

CITY OF SAN CLEMENTE

City Council Minutes

Special and Regular City Council Meeting – February 16, 2016

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 Special and Regular Meeting of the San Clemente City Council was called to order on February 16, 2016 at 4:35 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Baker.

PRESENT BROWN, DONCHAK*, HAMM**, WARD, MAYOR BAKER
*Left the meeting at 9:55 p.m.
**Arrived at 5:00 p.m. and left meeting at 9:30 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

Closed Session Item D – Property Negotiations (Southwest Corner of Avenida La Pata and Vista Hermosa)

Mayor Baker announced that the City's Long Term Financial Plan (LTFP) includes an evaluation of the City's land assets and the possibility of selling or leasing surplus assets to maximize those investments; noted that State law requires that the City provide notice of proposed surplus property to certain agencies and organizations that provide educational, recreational and affordable and emergency housing services; explained that all offers for sale/lease of the City's surplus property must be presented to the Council for consideration; stressed that the subject notice requirements do not compel the City to sell or lease its property to anyone presenting such an offer.

During the course of discussion, Council stressed that there is no proposal for a homeless shelter at the corner of La Pata and Vista Hermosa.

City Attorney Smith explained that SB2 requires cities to designate sites within their jurisdictions that could be appropriate for homeless shelters; explained that each city must include on its zoning map enough potential homeless shelter sites to care for the number of homeless individuals that it has in its jurisdiction; related that over a year ago, the City

adopted a map that included sites that might be appropriate for homeless shelters; stated that the item on this evening's agenda is not related to SB2.

Dr. Dustine Rey, owner of Gratitude Garden Preschool, voiced concern with the placement of a homeless shelter near the intersection of La Pata and Vista Hermosa; opined that most homeless persons have a proclivity to mental illness, chronic drug and alcohol abuse, and sexual misconduct; urged that a safe zone be respected in the vicinity of Gratitude Garden Preschool, Vista Del Mar Elementary/Middle School and Vista Hermosa Sports Park.

Cyrus Bascon, San Clemente, described his experiences with homeless individuals when he was employed in Los Angeles and San Pedro; suggested that San Clemente is deteriorating and expressed opposition to a homeless shelter near the Vista Hermosa Sports Park; opined that a homeless shelter will stress law enforcement services.

Robert Macnider, San Clemente, stated he coaches youth sports and is concerned with the placement of a homeless shelter near the Vista Hermosa Sports Park or Vista Del Mar Elementary/Middle School.

Michael Lattuca, San Clemente, voiced concern that property next to the Vista Hermosa Sports Park was designated as a potential homeless shelter site; asserted that a homeless shelter at the subject site would endanger children.

Melissa Terwiske, San Clemente, stated that her grandchildren live in Talega; explained that she was attacked by two homeless persons and is concerned that small children will not know how to react to a threatening situation; stated that she understands the need for homeless shelters, but stressed that children need to be kept safe.

Chris Kuczynski, San Clemente, stated that there are 2,235 registered sex offenders in Orange County and that approximately 20% (i.e., 447) of the offenders are transients that could locate in a San Clemente homeless shelter.

Lauren McFadden, San Clemente, stated she resides in Talega; acknowledged that homeless persons need help, but opined that the corner of La Pata and Vista Hermosa represents an inappropriate location for a shelter.

Kate Ugtus, San Clemente, expressed concern that situating a homeless shelter near the Vista Hermosa Sports Park will place children in jeopardy.

Peter Lenkoski, San Clemente, stated that no one resides within 500' of the corner of La Pata/Vista Hermosa, so residents were not notified of the potential sale of the property; opined that noticing should have exceeded legal requirements.

