

CITY OF SAN CLEMENTE

City Council Minutes

Regular City Council Meeting – April 21, 2015

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 April 21, 2015 at 5:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Hamm.

PRESENT BAKER, BROWN, DONCHAK*, WARD, MAYOR HAMM
*Arrived at 5:05 p.m.

ABSENT None.

STAFF PRESENT James Makshanoff, City Manager; Scott Smith, City Attorney;
Joanne Baade, City Clerk; Laura Campagnolo, Deputy City Clerk

CLOSED SESSION

MOTION BY MAYOR HAMM, SECOND BY MAYOR PRO TEM BAKER, CARRIED 4-0 (COUNCILMEMBER DONCHAK ABSENT), to recess to Closed Session at 5:00 p.m. to discuss the following:

- A. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
Pursuant to Government Code Section 54956.9(d)(1)
Name of Case: Arriola v. San Clemente, et al.
OCSC Case No: 30-2011-00450299-CU-CD-CXC

- B. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
Pursuant to Government Code Section 54956.9(d)(4)
Initiation of Litigation
Number of potential cases: 3

- C. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
Pursuant to Government Code Section 54956.9(d)(2)
Significant Exposure to Litigation
Number of potential cases: 3

D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

Property: Vista Hermosa Sports Park, 987 Avenida Vista Hermosa, San Clemente

Agency Negotiator: James Makshanoff, City Manager

Negotiating Parties: City of San Clemente and SC Surf LLC

Under Negotiation: Price and terms of payment

E. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

Property: 1 Acre Vacant Land Parcel North of the Northeast Corner of Avenida Fabricante and Calle Extremo, APN # 690-661-09

Agency Negotiator: Erik Sund, Assistant City Manager

Negotiating Parties: City of San Clemente and Glaukos Corporation

Under Negotiation: Lease Terms

In attendance for the full Closed Session were all members of the Council (Councilmember Donchak arrived at 5:05 p.m.), City Manager Makshanoff, City Attorney Smith and City Clerk Baade. Public Works Director/City Engineer Cameron was in attendance for Closed Session Items A and B only. Senior Civil Engineer Ilkhanipour, Building Official Jorgensen and Code Compliance Supervisor Panas were in attendance for Closed Session Item B only. Ed Richards (of Kutak Rock) was in attendance for Closed Session Item A only.

MEETING RECONVENED

Council reconvened at 6:11 p.m., with all members present.

INVOCATION

Holland Davis, Sr. Pastor, Calvary Chapel San Clemente, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Baker led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. Certificate of Recognition – Larry and Jean Moore and Ian and Jennifer Tarango for Lifesaving Efforts on January 1, 2015

Mayor Hamm presented Certificates of Recognition to Larry and Jean Moore and Ian and Jennifer Tarango for their heroic lifesaving actions in responding to a cardiac arrest victim on January 1, 2015.

B. Proclamation – Relay for Life

Mayor Hamm presented a proclamation to Brian Hannigan, Event Chair for the 2015 San Clemente Relay for Life, proclaiming July 25, 2015 and July 26, 2015 as Relay for Life Days.

C. Proclamation – Drowning Prevention Awareness

Mayor Hamm presented a proclamation to OCFA Division Chief Abel declaring May 25 to September 7, 2015 as days set apart for Drowning Prevention Awareness.

D. Proclamation – Wildfire Awareness Week

Mayor Hamm presented a proclamation to OCFA Division Chief Abel recognizing May 3 to May 9, 2015 as Wildfire Awareness Week.

E. Proclamation - Fair Housing Month

Mayor Hamm presented a proclamation to Adrienne Ray, of the Fair Housing Foundation, declaring the month of April 2015 as Fair Housing Month.

F. San Clemente High School Update

San Clemente High School students McKenna Brownell and Daniel Klevit narrated a PowerPoint presentation concerning campus activities. A hard copy of the presentation is on file with the City Clerk.

G. Status Update - I-5 South Improvements Project

Hamid Torkamanha, Orange County Transportation Authority (OCTA) Project Manager, and Chris Boucly, OCTA Community Relations Officer, narrated a PowerPoint presentation entitled "I-5 South County Improvement Project". A hard copy of the presentation is on file with the City Clerk. OCTA also displayed a video simulation of the improvement project on Avenida Pico and I-5.

