

**MINUTES**  
**September 20, 2016**  
**SAN JUAN CAPISTRANO CITY COUNCIL**  
**REGULAR MEETING**

**BUSINESS SESSION:**

Mayor Patterson called the Regular Meeting of September 20, 2016, of the City Council of the City of San Juan Capistrano to order at 5:08 p.m. in the City Council Chamber. Council Member Perry led the Pledge of Allegiance, and Council Member Allevato gave the invocation.

**ROLL CALL:**

COUNCIL MEMBERS PRESENT: Mayor Pam Patterson, Esq., Mayor pro tem Kerry K. Ferguson, and Council Members Derek Reeve, John M. Perry and Sam Allevato.

COUNCIL MEMBERS ABSENT: None.

Agenda items are presented in the originally agendized format for the benefit of the minutes' reader, but were not necessarily heard in that order.

**CITY COUNCIL REPORTS:**

- Council Member Perry reported on the following: attending the 9/11 Remembrance Ceremony at the Orange County Fire Authority Station 7.
- Council Member Allevato reported on the following: attending the San Juan Capistrano Historical Society – Annual Heritage Barbeque.
- Mayor pro tem Ferguson reported on the following: attending the Homefront America – Heroes Nite Out Event.
- Mayor Patterson reported on the following: attending the Vector Control Meeting; and the SONGS Decommissioning Community Engagement Panel Meeting; and announced the creation of a Mayoral Special Needs Subcommittee.

**INTRODUCTIONS AND PRESENTATIONS:**

- B1. MAYOR PRO TEM FERGUSON INTRODUCED THE FOLLOWING INDIVIDUALS IN ATTENDANCE: Gerald Muir, Parks, Recreation, Senior and Youth Services Commission, Design Review Committee, and Youth Advisory Board; Ron Denman, and Thomas Perrin, Parks, Recreation, Senior and Youth Services Commission; Jill Hanna, Trails and Equestrian Commission; Bob Cardoza, Design Review Committee; and Emily Friess and Ella Friess, Youth Advisory Board.
- B2. SEPTEMBER 17<sup>TH</sup> – 23<sup>RD</sup> DECLARED AS CONSTITUTION WEEK (610.40)
- B3. SEPTEMBER 2016 DECLARED AS WORLD ALZHEIMER'S AWARENESS MONTH (610.40)

- B4. FATHER JAMES "JIMMY" NIEBLAS, SDB RECOGNIZED FOR HIS 50 YEARS OF RELIGIOUS LIFE, AND 30 YEARS OF PRIESTHOOD AS THE FIRST JUANEÑO PRIEST (610.40)

**ORAL COMMUNICATIONS:**

- The following City residents from the Paseo Peregrino neighborhood submitted correspondence: Bobbie and Arnie Neiss; Frank Niu, Mary Zheng and Lily Niu; Marjorie Riobbins; Dennis and Adrian Bronco; Laura Dai and Family; and, Joyce Swaving.
- Public Comments: Steve Behmerwohld, City resident; Monique Rea, City resident; Donna Fleming, City resident; Dan Glasgow, City resident; Claire Elkins, City resident; Larry B. City resident; Vickie Killeen, Dana Point resident (provided handouts); Noma (no last name provided), City resident; Adrian Bronco, City resident; Jailyn Osborne and Kimberly Ward, 3Peace Studios, Inc. (provided handouts); Sandra Stephens, City resident; Arnie Neiss, City resident; and Mary Zheng, City resident (provided video).

**CONSENT CALENDAR:**

Council Action: Moved by Council Member Reeve, seconded by Council Member Allevato, and carried unanimously to approve consent calendar items 1 through 5, 7, 8, 9, 11, 12 and 13, as recommended by staff with, Mayor pro tem Ferguson and Council Member Perry abstaining from consent calendar item 4.

- D1. MOTION TO READ ORDINANCE BY TITLE ONLY, APPROVED.
- D2. CITY COUNCIL MINUTES – SPECIAL MEETING OF SEPTEMBER 6, 2016, (CLOSED SESSION), APPROVED
- D3. CITY COUNCIL MINUTES – REGULAR MEETING OF SEPTEMBER 6, 2016, APPROVED
- D4. REVIEW OF THE CHECK REGISTER FOR ELECTRONIC TRANSACTIONS AND CHECKS DATED AUGUST 19, 2016, TO SEPTEMBER 1, 2016; PAYROLL (CHECKS) DATED AUGUST 26; AND PAYROLL (DIRECT DEPOSITS) DATED AUGUST 26, 2016, RECEIVED AND FILED (330.30)

Council Member Perry abstained on any possible checks paid to the San Juan Hills Golf Club, due to proximity of his residence with the San Juan Hills Golf Club. Mayor pro tem Ferguson abstained to any checks paid to Excel Electric, due to proximity to her residence.