MOTION BY COUNCILMEMBER BROWN, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to recess to Closed Session at 5:15 p.m. to discuss the following:

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Pursuant to Government Code Section 54956.8
Property: 1030 Calle Negocio
Agency negotiator: Assistant City Manager
Negotiating party: Family Assistance Ministries
Under Negotiation: Term and Rent for Possible Lease Extension
- B. 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
- C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Pursuant to Government Code Section 54956.8
Property: 2.8 acre San Mateo site north of Calle Bahia, adjacent to the Golf Course site
APN(s): 060-010-37, 060-010-38
Agency negotiator: Assistant City Manager
Negotiating party: San Diego Gas and Electric Company
Under Negotiation: Price and Terms of Payment
- D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Pursuant to Government Code Section 54956.8
Property: 2.2 acre section of an 80 acre parcel on the southwest corner of Avenida La Pata and Vista Hermosa
APN: 678-163-01
Agency negotiator: Assistant City Manager
Negotiating parties: Ed Connor of Connor, Fletcher & Hedenkamp and representatives of Jamboree Housing Corporation
Under Negotiation: Terms of recent proposals to purchase or lease surplus property

Closed Session items continued on following page

E. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Number of Cases: 6

Case Name: City of San Clemente v New Mindset, LLC

Case Number: 30-2015-00805235

(1401 N. El Camino Real Units 101 and 102)

Case Name: City of San Clemente v Sobertec, LLC (2)

Case Number: 30-2015-00805234

(1402 N. El Camino Real)

Case Name: City of San Clemente v New Mindset, LLC.

Case Number 30-2015-00805891

(665 Camino de los Mares, Unit 20)

Case Name: City of San Clemente v 449 Recovery, Inc.

Case Number: 30-2015-00805270

(1401 N. El Camino Real, Units 102, 104, 106, 113, 205, 207)

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

Case Number: 30-2015-00805214

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

Case Number: 8:15-cv-01611

F. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2)

Number of potential cases: 1

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 Closed Session Items D, E, and F.

MEETING RECONVENED

Council reconvened at 6:10 p.m., with all members present.

INVOCATION

Holland Davis, Senior Pastor, Calvary Chapel, gave the invocation.

PLEDGE OF ALLEGIANCE

Boy Scout Troop 737 led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **City Tile – Larry Moore**

Mayor Baker presented a City Tile and Pier plank to Larry Moore, in recognition and appreciation of 44 years of exemplary service to the City of San Clemente.

B. **Utility Pole Removal – Los Molinos District**

Duane Cave, External Relations Manager, San Diego Gas & Electric, reported on the undergrounding of utility poles in the Los Molinos District; thanked City Staff for its assistance and presented the City with a commemorative plaque.

C. **San Clemente Library Update**

Helen Fried, County Librarian, narrated a PowerPoint presentation entitled "San Clemente Library" concerning the re-opening of the San Clemente Library. A hard copy of the presentation is on file with the City Clerk.

Council requested that Ms. Fried's presentation be placed on the City's website.

D. **San Clemente High School Update**

San Clemente High School students McKenna Brownell and Daniel Klevit narrated a PowerPoint entitled "SCHS February 2016". A hard copy of the presentation is on file with the City Clerk.

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

Ralphs Skate Court

Council noted that speaker cards have been received from persons wishing to address Council concerning the Ralphs Skate Court; requested that the City Manager provide an update on this topic.

City Manager Makshanoff reported that Council will consider approving the Request for Proposals for the Beaches, Parks and Recreation Master Plan later in this evening's meeting; noted that the Master Plan will assess parks and recreational facilities and programs in the City; noted that Staff is recommending

that skate court and dog beach issues be assessed as components of the Master Plan.

Stephanie Aguilar, Interim President of the Improve our Skate Park Leadership Community, explained that the organization was formed to encourage improvements, including installation of lighting, at the Ralphs Skate Court; noted that skateboarding provides youth and adults with a positive recreational opportunity.

Ryan Aguilar, San Clemente, reported that the Improve our Skate Park Leadership Community has received over 340 signatures on an on-line petition in support of improved skate facilities; commented on the benefits of a lighted and updated skate court.

Eugene Uchi, San Clemente, reported that he works at Republik of Kalifornia skate shop; urged Council to consider adding lighting to the skate court and opined that an updated skate court will discourage people from skateboarding on streets.

Carlos Alarcon, San Clemente, reported that he is a San Clemente High School student; urged Council to add lighting to the Skate Court to facilitate usage year-round and for longer hours each day.

Orange County Academy of Sciences and Arts (OCASA) Charter School

Kapeel Mather, San Clemente, lead petitioner of Orange County Academy of Sciences and Arts (OCASA) Charter School, noted that the school needs land on which to operate; requested that the City lease its open space at Avenida La Pata and Vista Hermosa to the school; explained that over 500 parents have expressed an interest in sending their children to OCASA.

