

# CITY OF SAN CLEMENTE

## City Council Minutes

### Special and Regular City Council Meeting – March 15, 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 Regular Meeting of the San Clemente City Council was called to order on March 15, 2016 at 4:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Baker.

**PRESENT** BROWN\*, DONCHAK, HAMM, WARD, MAYOR BAKER  
\*Arrived at 4:05 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 PRO TEM WARD, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 4-0 (COUNCILMEMBER BROWN ABSENT), to recess to Closed Session at 4:05 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: 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

*Closed Session items continued on following page*

- C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**  
Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2)  
Number of potential cases: 2
  
- D. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**  
Pursuant to Government Code Section 54956.9(d)(4)  
Initiation of litigation  
Number of potential cases: 2
  
- E. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
Pursuant to Government Code Section 54957  
Title: City Attorney

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 A, B, and C, and for one of the potential cases included in Closed Session Item D. Cathy Salerno, representing Best Best & Krieger, was in attendance for Closed Session Item C and for one of the potential cases included in Closed Session Item D.

**MEETING RECONVENED**

Council reconvened at 6:06 p.m., with all members present.

**INVOCATION**

David Keehn, Senior Chaplain with the Orange County Fire Authority, gave the invocation.

**PLEDGE OF ALLEGIANCE**

Boy Scout Mason Ord led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **San Clemente High School Update**

San Clemente High School student McKenna Brownell narrated a PowerPoint presentation entitled "San Clemente High School – Month of March" concerning San Clemente High School campus activities. A hard copy of the presentation is on file with the City Clerk.

**B. Chris Carter, Principal, San Clemente High School**

San Clemente High School Principal Chris Carter provided an update on San Clemente High School.

**C. Presentation of Commendation – Cabrillo Playhouse 50<sup>th</sup> Anniversary**

Mayor Baker presented a Commendation to Cabrillo Playhouse Board President Diana Kelly and Vice President Ron Mennelson, in recognition of the 50<sup>th</sup> Anniversary of the Cabrillo Playhouse at its Avenida Cabrillo location.

**D. Orange County Human Relations Update**

Francisco Marmolejo, of Orange County Human Relations, presented the Orange County Human Relations Annual Report and provided an update concerning Orange County Human Relations activities. A hard copy of the Annual Report is on file with the City Clerk.

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

**Sober Living Facility**

Claire Messier, San Clemente, urged Council to uphold the moratorium on sober living facilities in residential zones; expressed concern that a sober living facility has opened on La Ventana, which is in close proximity to a senior citizen community, day care center, and church.

Community Development Director Gallardo-Daly reported on the rehabilitation facility on La Ventana, noting that it is not subject to the moratorium because it is categorized as a mental health facility, as opposed to a sober living facility.

City Attorney Smith added that if a mental health or sober living facility has a State license, then the City's zoning does not apply; noted that Staff is researching the circumstances associated with the La Ventana facility to determine if a State license exists.

Mirka Jaros, San Clemente, voiced concern regarding the rehabilitation home in her neighborhood; noted that addiction can be considered mental illness and urged Council to add mental illness facilities to the moratorium.

Mary Ann Mattingly, San Clemente, voiced concern with the rehabilitation facility on La Ventana which opened as a mental illness facility; suggested that mental illness and drug addiction are inter-related; urged Council to include mental illness facilities in the moratorium on rehabilitation facilities.

### Recreational Vehicle Parking

Carolyn Novotny, San Clemente, urged Council to reconsider the City's restrictions for parking recreational vehicles on public streets; noted that the City currently allows recreational vehicles to be parked on the street for a 36-hour period for no more than six times per year; described the challenges that the current restrictions cause for recreational vehicle owners.

### District Councilmember Elections/Intimidation of Public Speakers

Jim Bieber, San Clemente, spoke in support of enacting Councilmember elections as opposed to at-large Councilmember elections; stated that he was intimidated at the last Council meeting.

### San Clemente Village

Bob Coff, Treasurer of San Clemente Village, provided an update on the San Clemente Village and invited residents to attend an informational meeting on March 22, 2016 at the Community Center. A hard copy of the San Clemente Village brochure, which was distributed to Council at the meeting, is on file with the City Clerk.