Warren Vidrine, San Clemente, urged Council to approve a trolley system to transport residents to downtown amenities.

2. ORAL COMMUNICATIONS (PART 1)**San Clemente Municipal Golf Course Pro Shop Contract Renewal**

David Hamdorf, San Clemente, urged Council to enter into a fair contract with Dave Cook, operator of the pro shop concession at the Municipal Golf Course; noted that the pro shop revenues have increased despite a decline in golf nationwide; opined that Mr. Cook should be rewarded for his service, as opposed to having his contract amended to reduce his income.

Parking on Avenida Pelayo

Robert Scheman Romano, San Clemente, voiced concerns regarding parking issues on Avenida Pelayo; stated several of the properties own more vehicles than the parking spaces they are allotted.

Miniature Golf/Wave Pool/Restaurant Project – Vista Hermosa Sports Park

Eric Wilford, San Clemente, stated that he represents six families who have invested over \$900,000 in the miniature golf/wave pool/restaurant project at the Vista Hermosa Sports Park; reviewed the history of the proposal; noted that a new experienced investor has joined the project team; stated that the project would benefit the community and urged Council approval.

Jim Nielsen, San Clemente, urged Council to assign the miniature golf/wave pool/restaurant project a higher priority; noted that all questions raised by Staff and Council in Closed Session were promptly answered; stated the project is expected to gross \$4.1 million per year, noting that the City will receive \$325,000 in lease payments.

Friends of the San Clemente Foundation/Friendraiser

John Dorey, Friends of the San Clemente Foundation, invited the community and Council to attend the Friendraiser and Sports Hall of Fame induction on May 16, 2015 at the San Clemente Aquatics Center.

Saddleback Memorial Hospital San Clemente Campus

Nick Karahalos, representing Save San Clemente Hospital, provided an update on legislation to maintain emergency services in San Clemente; reported that Memorial Care is now working with Save San Clemente Hospital and has delayed the closure of the hospital.

Mayor Hamm reported on his visits to Sacramento to advocate on behalf of a freestanding emergency room for San Clemente; noted that Assemblyman Brough and Senator Bates are fully supportive of San Clemente's efforts, but noted that some opposition exists to allowing a freestanding emergency room in California.

3. MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER 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 Attorney Smith reported that Council took no reportable actions during this evening's Closed Session.

6. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to approve the Consent Calendar, with the removal of Items 6-F, 6-J and 6-K.

A. **City Council Minutes**

- (1) MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to approve the minutes of the Joint Council/Commissions/Committees Meeting of March 31, 2015.

B. Commission and Committee Minutes

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to receive and file:

- (1) Minutes of the Regular Zoning Administrator meeting of April 8, 2015.
- (2) Minutes of the Regular Planning Commission Study Session of April 8, 2015.
- (3) Minutes of the Regular Planning Commission Meeting of April 8, 2015.
- (4) Minutes of the Regular Coastal Advisory Committee meeting of February 12, 2015.

C. Warrant Register

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to approve the following:

Wire Transfer Nos. 1376 through
 1380 and Warrant Nos. 523504
 through 523648, paid on 4/3/15,
 in the amount of.....\$ 604,190.11

Wire Transfer No. 1381
 and Warrant Nos. 523649
 through 523820, paid on 4/10/15,
 in the amount of.....\$ 1,992,551.83

TOTAL WARRANT REGISTER.....\$ 2,596,741.94

Payroll Register

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to approve the following:

Warrant Nos. 370 through 373 and
 Automatic Deposit Advises 22884 through 23193
 for the period 3/16/15 through 3/29/15,
 paid on 4/3/15, in the amount of.....\$ 410,198.38

TOTAL PAYROLL REGISTER.....\$ 410,198.38

D. **Initiation of Municipal Code Amendment – Massage Therapy Uses**

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to initiate a Municipal Code Amendment to restore municipal land use regulatory and permitting authority over massage establishments.

E. **Wall of Recognition Honorees**

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to approve the Wall of Recognition Committee's selections for the 2015 honorees to the Wall of Recognition.

