

CITY OF SAN CLEMENTE

City Council Minutes

Regular City Council Meeting – September 16, 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 September 16, 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

ABSENT NONE

STAFF PRESENT Pall Gudgeirsson, City Manager; Jeff Oderman, City Legal Counsel;
Joanne Baade, City Clerk; Laura Campagnolo, Deputy City Clerk

CLOSED SESSION

City Legal Counsel Oderman announced that Closed Session Item D relates to a claim from Select Electric.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to recess to Closed Session at 5:03 p.m. to discuss the following:

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

Property: 1030 Calle Negocio, San Clemente

Agency Negotiator: Erik Sund, Assistant City Manager

Negotiating Parties: City of San Clemente and Family Assistance Ministries (FAM)

Under Negotiation: Both Price and Terms of Payment

Closed Session items continued on following page

- B. 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 Surf N' Turf Paradiso, LLC

Under Negotiation: Price and terms of payment

- C. Capistrano Shores, Inc. v. City of San Clemente:

- 1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, pursuant to Government Code Section 54956.9(a):

Capistrano Shores Inc. v. City of San Clemente (OCSC No. 30-2014-00708545-CU-WM-CXC)

- 2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, pursuant to Government Code Section 54956.9(a):

Capistrano Shores Inc. v. City of San Clemente (OCSC No. 30-2014-00709987-CU-EI-CXC)

- 3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, pursuant to Government Code Section 54956.9(a):

Capistrano Shores Inc. v. City of San Clemente (OCSC No. 30-2014-00726889)

- D. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, pursuant to Government Code Section 54956.9(b):

One potential case.

- E. 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 Closed Session were all members of the City Council, City Manager Gudgeirsson, City Legal Counsel Oderman, Assistant City Manager Sund, and City Clerk Baade. Community Development Director Holloway was in attendance for Closed Session Item C. Assistant City Engineer Bonigut was in attendance for Closed Session Item D.

MEETING RECONVENED

Council reconvened at 6:02 p.m., with all members present.

INVOCATION

Chris Smith, Pastor with Southcoast Church International, gave the invocation.

PLEDGE OF ALLEGIANCE

City Manager Gudgeirsson led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Presentation of Commendation – Fire Captain Paul Holaday**

Mayor Brown and Councilmember Baker presented a Commendation to Fire Captain Paul Holaday for rescuing and reviving a drowning victim while vacationing in Palm Desert.

B. **Fire Prevention Week Proclamation**

Mayor Brown and Mayor Pro Tem Hamm presented a Proclamation to Chief Wells, Orange County Fire Authority (OCFA) Division Chief, proclaiming October 5, 2014 through October 11, 2014 as Fire Prevention Week.

C. **Certificate of Recognition – American Association of University Women, San Clemente – Capistrano Beach Branch**

Mayor Brown presented a Certificate of Recognition to Sheila Melen, Ruth Rosen, and Debbie Mecklenburg, representing American Association of University Women, San Clemente – Capistrano Beach Branch, on its 50-year anniversary.

D. **Certificate of Recognition - Condor Squadron**

This item was deferred to the Council meeting of October 7, 2014.

E. Award of Merit – American Planning Association

Mayor Brown presented an Award of Merit to Associate Planner Cliff Jones (on behalf of the City) and community member Brenda Miller, from the California Chapter of the American Planning Association in the category of Transportation Planning for the Bicycle and Pedestrian Master Plan.

Brenda Miller, San Clemente, presented a video that showcased the awards that were given by the California Chapter of the American Planning Association in the category of Transportation Planning for the Bicycle and Pedestrian Master Plan.

Jody Vaughn, speaking on behalf of Assemblywoman Diane Harkey, presented Certificates of Recognition to the City of San Clemente and Brenda Miller in recognition of their Awards for Transportation Planning for the Bicycle and Pedestrian Master Plan.

