

CITY OF SAN CLEMENTE

City Council Minutes

Regular City Council Meeting – November 19, 2013

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 November 19, 2013 at 5:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by City Clerk Baade.

CLOSED SESSION

There being no Closed Session items to discuss, Deputy City Clerk Aghabegians recessed the meeting to 6:00 p.m.

MEETING CALLED TO ORDER

Mayor Baker called the Regular Meeting to order at 6:05 p.m.

PRESENT BROWN, DONCHAK, EVERT, HAMM, MAYOR BAKER

ABSENT NONE

STAFF PRESENT Pall Gudgeirsson, City Manager; Jeff Goldfarb, City Attorney; Joanne Baade, City Clerk; George Aghabegians, Deputy City Clerk.

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INVOCATION

Mike Fanning, Heritage Christian Fellowship, gave the invocation.

PLEDGE OF ALLEGIANCE

Fire Chief Richter, Orange County Fire Authority, 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, reported on campus activities.

B. **Proclamation – Family Week**

Mayor Baker presented a Proclamation to Mark and Amanda Earnest proclaiming November 24 through November 30, 2013 as “Family Week” in San Clemente. Martin Garff narrated a PowerPoint presentation entitled “National Family Week 2013”, a hard copy of which is on file with the City Clerk.

C. **Proclamation – Ole Hanson Day**

Mayor Baker presented a Proclamation to Larry Culbertson, President of the San Clemente Historical Society, declaring December 6, 2013, and each December 6th in perpetuity, as “Ole Hanson Day” in San Clemente. Mike Fitzsimmons, an Ole Hanson impressionist, recited Ole Hanson’s vision.

D. **City Fiscal Reports**

Finance Manager Vincent narrated a PowerPoint presentation entitled “Fiscal Report Card”, which summarized the Fiscal Year (FY) 2013 4th Quarter Financial Report, and FY 2014 1st Quarter Financial Report; responded to Council inquiries. A hard copy of Ms. Vincent’s PowerPoint is on file with the City Clerk.

Assistant City Manager/Finance and Administrative Services Director Sund narrated a PowerPoint presentation entitled “Fiscal State of the City” that covered the period ending June 30, 2013. A hard copy of Mr. Sund’s PowerPoint is on file with the City Clerk.

E. 2014 Long Term Financial Plan

Assistant City Manager/Finance and Administrative Services Director Sund introduced the 2014 Long Term Financial Planning Issue Papers and Objectives; distributed a revised Page 1-E77 that reflects that 98.1% of calls for service were handled by the Coastal Animal Services Authority within 24 hours.

During the course of discussion, Council requested that Staff: 1) Address pier maintenance funding in the Long Term Financial Plan; and 2) Evaluate and propose updates, as appropriate, to the fee schedule for the City's ambulance subscription program.

2. ORAL COMMUNICATIONS (PART 1)**Pedestrian and Traffic Safety at Vista Del Mar School (Corner of Avenida Talega and Calle Portofino)**

Pamela Denayer, San Clemente, crossing guard for Vista Del Mar students who cross at the intersection of Avenida Talega and Calle Portofino, voiced concern that safety is jeopardized as a result of the volume of traffic, visibility constraints, and increase in student enrollment at Vista Del Mar School; presented a petition that supported the addition of a second crossing guard at the subject location. A copy of Ms. Denayer's petition is on file with the City Clerk.

Laura Burnes, San Clemente, reiterated that a traffic problem exists at Avenida Talega and Calle Portofino; stated that a task force was established six years ago that resulted in improvements, but opined that increases in vehicular traffic, school attendance, and road rage incidents necessitate further action; spoke in support of enhanced Police enforcement of the existing "No U-Turn" signs and the re-establishment of a traffic task force.

Katie Calkins, San Clemente, suggested that vehicle and pedestrian traffic at the Portofino/Talega intersection warrants a second crossing guard and second route into the school campus; urged that the City increase enforcement of the "No School Parking" restrictions in the San Rafael development.