G. **Contract Award – Calle Redondel/Calle de los Molinos Storm Drain Improvements**

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C15-21, by and between the City of San Clemente and VA Consulting, providing for engineering and design services for the Calle Redondel/Calle De Los Molinos Storm Drain Improvements, in the amount of \$104,311. Project No. 15005

H. **Notice of Completion - Courtney's Sandcastle Sensory Garden**

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to:

1. Accept the Courtney's Sandcastle Sensory Garden, Project No. 10143, from the contractor, Micon Construction, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Courtney's Sandcastle Sensory Garden, Project No. 10143.
3. 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 the contractor, Micon Construction, Inc.
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.

I. **Southern California Gas Company Advanced Meter Program Implementation**

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract No. C15-22, an Attachment Agreement by and between the City of San Clemente and Southern California Gas Company, providing for the installation of Data Collection Units on 20 City Street Light Poles to support implementation of the Gas Company's Advanced Meter Program. (**Note: This item was reconsidered later in this meeting. Please refer to Page 9 of these minutes for a summary of that action**).

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

F. **2015 Classification and Compensation Study Recommendations**

Human Resources Manager Penrod provided Council with a Revised Attachment 1 to the Administrative Report, dated April 21, 2015, that is on file with the City Clerk; explained that four positions (i.e. the CASA General Manager, Golf Course Manager, Environmental Programs Supervisor and Recycling Coordinator) require additional review; stated that Council will receive an update on the subject positions as part of the FY 2016 budget deliberations. A hard copy of the revised Attachment 1 is on file with the City Clerk.

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

1. Approve all recommended classification changes noted on the Public Sector Personnel Consultants report (as outlined in Attachment 2 of the Administrative Report, dated April 21, 2015, that is on file with the City Clerk), with the exception of the CASA General Manager, Golf Course Manager, Environmental Programs Supervisor and Recycling Coordinator positions.
2. Adopt Resolution No. 15-10 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A REVISED SALARY SCHEDULE AND NEW CLASSIFICATIONS AND AMENDING RESOLUTION NO. 14-36 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH, with the exception of the CASA General Manager, Golf Course Manager, Environmental Programs Supervisor and Recycling Coordinator positions.

Motion continued on following page

3. Approve the job descriptions for Administrative Assistant (Confidential), Assistant City Manager – Finance and Administrative Services Director, Beaches and Parks Maintenance Supervisor, Business Services Officer, Code Compliance Technician, Community Outreach Specialist, Deputy Public Works Director, Emergency Planning Coordinator, Engineering Technician, Finance Manager, Financial Services Officer, Human Resources Analyst I (Confidential), Human Resources Analyst II (Confidential), Human Resources Assistant (Confidential), Human Resources Specialist (Confidential), Information Technology Analyst I/II, Information Technology Analyst III (Confidential), Information Technology Manager, Information Technology Technician, Intern, Kennel Attendant, Legislative Administrator, Maintenance Leadworker, Maintenance Manager, Ocean Lifeguard Supervisor, Ocean Lifeguard Trainee, Office Clerk, Office Specialist I (Confidential), Office Specialist II (Confidential), Payroll Coordinator (Confidential), Public Information Officer, SCADA Specialist, Sr. Administrative Assistant (Confidential), Senior Engineering Technician, Senior Information Technology Specialist, Senior Planner, Senior Risk Management Coordinator (Confidential), System Operations/Water Quality Coordinator, Technical Applications Specialist, Utilities Mechanic In-Training, Utilities Operations Supervisor – Sewer, Utilities Operations Supervisor – Water, Utility Support/Budget Coordinator, Water Conservation Analyst.

I. **Southern California Gas Company Advanced Meter Program Implementation**

MOTION BY MAYOR HAMM, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to reconsider Item 6-I.

Business Services Officer Rendina and Juan Gonzalez, Project Manager for Southern California Gas Company's Advanced Meter project, narrated a Power Point presentation entitled "Advanced Meter Project Overview" and responded to Council inquiries. A hard copy of the presentation is on file with the City Clerk.

MOTION BY MAYOR HAMM, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract No. C15-22, an Attachment Agreement, by and between the City of San Clemente and Southern California Gas Company, providing for the installation of Data Collection Units on 20 City Street Light Poles to support implementation of the Gas Company's Advanced Meter Program.