F. Presentation of Commendation – City Manager Pall Gudgeirsson

Mayor Brown presented a Commendation to City Manager Gudgeirsson for 22 years of exemplary service to the citizens of San Clemente and congratulating him on his retirement from the City of San Clemente.

Jody Vaughn, speaking on behalf of Assemblywoman Diane Harkey, presented City Manager Gudgeirsson with a Commendation in recognition of his retirement after 22 years with the City of San Clemente.

2. ORAL COMMUNICATIONS (PART 1)

Transparency on the City Website/Walker Litigation

Brad Malamud, San Clemente, spoke concerning transparency as it relates to the new City website; urged Council to explore the cost of storing information on the City's website for a duration longer than two years; expressed regret that the Council voted in Closed Session to appeal the decision in the Walker case.

Senate Bill 2 (SB2) Homeless Shelter

Anthony LaFrano, San Clemente, spoke concerning the SB2 issue that Council considered on August 19, 2014; disagreed with comments that a representative from iHOPE made at the August 2014 meeting; stated that the city is compassionate for homeless individuals.

Crosswalk at El Camino Real/Canada

Jacob Landele, San Clemente, spoke concerning visibility issues at the intersection of El Camino Real and Canada; reviewed the accident history and urged Council to consider installing blinking lights or an alternative remedy at the crosswalk. It was agreed that Transportation Engineering Manager Frank will contact Mr. Landele.

Verde Park Trees

Gregg Lapanovich, San Clemente, spoke concerning safety issues pertaining to the trees at Verde Park; suggested the trees need to be trimmed to avoid branches falling and causing injuries or fatalities.

Potential Closure of Saddleback Hospital, San Clemente Campus

Carol Wilson, Capistrano Beach, voiced concerns regarding the potential closure of the San Clemente campus of Saddleback Hospital; suggested residents should have a voice in the future of the hospital.

Susan Ritschel, San Clemente, speaking on behalf of herself, expressed concerns regarding the growing population in San Clemente as it relates to the closure of San Clemente Hospital; opined that the hospital's closure will impact other hospitals that often operate at capacity; requested that Council facilitate a transparent process which might include establishing an ad hoc committee to study issues and allow for public input; urged Council to look into other alternatives in conjunction with Memorial Care.

Mary Kinnich, San Clemente, voiced concerns regarding the potential closure of San Clemente Hospital.

Dr. Gus Gialamis, San Clemente, former Chief of Staff and Chief of Surgery for Saddleback Hospital, San Clemente, suggested that the hospital closure would leave the community void of emergency care; opined that the hospital's closure would increase the community mortality rate up to 15% and impact the Emergency Medical System.

Dr. Steve Cullen, San Clemente, past Chair of the Department of Medicine and past Chair of the Educational Medicine Department at San Clemente Hospital, opined that some of the revenue from the San Clemente campus of Saddleback Memorial Hospital is being credited to the Laguna Hills campus because many follow-up medical procedures are done at that location; requested that consideration be given to alternative solutions that would allow the hospital to remain open.

Tom Marier, San Clemente, opposed the potential closure of the San Clemente Hospital; requested that Council lobby the State Legislature for a waiver to allow San Clemente to have a free-standing emergency room; urged Council to be proactive in saving the local hospital.

Dr. Richard Davalos, San Clemente, spoke in opposition to the closure of the local hospital; urged Council to become involved and prevent the closure of the hospital.

John Hamro, San Clemente, expressed the importance of San Clemente Hospital to the community; spoke in support of the doctors and the fact the hospital has treated San Clemente High School student athletes.

Dr. Adam Franklin, San Clemente, spoke of the high level of treatment provided to patients at the emergency room of San Clemente Hospital; suggested the community will experience a reduction in medical care with the closure of the hospital.

John Ezell, San Clemente, spoke in support of San Clemente Hospital; wished City Manager Gudgeirsson well in his retirement.

Jessica Vincent, San Clemente, spoke in support of San Clemente Hospital; suggested that closure of the hospital would be detrimental to the public.