Homeless Shelter

Anthony LaFrano, San Clemente, voiced concern that the City is being sued by a San Juan Capistrano resident because the City would not allow him to open a homeless shelter at the former K-Mart site on Camino de Estrella; voiced concern with safety issues associated with homeless shelters.

Water Penalties

Brad Malamud, San Clemente, suggested the City should return collected water penalties to its residents because the City successfully met the State's mandates for reduced water consumption; urged Council to agendize the issue of refunding money to its residents.

Homeless Shelter (La Pata/Vista Hermosa)

Mike Mortensen, San Clemente, cited statistics relating to mental illness and substance abuse levels associated with homeless individuals; urged Council to not allow a homeless shelter on the property at the corner of Avenida La Pata and Vista Hermosa due to its proximity to a park and preschool; suggested that a senior housing development would represent a good use for the property.

Sanjay Favro, San Clemente, voiced concern with the possibility of situating a homeless shelter at the La Pata/Vista Hermosa site due to its proximity to a park and schools; represented that approximately 20% of homeless people are sex offenders; suggested that the subject property should be used for additional sports fields.

Mayor Baker reported that residents addressed Council on this issue prior to this evening's Closed Session; explained that the residents indicated that they heard on social media that the City is considering allowing a homeless shelter on the 2.2 acre property at Avenida La Pata and Vista Hermosa, but stressed that the statements posted on social media are untrue; stated that Council will meet on February 25, 2016 to consider the City's Long-Term Financial Plan, which will include real estate discussions.

City Manager Makshanoff stated that the City is required by State law to allow certain groups to submit offers and projects for surplus City property; noted that Staff is mandated to present all offers to the Council, but stressed that the City is not compelled to accept any of the offers.

Michelle Stegmayer, San Clemente, conveyed her understanding that the La Pata/Vista Hermosa site was zoned for a homeless shelter; urged Council to not allow the pending lawsuit to be a factor in its decision concerning the homeless shelter proposal.

City Attorney Smith summarized SB2 requirements, noting that the City is mandated to designate sites that could be potentially suitable for homeless or transitional shelters; noted that an overlay does not zone a property for exclusive homeless shelter development, but rather provides an overlay, in accordance with State law, where such a development might be suitable; explained that Item D on the Closed Session agenda is not related to the pending lawsuit.

Orange County Transportation Authority (OCTA) Elimination of Bus Routes

Laura Haniford, San Clemente, expressed disappointment that the OCTA has eliminated Bus Routes 191 and 193 because her adult daughter is disabled and depends on bus service for transportation; expressed hope that the OCTA will meet with San Clemente residents to inform them of alternative transit opportunities; noted that the trolley issue appears on this evening's agenda, and expressed hope that the trolley will service areas east of the I-5.

Short-Term Vacation Rentals

Jim Bieber, San Clemente, commented on his recent meeting with Councilmember Hamm and City Manager Makshanoff; stated that his wife and he own two short-term rental properties that have little or no negative impacts on the community and that provide community benefits; asserted that if short-term rentals are prohibited in San Clemente, that he would actively campaign for candidates that support short-term rentals.

3. MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM 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**

North Beach Passenger Services Building – Lease Negotiations (1900 North El Camino Real)

City Attorney Smith noted that the North Beach Passenger Services Building, located at 1900 North El Camino Real, was discussed during this evening's Closed Session; conveyed that Item 6-E is a companion item to the Closed Session issue, and that Staff will explain Council's Closed Session direction at the time Item 6-E is being considered.

6. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM WARD, CARRIED 5-0, to approve the Consent Calendar, with the removal of Items A, E, H, L and O.

B. **Commission/Committee Minutes**

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

1. Minutes of the Regular Golf Course Committee Meeting of January 7, 2016.
2. Minutes of the Regular Coastal Advisory Committee Meeting of December 10, 2015.
3. Minutes of the Regular Zoning Administrator Meeting of February 3, 2016.
4. Minutes of the Regular Study Session of the Planning Commission of February 3, 2016.
5. Minutes of the Regular Planning Commission Meeting of February 3, 2016.

