

CITY OF SAN CLEMENTE

City Council Minutes

Regular City Council Meeting - July 3, 2012

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 July 3, 2012 at 5:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by City Clerk Baade. City Clerk Baade recessed the meeting until 5:30 p.m.

The meeting was reconvened at 5:30 p.m. with Mayor Evert presiding.

PRESENT BAKER, BROWN, DAHL, DONCHAK, MAYOR EVERT

ABSENT NONE

STAFF PRESENT George Scarborough, City Manager; Jeff Oderman, Legal Counsel; Joanne Baade, City Clerk; Anthony Mejia, Deputy City Clerk.

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CLOSED SESSION

Legal Counsel Oderman requested a Closed Session to discuss the items listed on the Closed Session agenda.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to recess to Closed Session at 5:30 p.m. to discuss the following:

A. CONFERENCE WITH LABOR NEGOTIATOR, pursuant to Government Code Section 54957.6:

Agency Representative: Pall Gudgeirsson, Assistant City Manager.

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

B. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Initiation of litigation pursuant to Government Code Section 54956.9(c): One potential case.

In attendance for the full Closed Session were all members of the City Council, City Manager Scarborough, Legal Counsel Jeff Oderman, Human Resources Manager Penrod, and City Clerk Baade. Assistant City Manager Gudgeirsson participated in the Closed Session via speaker phone.

MEETING RECONVENED

Council reconvened at 6:00 p.m., with all members present.

INVOCATION

Martin Garff, Church of Jesus Christ of Latter-day Saints, San Clemente Stake, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Brown led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Presentation of Honoraria - Jeff Oderman, City Attorney**

Mayor Evert presented honoraria to Jeff Oderman, City Attorney, for 31 years of outstanding legal services to the City of San Clemente.

B. **Recognition of Outgoing Commission and Committee Members**

Mayor Evert recognized the following outgoing City Commission and Committee members and presented honoraria to those in attendance: Bill Osier, Beaches, Parks and Recreation Commission; Harold Larson, Golf Course Committee; Carol Stiff, Human Affairs Committee; Isobel Pelham, Human Affairs Committee.

C. **Presentation of Proclamation - Parks and Recreation Month**

Mayor Evert presented a Proclamation to Sharon Heider, Beaches, Parks and Recreation Director, declaring the month of July 2012 as "Parks Make Life Better!" Month.

D. **Interstate-5 High Occupancy Vehicle (HOV) Lanes through San Clemente - Status Report**

Presentation by Hamid Torkamanha, Orange County Transportation Authority (OCTA), concerning the Interstate-5, Segment 2, High Occupancy Vehicle (HOV) lanes through San Clemente.

Public Works Director/City Engineer Cameron introduced Hamid Torkamanha and Julie Toledo, of the Orange County Transportation Authority (OCTA), who narrated a PowerPoint presentation entitled "Interstate 5 (I-5) Improvement Project Ave. Pico to San Juan Creek Road"; reviewed the project schedule, noting that construction is anticipated to begin in October 2013; summarized the proposed improvements and cost estimates; pointed out that one new sound wall will be constructed and four existing sound walls will be reconstructed; related that OCTA will conduct public informational meetings and expand its public outreach efforts to ensure residents are informed of the project. In response to Council inquiries, Mr. Torkamanha advised that Caltrans is conducting a structural analysis of whether or not the I-5/El Camino Real sound wall can support the additional weight of sound-absorbing material; responded to Council inquiries relative to past and future noticing procedures.

Steve Hill, San Clemente, pointed out that the I-5/South El Camino Real sound wall increased noise and decreased his property values; urged OCTA to consider utilizing sound-absorbing material on the proposed sound walls to minimize noise impacts to nearby residents.

Don Krall, owner of Little Inn by the Beach, asserted that the I-5/El Camino Real sound wall has decreased his property value and business revenue by \$1 million; stressed the importance of ensuring all residents near the I-5/Avenida Pico project are notified prior to installing sound walls.

Evan Weiss, San Clemente, stated that he has not seen any project notices in the newspaper and questioned whether OCTA's project notices were published in the legal classifieds section of the newspaper; recommended that OCTA send direct mailers to residents concerning the project; voiced objection to the use of Paraglas walls.

Ross Shaw, San Clemente, displayed photos depicting cypress trees planted along the I-5/El Camino Real sound wall; voiced concern that the cypress trees will block ocean views; urged that the trees be replaced with a species that reach a maximum growth height of 15'. Hard copies of Mr. Shaw's photos are on file with the City Clerk.