Karen Sillas, San Clemente, voiced concern that she can't access her home in Terra Linda between 2:15 p.m. and 3:00 p.m. when students are leaving the campus; expressed concern that residents would not be able to egress the area in an emergency due to traffic gridlock.

Council suggested that Ms. Denayer provide a copy of her petition to the Capistrano Unified School District. It was agreed that Police Chief Coppock will meet with area residents concerning the subject situation.

3. MOTION BY COUNCILMEMBER EVERT, 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 – CITY ATTORNEY**

A Closed Session was not conducted this evening.

6. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER EVERT, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to approve the Consent Calendar with the removal of Items B(1), E, H, I, J and K.

A. **City Council Minutes**

MOTION BY COUNCILMEMBER EVERT, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to approve the Joint City Council/Commissions/Committees Meeting minutes of October 22, 2013.

- B. MOTION BY COUNCILMEMBER EVERT, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to receive and file the following:

(2) Zoning Administrator Regular Meeting minutes of November 6, 2013.

C. **Warrant Register**

MOTION BY COUNCILMEMBER EVERT, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to approve Wire Transfer Nos. 1186 through 1190 and Warrant Nos. 512153 through 512297 paid on 11/01/2013 in the amount of \$1,858,682.43; approve Warrant Nos. 512298 through 512435 paid on 11/08/2013 in the amount of \$494,802.66; for a total Warrant Register of \$2,353,485.09.

Payroll Register

MOTION BY COUNCILMEMBER EVERT, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to approve Warrant Nos. 255 through 258 and Automatic Deposit Advises 11499 through 11797 for the period of 10/14/2013 through 10/27/2013 in the amount of \$408,879.59; for a total Payroll Register of \$408,879.59.

D. **Contract Amendment – Main Pump Station Rehabilitation and Force Main Cathodic Protection, Project Nos. 10203 and 12202**

MOTION BY COUNCILMEMBER EVERT, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to approve, and authorize the Mayor to execute, the First Amendment to Contract No. C12-40, by and between the City of San Clemente and Pacific Advanced Civil Engineering, providing for the preparation of plans and specifications for the realignment of the Main Pump Station Force Main, Project Nos. 10203 and 12202.

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

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

1. Approve, and authorize the Mayor to execute, Contract No. C13-51, by and between the City of San Clemente and Anderson Penna, providing for Marblehead Coastal Development inspection services, in an amount not to exceed \$115,000.
2. Approve a supplemental appropriation of \$115,000 to General Fund Account 001-411-43892-000-0000 (Development Contractual Services).
3. Accept revenue of \$115,000 into General Fund Account 001-000-34531 for construction inspection fees associated with the Marblehead Coastal Development project.

G. **Reassignment of Subdivision Obligations – Marblehead Coastal Development**

MOTION BY COUNCILMEMBER EVERT, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract No. C98-61, the First Implementation Agreement Respecting Triparty Agreement and Subdivision Improvement Agreement, by and between the City of San Clemente, LV Marblehead LLC, Arch Insurance Company, and Villa San Clemente, LLC. This agreement will assign certain subdivision improvement obligations associated with the Marblehead Coastal Development to Villa San Clemente LLC and release LV Marblehead LLC from those obligations.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

B(1). **Planning Commission Regular Study Session Minutes of November 6, 2013 and Regular Meeting Minutes of November 6, 2013**

Mayor Pro Tem Brown recused himself from deliberations on the Planning Commission Regular Meeting minutes of November 6, 2013, and left the Chambers, because he lives within 500' of the McMahon residence that was the subject of Public Hearing Item 8-B on those minutes.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 4-0-1 (MAYOR PRO TEM BROWN ABSTAINING), to receive and file the Planning Commission Regular Meeting minutes of November 6, 2013.

MOTION BY COUNCILMEMBER EVERT, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to receive and file the Planning Commission Regular Study Session minutes of November 6, 2013.

E. **Contract Amendment – Orange County Fire Authority Joint Powers Authority Agreement, Equity Sharing**

Councilmember Hamm recused himself from deliberations on this item, and left the Council Chambers, because he is employed by the Orange County Fire Authority.