J. **Consideration of Opposition Letter – Assembly Bill 1217, “OCFA Board of Directors”**

Following discussion, MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to:

1. Oppose Assembly Bill 1217.
2. Send letter of opposition signed by the Mayor, on behalf of the City Council, to the author of the bill. Council modified the letter that was drafted and contained in the Administrative Report, dated April 21, 2015, as follows:
 1. A fifth paragraph was added to read: “Finally, there is no indication of a current problem with the OCFA Board structure or selection process that needs to be addressed by State legislation. As noted above, OCFA has the authority and ability to make changes in the composition and selection process by a two-thirds vote by the membership and therefore, the decision should remain with OCFA and its representatives.”
 2. The phrase “This is a solution in search of a problem” is to be added.
 3. The Orange County Board of Supervisors is to receive a copy of the letter.
 4. A copy of the letter is to be sent to the Orange County Fire Authority (OCFA) Board of Directors (as opposed to the OCFA in general).
3. Send a copy of the letter to the distribution list.

K. **Consideration of Opposition Letter – Senate Bill 608, “The Right to Rest Act”**

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

1. Oppose Senate Bill 608.
2. Approve the opposition letter, as amended to replace the language “We regret to inform you”, with “We oppose”, and to delete the last paragraph on Page 2. Further, to authorize the Mayor to execute the letter on behalf of the City Council.
3. Send the letter to Senator Carol Liu and the distribution list.

MEETING RECESSED

Council recessed at 7:46 p.m., and reconvened at 7:57 p.m., with all members present.

7. **PUBLIC HEARINGS**

A. **Code Amendments - Clarification and Streamlining of Processes**

Continued Public Hearing to consider amending the Code of the City of San Clemente with regard to clarification and streamlining of processes.

Associate Planner Wright reviewed the contents of the Administrative Report and responded to Council inquiries.

Mayor Hamm opened the Public Hearing, and there being no one desiring to speak on the issue, the Public Hearing was closed.

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to:

1. Introduce Ordinance No. 1594 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING ZONING AMENDMENT 14-056, AMENDING TITLE 17 OF THE SAN CLEMENTE MUNICIPAL CODE, CLARIFYING THE APPLICATION REVIEW PROCESS, STREAMLINING SOME PERMIT PROCESSES, WHILE MAINTAINING OR ENHANCING QUALITY OF LIFE; AND MAKING WIRELESS ANTENNA PROCEDURES CONSISTENT WITH FEDERAL LAW, with modifications as follows:

- A. The first sentence of the first paragraph of 17.12.060 "Applications requiring additional information" shall be amended to read as follows:

"The City Planner, **or review authority**, may request the applicant submit information to clarify, amplify, correct, or otherwise supplement submitted information beyond that originally submitted in the course of processing the application should he or she find that additional information is necessary to adequately review a request."

Motion continued on following page

- B. The paragraph under Section 17.28.290E), entitled "Converted Service Stations" shall be amended to read as follows:

"When a service station use is converted to another use, the service station structures and other improvements shall be removed or modified to an extent that makes the site compatible with the neighborhood and conforming to rules. The modification or removal of improvements requires the approval of a Minor Architectural Permit or Minor Cultural Heritage Permit (Section 17.16.100) unless a waiver may be issued per Section 17.16.110. For example, the conversion of a service station could involve the removal of all gasoline equipment, underground storage tanks, **pole signs**, removal of canopies, removal of pump islands, removal of overhead doors, the addition or modification of landscaping, addition of missing street improvements, exterior remodeling, etc. For nonconforming service stations, refer to change of use requirements in Chapter 17.72, Nonconforming Structures and Uses."

- C. Section 17.12.060 "Applications requiring additional information", Section A (Story Pole Staking), Subsection 5 (Removal) shall be expanded to read as follows:

"Removal. A deposit in the amount the City Planner believes to be reasonably necessary to remove the story poles shall be made prior to the time the project is scheduled for public hearing. Story poles shall be removed by the applicant within 20 calendar days after the appeal period for the project has expired. Upon timely removal of the story poles, the deposit shall be returned to the applicant. The applicant's failure to remove the story poles within the prescribed time period shall result in the automatic forfeiture of the deposit, and the City shall have the ability to access the site to remove the poles. Story poles must be removed if a project has been inactive for a period longer than six months. **Story pole placement shall be photo-documented from viewpoints determined by the City Planner to document size, mass, height and scale and shall be submitted to and retained by the City with the project file.** Prior to the first public hearing on the project, the applicant shall grant to the City a written right of entry for purposes of pole removal."