Jim Dahl, San Clemente, spoke against the closure of San Clemente Hospital, due to his belief that it will result in high mortality rates; voiced concern that closure of the hospital will further impact regional hospitals that are already operating at capacity; requested that Council develop a Blue Ribbon Committee to address the situation.

Lyn Harris Hicks, San Clemente, spoke against the closure of San Clemente Hospital; suggested that the storage of waste at SONGS places residents at a high safety risk.

Council directed that a discussion of the possible closure of the San Clemente campus of Saddleback Hospital be agendized for the October 7, 2014 Council meeting. Staff is to invite San Clemente Hospital representative(s) to attend the meeting to discuss the situation and Mission Hospital is to be invited to explain the impact of a potential closure of San Clemente's Hospital on its operations. The October 7, 2014 meeting on this subject is to include presentations/information on the following:

1. Alternatives to preserve emergency services in San Clemente.
 2. Possibility of a stand-alone emergency room.
 3. Legislative options.
 4. Relevant zoning issues.
 5. Possibility of creating an ad hoc committee to include stakeholders from San Clemente, Dana Point and San Juan Capistrano.
 6. Input from public safety organizations, e.g., Police Services and the Orange County Fire Authority.
3. MOTION BY MAYOR PRO TEM HAMM, SECOND BY COUNCILMEMBER DONCHAK, 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**

Walker v. City of San Clemente

City Legal Counsel Oderman reported that Council unanimously authorized filing an appeal of the court order in the case of 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, awarding attorney fees.

6. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER EVERT, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve the Consent Calendar, with the removal of items 6-D, 6-E, and 6-H.

A. **City Council Minutes**

None.

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

- (1) Planning Commission Regular Meeting minutes of September 3, 2014.
- (2) Planning Commission Regular Study Session minutes of September 3, 2014.
- (3) Zoning Administrator Regular Meeting minutes of September 3, 2014.
- (4) Golf Course Committee Regular Meeting minutes of July 3, 2014.

C. **Warrant Register**

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

Wire Transfer Nos. 1296 through 1297,
 and Warrant Nos. 518751 through 518918,
 paid on 8/29/14, in the amount of.....\$2,794,612.44

Approve Wire Transfers Nos. 1298 through
 1303, paid on 9/5/14, and Warrant Nos.
 518919 through 519023, paid on 9/5/14,
 in the amount of.....\$3,801,055.09

TOTAL WARRANT REGISTER.....\$6,595,667.53

Payroll Register

Approve Warrant Nos. 332 and Automatic
 Deposit Advises 18302 through 18627
 for the period 8/18/14 through 8/31/14,
 paid on 9/5/14, in the amount of.....\$ 432,609.34

TOTAL PAYROLL REGISTER.....\$ 432,609.34

F. **Grant Submittal – Orange County Transportation Authority (OCTA) Measure M2 Regional Traffic Signal Synchronization Program (Project P)**

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

1. Authorize the submittal of Measure M2 (Project P) grant applications to OCTA for signal synchronization on the Camino Vera Cruz and Avenida La Pata corridors.
2. Adopt Resolution No. 14-39 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE SUBMITTAL OF “PROJECT P” IMPROVEMENT PROJECTS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMPETITIVE MEASURE M2 REGIONAL TRANSPORTATION SIGNAL SYNCHRONIZATION PROGRAM.

G. **Contract Award – Street Rehabilitation for Avenida Vaquero**

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

1. Approve the plans and specifications for the Street Rehabilitation for Avenida Vaquero, Project Nos. 11302 and 13311.
2. Approve, and authorize the Mayor to execute, Contract C14-37, by and between the City of San Clemente and R. J. Noble Company, providing for the rehabilitation of Avenida Vaquero, in the amount of \$1,581,805.
3. Approve a supplemental appropriation of \$421,000 from the unassigned fund balance in the Gas Tax Fund to Account 012-861-45300-000-11302.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**D. Contract Award – Base of Pier Restroom Rehabilitation**

Beaches, Parks and Recreation Director Heider responded to Council inquiries concerning the base of pier restroom project.

