

# CITY OF SAN CLEMENTE

## City Council Minutes

### Regular City Council Meeting – October 6, 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 October 6, 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.  
\*\* 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 COUNCILMEMBER DONCHAK, SECOND BY MAYOR HAMM, CARRIED 3-0 (MAYOR PRO TEM BAKER AND COUNCILMEMBER BROWN ABSENT), to recess to Closed Session at 5:00 p.m. to discuss the following:

#### **A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8

Property: North Beach Passenger Services Building, 1900 North El Camino Real, San Clemente

Agency Negotiator: Assistant City Manager

Negotiating Party: Pete Van Nuys

Under Negotiation: Term and Rent for Possible Lease Extension

#### **B. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION**

Pursuant to Government Code Section 54956.9(d)(1)

Case Name: City of San Clemente v Dual Diagnosis Treatment Center, Inc.

Case Number: 30-2015-00805214

Case Name: City of San Clemente v Sobertec LLC (1)

Case Number: 30-2015-00805227

*Closed Session items continued on following page*

Case Name: City of San Clemente v Sobertec LLC (2)  
Case Number: 30-2015-00805234

Case Name: City of San Clemente v New Mindset, LLC  
Case Number: 30-2015-00805235

Case Name: City of San Clemente v 449 Recovery, Inc.  
Case Number: 30-2015-00805270

Case Name: City of San Clemente v Faith By The Sea, Inc.  
Case Number: 30-2015-00805980

Case Name: City of San Clemente v New Mindset, LLC  
Case Number: 30-2015-00805891

Case Name: City of San Clemente v Sober Spot, LLC  
Case Number: 30-2015-00805975

Case Name: City of San Clemente v A Mission For Michael, Inc.  
Case Number: 30-2015-00806046

Case Name: City of San Clemente v William W. Martin, PHD  
Case Number: 30-2015-00806055

Case Name: City of San Clemente v Coast To Coast Referral Center, Inc.  
Case Number: 30-2015-00806052

Case Name: City of San Clemente v Eric Olson  
Case Number: 30-2015-00811144

**C. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION**

Pursuant to Government Code Section 54956.9(d)(1)  
Case Name: Emergency Shelter Coalition v. City of San Clemente  
Case Number: OCSC 30-2014-00758880

**D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8  
Property: 1030 Calle Negocio, San Clemente  
Agency Negotiator: Assistant City Manager  
Negotiating Party: Family Assistance Ministries  
Under Negotiation: Term and Rent for Possible Lease Extension

*Closed Session continued on following page*

**E. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8

Property: City Acreage West of Avenida La Pata and North and South of Avenida Vista Hermosa

Agency Negotiator: City Manager

Negotiating Parties: TBD

Under Negotiation: Price and Terms of Payment

**F. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Government Code Section 54956.9(d)(1)

Case Name: Capistrano Shores, Inc. v. City of San Clemente

Case Numbers: OC SC 30-2014-00709987-CU-EI-CXC and 30-2014-00726889-CU-WM-CJC

In attendance for the full Closed Session were all members of the City Council, City Manager Makshanoff, Assistant City Manager Sund, and City Attorney Smith. Community Development Director Gallardo-Daly was in attendance for Items B, C, D and E. Christina Talley, with Best Best and Krieger, was in attendance for Item D only.

**MEETING RECONVENED**

Council reconvened at 6:22 p.m., with all members present.

**INVOCATION**

Mark Boud, Senior Minister, Church of Jesus Christ of Latter-day Saints, gave the invocation.

**PLEDGE OF ALLEGIANCE**

Members of Boy Scouts of America led the Pledge of Allegiance.

**1. SPECIAL PRESENTATIONS**

**A. Presentation of Proclamation – Family Assistance Ministries (FAM) Hunger Walk Week**

Mayor Hamm presented a Proclamation to Mary Gray Perdue proclaiming October 12–18, 2015 as FAM Hunger Walk Week.

