

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting – September 17, 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 September 17, 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, City Clerk Baade recessed the meeting to 6:00 p.m.

MEETING CALLED TO ORDER

Mayor Baker called the Regular Meeting to order at 6:00 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.

INVOCATION

Pastor David Keehn, OCFA Chaplain (Battalion 6) gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Evert led the Pledge of Allegiance.

1. SPECIAL PRESENTATIONS**A. Certificates of Recognition – El Bajio Cultural and Inter-Generational Project**

Mayor Baker presented a Certificate of Recognition to Edgar Medina, Parent Leadership Institute Coordinator, Orange County Human Relations (OCHR), in recognition of the El Bajio Cultural and Intergenerational Project.

Edgar Medina, narrated a PowerPoint presentation entitled “El Bajio to San Clemente: An Inter-Generational Exploration”. A hard copy of the subject PowerPoint is on file with the City Clerk.

Jose Gomez, San Clemente, expanded on Mr. Medina’s comments concerning the El Bajio Cultural and Inter-Generational Project; thanked Council for its recognition.

Alison Edwards, Deputy Director, OCHR, thanked San Clemente residents and the Swayne Family Foundation for making the subject project possible; distributed a publication entitled “Orange Coast Escape to Orange County”. A hard copy of the subject publication is on file with the City Clerk.

B. Update – Marblehead Coastal Development

Lisa Gordon, on behalf of Lehman Brothers, provided an update concerning progress items and completion schedules relating to the Marblehead Coastal Development project and responded to Council inquiries.

C. San Clemente High School Student Report

Matt Garritson and Gabby Meyer, student representatives of San Clemente High School, 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.

D. Casa Romantica – Programs and Events

Berenika Schmitz, Executive Director, Casa Romantica, narrated a PowerPoint presentation entitled “Casa Captivating” concerning Casa Romantica’s 2013-2014 programs; distributed a brochure to Council. A hard copy of the brochure is on file with the City Clerk.

E. **Bonito Canyon Park – Tennis Court Rehabilitation**

Beaches, Parks, and Recreation Director Heider narrated a PowerPoint presentation entitled “Bonito Canyon Park – Tennis Court Resurfacing” concerning the newly-resurfaced tennis courts at Bonito Canyon Park; responded to Council inquiries. A hard copy of the subject PowerPoint is on file with the City Clerk.

Dale Patterson, San Clemente, conveyed that the condition of the tennis courts at Bonito Canyon Park has been greatly improved; thanked Council for rehabilitating and resurfacing the tennis courts.

F. **Continual Improvement Program – Development Services**

Community Development Director Holloway narrated a PowerPoint presentation entitled “Customer Service Program Continual Improvement”; responded to Council inquiries. A hard copy of the subject PowerPoint is on file with the City Clerk.

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

Proposal for City Trouble-Shooter Position

Sheila Ridge, San Clemente, suggested that the City create a new employee position to serve as a “trouble-shooter” to find, fix, and follow up with problems in the City; expressed interest in serving as the City’s “trouble-shooter”.

Courtney’s Sandcastle – Shade Structures

Judy Price, Board Member, Courtney’s Sandcastle Foundation, expressed the Board’s appreciation to the City for providing matching funds for Phase 2 of the Courtney’s Sandcastle project; reiterated the need for shade structures; announced that personalized tiles may be purchased to help raise funds for the shade structure project; displayed a photograph that provided a link to donate. A hard copy of the subject photograph is on file with the City Clerk.

Various Events in San Clemente

Tom Wicks, President of the Board, Friends of San Clemente Beaches, Parks and Recreation, invited the community to attend the 2013 Carnival Colossal event; announced that the 13th annual Open Skateboard event will take place on October 21, 2013; commended the Gudauskas brothers for conducting the Stoke-O-Rama event.