C. **Warrant Register**

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

Warrant Nos. 530286 through 530452 paid on 1/29/2016, in the amount of	\$1,716,690.75
Wire Transfers 1478 through 1481, Warrant Nos. 530453 through 530592 paid on 2/5/2016, in the amount of	\$ 983,852.75
TOTAL WARRANT REGISTER	\$2,700,543.50

Payroll Register

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

Warrant Nos. 465 through 467 and Automatic Deposit Advises 29985 through 30271 for the period of 1/18/2016 through 1/31/2016, paid on 2/5/2016, in the amount of \$390,563.11

TOTAL PAYROLL REGISTER \$390,563.11

D. **Contract Award – Primary Clarifier Number 5 Rehabilitation (Sludge Collection Equipment)**

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

1. Approve the plans and specifications for the Primary Clarifier No. 5 Rehabilitation (Sludge Collection Equipment), Project No. 16204.
2. Approve a supplemental appropriation in the amount of \$205,055 from the Sewer Depreciation Reserve Fund Account 054-476-45300-000-16204.
3. Approve, and authorize the Mayor to execute, Contract C16-01, by and between the City of San Clemente and Spiess Construction Company, providing for the rehabilitation of Primary Clarifier No. 5 (Sludge Collection Equipment), in the amount of \$275,700.

F. **Parking Agreement – La Ventura Event Center**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM WARD, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C16-06, a Parking Agreement by and between the City of San Clemente and Roca Vista Investments, LLC, dba La Ventura Events Center, providing for the construction, lease and non-exclusive use of 22 parking spaces on City-owned property located on the northwestern side of the Municipal Golf Course.

G. **Contract Award – Pier Plank Replacement**

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

1. Approve the plans and specifications for the Pier Plank Replacement, Project No. 25802.
2. Approve a supplemental appropriation in the amount of \$14,300 from the unassigned General Fund to Account 001-636-45700-000-25802.
3. Approve, and authorize the Mayor to execute, Contract C16-07, by and between the City of San Clemente and Bellingham Marine Industries, Inc., providing for the replacement of planks on the San Clemente Pier, in the amount of \$99,874.

I. **Parking Prohibitions – Avenida Cabrillo**

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

1. Prohibit parking on both sides of Avenida Cabrillo, for a distance of sixteen (16) feet along the two catch basins adjacent to and across from 240 Avenida Cabrillo.
2. Adopt Resolution No. 16-06 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING 'NO PARKING AREAS' ON AVENIDA CABRILLO.

J. **Parking Modifications – Boca De La Playa**

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

1. Relocate two metered parking spaces at 107 and 109 Boca De La Playa to the northwest and southwest corners of Avenida Pico and Boca De La Playa.
2. Prohibit parking on Boca De La Playa, south side, at 107 Boca De La Playa for a distance of twenty-two (22) feet and at 109 Boca De La Playa for a distance of eighteen (18) feet east of the driveway.
3. Adopt Resolution No. 16-07 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING 'NO PARKING AREAS' ON BOCA DE LA PLAYA.

K. **Policy and Procedure 103-2-1 – Wall of Recognition**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM WARD, CARRIED 5-0, to approve modifications to Policy and Procedure 103-2-1 (Wall of Recognition), to include the following: 1) streamlining of the nomination and approval process including the nomination due date, 2) inclusion of a Staff member, a Beaches, Parks and Recreation Commission member, and a Human Affairs Committee member on the Wall of Recognition Committee, and 3) allowing Council to both approve and recognize the Wall of Recognition honoree at the same meeting.

M. **Appointment of Interim Human Resources Manager**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM WARD, CARRIED 5-0, to adopt Resolution No. 16-08 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE APPOINTMENT OF THERESA ST. PETER AS INTERIM HUMAN RESOURCES MANAGER.

N. **Notice of Completion – Community Center Painting**

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

1. Accept the Community Center Painting, Project No. 14503, from the contractor, Astro Painting Company, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Community Center Painting Project.
3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion, upon verification with the Maintenance Services Division that no liens have been levied against Astro Painting Company, Inc.
4. Authorize the City Clerk to release the Performance Bond.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

A. **City Council Minutes**

Following clarification that Council policy provides for action minutes, MOTION BY MAYOR PRO TEM WARD, SECOND BY MAYOR BAKER, CARRIED 5-0, to approve the minutes of the Special and Regular City Council Meeting of January 19, 2016.