**B. Presentation of Commendation – Assistance League of Capistrano Valley's 35<sup>th</sup> Anniversary**

Mayor Hamm presented a commendation to Lori Quinlan and Roberta DeLuca in recognition of the 35<sup>th</sup> Anniversary of the Assistance League of Capistrano Valley.

**C. Presentation of Proclamation – Fire Prevention Week**

Mayor Hamm presented a proclamation to Orange County Fire Authority Battalion Chief Bramlett proclaiming October 4-10, 2015 as Fire Prevention Week.

**D. Presentation of Proclamation – Red Ribbon Week**

Mayor Hamm presented a Proclamation to Pamela Passow, Recreation Manager, proclaiming October 23-31, 2015 as Red Ribbon Week in San Clemente.

**E. Hospital Tour – Saddleback Memorial Medical Center, San Clemente Campus**

Assistant City Manager Sund narrated a PowerPoint presentation entitled "South Orange County Site Visit by the Senate and Assembly Health Committees" concerning the recent tour of Saddleback Memorial Medical Center, San Clemente Campus, regarding AB 911 and SB 787. A hard copy of the PowerPoint is on file with the City Clerk.

Tony Struthers, Saddleback Memorial Care Hospital Administrator, reported that Saddleback Memorial Care is committed to support the passage of AB 911 and SB 787; noted the hospital tour helped the legislators understand the need for a free-standing emergency room in San Clemente.

**F. San Clemente Domestic Violence Task Force Update**

Patricia Drown, Founder of the San Clemente Domestic Violence Task Force, narrated a PowerPoint presentation concerning the status of the task force. A hard copy of the presentation is on file with the City Clerk.

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

**Municipal Water District of Orange County**

Susan Hinman, Board Member, Municipal Water District of Orange County (MWDOC), thanked residents for exceeding State water conservation mandate guidelines; reported that MWDOC is involved in a water reliability study and a future systems supply reliability analysis; invited Council to attend an elected officials forum in November which will include a status update on the reliability study.

**Saddleback Memorial Hospital – San Clemente Campus**

Mike Clark, San Clemente, noted that it is possible that San Clemente will be without emergency and acute care services by early next year; reported that other quality health care systems have expressed interest in potentially providing emergency and acute care services in San Clemente.

3. MOTION BY COUNCILMEMBER BROWN, SECOND BY COUNCILMEMBER WARD, 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 advised that no reportable actions were taken during this evening's Closed Session.

6. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR HAMM, CARRIED 5-0, to approve the Consent Calendar, with the removal of Items A-1, B-3, D, E, F and H.

A. **City Council Minutes**

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

2. Minutes of the Special City Council meeting of September 22, 2015.

**B. Commission/Committee Minutes**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR HAMM, CARRIED 5-0, to receive and file:

1. Minutes of the Regular Zoning Administrator Meeting of September 16, 2015.
2. Minutes of the Regular Planning Commission Study Session of September 16, 2015.

**C. Warrant Register**

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

Warrant Nos. 527421 through  
 527529, paid on 9/11/15,  
 in the amount of.....\$ 471,158.47

Wire Transfer Nos. 1434 through 1437,  
 paid on 9/18/15, and Warrant Nos. 527530  
 through 527678, paid on 9/18/15,  
 in the amount of.....\$1,059,685.85

Warrant Nos. 527679 through  
 527893, paid on 9/25/15,  
 in the amount of.....\$1,722,944.16

TOTAL WARRANT REGISTER.....\$3,253,788.48

**Payroll Register**

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

Warrant Nos. 425 through 429  
 and Automatic Deposit  
 Advises 26948 through 27283  
 for the period 8/31/15 through 9/13/15,  
 paid on 9/18/15, in the amount of.....\$ 430,643.19

TOTAL PAYROLL REGISTER.....\$ 430,643.19

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

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

1. Authorize the submittal of a Measure M2 (Project P) grant application to OCTA for signal synchronization on the Camino Vera Cruz corridor.
2. Adopt Resolution No. 15-44 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE SUBMITTAL OF CAMINO VERA CRUZ TRAFFIC SIGNAL SYNCHRONIZATION PROJECT TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMPETITIVE MEASURE M2 REGIONAL TRANSPORTATION SIGNAL SYNCHRONIZATION PROGRAM.