Vista Hermosa Sports Park Wave Pool

Anthony LaFrano, San Clemente, expressed concerns relating to the financial viability of the proposed wave pool at the Vista Hermosa Sports Park miniature golf course; opined that alternative facilities (such as tennis courts), that do not involve the sale of alcohol, should be considered.

International Walk/Bike to School Day

Brenda Miller, San Clemente, announced that the CicLAvia will take place in Los Angeles on October 6, 2013; advised that the International Walk/Bike to School Day will take place on October 9, 2013; invited members of the Council to participate in San Clemente's commemoration of Walk/Bike to School Day.

3. **MOTION WAIVING READING IN FULL OF ALL RESOLUTIONS AND ORDINANCES**

MOTION BY COUNCILMEMBER DONCHAK, 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**

City Clerk Baade announced that Council did not meet in Closed Session this evening.

6. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to approve the Consent Calendar with the removal of Items B(2), B(3), and E.

A. **City Council Minutes**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to approve the City Council Regular Meeting Minutes of August 20, 2013 and September 3, 2013.

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

(1) Human Affairs Committee Regular Meeting Minutes of August 14, 2013.

C. **Warrant Register**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to approve Wire Transfer Nos. 1165 through 1166 and Warrant Nos. 510695 through 510870 paid on 08/30/2013 in the amount of \$4,088,012.16; and approve Wire Transfer Nos. 1167 through 1171 and Warrant Nos. 510871 through 510982 paid on 09/06/2013 in the amount of \$2,801,056.78, for a total warrant register of \$6,889,068.94.

Payroll Register

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to approve Warrant Nos. 246 through 247 and Automatic Deposit Advises 10283 through 10595 for the period of 08/19/2013 through 09/01/2013 in the amount of \$432,785.97, for a total payroll register of \$432,785.97.

D. **Solar Permit Fee Waiver Program**

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

1. Retain the current Solar Permit Fee Waiver Program.
2. Continue to waive the portion of the fees that exceeds \$300 for residential solar electric and solar water heating permits issued.
3. Provide a \$300 fee credit and waive any fees that exceed the maximum fee allowed by SB 1222 for commercial solar electric and solar water heating permits issued.
4. Reevaluate the Solar Permit Fee Waiver Program in three years.

F. **Funding Agreement – Courtney’s Sandcastle Phase II**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract No. C13-41, by and between the City of San Clemente and Courtney’s Sandcastle Charitable Foundation, providing for funding associated with Courtney’s Sandcastle Phase II.

G. **Notice of Completion and Declaration of Surplus Property – Max Berg Plaza Park Playground Equipment**

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

1. Accept the construction of the Max Berg Plaza Park Play Equipment Replacement, Project No. 12724, from the contractor, GameTime c/o Great Western Park and Playground.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Max Berg Plaza Park Play Equipment Replacement, Project No. 12724.
3. Authorize the City Clerk to release the Payment Bond and balance of retention 35 days from the recordation of the Notice of Completion upon verification with the Beaches, Parks, and Recreation Department that no liens have been levied against GameTime c/o Great Western Park and Playground.
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.

H. **Contract Approval – Purchase of Electricity**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to approve, and authorize the City Manager to execute, a one or two-year contract for the purchase of electricity, by and between the City of San Clemente and Noble Americas, in an amount not to exceed \$48.00 per kilowatt-hour (kWh).

I. **Contract Award – Assessment of Public Works and Beaches, Parks, and Recreation Maintenance Services Divisions**

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

1. Approve, and authorize the Mayor to execute, Contract No. C13-42, by and between the City of San Clemente and Matrix Consulting Group, providing for an assessment of the Public Works and Beaches, Parks, and Recreation Maintenance Divisions, in the amount of \$47,500.
2. Approve a budget transfer of \$47,500 from Street Maintenance Division, Account 001-614-41010-000-000, to Public Works Administration, Account 001-480-43690-000-00000.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

B(2). **Zoning Administrator Regular Meeting Minutes of September 4, 2013**

Council referenced the portion of the Zoning Administrator Regular Meeting Minutes of September 4, 2013 concerning SDG&E site improvements at 652 Camino De Los Mares; commended Community Development Director Holloway's position that Spanish Colonial Revival Architecture should not be required for buildings outside an Architectural Overlay area.