### Short Term Lodging Units (STLUs)

Joe Janis, San Clemente, voiced concern that short term lodging units are not compatible with residential areas; asserted that STLUs constitute commercial businesses in residential neighborhoods; suggested short-term rentals are non-compliant with the Centennial General Plan.

Tricia Mading, San Clemente, opined that short-term rentals are not consistent with the General Plan, challenge the local infrastructure, and jeopardize the safety and security of neighboring residents; suggested that the City's STLU ordinance should include a limit on the number of day guests and a definition of "bedroom"; suggested that security bonds should be required.

### Water Conservation

Lucian Toma, representing the Ecology Center in San Juan Capistrano, narrated a PowerPoint presentation entitled "Introducing the Water Effect". A hard copy of Mr. Toma's PowerPoint is on file with the City Clerk.

**First Amendment Rights/Anti-Business Ordinance**

Brad Malamud, San Clemente, asserted that an abridgment of First Amendment Rights occurs when the Mayor asks members of the public to not applaud or react to comments made during Council meetings; suggested that Council appears to be anti-business because it adopts Ordinances, such as signage regulations, even though public concern has not been expressed.

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 announced that Council took no reportable action during this evening's Closed Session.

6. **CONSENT CALENDAR**

MOTION BY MAYOR PRO TEM WARD, SECOND BY COUNCILMEMBER BROWN, CARRIED 5-0, to approve the Consent Calendar, with the removal of Items A-1, D, M and N. Mayor Baker announced that he would recuse himself from voting on Item 6-I because he lives within 500 feet of the sand replenishment project.

- A. **City Council Minutes**

2. MOTION BY MAYOR PRO TEM WARD, SECOND BY COUNCILMEMBER BROWN, CARRIED 5-0, to approve the minutes of the Adjourned Regular City Council Meeting of February 25, 2016.

**B. Receive and file:**

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

1. Minutes of the Regular Beaches, Parks and Recreation Commission Meeting of February 9, 2016.
2. Minutes of the Adjourned Regular Planning Commission Meeting of February 24, 2016.
3. Minutes of the Adjourned Regular Planning Commission Meeting of March 2, 2016.
4. Minutes of the Regular Zoning Administrator Meeting of March 2, 2016.

**C. Warrant Register**

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

Wire Transfer No. 1486 and  
 Warrant Nos. 530877 through 531020  
 paid on 2/26/2016, in the amount of ..... \$3,480,290.16

Wire Transfer Nos. 1487 through 1490  
 and Warrant Nos. 531021 through 531187  
 paid on 3/4/2016, in the amount of ..... \$3,021,524.20

TOTAL WARRANT REGISTER ..... \$6,501,814.36

**Payroll Register**

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

Warrant Nos. 471 through 472 and  
 Automatic Deposit Advises 30568 through 30866  
 for the period of 2/15/16 through 2/28/16  
 paid on 3/4/2016, in the amount of ..... \$ 387,950.06

TOTAL WARRANT REGISTER ....\$ 387,950.06

E. **Establishment of 2016 Weed Abatement Program**

MOTION BY MAYOR PRO TEM WARD, SECOND BY COUNCILMEMBER BROWN, CARRIED 5-0, to adopt Resolution No. 16-15 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PURSUANT TO SECTIONS 39561 AND 39562 OF THE CALIFORNIA GOVERNMENT CODE DECLARING WEEDS, RUBBISH, REFUSE, AND DIRT UPON STREETS, SIDEWALKS, PARKWAYS, AND PRIVATE PROPERTY TO BE PUBLIC NUISANCES AND PROVIDING FOR THE ABATEMENT THEREOF.

F. **Acceptance Of Sidewalk Easement and Drainage Easement – 2316 South El Camino Real for the La Ventura Event Center**

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

1. Accept the Sidewalk Easement from Roca Vista Investments, LLC.
2. Accept the Drainage Easement from Roca Vista Investments, LLC.
3. Approve, and authorize the Mayor and City Clerk to execute, the Sidewalk Easement Deed and Storm Drain Easement Agreement.
4. Authorize the City Clerk to submit the Sidewalk Easement Deed and the Storm Drain Easement Agreement to the Orange County Recorder for recordation.