In response to Council inquiry, Orange County Fire Authority Division Chief Wells and Chief Richter summarized the equity sharing issue that was raised by the City of Irvine, focusing on the equity model that was ultimately developed and the potential negative affect on San Clemente if Irvine were to withdraw from the OCFA.

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER EVERT, CARRIED 4-0-1 (COUNCILMEMBER HAMM ABSTAINING), to:

1. Approve, and direct the City Manager to execute, the Second Amendment to Contract No. C95-02, the Amended Orange County Fire Authority (OCFA) Joint Powers Authority (JPA) Agreement, by and between the City of San Clemente, and the Cities of Aliso Viejo, Buena Park, Cypress, Dana Point, Irvine, La Palma, Laguna Hills, Laguna Niguel, Laguna Woods, Lake Forest, Los Alamitos, Mission Viejo, Placentia, Rancho Santa Margarita, San Juan Capistrano, Santa Ana, Seal Beach, Stanton, Tustin, Villa Park, Westminster, Yorba Linda, and the County of Orange.
2. Authorize the City Attorney to join in supporting the OCFA's validation action, when filed, seeking to obtain a judicial declaration of the validity of the Second Amendment to the Amended JPA Agreement.

H. **Contract Award – Marbella Pressure Reducing Station Rehabilitation, Project No. 14404**

Councilmember Hamm recused himself from deliberations on this item, and left the Council Chambers, because he owns property within 500' of the Marbella Pressure Reducing Station.

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER EVERT, CARRIED 4-0-1 (COUNCILMEMBER HAMM ABSTAINING), to:

1. Approve the plans and specifications for the Marbella Pressure Reducing System Rehabilitation, Project No. 14404.
2. Approve a supplemental appropriation of \$30,000 to Account 052-466-45300-14404.
3. Approve, and authorize the Mayor to execute, Contract No. C13-52, by and between the City of San Clemente and O'Connell Engineering & Construction, Inc., providing for the Marbella Pressure Reducing Station Rehabilitation, Project No. 14404, in the amount of \$178,671.

I. **Request for Waiver of Community Center Auditorium Rental Fee – All-American Boys Chorus Veterans Concert**

In response to Council inquiry, Recreation Manager Passow reviewed the proposed veterans concert that is proposed by the All-American Boys Chorus.

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

1. Waive the fees of \$1,622 for the rental of the Community Center Auditorium for the All-American Boys Chorus Veterans Concert scheduled to take place on March 27, 2014.
2. Authorize staff to consider veteran's groups who would take a lead on selling tickets, assist with marketing the event, and be the benefactor of the proceeds.

J. **Fiscal Years 2013 and 2014 Sidewalk Repair Program, Project No. 19317**

Mayor Baker and Mayor Pro Tem Brown recused themselves from deliberations on this, and left the Council Chambers, because they individually own property within 500' of sidewalks that are included in the subject sidewalk repair program.

MOTION BY COUNCILMEMBER EVERT, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 3-0-2 (MAYOR BAKER AND MAYOR PRO TEM BROWN ABSTAINING), to:

1. Authorize staff to issue a change order for additional work requested by the owners in an amount not to exceed \$60,000.
2. Approve a supplemental appropriation of \$60,000 to Account 001-416-45710-000-19317, Sidewalk Repair and Improvements, in the General Fund for the Sidewalk Repair Program, Project No. 19317.
3. Accept revenue of \$60,000 into General Fund Account 001-000-36851 for the Sidewalk Repair Program project.

K. **Repair of the Avenida Pico/El Camino Real Intersection**

In response to Council inquiry, Public Works Director/City Engineer Cameron reviewed the emergency condition at the Avenida Pico/El Camino Real intersection that was caused by failing decorative pavers.

Council requested that Staff evaluate the possibility of installing decorative concrete crosswalks or painted asphalt at the Avenida Pico/El Camino Real intersection and return to Council if a decorative alternative is deemed to be a viable option.