MOTION BY MAYOR BAKER, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to receive and file the Zoning Administrator Regular Meeting Minutes of September 4, 2013.

B(3). **Planning Commission Regular Meeting Minutes of September 4, 2013 and Regular Study Session Minutes of September 4, 2013**

Council referenced the portion of the Planning Commission Regular Meeting Minutes of September 4, 2013 that pertained to Verizon Wireless' cellular facility. It was noted that the Planning Commission is proposing that Council add language to lease agreements that would subject Verizon and other future carriers to an aesthetic and technological re-evaluation every ten years. During the ensuing discussion, Council questioned the propriety of subjecting carriers to periodic re-evaluations of their Conditional Use Permits (CUP), even when they are not proposing modifications to their cellular towers.

City Planner Pechous pointed out that the City Attorney informed the Planning Commission that it could not impose a Condition of Approval that would subject a carrier's CUP to a re-review every ten years, but that the Planning Commission could ask the carrier if it would be amenable to such a re-review.

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to receive and file the Planning Commission Regular Meeting Minutes of September 4, 2013 and Regular Study Session Minutes of September 4, 2013.

E. **Contract Review and Amendment – Richard T. Steed Memorial Park Food and Beverage Concession**

In response to Council inquiry, Beaches, Parks, and Recreation Director Heider advised that tournament admission fees are necessary to help ensure profitability for the food and beverage concession at Richard T. Steed Memorial Park; responded to Council inquiries.

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

1. Approve the second three-year lease extension option to Gary and Meg Greenberg for the concession at Richard T. Steed Memorial Park, to expire in October 2016.
2. Approve, and authorize the Mayor to execute, the Second Amendment to Contract No. C07-47, the Lease Agreement for Richard T. Steed Memorial Park Food and Beverage Concession, by and between the City of San Clemente and Meg and Gary Greenberg.

7. **PUBLIC HEARINGS**

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

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.

City Clerk Baade announced that staff recently received technical comments from HUD that need to be addressed; relayed staff's request to continue the public hearing to the Regular Council Meeting of October 15, 2013.

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

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to continue the Public Hearing to the October 15, 2013 Council Meeting.

8. **UNFINISHED BUSINESS**

A. **Bicycle Regulations on the Beach Trail South of the Pier During Summer Months**

Report from the Beaches, Parks, and Recreation Director concerning the possibility of modifying the Code of the City of San Clemente, relating to bicycle regulations on the beach trail.

Mayor Baker recused himself from deliberations on this item, and left the Council Chambers at 7:50 p.m., because he owns real property within 500' of the beach trail.

Marine Safety Chief Humphries reviewed the contents of the Administrative Report; displayed aerial photographs of the trail zones being considered; responded to Council inquiries. Hard copies of the subject photographs are on file with the City Clerk.

Michael Metcalf, San Clemente, spoke in support of reducing restrictions on bicycle riding on the beach trail; opined that all users of the beach trail should exercise courtesy and consideration.

Ricardo Nicol, San Clemente, expressed concerns for the safety of users of the beach trail; suggested that Council consider requiring bicycles on the trail to be equipped with warning devices, such as bells, in order to avoid conflicts with pedestrians.

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 4-0-1 (MAYOR BAKER ABSTAINING), to direct staff to prepare an ordinance that would modify the Code of the City of San Clemente to allow bicycle riding on the beach trail, south of the wooden bridge at Trafalgar Canyon, except on holidays and major special events from June 15 to Labor Day, unless otherwise restricted, and return to the Council for adoption. Further, that staff evaluate the possibility of requiring bicycles to be equipped with warning devices and possible enforcement mechanisms for violation of beach trail regulations.