G. **Contract Award – Montalvo Canyon Outlet Study and Improvements**

MOTION BY MAYOR PRO TEM WARD, SECOND BY COUNCILMEMBER BROWN, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C16-16 by and between the City of San Clemente and Fluvial Tech, Inc., providing for environmental permitting and engineering services for the Montalvo Outlet Study and Improvements (Project #16004), in the amount of \$178,079.

H. **Contract Award – Water Reclamation Plant (WRP) Sewer Line Upsizing for M02 Treatment (M02 Influent Force Main and Backwash Bypass Modifications)**

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

1. Approve the plans and specifications for the WRP Sewer Line Upsizing for M02 Treatment (M02 Influent Force Main and Backwash Bypass Modifications), Project No. 16208.
2. Approve, and authorize the Mayor to execute, Contract C16-11 by and between the City of San Clemente and GCI Construction, Inc., providing for the WRP Sewer Line Upsizing for M02 Treatment (M02 Influent Force Main and Backwash Bypass Modifications), in the amount of \$47,750.

I. **Grant Application – Beach Sand Replenishment Project**

Mayor Baker recused himself from voting on this item because he lives within 500 feet of the project.

MOTION BY MAYOR PRO TEM WARD, SECOND BY COUNCILMEMBER BROWN, CARRIED 4-0-1 (MAYOR BAKER RECUSING), to adopt Resolution No. 16-16 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS UNDER THE CALIFORNIA DIVISION OF BOATING AND WATERWAYS PUBLIC BEACH RESTORATION PROGRAM FOR CONSTRUCTION OF THE U.S. ARMY CORPS OF ENGINEERS BEACH SAND REPLENISHMENT PROJECT.

J. **Contract Award –Water Reclamation Plant (WRP) Building K Double Interlock Pre-Action and Aerosol Fire Suppression Systems**

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

1. Approve the plans and specifications for the WRP/Building K Double Interlock Pre-Action and Aerosol Fire Suppression Systems, Project No. 25207.
2. Approve, and authorize the Mayor to execute, Contract C16-12, by and between the City of San Clemente and Schmidt Fire Protection, providing for the WRP/Building K Double Interlock Pre-Action and Aerosol Fire Suppression Systems, in the amount of \$308,000.

*Motion continued on following page*



3. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract AC-615, by and between the City of San Clemente and Jensen and Hughes. This Amendment will increase the contract amount from \$24,850 to \$44,850, an increase of \$20,000.

K. **Contract Award – Temporary Staffing Services (Wastewater Plant Operations)**

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

1. Approve, and authorize the Mayor to execute, Contract C16-13, by and between the City of San Clemente and Aqua Staffing LLC, providing for temporary staffing services for Wastewater Plant Operations, for a 60-day period, in an amount not to exceed \$50,000.
2. Authorize a budget transfer in the amount of \$50,000 from Treatment Salaries, Regular Full-Time Account 054-472-41010 to Treatment Other Contractual Services Account 054-472-43890.

L. **ICMA Retirement Corporation Governmental Money Purchase Plan & Trust Adoption Agreement**

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

1. Adopt Resolution No. 16-17 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE AMENDED AND RESTATED ICMA RETIREMENT CORPORATION GOVERNMENTAL MONEY PURCHASE PLAN & TRUST ADOPTION AGREEMENT.
2. Approve, and authorize the City Manager to execute, Contract C16-14, the ICMA Retirement Corporation Governmental Money Purchase Plan & Trust Adoption Agreement.

O. **Contract Award – Legislative Advocacy Services**

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

1. Approve, and authorize the City Manager to execute, Contract C16-15, by and between the City of San Clemente and Aprea & Micheli, providing for Legislative Advocacy Services, in an amount not to exceed \$60,000, for a one-year term, with the option to renew for one year.
2. Approve a supplemental appropriation of \$60,000 from the General Fund's Unassigned Fund Balance to Account No. 001-203-43690-000-00000.

P. **AB 1707 (Linder) – Public Records Act: Response to Request**

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

1. Oppose SB 1707 (Linder).
2. Direct Staff to send the opposition letter that is attached to the Administrative Report, dated March 15, 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.