**ROLL CALL:**

AYES: COUNCIL MEMBER: Reeve, Allevato and Mayor Patterson  
NOES: COUNCIL MEMBER: None  
ABSENT: COUNCIL MEMBER: None  
ABSTAINED: COUNCIL MEMBER: Perry and Mayor pro tem Ferguson

- D5. NEW DEVELOPMENT APPLICATION STATUS REPORT, RECEIVE AND FILED (440.20)
- D6. ALIGNMENT A PLUS A-1 FOR THE EASTERN OPEN SPACE TRAIL ALIGNMENT THROUGH THE RANCHO MISSION VIEJO RIDING PARK AT SAN JUAN CAPISTRANO (CIP 17202), APPROVED; NEW PROJECT (CIP 17202) ADDED TO THE CITY'S FISCAL YEAR 2016/17 CAPITAL IMPROVEMENT PROJECT WITH A TOTAL PROJECT BUDGET OF \$246,250; TRANSFER OF \$109,000 FROM THE EAST OPEN SPACE TRAIL/BIKEWAY GAP CLOSURE PROJECT (CIP 11203) TO THIS NEW PROJECT (CIP 17202), APPROVED; \$137,250 APPROPRIATED FROM PARK IN LIEU FEES INTO CIP 17202; AND CITY MANAGER AUTHORIZED TO EXECUTE ANY RELATED AGREEMENTS, DOCUMENTS, CONTRACTS, OR BUDGET ADJUSTMENTS/TRANSFERS ASSOCIATED WITH THIS PROJECT (930.50)

Dori Budde, Community Services Director, responded to questions.

Council Action: Moved by Council Member Reeve, seconded by Mayor pro tem Ferguson, and carried unanimously to approve Alignment A plus A-1 for the Eastern Open Space Trail Alignment through the Rancho Mission Viejo Riding Park at San Juan Capistrano; add a new project (CIP 17202) to the City's Fiscal Year 2016/17 Capital Improvement Program with a total project budget of \$246,250; transfer \$109,000 from the East Open Space Trail/Bikeway Gap Closure Project (CIP 11203) to this new project (CIP 17202); appropriate \$137,250 from Park In Lieu fees into CIP 17202; and, authorize the City Manager to execute any related agreements, documents, contracts, or budget adjustments/transfers associated with this project.

- D7. LABOR AND AND MATERIAL WORK APPROVED VIA EMERGENCY PURCHASING AUTHORIZATION PROCESS FOR CHARLES P. CROWLEY COMPANY, INC. IN THE AMOUNT OF \$8,829.28 (FOR THE REPLACEMENT OF TWO PRIMARY DISINFECTANT INJECTION PUMPS FOR THE GROUNDWATER RECOVERY PLANT), APPROVED (370.30)
- D8. **RESOLUTION NO. 16-09-20-01** ADOPTED INITIATING A GENERAL PLAN AMENDMENT STUDY ON WHETHER TO ALLOW, UNDER LIMITED CIRCUMSTANCES, EXISTING WAREHOUSE/STORAGE FACILITIES IN THE CITY'S QUASI-INDUSTRIAL LAND USE DESIGNATED AREAS TO EXPAND INTERNALLY AS SELF-STORAGE FACILITIES IF THEY ARE ALREADY EXCEEDING THE CURRENT MAXIMUM FLOOR AREA RATIO (440.25)
- D9. CITY MANAGER AUTHORIZED TO EXECUTE AN AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT WITH MICHAEL BAKER INTERNATIONAL, INC. FOR PLANNING DEVELOPMENT MANAGEMENT SERVICES FOR A TOTAL AMOUNT NOT-TO-EXCEED \$300,000 (600.30)

- D10. CONSIDERATION OF APPROVAL OF AMENDMENT NO. 1 TO THE PERSONAL SERVICES AGREEMENT FOR FINAL DESIGN FOR THE NORTHWEST OPEN SPACE COMMUNITY PARK PROJECT (NUVIS LANDSCAPE ARCHITECTURE AND PLANNING); AND APPROPRIATION OF FUNDS (CIP 09209) (600.30)

Steve May, Utilities and Public Works Director, provided an agenda report and responded to questions. Ben Siegel, City Manager, responded to questions.