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

1. Approve, and authorize the Mayor to execute, Contract C14-38 by and between the City of San Clemente and Jasper Construction, providing for the rehabilitation of the Base of Pier Restroom, for an amount not to exceed \$317,950.
2. Approve a supplemental appropriation of \$7,500 from the General Fund Unassigned Fund Balance to Project Account 001-636-45300-000-12560.

E. Notice of Completion - FY 2013 Sidewalk Construction Program

Councilmember Baker announced that he would recuse himself from this item because he resides in close proximity to the curb extension project at Esplanade and West Paseo de Cristobal.

MOTION BY COUNCILMEMBER EVERT, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 4-0-1 (COUNCILMEMBER BAKER ABSTAINING), to:

1. Authorize the transfer of an appropriation in the amount of \$10,000 for funding the curb extension at Esplanade and West Paseo de Cristobal from the Council Contingency Fund 001-203-44900 to the FY 2013 Sidewalk Construction Program Account 001-416-45300-000-13316.
2. Accept the FY 2013 Sidewalk Construction Program, Phase 2, Project No. 13316, from the contractor, NOBEST, INCORPORATED.
3. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the FY 2013 Sidewalk Construction Program, Phase 2, Project No. 13316. (Contract C13-58)
4. 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 NOBEST, INCORPORATED.
5. 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. Records Destruction

City Clerk Baade announced that she received a letter today from Frank Battaile requesting to review certain items that are proposed for destruction. To accommodate Mr. Battaile's request, City Clerk Baade recommended that the Council approve the request for destruction of records, with the exception of the following: 1) City Council agendas; 2) public records requests and associated emails; 3) RDA various files, 85-Series B Bonds '88', WWTP Workshop '87', and 4) Developer Deposit Accounts.

MOTION BY COUNCILMEMBER EVERT, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to adopt Resolution No 14-40, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA AUTHORIZING THE DESTRUCTION OF CERTAIN CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA, with the modifications that the following records be removed from the list of items to be destroyed:

- 1) City Council agendas
- 2) Public records requests and associated emails
- 3) RDA various files, 85-Series B Bonds '88', WWTP Workshop '87'
- 4) Developer Deposit Accounts.

7. PUBLIC HEARINGS

A. Rate and Method of Apportionment of the Special Taxes for Marblehead Coastal Community Facilities District (CFD) No. 2006-1

Continued Public Hearing to consider altering the rate and method of apportionment of the Special Taxes for Marblehead Coastal Community Facilities District (CFD) No. 2006-1.

Assistant City Engineer Bonigut requested the Public Hearing be continued to November 18, 2014 to enable staff to research the manner by which a recent court decision may or may not impact voting procedures for Community Facilities Districts.

MOTION BY COUNCILMEMBER BAKER, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to continue the Public Hearing to the Council meeting of November 18, 2014.

B. **AT&T Telecommunications Facility at Costero Risco Water Tank - Conditional Use Permit 14-259**

Public Hearing to consider allowing the construction of a telecommunications facility at 4159½ Costero Risco.

Associate Planner Wright narrated a PowerPoint presentation entitled "AT&T at Costero Risco Conditional Use Permit 13-259" and responded to Council inquiries. A hard copy of the PowerPoint is on file in the City Clerk Department.

Marc Myers, SureSite Consulting, on behalf of the applicant, AT&T Mobility, provided Council with an overview of the project; discussed the 20 foot faux tree and 10 ½ foot enclosure; suggested the design lends itself well to the Hillside Development Ordinance; noted that the project was reviewed by the Development Management Team; explained that the proposed site was selected to address a gap in coverage and asserted no public views are affected; responded to Council inquiries.

Bill Hammett, Hammett & Edison, Radiofrequency Engineer of behalf of the applicant, reviewed the effect of radio waves on the public, noting that the proposed cell tower meets federal safety standards; responded to Council inquiries.

Mayor Brown opened the Public Hearing.