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

A-1. **City Council Minutes**

MOTION BY MAYOR PRO TEM WARD, SECOND BY COUNCILMEMBER BROWN, CARRIED 5-0, to approve the minutes of the Special and Regular City Council Meeting of February 16, 2016, with the below change to Page 19 on Item 9-B. (Beaches, Parks and Recreation Master Plan – Request for Proposals):

- 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.

*\*Revised verbiage included in italicized type*

D. **Notice of Completion – Street Rehabilitation and Slurry Seal for Avenida La Pata, from Via Onda to Calle Extremo**

Deputy Public Works Director Bonigut responded to Council inquiries concerning future plans to replace the waterline on Avenida La Pata from Via Onda to Calle Extremo.

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

1. Accept the Street Rehabilitation and Slurry Seal for Avenida La Pata, from Via Onda to Calle Extremo (Project No. 15312), from the contractor, All American Asphalt.
2. Approve, and authorize the Mayor to execute and the City Clerk to record, the Notice of Completion for the Street Rehabilitation and Slurry Seal for Avenida La Pata, from Via Onda to Calle Extremo.
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, All American Asphalt.
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.

M. **San Clemente Municipal Golf Course – Site Visit Report**

Golf Course Manager Nelson reviewed the contents of the Administrative Report and responded to Council inquiries.

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

1. Receive and file the report by the USGA Course Consulting Service on the assessment of the 2016 Golf Division programs.
2. Direct Staff to implement the recommended actions in the report that can be completed within the existing golf operations budget.
3. Provide a supplemental appropriation of \$20,000 from the Golf Course Capital Improvement Reserve Fund, Account 056-667-45300, to re-level and re-sod six tee boxes at the San Clemente Municipal Golf Course.
4. Direct Staff to provide periodic updates on the status and progress of implementation.

N. **Donation from Positive Vibe Warriors to San Clemente Lifeguard and Junior Guard Foundation**

Council, together with Marine Safety Lieutenant Mellott, thanked the Gudauskas family for the Stoke-o-Rama surf contest events and expressed gratitude for the \$10,000 donation from the Positive Vibe Warriors to the San Clemente Lifeguard and Junior Lifeguard Foundation.

MOTION BY COUNCILMEMBER HAMM, SECOND BY MAYOR BAKER, CARRIED 5-0, to direct Staff to receive and file the Administrative Report relating to the \$10,000 donation to the San Clemente Lifeguard and Junior Lifeguard Foundation from Positive Vibe Warriors. The subject report, dated March 15, 2016, is on file with the City Clerk.

7. **PUBLIC HEARINGS**

A. **Establishment of a Fee for Short Term Lodging Unit Permits and Repeat Nuisance Service Calls**

Public Hearing to consider the adoption of a processing fee for Short-Term Lodging Unit (STLU) permits and a fee for repeat nuisance service calls.

City Planner Pechous reviewed the contents of the Administrative Report and responded to Council inquiries.

Mayor Baker opened the Public Hearing.

Jim Bieber, San Clemente, spoke in support of fees for repeat nuisance calls; opined the City intends to zone short term lodging units out of existence.

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

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

1. Adopt Resolution No. 16-18 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING A FEE FOR SHORT TERM LODGING UNIT PERMITS, with the modification that Section 2 be expanded to provide that the fee will be reviewed at appropriate intervals to ensure cost recovery.

*Motion continued on following page*

2. Adopt Resolution No. 16-19 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING A FEE FOR REPEAT NUISANCE SERVICE-CALLS, with the modification that Section 2 be expanded to provide that the fee will be reviewed at appropriate intervals to ensure cost recovery.

**B. Repeal of Urgency Ordinance Which Extended a Temporary Moratorium on the Establishment and Permitting of Alcohol or Other Drug Abuse Programs in Commercial Zones**

Public Hearing to consider repealing an interim urgency ordinance that extended a temporary moratorium on new alcohol or other drug abuse programs in commercial zones.

City Planner Pechous reviewed the contents of the Administrative Report and responded to Council inquiries.

Mayor Baker opened the Public Hearing.

Olga Reznik, San Clemente, stated that she owns property on La Ventana that is in close proximity to a home that was rented as a mental health facility; opined that the City needs to address mental health facilities to avoid a proliferation of facilities and associated problems; asserted that rehabilitation facilities do not treat residents and cited that overdose deaths have occurred in rehabilitation homes.