- Public Comments: Robert Cardoza, City resident.

Council Action: Moved by Council Member Perry, seconded by Council Member Reeve, and carried unanimously to send the design of the Northwest Open Space Community Park Project (*without input from NUVIS Landscape Architecture and Planning*) back to the original design committees (*Parks, Recreation, Senior and Youth Services Commission and the Putuitem Committee*) for their review and recommendation to the City Council on the design, and sustainability, such as yearly maintenance costs, and estimated revenues from events; and, direct staff to bring back the recommendation to the City Council, along with a Request for Proposals (RFP) for design services.

- D11. PLANNING COMMISSION'S REPORT REGARDING THE FINDINGS THAT THE FISCAL YEAR 2016 THROUGH 2023 CAPITAL IMPROVEMENT REPORT CONFORMS TO THE CITY'S ADOPTED GENERAL PLAN, RECEIVED AND FILED (330.40)
- D12. CITY MANAGER AUTHORIZED TO EXECUTE THE FIRST AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN JUAN CAPISTRANO AND THE BLAS AGUILAR ADOBE NATURE EDUCATION FACILITY GRANT PROJECT, TO EXTEND THE EXPIRATION DATE FROM JUNE 30, 2016, TO JUNE 30, 2017 (CIP 07403) (600.30)
- D13. **RESOLUTION NO. 16-09-20-02** ADOPTED DECLARING WORK TO BE COMPLETED AS TO PLANS AND SPECIFICATIONS FOR THE CAMINO CAPISTRANO ATHLETIC ARENA COURT RESURFACING PROJECT, BY TAYLOR TENNIS COURTS, INC. (CIP 15304); CITY CLERK DIRECTED TO PROCESS RECORDING OF A NOTICE OF COMPLETION FOR THE PROJECT; AND, STAFF AUTHORIZED TO RELEASE THE PROJECT RETENTION IN THE AMOUNT OF \$2,499.75 THIRTY-FIVE DAYS AFTER RECORDATION OF THE NOTICE OF COMPLETION (600.30)

## PUBLIC HEARINGS:

- E1. INTRODUCTION AND FIRST READING OF AN ORDINANCE APPROVED ENTITLED "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA, ADDING SECTION 6-9.814 TO ARTICLE 8 OF CHAPTER 9 OF TITLE 6 OF THE SAN JUAN CAPISTRANO MUNICIPAL CODE PERTAINING TO WASTEWATER DISCHARGE REGULATIONS (1040.30)

Steve May, Utilities and Public Works Director, provided an agenda report and responded to questions.

Mayor Patterson opened the public hearing and invited public testimony. No public testimony was received. Mayor Patterson closed the Public Hearing.

Maria Morris, City Clerk, read the title of the ordinance.

Council Action: Moved by Council Member Reeve, seconded by Council Member Allevato, and carried unanimously to approve the introduction and first reading of an ordinance entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA, ADDING SECTION 6-9.814 TO ARTICLE 8 OF CHAPTER 9 OF TITLE 6 OF THE SAN JUAN CAPISTRANO MUNICIPAL CODE PERTAINING TO WASTEWATER DISCHARGE REGULATIONS."

- E2. AGENDA REPORT WITH APPLICANT'S LETTER, DATED SEPTEMBER 14, 2016, REQUESTING WITHDRAWAL OF APPLICATIONS (ARCHITECTURAL CONTROL (AC) 15-035/GRADING PLAN MODIFICATION (GPM) 16-006/AMENDMENT TO THE PLAZA BANDERAS HOTEL COMPREHENSIVE DEVELOPMENT PLAN (CDP) 10-01/ADDENDUM TO ENVIRONMENTAL IMPACT REPORT FOR THE PLAZA BANDERAS HOTEL (SCH #2010051075)/REVIEW OF DEVELOPMENT PLANS FOR A PROPOSED 124 ROOM HOTEL) FOR MODIFICATIONS OF THE APPROVED PLAZA BANDERAS HOTEL AND MIXED USE PROJECT, ALSO KNOWN AS INN AT THE MISSION SAN JUAN CAPISTRANO, RECEIVE AND FILED (440.10)

Joel Rojas, Development Services Director, provided a staff report.