Alan Korsen, San Clemente, urged Council and Caltrans to consider the aesthetics of the sound walls, pointed out that other cities have decorated freeway walls.

In response to Council inquiry, Mr. Torkamanha related that Council may request that Caltrans consider including an aesthetic treatment for the I-5/Avenida Pico sound walls.

Council directed Staff to notify residents within a 500' radius that Council will consider the Avenida Pico interchange, HOV lanes, and associated sound walls at its meeting of August 21, 2012.

E. **San Clemente General Plan - Status Report**

Report from Alan Korsen, General Plan Advisory Committee representative, concerning the status of the San Clemente General Plan.

Alan Korsen, General Plan Advisory Committee (GPAC) representative, advised that GPAC meetings are scheduled for July 11, August 1, and September 26, 2012; summarized the GPAC's discussion of June 13, 2012 relative to the City's delivery of services, facilities, and utilities; noted that health and welfare, coastal element, circulation, growth management, urban design and governance will be considered at future GPAC meetings.

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

Swim Across America - San Clemente

Steve Hops and Barbara Helton, San Clemente, invited the community to participate in a fundraiser at the Vista Hermosa Aquatic Center on July 15, 2012 to benefit cancer research.

Council directed Staff to post a link to www.swimacrossamerica.org/sanclemente on the City's homepage.

3. MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM BROWN, 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**

Legal Counsel Oderman stated that Council took no reportable action during this evening's Closed Session.

6. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve the Consent Calendar, with the deletion of Item E from the agenda and removal of Items D, F, and H for discussion.

A. **City Council Minutes**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve the minutes of the City Council Adjourned Regular Meeting of June 11, 2012 and Regular Meeting of June 19, 2012.

- B. MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to receive and file the following:

1. Zoning Administrator Regular Meeting minutes of June 20, 2012.
2. Planning Commission Special Meeting minutes of June 20, 2012.
3. Beaches, Parks and Recreation Commission Regular Meeting minutes of June 19, 2012.

C. **Warrant Register**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve Wire Transfer Nos. 1000 through 1003, and Warrant Nos. 500157 through 500324, for the period 05-07-12 through 05-11-12, in the amount of \$735,674.72; approve Handwrite No. 500901, Wire Transfer Nos. 1010 through 1013, and Warrant Nos. 500773 through 500900, for the period 06-04-12 through 06-08-12, in the amount of \$823,458.93; approve Handwrite No. 500902 and Warrant Nos. 500903 through 501088, for the period 06-11-12 through 06-15-12, in the amount of \$1,116,846.07; for a total Warrant Register in the amount of \$2,675,979.72.

Payroll Register

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve Warrant Nos. 14 through 21, Automatic Deposit Advises 778 through 1077, for the period 05-28-12 through 06-10-12, in the amount of \$440,007.74; for a total Payroll Register in the amount of \$440,007.74.

E. **244 West Marquita (Final Parcel Map 2011-118) - Sayer Condominiums**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to delete this item from the agenda at the request of Staff. This item will be re-agendized for a future meeting.

G. **Parking Prohibition on Calle Negocio at Calle Trepadora Bus Stop**

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

1. Approve the prohibition of parking on the southwest corner of Calle Negocio at Calle Trepadora for sixty (60) feet.
2. Adopt Resolution No. 12-44 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING "NO PARKING AREAS" ON CALLE NEGOCIO.

I. **Contract Award - Reservoir No. 9 Drainage and Slope Repair**

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

1. Approve the plans and specifications for the Reservoir No. 9 Drainage and Slope Repair, Project No. 22402.
2. Approve, and authorize the Mayor to execute, Contract C12-28, by and between the City of San Clemente and Ted Enterprises, Inc., providing for the repair of the Reservoir No. 9 Drainage and Slope, Project No. 22402, in the amount of \$58,900.

J. **Bid Rejection - Cathodic Protection System Evaluation**

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

1. Reject all bids for the Cathodic Protection System Evaluation, Project No. 26402.
2. Authorize Staff to rebid the Cathodic Protection System Evaluation, Project No. 26402.

K. **Citizens Option for Public Safety Program (COPS)**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve the use of COPS funds for a portion of a patrol deputy's position.

L. **Adoption of Form 806 (Agency Report of Public Official Appointments)**

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to adopt Form 806 (Agency Report of Public Official Appointments) as presented in the Administrative Report, dated July 3, 2012, which is on file with the City Clerk.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**D. Sports Hall of Fame Program**

Mayor Evert summarized the purpose and concept of the Sports Hall of Fame program, noting that the Friends of the Beaches, Parks and Recreation Foundation could administer the program.