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

Council requested that Staff research the possibility of requiring that the City be reimbursed for emergency service costs incurred in responding to sober living facilities.

MOTION BY COUNCILMEMBER BROWN, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to adopt Urgency Ordinance No. 1620 entitled AN URGENCY ORDINANCE OF THE CITY OF SAN CLEMENTE REPEALING ORDINANCE NO. 1606, WHICH EXTENDED A TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND PERMITTING OF ALCOHOL OR OTHER DRUG ABUSE PROGRAMS IN COMMERCIAL ZONES TO ALLOW TIME FOR CONSIDERATION OF APPROPRIATE AMENDMENTS TO THE CITY MUNICIPAL CODE.

**MEETING RECESSED**

Council recessed at 7:52 p.m. and reconvened at 8:12 p.m., with all members present.

## 8. UNFINISHED BUSINESS

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

Report from the Community Development Director concerning the possibility of adding 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, prohibition of new freeway-oriented signs and limitations on the size of signs.

Associate Planner Nicholas reviewed the contents of the Administrative Report, and along with City Planner Pechous, responded to Council inquiries.

City Attorney Smith noted that the Public Hearing on this issue was closed at the last meeting, but State law allows the public to comment on any item on the agenda; explained that Council can hear public commentary this evening, but must use only the evidence provided during the hearing in making its decision, unless it directs Staff to re-notice the Public Hearing.

Gregory Weiler, attorney representing Valero Gas Station, referenced his letter, dated March 15, 2016; suggested the proposed Ordinance could affect the pending Conditional Use Permit for Valero Gas Station and proposed that any business that has been in effect for 15 years and has a pending application for an existing Conditional Use Permit should be exempt from the Ordinance under consideration. A hard copy of Mr. Weiler's letter is on file with the City Clerk.

Kevin Daehnke, San Clemente, spoke in opposition to the proposed Ordinance; voiced concern that the terms are vague, subject to interpretation, and overly restrictive; distributed a letter to the City Council, which is on file with the City Clerk.

Patty Eastwood, San Clemente, spoke on the importance of signage for visitors and safety for travelers.

Brad Malamud, San Clemente, opined that Council should consider commentary expressed this evening in making its decision because the proposed ordinance changed since the last meeting; asserted that prohibiting freeway-oriented signs is tantamount to spot zoning and is arbitrary and capricious inasmuch as the same signs would be legal elsewhere in the City; suggested that the proposed action will hinder business viability and decrease City revenue.

Gregory Briggs, representing Thrifty Oil Company, spoke in opposition to the proposed Ordinance; suggested the amendments are flawed and inflexible; urged Council to oppose the Ordinance.

Scott Williams, San Clemente, disagreed that cell phones negate the need for signage and cited dangers associated with utilizing cell phones while driving; disputed that the removal of freeway signs will increase safety and/or reduce driver distraction.

Eddie Ghassemi, Valero Gas Station, asserted that his business is being discriminated against because he has a permit application pending; opined that freeway signs attract business to the gas station; noted that he has received over 1,000 signatures on a petition from persons who support the remodel and signage for his gas station.

Jack Miller, San Clemente, spoke in support of freeway signage and urged Council to approve the Valero Gas Station remodel and sign permit.

Lew Avera, San Clemente, spoke in support of freeway-oriented signs and sign exception permits; noted the importance of freeway signage when traveling in unfamiliar areas.

Bill Hart, representing the Friends of San Clemente Foundation, spoke on the importance of signage for businesses; urged Council to take a pragmatic approach when considering signage; spoke in support of the Valero Gas Station sign.

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

1. Introduce Ordinance No. 1619 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING ZONING AMENDMENT 15-225, AMENDING TITLE 17 OF THE SAN CLEMENTE MUNICIPAL CODE REGARDING SIGN REGULATION, with the modification that the two definitions under "Signs" on page 6 of the Ordinance be altered to read as follows:

25.1 "Change of use" means any use that differs from the previous use of the building or land.

105.1 "Use" means the purpose for which land or a structure is permitted.

2. Adopt Resolution No. 16-13 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT 16-002, RELATED TO FREEWAY ORIENTED SIGNS.