Note: Newly added language is indicated in italicized bold type.

2. Introduce Ordinance No. 1595 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING TITLE 2 AND TITLE 16 OF THE SAN CLEMENTE MUNICIPAL CODE TO CLARIFY THE APPLICATION REVIEW PROCESS AND ALLOW THE ZONING ADMINISTRATOR TO APPROVE TENTATIVE TRACT MAPS FOR CONDOMINIUMS AND CONDOMINIUM CONVERSIONS.
3. Adopt Resolution No. 15-14 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING THE FEE SCHEDULE TO REFLECT THE ELIMINATION OF THREE PLANNING PROCESSES AND APPLICATIONS RESULTING FROM ZONING ORDINANCE AMENDMENTS.

B. **U-Haul Left Turn Lane (310 Avenida Pico) - Amendment to Conditional Use Permit (CUP) 80-11**

Continued Public Hearing to consider an amendment to Conditional Use Permit (CUP) 80-11, U-Haul Left Turn Lane, located at 310 Avenida Pico.

MOTION BY MAYOR HAMM, SECOND MY COUNCILMEMBER BROWN, CARRIED 5-0, to continue the Public Hearing on the U-Haul Left Turn Lane project to the Council meeting of June 2, 2015 and direct the Applicant to return with traffic studies that take into account the Pico extension, La Pata extension, outlet mall and Marblehead Coastal residential development.

C. **Estrella Shopping Center Master Sign Program Phase I – 550 Camino de Estrella - Appeal of Sign Exception Permit 15-045 - One Freeway Oriented Sign**

Continued Public Hearing to consider an appeal of Sign Exception Permit 15-045 for the Estrella Shopping Center Master Sign Program Phase I for one freeway oriented sign, located at 550 Camino de Estrella.

Councilmember Brown reported that he watched the April 7, 2015 Council meeting concerning the Estrella Shopping Center Master Sign Program.

Associate Planner Nicholas narrated a PowerPoint presentation entitled “Estrella Master Sign Program Phase I Wall Mounted Freeway Sign” and responded to Council inquiries. A hard copy of Mr. Nicholas’ PowerPoint is on file with the City Clerk.

Mayor Hamm opened the Public Hearing.

Allen Jones, San Clemente, spoke in support of Sports Authority and urged Council to allow the Estrella Shopping Center to become a reality.

Sue Jagodzinski, Kornwasser Shopping Center Properties, urged approval of the freeway-oriented signage to enable the project to go forward.

Ken Ross, San Clemente, conveyed his support for the signage and disagreed with arguments against the project that have been raised to date; stated that the pros of the project outweigh the negatives.

Tim Wald, Sports Authority, expressed that Sports Authority is interested in becoming a part of San Clemente; identified the project's benefits to the community; commented on the importance of visibility, noting that the site is unique with topographic challenges; stated that the freeway-oriented sign is needed to allow Sports Authority to be successful.

Christine Nguyen, owner of Popeye's for Hair, voiced concern with the current condition of the shopping center; stated that her business is slow and cannot continue to suffer; stated that she supports the proposed signage.

Jacqueline Luong, owner of the nail salon in the current shopping center, stated that the blighted condition of the center discourages business; spoke in support of upgrading the center.

Therese Hotveldt, co-developer of the Estrella Shopping Center, opined that the center is struggling because of the lack of strong anchors; voiced concern that if Sports Authority does not locate in the center, other tenants will also decline to operate in the center; stated that the center currently experiences security issues; spoke in support of a high-quality center for the community that generates revenue for the City.

Luis Alvarez, Guicho's Eatery, voiced concern with the dilapidated condition of the center; presented a petition with 300+ signatures from individuals who support the signage for Sports Authority.

Jim Donahue, Guicho's Eatery, commented on the difficulty that businesses experience when they are located in centers that do not have anchors; urged that the center be revitalized.

Robert Clanton, Bob's Fine Wines, stated that the center was beautiful in the past and can be beautiful again; voiced concern that illegal activities are occurring on the property.

Lynn Sobel, San Clemente, urged Council to protect the view corridor and uphold the City's sign regulations; suggested that the center will receive significant business without the freeway-oriented sign.

Evan Weiss, San Clemente, agreed with the comments made by Lynn Sobel, echoing that the center will be successful without the freeway-oriented sign.