Tom Wicks, President of the Friends of the Beaches, Parks and Recreation Foundation, explained that inductees into the Sports Hall of Fame would be positive examples for youth, noting that inductees can be retracted if necessary; advised that Kathryn Stovall Dennis has volunteered to design the Sports Hall of Fame wall.

Discussion ensued relative to: 1) whether the Beaches, Parks and Recreation Commission or the Friends of the Beaches, Parks and Recreation Foundation should administer the Sports Hall of Fame program; and 2) the City's liability in relation to allowing the Foundation to administer the program.

Following discussion, MOTION BY MAYOR EVERT, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to refer the Sports Hall of Fame program to the Beaches, Parks and Recreation Commission for input.

Council requested that the Council's enthusiasm for the program be conveyed to the Commission and that the Commission specifically consider whether the program should be administered by the Beaches, Parks and Recreation Commission or the Friends of the Beaches, Parks and Recreation Foundation.

F. Transfer of North Beach Concessionaire Lease

In response to Council inquiry, Martin Foxman, Applicant, related his operational experience, noting that his adult children have experience in the restaurant industry and will work part-time at the concession; conveyed that his wife and he intend to operate the North Beach concession on a full-time basis.

City Manager Scarborough explained the rationale for recommending denial of the transfer of the North Beach concession lease to Mr. Foxman; spoke on the importance of ensuring that an operator has restaurant experience; pointed out that the lease term is for a 15-year period.

In response to Council inquiry, Eric Lucy, Lessee, explained that poor weather conditions over the past two years have impacted the profitability of the concession; pointed out that his wife and he had limited restaurant experience prior to leasing the concession.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER DAHL, CARRIED 3-2 (COUNCILMEMBER BAKER AND MAYOR PRO TEM BROWN VOTING NOE), to approve the transfer of the North Beach concession lease from Eric and Gia Lucy to Martin Foxman. (Contract C87-51)

H. **Parking Prohibition on Camino Mira Costa at Vista Azul (Dana Point)**

In response to Council inquiry, Traffic Engineering Manager Frank narrated a PowerPoint presentation entitled "Prohibit Parking on Camino Mira Costa at Vista Azul"; explained the rationale for recommending the parking prohibition on Camino Mira Costa. A hard copy of Mr. Frank's presentation, dated July 3, 2012 is on file with the City Clerk.

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

1. Approve the prohibition of parking on the west side of Camino Mira Costa, from Vista Azul (Dana Point) curb return in a northeasterly direction for a distance of sixty-five (65) feet and in a southwesterly direction for a distance of twenty (20) feet.
2. Adopt Resolution No. 12-45 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846 ESTABLISHING "NO PARKING AREAS" ON CAMINO MIRA COSTA.

7. **PUBLIC HEARINGS**

A. **Code Amendment - One-Day Business License Permits and Pre-Hearing Suspension Modifications to the Business License Code**

Public Hearing to consider modifications to the Business License Ordinance to create a one-day business license permit and the ability to suspend a business license upon violation of City, State or Federal laws.

Central Services Officer Elston reviewed the contents of the Administrative Report and responded to Council inquiries.

Mayor Evert opened and closed the Public Hearing, there being no one desiring to speak to this issue.

Council directed Staff to issue a Press Release and to notify business organizations regarding the one-day business license permit.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to introduce Ordinance No. 1554 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTERS 5.04 AND 5.08 RELATING TO BUSINESS LICENSES AND REGULATIONS.

8. **UNFINISHED BUSINESS**

None.

9. **NEW BUSINESS**

A. **Code Amendment - Establishment of Speed Limits on Avenida Pico, Avenida Vista Hermosa and Avenida Presidio**

Report from the Public Works Director/City Engineer concerning the possibility of establishing speed limits on Avenida Pico, Avenida Vista Hermosa and Avenida Presidio.

Traffic Engineering Manager Frank reviewed the contents of the Administrative Report and responded to Council inquiries.

Brenda Miller, San Clemente, expressed support for the proposed speed limits on Avenida Pico, Avenida Vista Hermosa and Avenida Presidio.

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

1. Accept the Engineering and Traffic Surveys for sections of Avenida Pico, Avenida Vista Hermosa and Avenida Presidio and establish speed limits on the subject streets as outlined in the Administrative Report, dated July 3, 2012, that is on file with the City Clerk.
2. Introduce Ordinance No. 1555 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 CERTAIN CITY STREETS.

MEETING RECESSED AND RECONVENED

Council recessed at 8:30 p.m. and reconvened at 8:35 p.m., with all members present.