E. **Lease Agreement – North Beach Passenger Services Building (1900 North El Camino Real)**

Assistant City Manager Sund reported that the tenant at the North Beach Passenger Services Building requested that the termination clause be amended to reflect a 60-day written termination with a prorated true-up to the gross receipts.

MOTION BY COUNCILMEMBER BROWN, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C16-05, a Standard Single-Tenant Lease-Gross with Addendum, by and between the City of San Clemente and Pete Van Nuys, providing for the lease of the North Beach Passenger Services building, located at 1900 North El Camino Real, as amended to reflect a 60-day written termination with a prorated true-up to the gross receipts.

H. **Conceptual Design – Camino Del Rio Intersection Improvements Project**

Steve Swartz, San Clemente, suggested that reducing the lanes on Camino Del Rio is counterintuitive inasmuch as traffic will increase when Camino Del Rio and Avenida La Pata are connected.

Lee Mathis, San Clemente, voiced support for roundabouts because of his belief that they effectively move traffic.

Brenda Miller, San Clemente, voiced support for the proposal, explaining that roundabouts slow traffic and promote traffic flow.

Senior Transportation Engineer Rosales reviewed the contents of the Administrative Report and, along with Transportation Engineering Manager Frank, responded to Council inquiries.

Michael Wallwork, President of Alternate Street Design, explained the benefits of roundabouts and responded to Council inquiries.

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

1. Approve the conceptual design for the Camino Del Rio Intersection Improvements project as provided in Attachments 2 and 3 of the Administrative Report, dated February 16, 2016, which is on file with the City Clerk.
2. Approve re-striping Camino Del Rio from four lanes to two lanes with a center turn lane from Camino De Los Mares to 500 feet east of Calle Precipicio.
3. Approve and direct staff to seek OCTA approval to change the Master Plan of Arterial Highways (MPAH) designation of portions of Camino Del Rio and Camino De Los Mares.

L. Contract Award – City Tree Inventory

Maintenance Services Manager Little responded to Council inquiries relative to the role that the proposed tree inventory will play in helping to ensure a healthy and sustainable urban forest.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR BAKER, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C16-08, by and between the City of San Clemente and Dudek and Associates, providing for a City Tree Inventory, in the amount of \$60,000, including a \$12,000 contingency for additional tree inventory tasks that can only be performed after receiving prior written consent from the Maintenance Services Manager.

O. SB 876 (Liu) - Enforcement of Local Ordinances

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

1. Oppose SB 876.
2. Direct Staff to send the opposition letter that is attached to the Administrative Report, dated February 16, 2016 and on file with the City Clerk, to the author of the bill as well as the individuals listed in the “cc” section of the letter, after the following modifications are made to the letter:
 - Paragraphs 3 and 4 are to be deleted.
 - The language that currently reads “I regret to inform you” is to be replaced with “On behalf of the City of San Clemente, I wish to inform you”.

7. PUBLIC HEARINGS**A. Smoking Ban – Beach and Trail Access Points**

Public Hearing to consider a City-initiated proposal to amend the Code of the City of San Clemente to prohibit smoking at the beach and trail access points. The Beaches, Parks and Recreation Commission considered the proposal at its meeting of January 12, 2016 and recommended Council approval.

Assistant Beaches, Parks and Recreation Director Passow reviewed the contents of the Administrative Report.

Mayor Baker opened the Public Hearing.

Wayne Richardson, San Clemente, conveyed support for the proposed smoking ban.

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

MOTION BY COUNCILMEMBER HAMM, SECOND BY MAYOR PRO TEM WARD, CARRIED 5-0, to introduce Ordinance No. 1618 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 8.64 OF THE SAN CLEMENTE MUNICIPAL CODE TO MODIFY SECTION 8.64.140, TITLED: BEACHES-SMOKING PROHIBITED AND SECTION 8.64.170, TITLED: PUBLIC TRAILS – SMOKING PROHIBITED.

B. Sign Exception Permit and Sign Ordinance Amendments - Zoning Amendment 15-225 and General Plan Amendment 16-002

Public Hearing to add General Plan policies regarding freeway-oriented signs and consideration of the removal of the Sign Exception Permit provisions and modifications to the sign ordinance, including but not limited to, removal of freeway-oriented signs, limitations on the size of signs, and amortization provisions.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER HAMM, to continue the Public Hearing on Zoning Amendment 15-225/General Plan Amendment 16-002, Sign Exception Permit and Sign Ordinance Amendments, to the City Council meeting of March 1, 2016.

