

CITY OF SAN CLEMENTE

City Council Minutes

Special and Regular City Council Meeting – January 17, 2017

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 January 17, 2017 at 4:30 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Ward.

PRESENT BROWN*, DONCHAK, SWARTZ, MAYOR WARD
 *Arrived at 4:37 p.m.

ABSENT HAMM

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

CLOSED SESSION (4:30 P.M.) – Special Council Meeting

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 3-0 (MAYOR PRO TEM BROWN AND COUNCILMEMBER HAMM ABSENT), to recess to Closed Session at 4:37 p.m. to discuss the following:

- A. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Existing litigation pursuant to Government Code section 54956.9(d)(1)
Number of Cases: 8

Case Name: Emergency Shelter Coalition v. City of San Clemente
Case Number: OCSC 30-201400758880

Case Name: Daniel Walker v. City of San Clemente
Case Numbers: OCSC 30-2012-00591239-CU-WM-CJC; 9th District Court of Appeal G050552, G050987; Supreme Court S229788 and S229789

Case Name: Memorial Health Services, et al. v. City of San Clemente
Case Number: USDC 8:16-cv-00852-DOC-JCG

Case Name: City of San Clemente v Sobertec LLC (1)
Case Number: OCSC 30-2015-00805227

Closed Session items continued on next page

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

Case Name: City of San Clemente v. Dual Diagnosis Treatment Center, Inc.
Case Number: OCSC 30-2015-00805214

Case Name: Dual Diagnosis Treatment Center, Inc. v. City of San Clemente
Case Number: USDC 8:15-cv-01611CJC-JCG

Case Name: San Clemente Vacation Rental Alliance v. City of San Clemente
Case Number: OCSC 30-2016-00858999-CU-WM-CJC

B. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code section 54956.9(d)(4)
Number of Potential Cases: 2

C. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6
Agency designated representative: Assistant City Manager
Employee Organization: SCCEA - San Clemente City Employees Association

In attendance for the full Closed Session were all members of the City Council with the exception of Councilmember Hamm who was absent, City Manager Makshanoff, Assistant City Manager Sund, and City Attorney Smith. Community Development Director Gallardo-Daly was in attendance for Closed Session Items A and B.

MEETING RECONVENED

Council reconvened at 6:03 p.m., with all members present.

INVOCATION

Keith Stephens, of the Church of Jesus Christ of Latter-Day Saints, gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Swartz led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Commendation Presentation – San Clemente High School Tritons Football Team**

Mayor Ward, Orange County Supervisor Lisa Bartlett, and representatives from Assemblyman Brough's and Senator Bates' offices, presented Commendations to the San Clemente High School Tritons Football Team, Head Coach Jaime Ortiz, and coaching staff for winning the CIF Division A-1 State Championship.

B. **San Clemente High School Update**

This item was deferred.

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

Casa Romantica Parking Lot

Lew Avera, San Clemente, expressed concern that the unpaved portion of the Casa Romantica parking lot is in a state of disrepair due to the recent rains; urged Council to direct that the property be repaired.

Ole Hanson Beach Club Pool Hours

Theresa DeCarli, San Clemente, urged Council to agendize the issue of pool hours at the Ole Hanson Beach Club prior to considering the FY 2018 City budget; stressed the importance of providing an opportunity for children (including underprivileged youth) to learn to swim; requested that the recreational pool hours be accommodating to students and their families.

Sonia Lopez, speaking on behalf of the La Palmas English Learning Advisory Committee, reported that due to lack of resources, many children have not had access to a community pool; urged Council to open the Beach Club pool for recreational swimming for specified hours on weekday afternoons and weekends.

Isabella Beauchesne, representing the Piper Action Council at Las Palmas Elementary School, voiced concern that half the students at Las Palmas cannot swim; urged Council to agendize the Ole Hanson Beach Club pool hours for an upcoming Council meeting.

It was agreed that Beaches, Parks and Recreation will send a memo to Council concerning the Ole Hanson Beach Club pool programs and hours.

Massage Therapy Permitting Process

Kecia Walls, San Clemente, noted that the cost to obtain a Conditional Use Permit and Business License to operate a massage business is cost prohibitive; suggested that the current costs are causing massage therapy operations to go out of business or relocate to other cities.

Ethics Complaints/Treatment of City Officials

Anthony LaFrano, San Clemente, voiced concern with the email that was submitted to the City by a member of the public and read at the December 20, 2016 Council meeting during consideration of an ethics complaint; asserted that the repeated filing of ethics complaints wastes time and negatively affects the democratic process.