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

1. Make a finding that an emergency condition exists at the Avenida Pico/El Camino Real intersection due to failing decorative pavers which are causing a potential safety hazard to motorists and bicyclists.
2. Approve and direct staff to replace the decorative pavers in the Avenida Pico/El Camino Real intersection with asphalt as soon as possible.
3. Authorize the Public Works Director/City Engineer to execute a construction contract change order for the replacement of the decorative pavers with asphalt at a cost not to exceed \$59,000.
4. Approve an increase to the contingency from \$54,600 to \$113,600 for the existing street rehabilitation, Contract No. C10-35 with R.J. Noble Company, with the increased amount of \$59,000 to be funded from RCFPP Account 020-419-45300-000-12903.

7. **PUBLIC HEARINGS**

A. **Zoning Amendment 13-313, Zoning Ordinance Clean-up Items and Procedure for Withdrawing Inactive Applications**

Public Hearing to consider amendments to Title 17 (Zoning Ordinance) of the San Clemente Municipal Code to correct errors, clarify text, and add procedures for withdrawing inactive applications.

Associate Planner Wright reviewed the contents of the Administrative Report and proposed additional wording to Section 3 relating to measurement of height to the top of a roof element; concurred with a Council suggestion that Section 2(A)2 of the Ordinance include reference

to a table that would identify the designated decision making authority referenced in that section.

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

MOTION BY MAYOR BAKER, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to introduce Ordinance No. 1575 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING ZONING AMENDMENT 13-313 THAT AMENDS TITLE 17 OF THE CITY OF SAN CLEMENTE MUNICIPAL CODE TO FIX ERRORS, CLARIFY TEXT, AND ADD PROCEDURES FOR WITHDRAWING INACTIVE APPLICATIONS, with amendments as follows:

Section 6.B.3 shall read as follows:

3. *Measurement of Height to the Top of a Roof Element (TOR). Unless additional height limits are indicated in the development standard tables in Chapters 17.32, Residential Zones and Standards, through 17.48, Public Zones and Standards, of this title, the maximum height limit stated for a zone shall be a limit upon the "average height to the top of the roof element." The average height to the top of a roof element is calculated by:*
 - a. *Measuring the height of each corner of the roof element. The height of each corner of the roof element is the vertical distance between original or finished grade and a projection of the top of the roof element, at each corner. Please refer to subsection (B)(1), Measurement of Height from Original or Finished Grade, of this section, regarding whether original or finished grade should be used; and*
 - b. *Averaging the sum of the height of each corner of the roof element.*

Additionally, Section 2.A.2 is to be modified to read as follows:

2. *Schedule for the designated decision making authority (see Table 17.12.020) to consider the application as a consent item at the next available meeting. The City Planner may recommend for the decision making authority to deny the application without prejudice. The applicant would be notified of the meeting in advance.*

B. **Community Development Block Grant (CDBG) Funds – 2013-2017 Consolidated Plan and 2012-2013 Consolidated Annual Performance Evaluation Report (CAPER)**

Continued Public Hearing to consider approving the Consolidated Annual Performance Evaluation Report for 2012-2013, which summarizes last year's program accomplishments funded under the U.S. Department of Housing and Urban Development (HUD), Community Development Block Grant (CDBG) Program, and adopting the CDBG Consolidated Plan Report, which delineates the City's priority housing and community development needs.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to continue the Public Hearing to the Council meeting of December 3, 2013.

MEETING RECESSED

Council recessed at 8:00 p.m. and reconvened at 8:15 p.m., with all members present.

C. **Draft Centennial General Plan and Final Environmental Impact Report, Draft Bicycle and Pedestrian Master Plan and Draft Climate Action Plan**

Public Hearing concerning adoption of the Centennial General Plan and Final Environmental Impact Report, Draft Bicycle and Pedestrian Master Plan and Draft Climate Action Plan.

Brian Judd, the Planning Center, requested Council direction concerning the staff-prepared white paper, dated November 13, 2013, relating to building heights in the Downtown Core area; noted that Council will receive a matrix prior to the December 10, 2013 Council meeting that identifies Council's changes to the Draft General Plan and related documents. A copy of the referenced white paper is on file with the City Clerk.