I. **Contract Amendment - Geographic Information System Services (GIS)**

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

1. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C14-43, by and between the City of San Clemente and Compass Rose GIS, providing for GIS professional services. This Amendment would modify the contract amount from \$95,000 to \$190,000, an increase of \$95,000.
2. Authorize a budget transfer of \$95,000 from Account 063-241-41000 (Salaries and Benefits) to Account 063-241-43690 (Professional Services).

J. **Utilization of Max Berg Plaza Park for Max Berg's Celebration of Life**

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

1. Approve a fee waiver for the rental of Max Berg Plaza Park on October 18, 2015 in an amount not to exceed \$2,420.
2. Waive City Policy and Procedure 702-4 (Max Berg Plaza Park Usage) to extend the maximum attendance at Max Berg's Celebration of Life from 150 to 200 persons on October 18, 2015.
3. Authorize reserved parking on Calle Puente adjacent to Max Berg Plaza Park and allow a loading zone on Avenida del Poniente for a total of four car spaces on October 18, 2015 to be in effect from 9:00 a.m. to 6:00 p.m.

K. **Initiation of Zoning Amendment – Procedures, Locations and Standards for Group Counseling and Related Facilities in Commercial Zones**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR HAMM, CARRIED 5-0, to initiate a Zoning Ordinance Amendment that considers procedures, locations and standards for medical office and group counseling uses, including alcohol or other drug abuse program uses.

**ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**

A-1. **Minutes of the Special and Regular Meeting of the City Council of September 15, 2015**

Council referred to the portion of the City Council minutes of September 15, 2015 that related to the minutes of the Planning Commission meeting of September 2, 2015. In response to Council inquiry, City Planner Pechous reported that Council will consider various Zoning Ordinance Amendments, which include height limits on the east side of South El Camino Real, at its meeting of November 3, 2015.

MOTION BY MAYOR PRO TEM BAKER, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve the minutes of the Special and Regular Meeting of the City Council of September 15, 2015.



B-3. **Minutes of the Regular Planning Commission Meeting of September 16, 2015**

Council referred to the portion of the Planning Commission minutes of September 16, 2015 that related to the Outlets at San Clemente – CUP 15-278, and received clarifications that 1) a maximum of 15 relocatable kiosk carts can be situated at 30 locations within the Outlets at San Clemente, and 2) all kiosk carts will have the same design and that design was approved by the Design Review Subcommittee.

With regard to the portion of the Planning Commission minutes of September 16, 2015 that related to the Woodnutt Duplex at 318 Avenida Del Mar, City Planner Pechous explained that the project architect included elimination of the partition wall from the parking garage in the project plans and, hence, a condition requiring the partition's removal is not necessary. Council noted the importance of garages for this project, and similar properties in parking-challenged areas, to be used for parking instead of storage and requested the Planning Commission take steps to help ensure that garages are used for parking purposes.

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER BROWN, CARRIED 5-0, to receive and file the minutes of the Regular Planning Commission Meeting of September 16, 2015.

D. **National Pollutant Discharge Elimination System (NPDES) Program Shared Costs Budget for Fiscal Year 2015-2016**

Senior Management Analyst Vondrak responded to Council inquiries concerning the rationale for the 25% NPDES budget increase, focusing on additional regulations that require compliance and environmental programs (such as the water quality improvement program) that the increase will fund; noted that sufficient funding is included in the City's budget to accommodate the increase.

MOTION BY COUNCILMEMBER BROWN, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to approve the proposed NPDES Stormwater Program Shared Cost Budget for Fiscal Year 2015-2016.

E. **Street Sweeping Pilot Project**

Senior Management Analyst Vondrak responded to Council inquiries concerning the metrics and goals of the street sweeping pilot project.

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

1. Approve the Street Sweeping Pilot Project as proposed.
2. Approve a supplemental appropriation of \$15,000 from the Clean Ocean Fund balance to Account 057-541-43690-000-00000.

