

# CITY OF SAN CLEMENTE

## City Council Minutes

### Regular City Council Meeting – February 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 February 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

\* Arrived at 5:05 p.m.

**ABSENT**            NONE

**STAFF PRESENT** Pall Gudgeirsson, City Manager; Jeff Goldfarb, City Attorney; Joanne Baade, City Clerk; Laura Campagnolo, Executive Assistant

### **CLOSED SESSION**

City Attorney Goldfarb requested a Closed Session to discuss the items on the Closed Session agenda.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER BAKER, CARRIED 4-0, to recess to Closed Session at 5:00 p.m.

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, pursuant to Government Code Section 54956.8:

Property: Vista Hermosa Sports Park, 987 Avenida Vista Hermosa, San Clemente

Agency Negotiator: Pall Gudgeirsson, City Manager

Negotiating Parties: City of San Clemente and Scott Melcher, on behalf of Surf N' Turf Paradiso, LLC

Under Negotiation: Price and terms of payment

*Closed Session items continued on next page*

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

C. 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)

D. 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

In attendance for the full Closed Session were all members of Council, City Manager Gudgeirsson, City Attorney Goldfarb, Assistant City Manager Sund, Public Works Director/City Engineer Cameron and City Clerk Baade. Community Development Director Holloway was in attendance for Closed Session Items A and B only. Beaches, Parks and Recreation Director Heider was in attendance for Closed Session Item A only. Building Official Jorgensen was in attendance for Closed Session Items A and B only.

**MEETING RECONVENED**

Council reconvened at 6:05 p.m., with all members present.

**INVOCATION**

David Keehn, Orange County Fire Authority Chaplain, gave the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Hamm led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Plaza San Clemente Project Update**

Steve Craig narrated a PowerPoint presentation entitled “Outlets at San Clemente”, which summarized the status of the Marblehead Coastal commercial project; responded to Council inquiries. A hard copy of Mr. Craig’s PowerPoint is on file with the City Clerk.

In response to Council inquiry, Mr. Craig indicated that he is ready to discuss having an Orange County Sheriff Department presence at the project.

Council requested copies of Mr. Craig’s PowerPoint.

B. **New Principal of San Clemente High School - Michael Halt**

Michael Halt, the new principal of San Clemente High School, reviewed the school’s academic, sports and art programs.

C. **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”, that summarized campus activities. A hard copy of the subject PowerPoint is on file with the City Clerk.

D. **State Drought and San Clemente Water Conservation Programs**

Andrew Kanzler, the City’s Water Conservation Analyst, narrated a PowerPoint presentation entitled “State Drought and San Clemente Water Conservation Programs”; responded to Council inquiries. A hard copy of Mr. Kanzler’s PowerPoint, dated February 18, 2014, is on file with the City Clerk.

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

**Substance Abuse**

Susan Parmelee, on behalf of the San Clemente Collaborative, provided an update on Collaborative accomplishments, noting that two health forums were held last year in addition to the Wellness and Prevention Program that took place at San Clemente High School; noted that the Collaborative supports the Save Our Students Club (SOS) at San Clemente High School; stated that the Collaborative's meeting on February 20, 2014 will focus on volunteerism.

Sophia Spralja, San Clemente, explained that she is the founder and president of the Save Our Students Club (SOS) at San Clemente High School; explained that the Club's goals are to provide healthy activities for teens, help students with drug and alcohol problems, and to promote a culture that drug usage is not the norm; requested that the City support the Club by providing venues for its events.

Council requested that Ms. Spralja contact Mayor Brown and City Manager Gudgeirsson to discuss her request.

Pondo Vleisides, San Clemente, voiced concern that some members of the community are struggling with addictions; expressed a desire to work with the City and the San Clemente Collaborative to address addiction problems; suggested that the City work with community resources to make a difference.

**Marblehead Coastal Commercial Development Signage Program**

Richard Boyer, President of San Clemente Citizens for Integrity in Development, stated that Council previously approved 32 freeway-facing signs for the Marblehead Coastal commercial project; reviewed that his organization filed a lawsuit that resulted in the court ordering the City to cancel the Sign Exception Permit; displayed view simulations of the project that were posted to the City's website, pointing out that no signs were visible.

Council requested that the City Manager ascertain, and inform Council, of the developer's signage plan for the Marblehead Coastal commercial development.

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**

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 Item G.

A. **City Council Minutes**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to approve the Regular Council Meeting minutes of February 4, 2014.