Mayor Baker opened the Public Hearing, however, no one desired to speak to this issue at this time.

Council discussed the "Area of Effect" that the white paper defines as the area that would be subject to story/height limits for the "Downtown Core" area. Specifically, the white paper identifies the affected area as "Lots located within the MU-3.0 Land Use designation, defined as 100 and 200 blocks of Avenida Del Mar, both sides of the street, and both sides of El

Camino Real between Avenida Palizada and Avenida Presidio, as shown in Exhibit A.”

In response to Council inquiry, City Attorney Goldfarb opined that limiting the height/story limits to only the Downtown Core area as defined in the white paper would not constitute spot zoning.

Council discussed the possibility of directing Staff and the City consultant to study the implications of expanding the area to which the two-story, 33 foot building height limit would apply.

During discussion, it was noted that the Planning Commission and members of the public who spoke had focused on height and story limits in the area identified in the white paper, and that property owners outside that area have not been noticed about a possible expansion of the area subject to such limits.

During discussion, City Attorney Goldfarb suggested that Requirement 5.D of the white paper be amended to read as follows: “The development project is consistent with the Zoning Ordinance, *with the exception of the number of building stories or building height.*”

Ron Troser, San Clemente, asserted that reducing the allowable height of buildings along Avenida Del Mar is ill-advised, since adequate design controls are already in place; objected to an expansion of the borders of the area subject to building height and story limits since it will reduce property values.

Mark McGuire, San Clemente, urged that affected property owners be notified before a decision is made to expand the area that would be subject to the building height and story limits.

Alan Korsen, San Clemente, suggested that the proposed building height and story limits be extended to the boundaries of the Central Business Overlay as depicted in a PowerPoint that was utilized in May 2013; urged that the maximum building height be established at 33 feet; stated that the Supreme Court ruled that spot zoning does not exist when a regulation is consistently applied.

Council requested copies of the GPAC minutes to help clarify the geographical borders of the Downtown Core area that the Committee considered.

Following discussion, the Council majority (Councilmember Hamm, Mayor Pro Tem Brown and Mayor Baker supporting, and Councilmembers Donchak and Evert opposing) directed Staff and the Planning Consultant to

study the implications of enlarging the proposed area where new or remodeled buildings would be limited to two stories and 33 feet in height to include properties along the south side of Avenida Cabrillo and along the north side of Avenida Granada, adjacent to the 100 and 200 blocks of Avenida Del Mar, unless Council grants an exception to allow buildings with three stories up to 35 feet in height.

Associate Planner Jones provided an overview of the Draft Bicycle and Pedestrian Master Plan and the process that led to the draft document that is currently before Council; narrated a PowerPoint presentation entitled “Bicycle and Pedestrian Master Plan” and responded to Council inquiries. A hard copy of Mr. Jones’ PowerPoint is on file with the City Clerk.

Brenda Miller, PEDAL, urged Council to view the Bicycle and Pedestrian Master Plan, in conjunction with the Mobility and Complete Streets Element, as an opportunity to enhance public safety; spoke on the importance of enabling safe non-motorized transportation and suggested that a Mobility and Complete Streets Commission be established.

Michael Metcalf, San Clemente, spoke in support of the Bicycle and Pedestrian Master Plan, but suggested that the phrase “where feasible” be omitted from Policies M.101A and M.1.19.

Council reviewed the Bicycle and Pedestrian Master Plan and provided input as follows:

Page	Issue	Council Direction
ES-1	Council discussed the “Plan Scope” and opined that it could be rewritten in a manner that is more clear.	The “Plan Scope” is to be rewritten for clarity purposes.
9	Council referenced Policy P-1-11 that reads as follows: “The City encourages and supports skateboard use as an efficient and legitimate mode of transportation to connect gaps between destinations and transit stops and rail stations.”	Policy P-1-11 is to be shortened to read as follows: “The City encourages and supports skateboard use as an efficient and legitimate mode of transportation.”
11	Council referenced Implementation Measure 1-1-9 which reads as follows: “The City will recognize skateboarding as a legitimate form of transportation and accommodate it in its transportation policies and, where appropriate, in street and other public improvements. City will revise ordinances as necessary to accommodate safe skateboard use.”	Staff is to determine whether the City’s existing skateboard ordinance is in alignment with Implementation Measure 1-1-9, or whether modifications are needed.