F. **Cooperative Agreement – San Clemente Beach Trail Fencing**

In response to Council inquiry, Deputy Public Works Director Bonigut estimated that the train horns should be silenced by the end of February 2016.

John Dorey, San Clemente, noted that rail safety is a key component to the Safety/Quiet Zone opportunity and encouraged local schools to continue to teach rail safety; requested that Staff evaluate the possibility of installing a stairway at Riviera as part of the southern trail extension project.

MOTION BY MAYOR PRO TEM BAKER, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C-5-3671, the Cooperative Agreement by and Between Orange County Transportation Authority (OCTA) and the City of San Clemente, providing for San Clemente Beach Trail fencing.

H. **Communications Site Lease Agreement – Andalusia Water Tank Site (3895 Calle Andalusia, San Juan Capistrano)**

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

1. Approve, and authorize the Mayor to execute, a Communications Site Facility Lease, by and between the City of San Clemente and Verizon Wireless, providing for the construction and operation of a communications facility at the Andalusia Water Tank Site, located at 3895 Calle Andalusia in San Juan Capistrano, with the modification that the lease agreement be amended to 1) require that noticing be provided to Best Best & Krieger (instead of Rutan & Tucker), and 2) that reference to Redevelopment Agencies be omitted. (Contract C15-69)

*Motion continued on following page*

2. Authorize the City Manager to approve future amendments, provided that the City Manager shall not have the authority to approve a decrease in the rental rate without prior approval of the City Council.

7. **PUBLIC HEARINGS**

A. **2014-2015 Consolidated Annual Performance Evaluation Report (CAPER) for Expenditure of Community Development Block Grant Funds**

Continued Public Hearing to consider the proposed submission of the 2014-2015 Consolidated Annual Performance Evaluation Report.

Community Outreach Specialist Obrero narrated a PowerPoint presentation entitled “Consolidated Annual Performance Evaluation Report to HUD” and responded to Council inquiries. A hard copy of the presentation is on file with the City Clerk.

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

Council requested a document that identifies the City’s accomplishments in the area of Social Services.

MOTION BY MAYOR HAMM, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to approve and adopt the 2014-2015 Consolidated Annual Performance Evaluation Report (CAPER) for submittal to the Department of Housing and Urban Development.

B. **Code Amendments - Massage Parlors**

Public Hearing to consider amending the Code of the City of San Clemente to provide local regulatory authority over massage uses consistent with State law.

Associate Planner Atamian narrated a PowerPoint presentation entitled “Massage Establishment Amendments” and, along with City Attorney Smith and City Planner Pechous, responded to Council inquiries. A hard copy of the presentation is on file with the City Clerk.

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

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

1. Introduce Ordinance No. 1607 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING TITLE 5 OF THE SAN CLEMENTE MUNICIPAL CODE, FOR THE PURPOSE OF PROVIDING LOCAL REGULATORY AUTHORITY OVER MASSAGE USES CONSISTENT WITH STATE LAW.
2. Introduce Ordinance No. 1608 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING TITLE 17 OF THE SAN CLEMENTE MUNICIPAL CODE, FOR THE PURPOSE OF PROVIDING LOCAL REGULATORY AUTHORITY OVER MASSAGE USES CONSISTENT WITH STATE LAW, with the modification that Section 9 be expanded to read in its entirety as follows:

*Section 9. Footnote 24 is amended in Section 7 of Table 17.40.030, to read as follows "Massage is subject to Section 5.28 of the City of San Clemente Municipal Code. Refer to Section 17.28.185, "Massage Establishments, of this title, for special provisions for massage establishments. To the extent otherwise allowed, Accessory Massage is permitted only in the commercial portion of a mixed-use building".*

## **MEETING RECESSED**

Council recessed at 8:17 p.m., and reconvened at 8:27 p.m., with all members present.

## **8. UNFINISHED BUSINESS**

### **A. LED Street Lighting Conversion**

Report from the Public Works Director concerning the LED Street Lighting Conversion project.