Mayor Baker opened the Public Hearing.

Lew Avera, San Clemente, expressed that businesses need signage to promote their identity.

Gregory Briggs, representing Thrifty Oil Company, reported that Thrifty owns two service stations that have freeway-oriented signs; conveyed Thrifty's opposition to the removal of its freeway-oriented signs because a significant amount of its business comes from freeway customers.

Paul Chopra, owner of Denny's, explained that freeway-oriented signage attracts spontaneous customers; stated that the Denny's in San Juan Capistrano lost 47% of its business after it was required to remove its pole sign and that the reduction in business ultimately led to its closure; opined that signs bring revenue and tourism to the City.

Steve Knoblock, San Clemente, urged Council to not amend the current sign Ordinance; asserted that a lack of signage will negatively impact businesses.

Brad Malamud, San Clemente, spoke on the importance of freeway-oriented signs, noting that they increase business by 30-50% and enhance City revenue; noted that some freeway-oriented signs in the City have become community icons.

Hiram deFries explained that his family owns the Shell Gas Station on El Camino Real; spoke on the significant costs associated with operating a business and opined that removing Shell's freeway sign will threaten the station's viability; explained that businesses near his family's service station also benefit from their freeway-oriented sign.

No others desired to speak at this time.

THE MOTION ON THE FLOOR WAS VOTED ON AND CARRIED 5-0.

8. **UNFINISHED BUSINESS**

None.

9. **NEW BUSINESS**

A. **Orange County Transportation Authority Grant (OCTA) Submittal - San Clemente Trolley Project**

Report from the Public Works Director/City Engineer concerning the possibility of submitting a grant application to the Orange County Transportation Authority for a San Clemente Trolley.

Senior Transportation Engineer Rosales narrated a PowerPoint presentation entitled "San Clemente Trolley OCTA Project V Grant Application", and together with Public Works Director/City Engineer Cameron and Transportation Engineering Manager Frank, responded to Council inquiries. A hard copy of Ms. Rosales' presentation is on file with the City Clerk.

Brenda Miller, San Clemente, spoke in support of a San Clemente trolley; stated that the trolley will benefit all residents, since even those who do not use the trolley will benefit from a reduction in traffic and parking congestion; suggested that the trolley should accommodate bicycles.

Lew Avera, San Clemente, spoke in support of the proposed trolley; suggested that residents of Forster Ranch and Talega would appreciate the ability to use a trolley to access the outlets, downtown, and beach.

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

1. Authorize the submittal of a Measure M2 (Project V) grant application to OCTA for a San Clemente Trolley/Circulator, with the following alterations:
 - a. Figure 1 in Attachment 3 to the Administrative Report, dated February 16, 2016 and on file with the City Clerk, is to be modified to reflect a trolley route to the exterior of the outlet mall into the Shorecliffs parking lot, and Figure 3 in Attachment 3 to the Administrative Report, dated February 16, 2016 and on file with the City Clerk, is to be amended to include an exterior route that would go up Vista Hermosa and back to the Talega area for future consideration.
 - b. That the Friends of the Beaches, Parks and Recreation Commission be informed that its offer to contribute \$10,000 toward the City's share of the grant is appreciated, but is completely voluntary and does not reflect a quid pro quo.
 - c. Authorize City Staff to develop with OCTA Staff, an amended Project V application that would include a ride-sharing component to help replace any bus service that may potentially be lost if Routes 191 and 193 are eliminated.
2. Adopt Resolution No. 16-09 entitled A RESOLUTION OF THE CITY COUNCIL OF SAN CLEMENTE, CALIFORNIA, APPROVING THE SUBMITTAL OF THE SAN CLEMENTE TROLLEY PROJECT TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER PROJECT V COMMUNITY BASED TRANSIT/CIRCULATORS PROGRAM. The project name within the body of the resolution will be changed to "San Clemente Trolley Project and Rideshare Beta Test Rider".

Council requested a status report on the trolley program's level of success at the end of summer 2017.

Councilmember Hamm left the meeting at 9:30 p.m.