14	Council referenced 1-5.3 under "Implementation Programs", which reads as follows: "Work towards closing existing gaps in the City's pedestrian network."	The current 1-5.3 is to be renumbered as 1-5.1 and listed as the first item under the Implementation Program section. Subsequent Implementation Measures are to be re-numbered accordingly.
49	Council referenced the third sentence under "Neighborhood Sidewalks" that reads as follows: "They are not as difficult to cross and pedestrian and pedestrian collisions occur less frequently because drivers have ample time to see, react and brake."	The third sentence under "Neighborhood Sidewalks" is to be re-written for clarity purposes.

Assistant City Engineer Bonigut provided an overview of the Climate Action Plan, noting that the purpose is to inventory greenhouse gas emissions and to develop strategies to reduce those emissions; reviewed the process that led to the draft document that is currently before Council and responded to Council inquiries.

Principal Planner Hook noted that the FEIR (Final Environmental Impact Report) incorporates all comments made on the Draft EIR as well as responses to all comments as required by CEQA; responded to Council inquiries.

Council did not make any changes to the Draft Climate Action Plan or Final Environmental Impact Report.

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to continue the Public Hearing on the adoption of the Draft Centennial General Plan, FEIR, Draft Bicycle and Pedestrian Master Plan and Draft Climate Action Plan to an Adjourned Regular Meeting of the City Council to be held on December 10, 2013 at 4:00 p.m. in the Council Chambers.

8. UNFINISHED BUSINESS

A. Ordinance Introduction – Use of Bicycles and Other Activities on the Pier, Beach Access Road and Beach Trail

Report from the Beaches, Parks, and Recreation Director concerning possible modification of bicycle riding restrictions on the beach trail.

Marine Safety Lieutenant Mellott reviewed the contents of the Administrative Report.

Ricardo Nicol, San Clemente, urged Council to require that bicycles on the beach trail be equipped with bells to warn pedestrians that a bicycle is approaching from behind.

Marine Safety Lieutenant explained the difficulty of enforcing a requirement that all bicycles have bells; proposed, as an alternative, that bicycle bells be recommended, but not mandated.

MOTION BY COUNCILMEMBER HAMM, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to introduce Ordinance No. 1576 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.

9. **NEW BUSINESS**

A. **Cooperative and Utility Agreements with the Orange County Transportation Authority (OCTA) Related to Planned Interstate 5 (I-5) Improvements**

Report from the Public Works Director/City Engineer concerning planned Interstate 5 improvements.

Assistant City Engineer Bonigut reviewed the contents of the Administrative Report and responded to Council inquiries.

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

1. Approve, and authorize the Mayor to execute, Contract No. C13-53, Cooperative Agreement No. C-3-2079, by and between the City of San Clemente and the Orange County Transportation Authority, providing for reimbursement of as-needed City services during construction of the Interstate 5 Widening/HOV and Pico Interchange improvement projects.
2. Approve, and authorize the Mayor to execute, Contract No. C13-54, Utility Agreement No. CSC-1, by and between the City of San Clemente and the Orange County Transportation Authority, providing for reimbursement of City-provided utility relocation services for the Interstate 5/Pico Interchange improvement project.

B. Contract Award – Funding, Design, and Inspection Related to Construction of the La Pata Gap Closure and Camino Del Rio Extensions and Noise Mitigation Associated with Extension of Camino Del Rio

Report from the Public Works Director/City Engineer concerning the La Pata Gap Closure and Camino Del Rio extension project.

Harry Persaud, the County's project manager for the La Pata/Del Rio project, provided an update on the project and expressed "guarded optimism" that it will soon become a reality; explained the bidding process that resulted in three bids and a subsequent decision by the Orange County Board of Supervisors to reject all bids, and direct that the project be re-bid; stated that the Board of Supervisors is still on schedule to award a construction contract on December 10, 2013, with construction to start in early 2014.