Mike Dunn, San Clemente, suggested that faux trees detract from the natural essence of the Ridgeline Trail; urged Council to vote against the cell tower.

Heather Riley, attorney speaking on behalf of the Applicant, stated that local government cannot discriminate between providers and may not consider perceived health or environmental effects in making its determination; pointed out that Verizon's comparable application was approved and asserted that AT&T's application should also be approved; urged Council to approve the Conditional Use Permit.

Kim Grath, San Clemente, urged Council to stop future cell towers and preserve open space on the Ridgeline Trail and adjacent areas; urged Council to not approve the Conditional Use Permit.

Dawn Charlesworth, San Clemente, spoke regarding safety concerns associated with the AT&T tower; suggested that cell towers lower property values.

Jason Talley, San Clemente, spoke in support of the AT&T cell tower and pointed out that Verizon's application was approved and requested that AT&T receive the same approval; opined that schools in Forster Ranch will benefit from enhanced coverage.

Pete Russo, San Clemente, suggested that newer phones and technology benefit from new cell towers; stated that students take tests on computers and cell towers will assist in delivering the needed technology.

David Muller, San Clemente, urged Council to maintain the Ridgeline Trail and not approve the Conditional Use Permit; noted that it is not uncommon to see wildlife in the area.

Tom Bode, San Clemente, asserted that the public's fear of the effect of cell phone towers on health, combined with the tower's negative effect on area aesthetics, will result in the decline of property values.

Marc Whitney, San Clemente, asserted that the proposed cell tower will project over the ridgeline and will violate the City's hillside development ordinance; presented a PowerPoint that included simulations of the manner by which cell towers will degrade the area. A hard copy of Mr. Whitney's PowerPoint, entitled "Cell Towers Affect on the Ridgeline", is on file in the City Clerk Department.

Jacqueline Whitney, San Clemente, stated that she was not notified of the original Verizon tree tower because her property is located 1 foot outside the 300' mandatory notification radius; asserted that properties near the 300' radius area should have received notices; stated that Public Hearing notices for this meeting were posted in the wrong location.

Olivia Whitney, San Clemente, stated that she has grown up walking on the trails; suggested cell towers are taking away from open space.

Meagan Miller, San Clemente, provided Council with a petition signed by 94 persons who oppose cell towers; narrated a PowerPoint presentation with photo simulations of the impact of the cell towers; opined that property values will decline in the area as a result of the cell towers. Copies of the petition and PowerPoint are on file in the City Clerk Department.

David Brant, San Clemente, spoke in opposition to the cell tower; suggested that homeowners were not properly noticed; asserted that an Environmental Impact Report must be completed under a Federal Statute; stated that the Homeowners Association never received notice of the project.

John Heffernan, Director of External Affairs for AT&T, stated that AT&T cares about citizens, the community and its customers; noted that the industry is changing in response to technological advances.

There being no one else wishing to speak, Mayor Brown closed the Public Hearing.

MEETING RECESSED

Council recessed at 9:09 p.m. and reconvened at 9:20 p.m. with all members present.

In response to Council inquiry, City Legal Counsel Oderman advised as follows: 1) No evidence presented this evening leads him to believe the public hearing was improperly noticed, and hence, Council has the discretion to act upon the application this evening; 2) the Federal Communications Act prohibits the City from disapproving cell sites to the point that it is preventing a service provider from providing coverage, but that provision does not apply to the subject application because the City is the landowner in this case; 3) the City cannot arbitrarily discriminate against service providers, but Council can consider the cumulative effect of cell towers on the area's open space; 4) If Council believes that the evidence demonstrates that the decision to allow the Verizon cell tower was a bad decision, it is not obligated to compound the situation by allowing an additional cell tower; 5) perceived adverse health consequences of radio-frequency emissions are not a proper basis for a Council decision; and 6) federal environmental laws do not apply in this case and Staff has properly processed the application pursuant to the California Environmental Quality Act.