Safety on the La Pata Extension/Code Compliance

Susan Nelson, San Clemente, voiced concern that safety on the La Pata extension is compromised due to an absence of lights and guard rails; urged that Code Compliance operations be expanded to evening and weekend hours.

Short-Term Lodging Units/Code Compliance

Jim Laurent, San Clemente, reported that he lives next to a short-term lodging unit and suggested that Code Compliance Officers should work evening shifts during the week to alleviate Code compliance issues.

3. MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), 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 Council took no reportable action during this evening's Closed Session.

6. **CONSENT CALENDAR**

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to approve the Consent Calendar, with the removal of Items 6-A(2), D, F, G, I, K and L.

A. **City Council Minutes**

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to:

- (1) Approve the Regular City Council Meeting minutes of December 6, 2016.

B. **Receive and file:**

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to receive and file:

- (1) Regular Coastal Advisory Committee Meeting minutes of November 10, 2016.
- (2) Regular Beaches, Parks and Recreation Commission Meeting minutes of December 13, 2016.
- (3) Regular Golf Course Committee Meeting minutes of November 3, 2016.
- (4) Regular Zoning Administrator Meeting minutes of December 21, 2016.
- (5) Regular Zoning Administrator Meeting minutes of January 4, 2017.
- (6) Planning Commission Adjourned Regular Meeting minutes of December 21, 2016.

C. **Warrant Register**

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to approve:

Warrant Nos. 537876 through 538025,
paid on 12/16/16, in the amount of.....\$2,877,835.04

Wire Transfers Nos. 1584 through 1588,
paid on 12/23/16, and Warrant Nos. 538026
through 538248, paid on 12/23/16, in the amount
of.....\$1,948,735.64

Wire Transfers Nos. 1589 through 1592,
paid on 1/6/17, and Warrant Nos. 538249 through
538395, paid on 1/6/17, in the amount of.....\$1,458,873.47

TOTAL WARRANT REGISTER.....\$6,285,444.15

Payroll Register

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to approve:

Warrant Nos. 548 through 549, and
Automatic Deposit Advises 37059 through 37348,
for the period 12/5/16 through 12/18/16, paid on
12/23/16, in the amount of.....\$ 421,595.53

Warrant Nos. 550 through 552, and
Automatic Deposit Advises 37349 through
37615, for the period 12/19/16 through 1/1/17,
paid on 1/6/17, in the amount of.....\$ 391,244.96

TOTAL PAYROLL REGISTER.....\$ 812,840.49

E. **Fee Waiver Request – Use of Community Center for San Clemente Library Summer Reading Program**

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to approve the request from the San Clemente Library for a fee waiver in the amount of \$1,725 for rental and deposit fees associated with the use of the Community Center for the Library's summer reading program.

H. **Cooperative Agreement with the Orange County Transportation Authority (OCTA) Related to Interstate 5 (I-5) Improvements**

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to:

1. Approve, and authorize the City Manager to execute, Cooperative Agreement No. C-6-1550 with the Orange County Transportation Authority for reimbursement of Avenida Vaquero pavement repair costs related to widening of Interstate 5.
2. Accept revenue from the Orange County Transportation Authority in the amount of \$76,600 to Account 001-000-33900-000-00000, Other Governmental Revenues.

J. **Notice of Completion – Land Outfall Recoating at Prima Deshecha Canada**

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to:

1. Accept the Land Outfall Recoating at Prima Deshecha Canada, City Project No. 27207, from the contractor, Murphy Industrial Coatings, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Land Outfall Recoating at Prima Deshecha Canada, City Project No. 27207.
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 Murphy Industrial Coatings, Inc.
4. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

M. Notice of Completion – Ole Hanson Beach Club Rehabilitation

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to:

1. Accept the Ole Hanson Beach Club Rehabilitation, Project No. 12559, from the contractor, Newman Midland Corporation.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Ole Hanson Beach Club Rehabilitation, Project No. 12559.
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 Newman Midland Corporation.
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.
5. Approve, and authorize the Mayor to execute, Amendment No. 3 to Contract C14-53, by and between the City of San Clemente and Dudek, relating to construction management and inspection services for the Ole Hanson Beach Club rehabilitation project. This Amendment increases the contract amount from \$293,500 to \$325,000, an increase of \$31,500.