Transportation Engineering Manager Frank summarized the Memorandum of Understanding with the County of Orange.

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

1. Approve, and authorize the Mayor to execute, Contract No. C13-55, a Memorandum of Understanding, by and between the City of San Clemente and the County of Orange, relating to completion of the La Pata Gap Closure and Camino Del Rio Extension project, subject to approval by the City Attorney.
2. Approve the use of rubberized asphalt overlay to mitigate projected future noise increases associated with future projected traffic on Camino Del Rio, consistent with Mitigation Measure 4.4.7 of the certified project Environmental Impact Report.

10. ORAL COMMUNICATIONS (PART 2)

None.

11. REPORTS

A. Commissions and Committees

(1) City Representative to the Orange County Vector Control District Board of Trustees

Report from the City Clerk concerning appointment of the City's representative to the Orange County Vector Control District Board of Trustees.

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

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to direct the City Clerk to advertise and solicit applications from San Clemente registered voters to fill the vacancy for the City's representative on the Orange County Vector Control District Board of Trustees. Council will interview candidates and make an appointment at its meeting of December 17, 2013.

B. City Manager

None.

C. City Attorney

None.

D. Council Members

(1) San Joaquin Hills Transportation Corridor Agency Report

Councilmember Evert, City representative to the San Joaquin Hills Transportation Corridor Agency, reported that the TCA plans to discontinue the cash lanes on the toll roads early next year; reported that a TCA representative will attend a future Council meeting to explain the new toll procedures that involve transponders and billing from license plate recognition.

(2) **Foothill Eastern Transportation Corridor Agency Report**

Mayor Baker, City representative to the Foothill Eastern Transportation Corridor Agency, reported that the TCA has been informed that its refinancing plan has received investment grade rating from two of the three rating agencies.

(3) **Coastal Animal Services Authority (CASA)**

Councilmember Hamm reported on his attendance at his first CASA Board meeting as Council's representative to the CASA Board.

(4) **La Cristianita Monument Re-Dedication**

Mayor Baker reported that he will participate, on November 21, 2013, in the re-dedication of the La Cristianita monument that was relocated to the Casa Romantica.

12. **RESOLUTIONS/ORDINANCES**

A. **Ordinance No. 1572 (Second Reading) – Various Building Code Regulations and Local Amendments**

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to adopt Ordinance No. 1572 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTERS 15.08, 15.12, 15.16, 15.20, 15.21, AND 15.22 OF TITLE 15 OF THE SAN CLEMENTE MUNICIPAL CODE ADOPTING BUILDING REGULATIONS.

B. **Ordinance No. 1573 (Second Reading) – Fire Code Regulations and Local Amendments**

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to adopt Ordinance No. 1573 entitled AN ORDINANCE OF THE CITY COUNCIL OF SAN CLEMENTE AMENDING CHAPTER 8.16 OF THE SAN CLEMENTE MUNICIPAL CODE AND ADOPTING FIRE CODE REGULATIONS FOR THE CITY OF SAN CLEMENTE.

C. Ordinance No. 1574 (Second Reading) – Various Property Maintenance Requirements

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to adopt Ordinance No. 1574 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 15.09 OF TITLE 15 OF THE SAN CLEMENTE MUNICIPAL CODE ADOPTING PROPERTY MAINTENANCE REQUIREMENTS.

13. ADJOURNMENT

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to adjourn at 10:34 p.m., in memory of Staff Sgt. Mathew R. Marsh, Gunnery Sgt. Gregory J. Mullins, Sgt. Miguel Ortiz and Staff Sgt. Eric W. Summers, members of the United States Marine Corps who were killed in a recent accident at Camp Pendleton.

The next Regular Council Meeting will be held on December 3, 2013 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be considered at 5:00 p.m. The business meeting will commence at 6:00 p.m.



MAYOR of the City of
San Clemente, California


CITY CLERK of the City of
San Clemente, California