In response to Council inquiry, City Attorney Smith opined that Mr. Malamud's comments concerning the admissibility of commentary raised this evening in Council's decision is moot given the fact that no issues were raised this evening that weren't raised in concept or other form during the Public Hearing.

9. **NEW BUSINESS**

A. **Payment of Negocio Certificates of Participation (COPs)**

Report from the Assistant City Manager concerning payment of the Negocio Certificates of Participation (COPs).

Assistant City Manager Sund reviewed the contents of the Administrative Report and responded to Council inquiries.

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

1. Approve a transfer of funds from the General Fund to the Negocio Debt Service Fund in the amount of \$1,345,000.
2. Approve a supplemental appropriation in the amount of \$1,340,000 to Negocio Debt Service Fund Principal Expenditure Account 006-803-48190 and a supplemental appropriation of \$5,000 to the Negocio Debt Service Fund Legal Services Expenditure Account 006-803-43640.

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

None.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. **City Attorney**

None.



## D. Council Members

1. Consideration of agendizing for Council consideration at its meeting of April 5, 2016, the possibility of adding a ballot measure to the November 8, 2016 election relating to district Councilmember elections. (Councilmember Donchak)

Jim Bieber, San Clemente, stated that a Notice of Intent to Circulate Petition was signed by representatives of the community and served with the City Clerk; noted that the Notice of Intent requested that a ballot title and summary be prepared to enable an initiative petition to be circulated in support of district representation on Council; urged Council to add the issue to the ballot to avoid the necessity for an initiative to be circulated.

Brad Malamud, San Clemente, urged Council to place Councilmember Districts on the November 2016 ballot; stated that if this item is not placed on the ballot by Council, he will circulate an initiative petition to allow voters to decide whether or not Councilmanic district elections should be enacted.

MOTION BY COUNCILMEMBER DONCHAK to agendize district elections for Council consideration at its meeting of April 5, 2016. **The motion died for lack of a second.**

### Metrolink Application

Councilmember Hamm reported that he used the new Metrolink App to purchase tickets for Metrolink; noted that the App worked well except that it listed only one stop for San Clemente and did not differentiate between North Beach and the Pier.

### Save San Clemente Hospital Rally

Councilmember Hamm and Mayor Baker reported on their attendance at the Save San Clemente Hospital rally and expressed concern with the pending closure of the hospital.

**ACC-OC Infrastructure Tour Series**

Councilmember Brown reviewed the Infrastructure Tour Series that is being hosted by ACC-OC.

**Community Engagement Panel**

Councilmember Brown reported that the next Community Engagement Panel meeting is scheduled for March 24, 2016.

**Audible Warning System**

Councilmember Donchak reported that the Audible Warning System on the beach trail will be activated in late April/early May.

**San Clemente Village**

Mayor Baker invited the public to attend the San Clemente Village meeting on March 22, 2016 at the Community Center.

**St. Patrick's Day Exchange Club Dinner**

Mayor Baker invited the public to attend the Exchange Club's annual St. Patrick's Day dinner on March 19, 2016 at the Community Center.

**Springtacular**

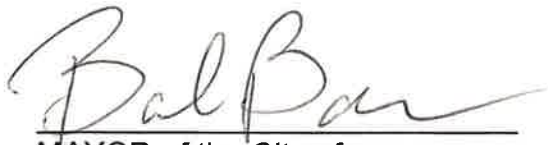
Councilmember Brown invited the public to attend the Springtacular event on March 26, 2016 at Vista Hermosa Sports Park.

12. **RESOLUTIONS/ORDINANCES**

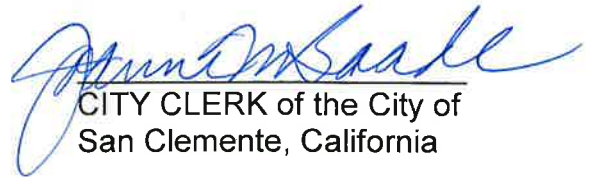
None.

13. ADJOURNMENT

MOTION BY MAYOR BAKER, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to adjourn at 9:59 p.m. in memory of Diane Thomas. The next Regular Council Meeting will be held on April 5, 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