N. Notice of Completion – Boca de la Playa Sidewalk Improvements

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to:

1. Accept the Boca de la Playa Sidewalk Improvements, Project No. 17325, from the contractor, CT&T Concrete Paving, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Boca de la Playa Sidewalk Improvements, Project No. 17325.

Action continued on following page

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, CT&T Concrete Paving, Inc.
4. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

6A(2). Regular City Council Meeting Minutes of December 20, 2016

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR WARD, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to approve the Regular City Council Meeting minutes of December 20, 2016, with the modification that Page 13 be amended to delete reference to the appointment of an Alternate representative to the Capistrano Unified School District Liaison Committee.

D. Donation Request from Kids Around the World to Refurbish Playground Equipment Donated by the City of San Clemente to San Clemente, Chile

In response to Council inquiry, Recreation Manager Thomas explained that Kids Around the World has requested a one-time donation of \$10,000 to refurbish the playground that the City donated to its sister city in San Clemente, Chile; pointed out that Kids Around the World would have been able to fund the refurbishment project if the City had not specifically requested that the equipment be given to its sister city; pointed out that the \$10,000 represents the City's share of the project cost, noting that the remaining \$15,000 of the cost will be contributed from other sources.

MOTION BY COUNCILMEMBER SWARTZ, SECOND BY MAYOR PRO TEM BROWN, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to:

1. Approve a donation in the amount of \$10,000 to Kids Around the World to fund the refurbishment of the old playground equipment from Marblehead Park that the City donated to San Clemente, Chile.
2. Authorize a transfer of \$10,000 from Council Contingency Reserve Account 001-203-44900 to Account 001-635-43470.

F. **Recognition of Donations from the Friends of San Clemente Beaches, Parks and Recreation Foundation and San Clemente Rotary (Funding for ADA-Accessible Door Openers at the Ole Hanson Beach Club)**

John Tengdin, San Clemente, noted that the handicap accessible electric doors on the south side of the Beach Club open outward, which makes it necessary for disabled persons to backup after pushing the button that opens the doors; opined that the situation could be remedied by relocating the button, that is currently positioned immediately adjacent to the doors, to a location farther to the right so that persons in wheelchairs are already located to the side of the doors when they open.

City Manager Makshanoff stated that Staff will evaluate whether the placement of the button is compliant with Americans with Disabilities Act (ADA) regulations.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to:

1. Formally accept the donations for ADA-accessible door openers at the Ole Hanson Beach Club in the amount of \$5,000 from the Friends of San Clemente Beaches, Parks and Recreation Foundation and \$5,000 from San Clemente Rotary.
2. Approve the recommended plaque wording and placement of plaques in recognition of the donations.

G. **Park Master Plan Amendment to Marblehead Coastal Pico Park Basketball Court Area**

Council thanked Staff and Taylor Morrison for their efforts to install a fence along the walkway adjacent to the Marblehead Coastal Pico Park basketball court, noting that this improvement will prevent stray balls from rolling down to Avenida Pico.

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to amend the master plan of Pico Park to include tubular steel fence near the basketball court within the park.

I. **Contract Award – Water Reclamation Plant Electrical Systems Replacement**

In response to Council inquiry, Deputy Public Works Director Rebensdorf confirmed that the proposed engineering and design services contract provides for a review of the motor control systems throughout the Water Reclamation Plant; explained that recommendations will be developed to ensure that the Plant meets Code requirements and state-of-the-art standards before electrical system challenges are encountered.

MOTION BY COUNCILMEMBER SWARTZ, SECOND BY MAYOR PRO TEM BROWN, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to:

1. Approve, and authorize the Mayor to execute, Contract C17-01, by and between the City of San Clemente and Linkture Consulting Engineers, providing for engineering and design services for the Water Reclamation Plant Electrical System Replacements Plant, Project No. 16205, in an amount not to exceed \$78,116.
2. Approve, and authorize the Public Works Director to execute, amendments to Contract C17-01, if needed, by and between the City of San Clemente and Linkture Consulting Engineers. The potential amendments may increase the contract from \$78,116 to a maximum of \$110,000 (a potential increase up to \$31,884).

K. **Recreation Sports Partnership Review – San Clemente Girls Softball**

At the request of Staff, this item was deferred to the Council meeting of February 7, 2017.

L. **Participation in the Concerned Coastal Communities Coalition**

Council requested to be kept apprised of Concerned Coastal Communities Coalition actions via meeting minutes and/or Townsend reports. Councilmember Donchak indicated that she will also report at Council meetings concerning her attendance at Coalition meetings.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to:

1. Authorize a \$600 monthly expenditure for a 12-month contract to participate in the Concerned Coastal Communities Coalition.