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

- (1) Regular Zoning Administrator Meeting minutes of February 5, 2014.
- (2) Regular Planning Commission Meeting minutes of February 5, 2014 and Regular Planning Commission Study Session minutes of February 5, 2014.

C. **Warrant Register**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to approve Wire Transfers Nos. 1220 through 1223 and Warrant Nos. 514102 through 514228, paid on 2-7-14, in the amount of \$1,552,991.04; for a total Warrant Register of \$1,552,991.04.

**Payroll Register**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to approve Warrant Nos. 280 through 281 and Automatic Deposit Advises 13507 through 13788 for the period 1-20-14 through 2-2-14, paid on 2-7-14, in the amount of \$401,363.44; for a total Payroll Register of \$401,363.44.

**D. Main Pump Station Rehabilitation and Force Main Cathodic Protection - Supplemental Appropriation and Construction Contingency Increase**

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

1. Approve a supplemental appropriation in the amount of \$101,290 to Main Pump Rehabilitation and Force Main Cathodic Protection, Project Nos. 10203 and 12202.
2. Approve a construction contingency increase in the amount of \$101,290 to the Main Pump Station Rehabilitation and Force Main Cathodic Protection, Project Nos. 10203 and 12202. (Contract C13-26)

**E. Notice of Completion - Sewer System Rehabilitation FY 2013, Storm Drain Rehabilitation FY 2013, and Arenoso Sewer Line Replacement**

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

1. Accept the Sewer System Rehabilitation FY 2013, Storm Drain Rehabilitation FY 2013, and Arenoso Sewer Line Replacement, Project Nos. 24200, 26001, and 14203, from the contractor, Sancon Engineering, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Sewer System Rehabilitation FY 2013, Storm Drain Rehabilitation FY 2013, and Arenoso Sewer Line Replacement, Project Nos. 24200, 26001, and 14203. (Contract C13-19)

*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 Sancon Engineering, 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.

F. **Assignment of Golf Course Restaurant Lease**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to approve, and authorize the Mayor to execute, the Assignment and Assumption of Lease Agreement for the concession of food and beverage services at the San Clemente Municipal Golf Course from Fallbrook F&B Operator, Inc. to Z Golf Food and Beverage Services, LLC. (Contract C12-50)

H. **Acceptance of Recycled Water Expansion Easement for the Recycled Water System Expansion Project, Project No. 18201**

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

1. Accept the Recycled Water Easement from New Providence Homeowners Association for the Recycled Water System Expansion project, Project No. 18201. (Deed 463)
2. Authorize the City Clerk to submit the Recycled Water Easement Deed to the Orange County Recorder for recordation.

I. **Acceptance of Sidewalk Easement - 410 Arenoso Lane**

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

1. Accept the Sidewalk Easement at 410 Arenoso Lane from Pacific Beach US 101, Inc. (Easement 464)
2. Authorize the City Clerk to submit the Sidewalk Easement Deed to the Orange County Recorder for recordation.

**J. Avenida Columbo Storm Drain Extension - Contingency Increase**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to approve a construction contingency increase in the amount of \$19,810.50 for the Avenida Columbo Storm Drain Extension, Project No. 18005. (Contract C13-290)

**ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION****G. Notice of Completion - Aeration Blower Replacement**

Council commended Staff on a job well done.

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

1. Accept the Aeration Blower Replacement, Project No. 12201, from the contractor, J.R. Filanc Construction Company.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Aeration Blower Replacement, Project No. 12201. (Contract C13-20)
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 J.R. Filanc Construction 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.

**7. PUBLIC HEARINGS**

None.

**8. UNFINISHED BUSINESS**

None.



9. **NEW BUSINESS**

A. **FY 2014 2<sup>nd</sup> Quarter Report and Mid-Year Budget Adjustments**

Report from the Assistant City Manager concerning the FY 2014 2<sup>nd</sup> Quarter Report and mid-year budget adjustments.

Assistant City Manager Sund provided introductory comments.

Finance Manager Vincent narrated a PowerPoint presentation entitled “FY 2014 Mid-Year Financial Report as of December 31, 2013”; responded to Council inquiries. A hard copy of Ms. Vincent’s PowerPoint is on file with the City Clerk.

During the ensuing discussion, Council requested that the library be included in future CIP reports and that the status of the Courtney’s Sandcastle project be accurately reflected, instead of being referenced as “on time”.

In response to Council inquiry, Lt. Coppock reported that the crime statistics in the 2<sup>nd</sup> Quarter Report are inaccurate, noting that Part 1 crimes (i.e., major crimes such as murder, rape, and robbery) actually decreased 1% in calendar year 2013.