B. Contract Award - Water Reclamation Plant Solids Handling Rehabilitation

Report from the Public Works Director/City Engineer concerning the possibility of awarding a contract for the rehabilitation of the Water Reclamation Plant Solids Handling.

Principal Civil Engineer Knatz reviewed the contents of the Administrative Report and responded to Council inquiries.

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

1. Approve the plans and specifications for the Water Reclamation Plant Solids Handling Rehabilitation, Project No. 10204.
2. Approve, and authorize the Mayor to execute, Contract C12-29, by and between the City of San Clemente and Newest Construction, Inc., providing for the rehabilitation of the Water Reclamation Plant Solids Handling, Project No. 10204, in the amount of \$1,818,360.

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

None.

11. **REPORTS**

A. **Commissions and Committees**

(1) **Appointment of City Representatives/Alternates to the San Joaquin Hills and Foothill/Eastern Transportation Corridor Agencies (TCA)**

Report from the City Clerk concerning the possibility of appointing City representatives/alternates to the San Joaquin Hills and Foothill/Eastern Transportation Corridor Agencies (TCA).

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

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR EVERT, CARRIED 3-2 (COUNCILMEMBER BAKER AND MAYOR PRO TEM BROWN VOTING NOE), to appoint Jim Dahl to serve as the City's representative to the San Joaquin Hills Transportation Corridor Agency and Foothill/Eastern Transportation Corridor Agency.

MOTION BY COUNCILMEMBER DAHL, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to appoint Jim Evert to serve as the City's alternate representative to the San Joaquin Hills Transportation Corridor Agency and Foothill/Eastern Transportation Corridor Agency.

B. **City Manager**

None.

C. **City Attorney**

None.

D. **Council Members**

(1) **Request for City Support for Transfer of Ontario International Airport to Local Control**

Report from the City Manager concerning a request for City support for the transfer of Ontario International Airport to local control.

Mayor Pro Tem Brown stated that the matter is complicated and pertains to the cities of Los Angeles and Ontario; suggested that Council not take a position on the matter at this time.

Council determined to not take a position on this issue.

(2) **Report from Councilmember Donchak, City Representative to the Coastal Animal Services Authority (CASA) Board, Relative to CASA Matters**

Councilmember Donchak encouraged residents to adopt a pet from the animal shelter and to visit www.petprojectfoundation.org for volunteer information; pointed out that new pet licensing fees became effective on July 2, 2012; advised that several new animal shelter staff will be hired soon.

(3) **San Clemente Baha'i Center - Tree Dedication at Tierra Grande Park**

Mayor Pro Tem Brown commended the San Clemente Baha'i Center for dedicating a tree at Tierra Grande park.

(4) **Orange County Transportation Authority (OCTA)**

Councilmember Baker announced that OCTA is offering an "Angels Express Train" for riders to the Anaheim Angels baseball games; noted that progress is being made for a quiet zone in the cities of San Clemente, Dana Point and San Juan Capistrano.

(5) **2nd Battalion, 4th Marines**

Councilmember Baker reported on his attendance at the 2nd Battalion, 4th Marines Change-of-Command Ceremony; related that LtCol William Vivian expressed gratitude to the City and its citizens for its support of the 2nd Battalion, 4th Marines.

(6) **Fireworks Banned in San Clemente**

Councilmember Baker pointed out that fireworks pose a serious fire risk and are banned in San Clemente.

(7) **Fourth of July - High Tide**

Councilmember Dahl urged visitors to use caution during the fireworks show due to a high tide tomorrow evening.

(8) **San Joaquin Hills and Foothill/Eastern Toll Roads**

Councilmember Dahl announced that the San Joaquin Hills and Foothill/Eastern toll roads will be converting from cash payment to a prepayment system in 2013; noted that a toll increase became effective over the weekend.

(9) **Federal Highway Funding Bill - Evacuation Routes**

Mayor Evert pointed out that the Federal Highway Funding Bill includes verbiage which directs states to consider evacuation routes which serve or are adjacent to armed forces; stated that the verbiage may place the Avenida La Pata extension in a more competitive situation for federal funding.

12. **RESOLUTIONS/ORDINANCES**

None.

13. **ADJOURNMENT**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to adjourn at 8:55 p.m.

The next Regular Council Meeting will be held on Tuesday, July 17, 2012 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be discussed at 5:00 p.m. The General Session will commence at 6:00 p.m.

/S/ Joanne Baade
CITY CLERK of the City of
San Clemente, California

/S/ Jim Evert
MAYOR of the City of
San Clemente, California