Following deliberations, MOTION BY MAYOR BROWN, SECOND BY COUNCILMEMBER BAKER, CARRIED 4-1 (COUNCILMEMBER DONCHAK VOTING NOE) to take action as follows:

1. Adopt Resolution No. 14-41 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 13-259, AT&T AT COSTERO RISCO WATER TANK, ALLOWING THE CONSTRUCTION OF A CELLULAR COMMUNICATIONS FACILITY ON A SITE LOCATED AT 4159 ½ COSTERO RISCO, with the modification that a new Condition 3-c be added to read as follows:

“The applicant shall submit and obtain Community Development Director approval of a revised plan that will prevent children and other persons from climbing the faux eucalyptus tree. The revised plan may consist of unobtrusive security fencing around the tree or raising the height of the lowest branches on the tree.”

Motion continued on following page

2. Direct staff to renegotiate the lease agreement to include improvements to the entrance point of the facility.
3. Convey to staff that the current Council believes that a cumulative limit has been reached on the number of cell towers in the Costero Risco water tank location and it will not lease any additional space for cell towers at this site.

8. **UNFINISHED BUSINESS**

A. **City Policy No. 301-2-1 "City Owned Trees: Protection and Administration" - Possible Amendment to Allow Relocation or Replacement of Public Trees**

Report from the Beaches, Parks, and Recreation Director concerning the possibility of amending City Policy No. 301-2-1 "City Owned Trees: Protection and Administration" to allow relocation or replacement of public trees.

Beaches, Parks, and Recreation Director Heider reviewed the contents of the Administrative Report and responded to Council inquiries.

Al Tilk, San Clemente, read a letter on behalf of Richard Proctor which requested that Council allow citizens to petition for the removal/replacement of City owned trees at the petitioner's expense. Speaking on behalf of himself, Mr. Tilk explained that he would be willing to pay to have his view restored.

Linda Wesselman, San Clemente, requested the City to be a good neighbor and allow the removal of city trees that are blocking homeowners' views.

Bill Stewart, San Clemente, stated that City trees are blocking his view; expressed willingness to share the cost for the removal of trees in order to preserve his view.

Patricia Holloway, San Clemente, requested that Council vote against the recommendation to remove public trees to accommodate private views; spoke of the importance of preserving trees at all city parks and public spaces.

Christy Armstrong, San Clemente, shared concerns with the removal of trees at Verde Park; opined the removal of trees could cause landslides and slope failures.

Georgette Korsen, San Clemente, stated that public trees belong to the entire community and should not be removed; commented that planting new trees will require more water than older trees.

Curly Snider, San Clemente, suggested that the city should maintain its trees to preserve the views of individual homeowners.

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

1. Direct staff to include the topic of private view preservation and public landscaping in parks, beaches, golf course, residential streets, and utility sites for consideration when crafting the Tree Ordinance as part of the General Plan Strategic Implementation Measure, and direct Staff to develop a timeline and budget to begin work as part of the Strategic Implementation.
2. With regard to Reservoir No. 1, replace the existing landscape via City Policy 301-1, Private Landscape on Public Property, should the applicant(s) wish to remove the existing public landscaping and replace with private landscaping provided at their cost. Two waivers from Council would be needed, i.e., 1) to allow planting higher than 4', and 2) to remove the requirement for private maintenance as the City may wish to continue to maintain this area.
3. Develop a Memorandum of Understanding with the Capistrano Unified School District concerning maintenance of the Eucalyptus trees at Verde Park. Once the MOU is resolved, the pruning schedule is to be increased from every two and one-half years to every one and one-half years for the Ironbark Eucalyptus. This should occur for three pruning cycles and then be reevaluated.

9. **NEW BUSINESS**

A. **Southern Extension to the San Clemente Beach Trail - Grant Applications and Funding Appropriation**

Report from Community Development Director Holloway concerning the possibility of applying for grant funding and appropriating funds for the southern extension of the San Clemente Beach Trail.

City Planner Pechous reviewed the contents of the Administrative Report.