Kevin Nelson, San Clemente, stated that signs detract from the City's low-key ambience.

Lizandro Ezrre, San Clemente, stated the center has deteriorated and urged Council to keep the City vibrant; recommended that Council allow the freeway signage, pointing out that the center will serve the residents.

Brian Manning, San Clemente, urged that Council not risk the project; stated that the property needs rehabilitation and the retailers will fulfill a need.

Arthur Galindo, Las Golondrinas, voiced concern that the center is blighted and is frequented by vagrants; expressed concern with the safety of his employees.

Pete van Nuys, San Clemente, opined that the freeway sign is not a lynchpin of the entire project; suggested the proposed freeway sign would not be effective; recommended that standards not be waived.

Barclay Harty, San Clemente, stated that he is a real estate broker and believes that Kornwasser Shopping Center Properties and Burnham USA are among the best developers in the business; described the difficulty for retailers to be successful and asserted that the freeway sign is needed.

Bonnie Mueller, San Clemente, spoke in support of the project to remedy the existing blighted conditions.

Peter Naghavi, San Clemente, stated that he works with the owner of the subject property; stated that the City should compete for projects like the one proposed; suggested that the project will likely not come to fruition if the freeway sign is not granted.

Terrence Tierney, Dana Point, related that the center is in need of major renovations; commented that the current center is an entry to the City, but is an embarrassment.

Charles Mann, San Clemente, stated that he loves the project, but opposes freeway signs; stated that the motion made at the April 7, 2015 Council meeting to approve the freeway-oriented signage failed by a two-to-two vote, adding that he disagrees that it was a straw vote; spoke in support of an Ordinance to prohibit freeway signs.

Richard Gardner, Capistrano Beach, stated that he lives near the project and does not view the proposed sign as a problem.

Richard Boyer, Appellant, stated that he is the President of San Clemente Citizens for Integrity in Development; conveyed that he likes the project, but also likes the City's sign regulations; opined that the proposed freeway signage is not needed and suggested that the outlet mall will attract customers to the community; voiced concern that scare tactics are being utilized and that approval of the freeway-oriented sign will set a precedent.

MEETING RECESSED

Council recessed at 9:20 p.m. and reconvened at 9:25 p.m., with all members present.

Steve Usdan, Applicant, stated that the project will cost in excess of \$11 million and will create 200 retail jobs; stated that investment in the project only makes sense with the current leasing; reported that the freeway-oriented signage is integral to Sports Authority because of the unique visibility characteristics of the building; explained that Sports Authority can cancel its lease if the proposed sign is not approved, thereby causing the loss of one-third of the project's pro forma income; stated that the uncertainty as to whether the proposed signage will be approved has prevented financing from being obtained and has delayed construction and store openings; commented that the alternative is to leave the property in its current condition and lease to a single user at a relatively low cost; stated that a vote for the freeway sign is a vote for the project; responded to Council inquiries.

There being no others desiring to speak to this issue, the Public Hearing was closed.

Following Council deliberations, Mr. Usdan, Applicant, requested that Council authorize a recess to allow him to communicate with Sports Authority and Staff to determine if a variation to the freeway-oriented sign is possible.

MOTION BY COUNCILMEMBER BROWN, SECOND BY MAYOR HAMM, CARRIED 5-0, to table this item to later in the meeting.

Council resumed discussion of this item following Agenda Item 11-A(1) as follows:

Mayor Hamm re-opened the Public Hearing.

Steve Usdan, Applicant, stated that in an effort to prevent Sports Authority from cancelling its lease, he spoke with Tim Wald, of Sports Authority, during the break to ascertain if there's anything else that it can offer; invited Mr. Wald to address Council directly.

Tim Wald, Sports Authority, spoke on the importance of a secondary building sign given that the site is challenged and unique; noted that the freeway-oriented sign would have halo lit letters; offered to reduce the size of the letters on Sports Authority's sign to 5' and lower the sign mounting by 1-1/2' to 2'.

Associate Planner Nicholas explained that the proposed reduction in the size of the sign will reduce the sign's square footage from 110 sq. ft. to 77 sq. ft.

Richard Boyer, Appellant, stated that the City's sign regulations preserve the City's distinction; stated that the City has already made two major concessions with the monument signs and store-front signs; opined that freeway signs will not be the means to attract customers in the future; conveyed that he doesn't understand the logic of a compromise that would allow signage that would still fail to meet the City's standards.