Deputy Public Works Director Bonigut reviewed the contents of the Administrative Report; displayed photographs that depicted the difference between high pressure sodium (HPS) and light emitting diode (LED) lighting.

Jim Ruehlin, Planning Commissioner, but speaking as a private citizen, urged that a dark skies ordinance be established as a near-term General Plan Implementation Measure; noted that an existing Implementation Measure provides for review of street light design; noted that 25% of the City's street lights are proposed to be modified as part of the LED street lighting conversion project and recommended that any street lights that are installed prior to completion of the dark skies ordinance be adaptable in design.

Wayne Eggleston, Planning Commissioner, but speaking as a private citizen, urged Council to direct the Planning Commission to develop a dark skies ordinance; opined that different areas of the City need different standards of lighting; spoke in support of 3,200k lighting because it is a warmer light.

Warren Vidrine, San Clemente, stated that he is an expert in the field of lighting; explained how the human eye sees light; suggested that the type of lighting that is appropriate for areas in the City that require minimal safety levels is different from the type of lighting that is appropriate in areas that require greater safety levels; volunteered his technical expertise to help the City establish its lighting standards.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BAKER, CARRIED 4-1 (COUNCILMEMBER WARD VOTING NOE), to 1) confirm the direction and approvals provided at the June 2, 2015 Council meeting to implement the first phase of converting public street lights to LED technology; and 2) direct the Planning Commission to form a subcommittee to craft an ordinance that addresses the possibility of different lights for different areas of the City, safety standards, and adaptability.

9. **NEW BUSINESS**

A. **Repair of Tile Sidewalks**

Report from the Public Works Director/City Engineer and Community Development Director concerning repair of tile sidewalks.

Councilmember Brown recused himself from deliberations on this item because he owns property within 500 feet of an historic sidewalk that is included in the proposed contract for Sidewalk Repair Services; left the Chambers at 9:17 p.m.

It was noted that four of the five Councilmembers could potentially reside within 500' of sidewalks affected by the policy decision relating to designation of the tile sidewalks as historic resources. Consequently, Council determined to limit this evening's discussion to the proposed sidewalk repair contract with Unique Performance. The policy issue was deferred to allow staff to further assess the possible conflict of interest issue.

Deputy Public Works Director Bonigut reviewed the contents of the Administrative Report and responded to Council inquiries.

George Gregory, San Clemente, spoke in opposition to the proposed contract; opined that a broken sidewalk is better than a missing or obstructed sidewalk; suggested that residents should not have to pay for upgraded sidewalks.

Larry Culbertson, San Clemente Historical Society, conveyed that the Historical Society supports the sidewalk policy as it is currently written and opposes any modifications thereto; spoke in support of the proposed contract with Unique Performance Construction for FY 2015 Sidewalk Repair Services inasmuch as it follows the existing policy.

Council determined to defer both the proposed FY 2015 Sidewalk Repair Services contract and the policy issue pertaining to designation of tile sidewalks as historic resources to the Council meeting of October 20, 2015. This postponement will enable Staff to 1) confirm whether or not each Councilmember is eligible to participate in deliberations based on whether they have real property interests within 500' of the sidewalks in question, and 2) enable the City Attorney to report on the process to utilize the Rule of Necessity in the event a majority of the Councilmembers are determined to have conflicts of interest in the policy discussion.

Councilmember Brown returned to the dais at 9:36 p.m.

**B. Solid Waste Organics Recycling Program**

Report from the Public Works Director/City Engineer concerning the Solid Waste Organics Recycling Program.

Dean Ruffridge, Senior Vice President, and Mike Silva, Anaerobic Digestion (AD) Project Manager, both representing CR&R, narrated a PowerPoint presentation entitled "Proposal to the City of San Clemente for Residential and Commercial Organics Recycling Programs" and responded to Council inquiries. A hard copy of the presentation is on file with the City Clerk.

