section 6.08.030 to make the two Code sections consistent.

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

1. Adopt Resolution No. 14-05 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE PERMISSION OF LICENSED DOGS ON-LEASH IN ALL CITY PUBLIC PARKS, WITH THE EXCEPTION OF PLAY STRUCTURE AREAS, SPORT FIELDS, AND PARK SEMPER FI SPECIAL USE AREA IN ACCORDANCE WITH SAN CLEMENTE MUNICIPAL CODE SECTION 6.08.020(A) with modifications as follows:
 - a) Section 2 shall be modified to read as follows: “The City Council of the City of San Clemente ~~restricts access to~~ *prohibits* dogs in any Play Structure area within the City, which is defined as an area separated from turf or concrete areas comprised of sand or resilient surfacing under and around play structures”.
 - b) Section 3 shall be modified to read as follows: “The City Council of the City of San Clemente ~~restricts access to~~ *prohibits* dogs in any designated sports field, which is defined by permanent or temporary boundary lines or fencing designating usage by organized sport activity”.
2. Approve a transfer from the Council Contingency Account (001-203-44900) to Other Maintenance Supplies (001-635-42590) of \$3,500 for park signage.
3. Approve a transfer of \$1,000 from the Council Contingency Account (001-203-44900) to Recreation Special Events Expense Account (001-629-44540).

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

None.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

City Manager Gudgeirsson congratulated new Deputy City Clerk, Laura Campagnolo; reported that the name of the City's new Police Chief will be announced tomorrow.

C. **City Attorney**

None.

D. **Council Members**

(1) **Dog Waste**

Mayor Pro Tem Hamm narrated a slide entitled "The Dangers of Dog Poop". A copy of the slide is on file in the City Clerk's Department.

(2) **Leadership San Clemente**

Mayor Brown announced that the 2014 Leadership San Clemente class is scheduled to begin April 10, 2014.

(3) **San Onofre Nuclear Generating Station Community Engagement Panel**

Mayor Brown announced that he is a member of the San Onofre Nuclear Generating Station Community Engagement Panel and invited the public to attend the first meeting which is scheduled for March 25, 2014 at the San Clemente Community Center.

(4) **Exchange Club's Annual St. Patrick's Day Event**

Councilmember Baker recognized the Exchange Club's annual St. Patrick's Day event at the Community Center, noting it was successful and well attended.

(5) **2nd Battalion 4th Marines Change of Command Ceremony**

Councilmember Baker reported on his attendance at the Change of Command Ceremony for the 2nd Battalion 4th Marines, and noted that Camp Pendleton leadership is thankful to the citizens of San Clemente for their hospitality.

(6) **Transportation Corridor Agency (TCA)**

Councilmember Baker announced the resignation of the CEO of the Transportation Corridor Agency and noted he has participated in many TCA board meetings as a result of this resignation.

(7) **Orange County Fire Authority (OCFA)**

Councilmember Baker announced that the Fire Chief has introduced an OCFA Standards of Coverage and Deployment Plan.

(8) **La Pata Extension**

Councilmember Donchak noted that the Mayor and she attended the La Pata extension community meeting on March 15, 2014, noting that the groundbreaking is scheduled to occur in April, 2014. Councilmember Donchak requested that the presentation that was given at the March 15, 2014 meeting be presented at an upcoming Council meeting.

12. **RESOLUTIONS/ORDINANCES**

None.

13. **ADJOURNMENT**

MOTION BY COUNCILMEMBER DONCHAK SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to adjourn at 8:13 p.m. The next Regular Council Meeting will be held on April 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