Charles Mann, San Clemente, spoke on the importance of retaining San Clemente for future generations; opined that the City should not compromise since the violation would still remain; urged Council to demand that developers do what is right; urged Council to prohibit freeway-oriented signs.

Luis Alvarez, Guicho's Eatery, explained that signage is important to businesses; asserted that the subject minor exception is needed in this case.

There being no others desiring to speak to this issue, the Public Hearing was closed.

Following deliberations, MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER BROWN, **FAILED 2-3** (COUNCILMEMBER WARD, MAYOR PRO TEM BAKER, AND MAYOR HAMM VOTING NOE), to adopt Resolution No. 15-18 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING SIGN EXCEPTION PERMIT (SEP) 15-045, ESTRELLA SHOPPING CENTER MASTER SIGN PROGRAM PHASE I, FOR ONE FREEWAY ORIENTED SIGN LARGER THAN 64 SQUARE FEET (AND, IN FACT, 77 SQUARE FEET) FOR A COMMERCIAL CENTER LOCATED AT 550 CAMINO DE ESTRELLA.

MOTION BY MAYOR PRO TEM BAKER, SECOND BY MAYOR HAMM, CARRIED 3-2 (COUNCILMEMBERS BROWN AND DONCHAK VOTING NOE), to deny the proposal for one freeway-oriented sign, without prejudice, and direct Staff to return with a resolution of denial that includes findings based on Council’s deliberations this evening.

8. **UNFINISHED BUSINESS**

None.

9. **NEW BUSINESS**

A. **Design of Additional Beach Trail Fencing to Support Safety/Quiet Zone Efforts**

Report from the Public Works Director/City Engineer concerning design of additional beach trail fencing to support Safety/Quiet Zone efforts.

Councilmember Donchak reported that the Federal Railroad Administration (FRA) granted the City’s waiver to federal train horn regulations; reviewed the conditions to the FRA’s waiver as contained in the FRA’s letter of notification to the City; noted that the waiver expires five years from the date of the FRA’s letter and requested that Staff commence efforts in four years to help ensure that the waiver is not interrupted.

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

John Dorey, San Clemente, thanked staff, Council and the Safety/Quiet Zone Committee for their efforts in making the FRA waiver a reality. In response to Council inquiry, Mr. Dorey explained the negotiation process that resulted in the proposed beach access points; noted that while the required fencing will reduce the number of access points south of the pier, it will solve the problem of train horn noise.

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

1. Direct staff to begin design and permitting of additional fencing along the Beach Trail.

Motion continued on following page

2. Approve, and authorize the City Manager to execute, Contract No. C15-20, by and between the City of San Clemente and BGB Design Group, providing for design of additional beach trail fencing, in an amount not to exceed \$22,250.

B. **Coastal Advisory Committee (CAC) Recommendations - Street Sweeping Parking Restrictions**

Report from the Public Works Director concerning Coastal Advisory Committee (CAC) recommendations regarding street sweeping parking restrictions.

Senior Management Analyst Vondrak and Assistant City Engineer Bonigut narrated a PowerPoint presentation entitled "Street Sweeping Program" and responded to Council inquiries. A hard copy of the presentation is on file with the City Clerk.

Don Brown, Chair of the Coastal Advisory Committee, spoke in support of Staff's recommendation for three street-sweeping pilot programs (i.e., signage, courtesy notices, and expanded parking restrictions); noted that implementing all three pilot options will enable a determination to be made as to which method(s) are effective; narrated slides entitled "Street Sweeping Debris", which are on file with the City Clerk.

Bill Hart, San Clemente, urged Council to vote in favor of Staff recommendation to implement pilot programs; noted that street sweeping is one of the most effective Best Management Practices available to keep the ocean clean.

Ken Nielsen, San Clemente, spoke in support of the Street Sweeping program; noted that the best street-sweeping results occur in the neighborhoods where parking tickets are issued.

MOTION BY MAYOR HAMM, SECOND BY COUNCILMEMBER BROWN, CARRIED 5-0, to approve a pilot program for electronic informational street-sweeping warnings (no signs), non-punitive, in Area 11 and direct Staff to return to Council with the effectiveness of the pilot program. Lastly, Council directed Staff to communicate with the Broadmoor Homeowners Association to determine its receptiveness to the installation of street-sweeping signs and to determine whether it foresees street sweeping to be in conflict with school parking.