Action continued on next page

2. Approve a budget transfer in the amount of \$7,200 from Account 001-203-44900 (Contingency Reserve Fund) to Account 001-203-43690 (Other Professional Services).

7. **PUBLIC HEARINGS**

None.

8. **UNFINISHED BUSINESS**

A. **San Clemente Trolley (Selection of Theme and Colors)**

Report from the Public Works Director concerning selection of the colors and theme name for the San Clemente Trolley.

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

John Dorey, President of the Friends of San Clemente Beaches, Parks and Recreation Foundation, noted that the Friends donated funds toward the trolley program; urged Council to recognize the donation by including the Friends' logo on the trolley's exterior and at the trolley stops.

MOTION BY COUNCILMEMBER SWARTZ, SECOND BY MAYOR PRO TEM BROWN, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to approve Option 1 for the trolley colors (as depicted in the Administrative Report, dated January 17, 2017, which is on file with the City Clerk), and approve the name "San Clemente Trolley", with the understanding that Council will be informed relative to 1) the location on the trolley's exterior that the logo for the Friends of San Clemente Beaches, Parks and Recreation would be added, and 2) the symbol dividers proposed for the trolley exterior to better differentiate between the destination stops.

B. **Matrix Study - Assessment of Code Compliance, Development Engineering, Planning Division, and Business License Functional Areas**

Report from the Assistant City Manager concerning a report by Matrix Consulting Group that assessed the City's Code Compliance, Planning, Business License and Public Works Development Engineering services divisions.

Gary Goelitz, Vice President, and Khushboo Hussain, Senior Consultant, with Matrix Consulting Group, narrated a PowerPoint presentation entitled

“Organizational Review of Code Compliance, Planning, Development Engineering and Business License Functions”, and along with Assistant City Manager Sund, responded to Council inquiries. A hard copy of the PowerPoint is on file with the City Clerk.

Don Brown, Planning Commission Chair, spoke in support of prompt implementation of the Advance Planning division, noting that some projects are currently behind schedule; suggested that annual work plans should be established for the Advance Planning division; urged that staffing include cultural heritage expertise.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to:

1. Receive and file the report by Matrix Consulting Group that assessed the City’s Code Compliance, Planning, Business License and Public Works Development Engineering services divisions.
2. Direct Staff to move forward with implementation of the assessment recommendations per the approach presented in the Administrative Report, dated January 17, 2017, which is on file with the City Clerk.
3. Direct Staff to provide periodic updates on the status and progress of implementation.

9. **NEW BUSINESS**

A. **Review of City Code of Ethics Policies for City Officials and Employees**

Report from the City Attorney concerning the City’s Code of Ethics Policies for City officials and employees.

City Attorney Smith reviewed the contents of the Administrative Report and responded to Council inquiries.

Following discussion, MOTION BY MAYOR PRO TEM BROWN, SECOND BY MAYOR WARD, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to repeal the City’s Ethics Policies and replace them with public education and referral services. In making this motion, Council noted that all provisions of the City’s Ethics Policies are covered by parallel provisions of state law. Unlike the City Policies, these state laws grant enforcement authority to the FPPC, the Attorney General, and the District Attorney, with the ability to seek and impose administrative fines, and civil and criminal penalties for violations. The Employees’ Policy is covered by other City Personnel rules

and enforceable under those rules. The Ethics Policies are to be replaced with public education and referral services to assist the public in filing complaints and grievances with appropriate enforcement agencies, or, as regarding staff, with the City Manager, under applicable state law and City personnel policy. Staff is to update the City's website, counter material, etc. to provide clear direction as to the agency that people should contact if they have ethics-related concerns or issues. The City is to serve as a facilitator for the public. Lastly, Staff is to propose an update to the Governance Element of the General Plan to reflect this action.

B. **Contract Award – CDBG Playground Replacement, ADA Improvements, and Declaration of Surplus Property at San Luis Rey Park**

Report from the Public Works Director concerning award of a contract for CDBG playground project, ADA improvements, and declaration of surplus property at San Luis Rey Park.