Council Action: Moved By Council Member Reeve, Seconded by Council Member Perry, and carried unanimously to receive and file the agenda report with letter from Applicant, dated September 14, 2016, requesting withdrawal of applications (*Architectural Control (AC) 15-035/Grading Plan Modification (GPM) 16-006/Amendment to the Plaza Banderas Hotel Comprehensive Development Plan (CDP) 10-01/Addendum to Environmental Impact Report for the Plaza Banderas Hotel (SCH #2010051075)/Review of Development Plans for a proposed 124 Room hotel*) for modifications of the approved Plaza Banderas Hotel and mixed use project, also known as Inn at the Mission San Juan Capistrano.

## **ADMINISTRATIVE ITEMS:**

### **E1. DEVELOPMENT SERVICES**

**RESOLUTION NO. 16-09-20-03** ADOPTED INITIATING A GENERAL PLAN AMENDMENT STUDY FOR A PROPOSED COMMERCIAL AND RESIDENTIAL DEVELOPMENT PROJECT REFERRED TO AS THE FARM AT DEL OBISPO TO BE LOCATED APPROXIMATELY 34 ACRES OF THE 43-ACRE VERMEULEN RANCH PROPERTY AT 32382 DEL OBISPO STREET (ASSESSOR PARCEL NUMBERS 121-182-17 AND 121-182-53) AND MAKING A DETERMINATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT IN CONNECTION THEREWITH;" AND STAFF DIRECTED TO BRING TO THE CITY COUNCIL AS A SEPARATE ITEM OPTIONS FOR THE CITY TO ACQUIRE/PURCHASE THE VERMEULEN RANCH PROPERTY (440.25)

Joel Rojas, Development Services Director, provided a PowerPoint Presentation and responded to questions; Jeff Ballinger, City Attorney, responded to questions Kevin Ennis, Richards, Watson & Gershon, responded to questions

- Public Comments: Troy Bourne, Applicant, Spieker Senior Development; Phillip Schwartz, Bonsall resident; Steve Behmerwohld, City resident; John Campbell, City resident; Karen McDonald, City resident; Ted Rosenfeldt, City resident; and Barbara Szemenyei, City resident.

Council Action: Moved by Council Member Perry, seconded by Mayor pro tem Ferguson, and carried 4-1 with Mayor Patterson opposed to adopt **RESOLUTION NO. 16-09-20-03** entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA, INITIATING A GENERAL PLAN AMENDMENT STUDY FOR A PROPOSED COMMERCIAL AND RESIDENTIAL DEVELOPMENT PROJECT REFERRED TO AS THE FARM AT DEL OBISPO TO BE LOCATED APPROXIMATELY 34 ACRES OF THE 43-ACRE VERMEULEN RANCH PROPERTY AT 32382 DEL OBISPO STREET (ASSESSOR PARCEL NUMBERS 121-182-17 AND 121-182-53) AND MAKING A DETERMINATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT IN CONNECTION THEREWITH;" and direct staff to bring to the City Council as a separate item options for the City to acquire/purchase the Vermeulen Ranch property.

#### ROLL CALL:

AYES:	COUNCIL MEMBER: Reeve, Perry, Allevato and Mayor pro tem Ferguson
NOES:	COUNCIL MEMBER: Mayor Patterson
ABSENT:	COUNCIL MEMBER: None



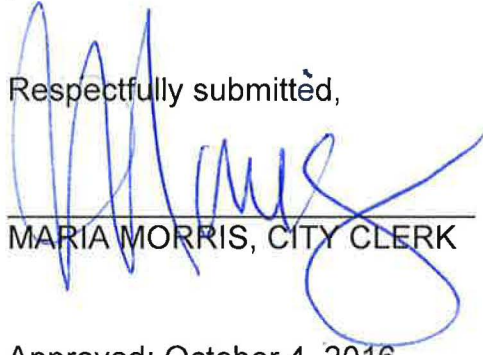
**SUCCESSOR AGENCY TO THE SAN JUAN CAPISTRANO COMMUNITY  
REDEVELOPMENT AGENCY** (Refer to Successor Agency Minutes)

**COUNCIL ACTION ITEMS:** None.

**ADJOURNMENT:**

There being no further business Mayor Patterson adjourned the meeting at 8:35 p.m. to Tuesday, October 4, 2016, at 4:00 p.m. for Closed Session, and 5:00 p.m. for the public Business Session, in the City Council Chamber.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Maria Morris', written over a horizontal line.

MARIA MORRIS, CITY CLERK

Approved: October 4, 2016

ATTEST:

A handwritten signature in blue ink, appearing to read 'Pam Patterson', written over a horizontal line.

PAM PATTERSON, ESQ., MAYOR