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

1. Approve the FY 2014 2<sup>nd</sup> Quarter Report.
2. Approve and authorize the mid-year adjustments listed in “Attachment A” of the Administrative Report, dated February 18, 2014, that is on file with the City Clerk.

**MEETING RECESSED**

Council recessed at 7:50 p.m. and reconvened at 8:03 p.m., with all members present.

B. **Contract Amendment - Crossing Guards at Avenida Calafia/Avenida Del Presidente and Avenida Talega/Calle Portofino**

Report from the Public Works Director/City Engineer concerning the possibility of amending the City's contract with All City Management Services to enhance school crossing guard services.

Transportation Engineering Manager Frank narrated a PowerPoint presentation entitled "Contract Amendment - Crossing Guards at Avenida Calafia/Avenida Del Presidente and Avenida Talega/Calle Portofino" and responded to Council inquiries. A hard copy of Mr. Frank's PowerPoint, dated February 18, 2014, is on file with the City Clerk.

Dallas Bellantonio, San Clemente, stated that her children attend Concordia Elementary; noted that approximately 100 of Concordia's 700 students walk or ride their bicycles to school; opined that a crossing guard is needed.

Juliane McGuire, San Clemente, stated that traffic has increased on Avenida Presidente; voiced concern that Concordia Elementary and Lobo Elementary are the only San Clemente schools that do not have a crossing guard.

Brenda Miller, San Clemente, urged that Council authorize the additional crossing guards; suggested that the effectiveness of the crossing guards could be measured by the number of parents who are comfortable allowing their children to walk or ride their bicycles to school; pointed out that four vehicle trips are avoided for each child who travels to school by walking or riding a bicycle; stated that engineering modifications represent a desirable permanent solution and urged that the City apply for an OCTA grant to fund engineering studies and a professionally operated bicycle train to school.

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

1. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract No. C06-40, by and between the City of San Clemente and All City Management Services, providing for a crossing guard at Avenida Calafia/Avenida Del Presidente, and an additional crossing guard at Avenida Talega/Calle Portofino, for an additional cost of \$8,600.

*Action continued on next page*

2. Approve a transfer of \$8,600 from the City Council Contingency to Account 001-218-43624-000-00000.
3. Concur with the Planning Commission that the crossing guards are a temporary measure until a permanent solution to the traffic problems at the intersections can be addressed.

Council requested to be informed about the effectiveness of the crossing guards.

C. **Doheny Desalination Project**

Report from the Public Works Director/City Engineer concerning the Doheny Desalination Project.

Assistant City Engineer Rebensdorf narrated a PowerPoint presentation entitled “Doheny Desalination Project” and responded to Council inquiries. A hard copy of Mr. Rebensdorf’s PowerPoint, dated February 18, 2014, is on file with the City Clerk.

Susan Hinman, Metropolitan Water District of Orange County (MWDOC), expressed concern about San Clemente’s water availability because the city is located at the end of the two water pipelines; pointed out that 95% of San Clemente’s drinking water is imported; urged the City to invest in a reliable and diversified water supply.

MOTION BY COUNCILMEMBER BAKER, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to direct Council’s representative on the Doheny Desalination project and Staff to continue involvement in the project, but not provide grant match funding for the Metropolitan Water District’s Foundational Action Plan.

D. **Conceptual Design for Restriping on Avenida Vaquero**

Report from the Public Works Director/City Engineer concerning the conceptual design for restriping on Avenida Vaquero.

Transportation Engineering Manager Frank narrated a PowerPoint presentation entitled “Approval of a Conceptual Design for the Restriping of Avenida Vaquero” and responded to Council inquiries. A hard copy of Mr. Frank’s PowerPoint, dated February 18, 2014, is on file with the City Clerk.

Michael Johnson, San Clemente, conveyed the importance of retaining parking on the east side (slope side) of Avenida Vaquero because parking on the west side is limited; stated that people use the center lane.

Tom Marier, speaking on behalf of AMMCOR (the managing agent for The Coast Homeowners Association) as well as himself, pointed out that Avenida Vaquero already has a bicycle lane; questioned why the City is considering devoting 28% of the roadway to bicycle lanes when bicycle traffic represents less than 5% of roadway users; conveyed his opinion that deleting the center turn lane will not slow traffic; conveyed his preference that the striping on Avenida Vaquero be left in its current configuration, or at the very least, that Council approve Option D.