B. Beaches, Parks and Recreation Master Plan Update - Request for Proposals

Report from the Beaches, Parks and Recreation Department concerning the possibility of authorizing the release of an updated Beaches, Parks and Recreation Master Plan Request for Proposals.

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

Wayne Richardson, San Clemente, spoke in opposition to dogs on beaches for safety reasons; stated it is more important for lifeguards to focus their attention on people in the water as opposed to responding to complaints about dogs.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM WARD, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to approve the release of the updated Beaches, Parks and Recreation Master Plan Request for Proposals, with the following directions:

- a. The Master Plan is to include a 15-year time horizon.
- b. The Bicycle Master Plan is to be called out specifically in the RFP.
- c. The consultant is to emulate Section 6 (Funding and Implementation Strategies) as contained in the Huntington Beach Parks and Recreation Master Plan.
- d. The consultant is to engage the leaders of the action sports industry in San Clemente to obtain their input and knowledge, and to identify potential private/public financial opportunities.

Councilmember Donchak left the meeting at 9:55 p.m.

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

None.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. **City Attorney**

None.

D. **Council Members**

AB 1666 (Brough) – Taxpayer Transparency and Accountability Bill

Councilmember Brown requested that AB 1666 be agendaized for the March 1, 2016 Council meeting to enable Council to consider supporting the subject legislation.

San Clemente High School Basketball Game

Mayor Baker reminded Council and residents of the San Clemente High School Basketball game scheduled for February 17, 2016 at 7:00 p.m.

12. **RESOLUTIONS/ORDINANCES**

A. **Ordinance No. 1617 (Second Reading) – Regulation of Short-Term Lodging Units**

Councilmember Brown recused himself from deliberations on this item because his wife works in the real estate industry and the item being discussed could have a material effect on the real estate market; left the meeting room at 7:52 p.m.

Larry Wurth, San Clemente, stated he was not in attendance for previous meetings and requested information on the content of Ordinance No. 1617.

City Attorney Smith reported that the Ordinance defines in greater specificity the definition of a short-term vacation rental unit, imposes new regulations, and freezes the opportunity for additional short-term rentals in the City.

Jennifer Massey, San Clemente, noted that the company that manages her vacation rental requires tenants to execute written contracts that include a provision for eviction if rules are violated; suggested that the City may wish to require other owners of short-term vacation rentals to utilize similar contracts.

Wayne Richardson, San Clemente, opined that short-term rentals are changing the character of the City.

MOTION BY COUNCILMEMBER HAMM, SECOND BY MAYOR PRO TEM WARD, CARRIED 3-1-1 (COUNCILMEMBER DONCHAK VOTING NOE AND COUNCILMEMBER BROWN RECUSED) to adopt Ordinance No. 1617 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA AMENDING SAN CLEMENTE MUNICIPAL CODE SECTION 1.16.030 REGARDING VIOLATIONS OF STATE OR FEDERAL LAW, CHAPTER 3.24, ARTICLES I AND III, REGARDING SHORT-TERM LODGINGS, SECTION 8.48.040 REGARDING GENERAL NOISE REGULATIONS, AND SECTION 9.16.010 REGARDING LOUD AND UNRULY GATHERINGS, AND ADDING CHAPTER 9.20 REGARDING REPEAT NUISANCE SERVICE-CALL FEE.

Councilmember Brown returned to the dais at 8:05 p.m.

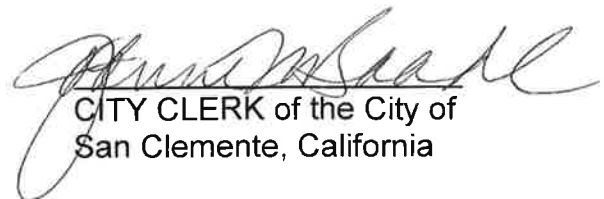
13. **ADJOURNMENT**

MOTION BY MAYOR PRO TEM WARD, SECOND BY MAYOR BAKER, CARRIED 3-0 (COUNCILMEMBER DONCHAK AND COUNCILMEMBER HAMM ABSENT), to adjourn at 9:57 p.m. to an Adjourned Regular Council Meeting to be held on February 25, 2016 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California at 4:00 p.m. for the purpose of considering the Long-Term Financial Plan.

The next Regular City Council Meeting will be held on March 1, 2016 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