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

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to:

1. Approve the Plans and Specifications for the CDBG San Luis Rey Park Playground Project, Project No. 12724.
2. Approve, and authorize the Mayor to execute, Contract C17-02, by and between the City of San Clemente and NR Development, Inc., providing for the CDBG San Luis Rey Park Playground Project, in the amount of \$148,870.
3. Approve and authorize the Mayor to declare the list of existing play equipment at San Luis Rey Park, that is included in the Administrative Report, dated January 17, 2017, and on file with the City Clerk, as surplus property for donation.
4. Authorize the Public Works Director to donate the property contained on the list that is included in the Administrative Report, dated January 17, 2017, and on file with the City Clerk, to Kids Around the World for the purpose of benefitting the youth of an underprivileged community.
5. Approve, and authorize the Mayor to execute, the Release and Indemnification Agreement with Kids Around the World.

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

None.

11. **REPORTS**A. **Commissions and Committees**(1) **Establishment of Council Meeting Schedule and Joint Meeting(s) for 2017**

Council adjusted its 2017 meeting schedule as follows:

- 1) A Joint Council/Commissions/Committees meeting is to take place on May 30, 2017.
- 2) The August 1, 2017 Regular Council Meeting was cancelled.
- 3) Council will meet on July 6, 2017 instead of July 4, 2017. *Note: The July 6, 2017 Council meeting may be cancelled at a later date if the meeting is not needed.*
- 4) The January 2, 2018 Regular Council Meeting was cancelled.

(2) **Appointment of Council Representative and Alternate to the Transportation Corridor JPA Board (San Joaquin Hills and Foothill/Eastern)**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to appoint Mayor Ward as the City's representative and Councilmember Swartz as the City's alternative representative to the Transportation Corridor Agency JPA Board (San Joaquin Hills and Foothill/Eastern).

(3) **Consideration of Rescheduling the Human Affairs Committee and Golf Course Committee Interviews/Appointments**

Councilmembers in attendance indicated that they are available to meet on February 9, 2017 or February 13, 2017 at 6:00 p.m. to interview and make appointments to the Human Affairs Committee and Golf Course Committee. The date that is ultimately selected will depend on Councilmember Hamm's availability.

B. City Manager

None.

C. City Attorney

None.

D. Council Members**OC Public Library Report**

Councilmember Donchak reported on her attendance at the OC Public Library Member Cities meeting of January 12, 2017; noted that the Author's Luncheon for the Friends of the Library will take place on February 25, 2017; requested that Karen Wall, Senior Branch Librarian, be invited to attend a Council meeting in March to provide an update on the library; noted that the MOU between the Orange County Public Libraries and the City of Irvine expires in 5 years and stated that if a committee is formed to negotiate a new MOU, the City may need to appoint a representative to that committee.

Community Engagement Panel (CEP)

Mayor Pro Tem Brown reported that the next CEP meeting is scheduled for February 16, 2017 from 5:30 – 8:30 p.m. at the Ocean Institute in Dana Point.

Transportation Corridor Agency (TCA) – Representation from City of San Juan Capistrano

Mayor Ward reported that one of the newly-elected district Councilmembers from San Juan Capistrano is interested in serving on the TCA Board in place of Mayor Kerry Ferguson; noted the importance of continuity and questioned whether Council would want to write a letter to the San Juan Capistrano City Council recommending that Mayor Kerry Ferguson be re-appointed to the TCA Board.

Council determined to not send a letter as a body, but noted that individual Councilmembers may write letters on their own behalf if they are so inclined.

City Selection Committee Appointments

Mayor Ward reported that she plans to apply for a position on the County's Medical Care Committee. It was noted that individual Councilmembers may write letters on City letterhead in support of her candidacy.

12. **RESOLUTIONS/ORDINANCES**

- A. **Ordinance No. 1638 (Second Reading) – Clarification of Policy Intent by Fixing Errors, Clarifying, Reversing Unintended Changes Made Previously, and Adding Standards to Provide Guidance on Open Space Easements**


MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to adopt Ordinance No. 1638 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING ZONING AMENDMENT 16-375, AMENDING TITLE 17 OF THE SAN CLEMENTE MUNICIPAL CODE AND THE ZONING MAP, TO CLARIFY POLICY INTENT BY FIXING ERRORS, CLARIFYING, REVERSING UNINTENDED CHANGES MADE PREVIOUSLY, AND ADDING STANDARDS TO PROVIDE GUIDANCE ON OPEN SPACE EASEMENTS.

13. **ADJOURNMENT**

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to adjourn at 9:17 p.m., in memory of Bob Ayer. The next Regular City Council Meeting will be held on February 7, 2017 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