Council requested to review statistics next summer relating to pedestrian and bicycle safety on the beach trail.

Mayor Baker returned to the dais at 8:12 p.m.

9. **NEW BUSINESS**

None.

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

None.

11. **REPORTS**

A. **COMMISSIONS AND COMMITTEES**

None.

B. **CITY MANAGER**

None.

C. CITY ATTORNEY

None.

D. COUNCIL MEMBERS

(1) Coastal Animal Services Authority (CASA) Report

None.

(2) San Joaquin Hills Transportation Corridor Agency (SJHTCA) Report

None.

(3) Foothill Eastern Transportation Corridor Agency (FETCA) Report

None.

(4) San Onofre Nuclear Generating Station (SONGS) Decommissioning

Mayor Baker reported that he attended a meeting regarding the decommissioning process for the San Onofre Nuclear Generating Station (SONGS); informed that the decommissioning process will take place over many years and that spent fuel will eventually be moved from a spent fuel pool to a dry-cast storage facility; advised that more information will be provided concerning the ongoing dispute between Mitsubishi and SONGS concerning the steam generators.

Councilmember Evert reported that he also attended the meeting; stated that he observed Southern California Edison's (SCE) intention to expedite the decommissioning process; expressed appreciation to SCE, since complete decommissioning can legally take up to 60 years.

(5) Gifts from Juaneno Band of Mission Indians

Mayor Baker reported that he met with representatives from the Juaneno Band of Mission Indians; presented a gift of wet sage and an abalone shell that the Band gave to the City; announced that the gifts will be available for display at City Hall.

(6) **American Flag Flown in Afghanistan**

Mayor Baker reported that the Hogans, who operate the San Clemente Marine Corps Support Group, presented an American flag to the City that was flown in Afghanistan; announced that the flag will be available for display at City Hall; displayed a photograph of the flag flying in Afghanistan, which is on file with the City Clerk.

(7) **Stoke-O-Rama**

Mayor Baker commended the Gudauskas family for the Stoke-O-Rama event; requested that Mr. Gudauskas present more information regarding the event at a future meeting.

(8) **North Beach Community Association**

Councilmember Evert stated that members of the North Beach Community Association (NBCA) have committed to a North Beach beautification initiative; displayed photographs of NBCA volunteers replacing plants. Hard copies of the subject photographs are on file with the City Clerk.

(9) **Trunk or Treat Event – Call for Volunteers**

Mayor Pro Tem Brown reported that the San Clemente Marine Corps Support Group is seeking volunteers to assist with the Trunk or Treat event on October 30, 2013 to benefit the children of the 5th Marines and 1st Combat Engineer Battalion.

(10) **Letter from Orange County Transportation Authority (OCTA)**

Mayor Baker displayed a letter from Supervisor Pat Bates, Board Member of the Orange County Transportation Authority, stating that it is likely that a Notice to Proceed will be issued in December 2013 for construction of the La Pata Extension. A hard copy of Supervisor Bates' letter is on file with the City Clerk.

(11) **Discounted Recreation Programs for Marines**

Mayor Baker reported that he received numerous letters of appreciation concerning the City's discount program for military families to participate in City recreation programs.

12. RESOLUTIONS/ORDINANCES

A. Ordinance No. 1570 (Second Reading) – Municipal Parks and Trails, Hours of Operation of Park Semper Fi

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to adopt Ordinance No. 1570, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SAN CLEMENTE MUNICIPAL CODE SECTION 9.12.06 RELATING TO THE USE OF MUNICIPAL PARKS AND TRAILS.

13. ADJOURNMENT

MOTION BY MAYOR BAKER, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to adjourn at 8:18 p.m., in memory of Nick Pasquale and Dwayne Berger, to an Adjourned Regular Council Meeting to be held on September 24, 2013 at 4:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, for the purpose of considering the Centennial General Plan.

The next Regular Council Meeting will be held on October 1, 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