C. **Emergency Repair to Main Pump Station, Project No. 15206**

Report from the Public Works Director concerning Emergency Repairs to the Main Pump Station.

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

1. Make a finding that an emergency exists due to the failure of the existing sewer pump station and that the situation requires immediate action to prevent or mitigate impairment to property and public services, that might otherwise occur if required to incur delays attributed to the typical engineering design and public competitive bidding process.
2. Declare that the public interest and necessity demand the immediate expenditure of public funds to safeguard public health.
3. Approve a supplemental appropriation in the amount of \$387,000 to Account 054-473-43890-000-00000 from Sewer Operating Fund and an appropriation in the amount of \$362,000 to Account 054-476-45300-000-15206 from the Sewer Fund Depreciation Reserve.
4. Ratify contracts approved and proposed by the City Manager with Godwin Pump Company in the amount of \$316,000 (C15-23), Alexis Oil Company in the amount of \$18,900 (C15-24), Ed Stewart in the amount of \$1,600 (C15-25), American Integrated in the amount of \$11,500 (C15-26), Bradley Environmental in the amount of \$21,000 (C15-27), United Pumping in the amount of \$18,000 (C15-28), Little John Motor Shop in the amount of \$4,000 (C15-29), Evans Hydro in the amount of \$30,000 (C15-30), One Source/Allen Bradley in the amount of \$105,000 (C15-31), Emergency Generator Rental in the amount of \$9,000 (C15-32), MSA in the amount of \$9,000 (C15-33), Neal Electric in the amount of \$20,000 (C15-34), Automatic Transfer Switch Equipment and Installation in the amount of \$25,000 (C15-35), Emergency Generator purchase and contractor to be determined in the amount of \$100,000 and authorize the City Manager to increase contract limits and equipment purchases up to a cumulative contingency limit of \$60,000.

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

None.

11. **REPORTS**

A. **Commissions and Committees**

(1) Scheduling of Meetings to Interview and Appoint Individuals to Serve on Various City Commissions and Committees and Friends of the Reserve Commission

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

1. Authorize the City Clerk to advertise to fill 21 vacancies on the Planning Commission, Golf Course Committee, Beaches, Parks and Recreation Commission, Human Affairs Committee, Coastal Advisory Committee, Investment Advisory Committee and the City At-Large Representative to the Friends of the Reserve Commission.
2. Establish June 11, 2015 and June 18, 2015 at 5:00 p.m. as the date/time to interview and appoint residents to fill the upcoming vacancies.

B. **City Manager**

None.

C. **City Attorney**

None.

D. **Councilmembers**

Human Trafficking

Councilmember Donchak reported on her attendance at a meeting concerning Human Trafficking and requested this item be agendaized for the next Council meeting.

Transportation Corridor Agency (TCA) Update

Councilmember Ward reported that the San Diego Regional Water Quality Control Board denied the Tesoro Extension Water Quality Permit and the Foothill/Eastern TCA has filed an appeal to the State Water Quality Control Board on the grounds that the Regional Board did not meet the legal findings to deny the permit and that meeting irregularities took place.

Regional Highways and Planning Committee - I-405 Toll Lanes

Councilmember Donchak reported that the Regional Highways and Planning Committee met concerning the I-405 Toll Lanes and approved an MOU containing deal points with Caltrans concerning partnership on the I-405; reported that the subject will be brought to the Orange County Transportation Authority (OCTA) Board for discussion. Councilmember Donchak will provide an update at the next Council meeting on the OCTA's Board discussion of this matter.

12. **RESOLUTIONS/ORDINANCES**

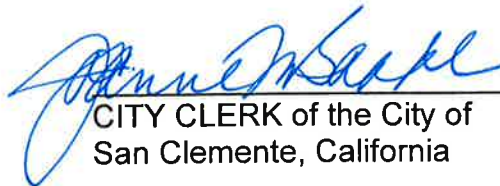
None.

13. **ADJOURNMENT**

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR HAMM, CARRIED 5-0, to adjourn at 11:47 p.m. in memory of Saylor Voris. The next Regular Council Meeting will be held on May 5, 2015 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