John Dorey, San Clemente, spoke in support of expanding the beach trail to the south; urged Council to vote in favor of staff's recommendation.

Council requested an update on the Safety/Quiet Zone at an upcoming Council meeting. The update should address the poles that are blocking the San Clemente sign.

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

1. Direct staff to pursue grant funding for the southern Beach Trail extension Phase I and Phase II.
2. Apply for a Coastal Conservancy Grant in the amount of \$100,000 in October 2014.
3. Appropriate \$100,000 from the Safety and Quiet Zone Capital Improvement project (001-203-45300-000-10812) to a new Coastal Rail Trails project (001-203-45300) to cover the gap funds needed to complete the trail design and processing work.

B. Contract Award - Purchase of Electricity

Report from the Assistant City Manager concerning the possibility of entering into a contract for the purchase of electricity.

Business Services Officer Rendina reviewed the contents of the Administrative Report and responded to Council inquiries.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR BROWN, CARRIED 5-0, to approve, and authorize the City Manager to execute, Contract C12-46, by and between the City of San Clemente and Noble Americas, providing for the purchase of electricity, for a period of one or two years, for an amount not to exceed \$49.00 per Kilo-watt hour.

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

None.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

Retirement

City Manager Gudgeirsson thanked Council for the opportunity to serve as City Manager for the past 18 months.

C. **City Attorney**

None.

D. **Council Members**

American Planning Association Awards

Councilmember Donchak commended Associate Planner Jones and Brenda Miller for receiving transportation awards at the American Planning Association Awards ceremony; noted San Clemente was the only city in Orange County to receive an award.

Expression of Gratitude to City Manager

Councilmember Baker thanked City Manager Gudgeirsson for his tenure with the City of San Clemente and, specifically, his term as City Manager.

Mayor's Walk – Marblehead Coastal Residential Development

Mayor Brown announced that he will host a Mayor's Walk at the Marblehead Coastal residential development site with Taylor Morrison Homes in mid-October.

2nd Battalion 4th Marines Pancake Breakfast

Mayor Brown reported that Councilmember Evert and he attended the 2/4 Pancake Breakfast; urged residents to support San Clemente's adopted 2/4 unit.

Watershed Task Force Auction

Mayor Brown stated that he acted as auctioneer at the recent Watershed Task Force auction, noting that the event was successful.

Pet Project Foundation – Oktoberfest

Mayor Pro Tem Hamm announced the annual Pet Project Foundation Oktoberfest, which is scheduled for September 27, 2014 at the Chop House at 207 N. El Camino Real.

Recycled Water Expansion Project Ribbon Cutting

City Manager Gudgeirsson announced that the ribbon cutting for the Recycled Water Expansion Project will take place at 10:00 a.m. on Thursday, September 18, 2014.

Lifeguard of the Year

City Manager Gudgeirsson announced that the Lifeguard of the Year Luncheon will take place at 11:30 a.m. on Thursday, September 18, 2014.

12. **RESOLUTIONS/ORDINANCES**

A. **Ordinance No. 1587 (Second Reading) – Conflict of Interest Code Update**

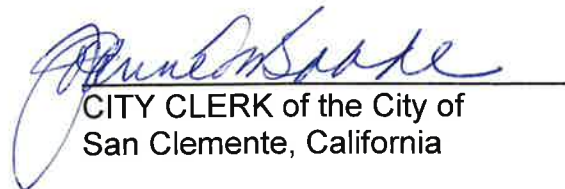
MOTION BY MAYOR PRO TEM HAMM, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to adopt Ordinance No. 1587 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 2.24 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO THE CITY'S CONFLICT OF INTEREST CODE.

13. **ADJOURNMENT**

There being no further business, MOTION BY MAYOR PRO TEM HAMM, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to adjourn at 11:18 p.m. The next Regular Council Meeting will be held on October 7, 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.



MAYOR of the City of
San Clemente, California



CITY CLERK of the City of
San Clemente, California