Angela Holland, San Clemente, commented that the current striping on Avenida Vaquero is effective and safe and should not be changed; noted that pedestrians utilize the center lane as a crossing safety zone; recommended that Council allow Avenida Vaquero to remain in its current state, or approve Option D as an alternative; presented a CD that demonstrates Avenida Vaquero's current conditions.

Richard Boyer, San Clemente, stated that the current bicycle lane is inadequate and expressed support for Option B; stated that much praise has been given to the striping changes on Avenida de los Mares and that people would like for the same striping to be continued along Avenida Vaquero; recommended that sharrows be installed on the western side of Avenida de los Mares from Avenida Vaquero to the Ralphs Ocean View shopping center.

Michael Metcalf, San Clemente, stated that Avenida Vaquero is a major thoroughfare and opined that more space needs to be allocated to bicycles and pedestrians; urged Council to approve Option B since his preferred configuration (Option A) does not appear to have popular support.

Pete van Nuys, Orange County Bicycle Coalition, urged Council to approve Option B; noted the importance of slowing traffic for safety reasons.

Robert Regan, San Clemente, stated that Avenida Vaquero does not have an accident history; suggested that more traffic enforcement is needed.

George Allen, San Clemente, complimented the roadway configuration of Camino de los Mares; urged that the center lane on Avenida Vaquero be deleted and that bicyclists be allocated 8' of the roadway.

Brenda Miller, San Clemente, noted that Avenida Vaquero is an important bicycle transportation corridor; stated that bicyclists need at least 4' to clear a door that is opening from a parked car, so that they are not forced into a vehicle travel lane; spoke in support of Option B, noting that the bicycle lane will allow parents and their children to ride their bicycles side by side and will also enable bicyclists to carry a surfboard; stated that Option B will also allow residents of Avenida Vaquero a greater line of sight as they exit their driveways because vehicles will be located in the center of the street; recommended that Council give complete streets a chance.

Jamie Bixler, San Clemente, opined that Avenida Vaquero does not need striping changes; noted that she periodically relies on the center lane when pulling out of her driveway.

Mark McGuire, on behalf of the Shorecliffs Golf Course, acknowledged that Avenida Vaquero is an important bicycle corridor; suggested a hybrid option that would allow left-turn lanes at major intersections (including left-turn lanes into the Shorecliffs Golf Course and San Gorgonio Park); noted that there are areas on Avenida Vaquero where parking is not needed; voiced concern that a wide bicycle lane could be misconstrued as a vehicle lane.

Following discussion, MOTION BY MAYOR BROWN, SECOND BY COUNCILMEMBER EVERT, CARRIED 3-2 (COUNCILMEMBERS BAKER AND DONCHAK VOTING NOE), to approve the conceptual design for restriping Avenida Vaquero as shown on Option B, as contained in the Administrative Report, dated February 18, 2014, which is on file with the City Clerk, with additional direction to Staff to include left-turn lanes at intersections, where appropriate. Staff is to inform Council of the intersections at which left-turn lanes will be provided.

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

None.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. **City Attorney**

None.

D. **Council Members**

**Readiness Exercise at Camp Pendleton**

Mayor Brown narrated a PowerPoint presentation entitled “Readiness Exercise - 1/5 Key Leader Engagement”, noting that he participated in an event at Camp Pendleton on February 8, 2014 to help prepare marines for possible encounters during deployment. A hard copy of Mayor Brown’s PowerPoint, dated February 8, 2014, is on file with the City Clerk.

**San Clemente High School Girls Basketball**

Mayor Brown reported on his attendance at a San Clemente High School (SCHS) girls basketball game on February 13, 2014, noting that SCHS was victorious; reported that Jessica Degree scored 50 points, which set a new record for the highest points made by a female during a San Clemente High School basketball game.

**San Clemente Skate Court**

Mayor Pro Tem Hamm reported on his visit to the City’s skate park, noting that some second graders at Concordia Elementary School are heading an effort to encourage youth to wear helmets while skateboarding.

**Toll Road - Express Account**

Councilmember Baker encouraged residents who are occasional users of the toll road to sign up for an express account.

12. RESOLUTIONS/ORDINANCES

None.

13. ADJOURNMENT

MOTION BY MAYOR PRO TEM HAMM, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to adjourn at 10:15 p.m. to an Adjourned Regular Meeting to be held on Tuesday, February 25, 2014 at 4:00 p.m. in the Community Center, Ole Hanson Room, located at 100 N. Seville, San Clemente, California, for the purpose of considering the 2014 Long Term Financial Plan and Strategic Priorities.

The next Regular Council Meeting will be held on March 4, 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