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

1. Approve the proposed organic waste recycling program using Anaerobic Digestion to comply with State mandates.
2. Direct Staff to prepare an amendment to the franchise agreement with CR&R to reflect the proposed organic waste recycling program and corresponding rates.
3. Direct Staff to mail written notices for a Public Hearing to consider proposed updated solid waste collection rates related to implementation of an organic waste collection program.
4. Approve a supplemental appropriation of \$10,000 to Account 058-518-43890 from the Solid Waste Fund undesignated fund balance for preparation and distribution of Public Hearing notices.

C. **Potential New Water Supply from Cadiz Project**

Report from the Public Works Director/City Engineer concerning the possibility of a new water supply from the Cadiz project.

Scott Slater, Cadiz, Inc., narrated a PowerPoint presentation entitled "Cadiz Valley Water Conservation, Recovery & Storage Project", and responded to Council inquiries. A hard copy of the presentation is on file with the City Clerk.

Staff is to further evaluate the Cadiz project, including City Attorney review of a draft Participation Agreement, and return to a future Council meeting with a recommendation.

D. **Memorandum of Understanding - Radiological Emergency Planning and Response**

Report from the Public Works Director/City Engineer concerning a Memorandum of Understanding for Radiological Emergency Planning and Response.

Public Works Director/City Engineer Cameron reviewed the contents of the Administrative Report and responded to Council inquiries.

Kelly Galleon, SONGS Emergency Planning Manager, and Viet Tran, Public Affairs Regional Manager, representing Southern California Edison, responded to Council inquiries concerning the contents of the MOU.

In response to Council inquiry, Ms. Galleon agreed to ascertain whether the first sentence of the last paragraph of Section VI.C. of the agreement can be modified to read as follows:

"SCE will provide funding at these levels until the **later of** fiscal year end 2019-20 ~~or~~ *and* when all spent fuel has been removed from the Spent Fuel Pools."

\*Strike-through indicates proposed verbiage to be eliminated. Italicized type indicates proposed verbiage to be added.

MOTION BY COUNCILMEMBER BROWN, SECOND BY MAYOR PRO TEM BAKER, CARRIED 4-1 (COUNCILMEMBER DONCHAK VOTING NOE), to approve, and authorize the Mayor to execute, the Radiological Emergency Planning and Response Memorandum of Understanding with Southern California Edison, Counties of Orange and San Diego, and the cities of San Clemente, San Juan Capistrano and Dana Point. (Contract C15-70)

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

None.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. **City Attorney**

None.

D. **Councilmembers**

**Saddleback College Annual State of the College Presentation**

Councilmember Donchak reported that she attended the Saddleback College Annual State of the College Presentation; requested that the City Manager agendaize a presentation on Saddleback College's Second County Economic Report for a meeting in February 2016.

**League of California Cities Conference**

Councilmember Ward reported on her attendance at the League of California Cities Conference, noting that the issue of Compensation for Prolonged Power Outages was sent back for further review; stated the three resolutions relating to a bylaws amendment, group homes, and temporary rentals of residential units, were unanimously approved.

**Park Semper Fi 10<sup>th</sup> Anniversary**

Mayor Pro Tem Baker invited the public to attend an event recognizing the 10<sup>th</sup> Anniversary of Park Semper Fi on Sunday, October 11, 2015.

**Chowder Fest**

Mayor Hamm reported that Councilmember Ward and he were judges at the Chamber of Commerce's Annual Chowder Fest competition at the San Clemente Pier.



**Community Engagement Panel**

Councilmember Brown reported that the next Community Engagement Panel meeting is scheduled for November 5, 2015 at 6:00 p.m. in Oceanside.

12. **RESOLUTIONS/ORDINANCES**

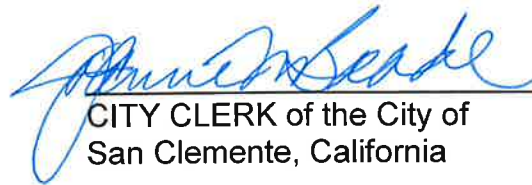
None.

13. **ADJOURNMENT**

MOTION BY MAYOR HAMM, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to adjourn at 10:37 p.m. in memory of Maurice Forster Isch. The next Regular City Council meeting will be held on October 20, 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