

CITY OF SAN CLEMENTE

City Council Minutes

Regular City Council Meeting – July 18, 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.

The Regular City Council Meeting of July 18, 2017 was called to order at 5:00 p.m. by Mayor Ward.

PRESENT BROWN, DONCHAK, HAMM, SWARTZ, MAYOR WARD

ABSENT NONE

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

* * *

CLOSED SESSION

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to recess to Closed Session at 5:00 p.m. to discuss the following:

- A. **CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9
Number of potential cases: 2

- B. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Existing litigation pursuant to Government Code section 54956.9(d)(1)
Number of Cases: 6

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

Case Name: Sober Network Properties et al. v. City of San Clemente
Case Number: USDC 8:16-cv-00668

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

Closed Session items continued on following page

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

Case Name: MemorialCare Services, et al. v. City of San Clemente
Case Number: OCSC 30-2016-00845211 CU-WM-CJC

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

C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property: Tract 10686, Lots 2 (APN 679-041-02) and 3 (APNs 679-151-06 and 679-151-07); Tract 10880, Lot 106 (APN 679-151-11); Tract 10881, Lot 126 (APNs 679-151-17, 679-151-08, and 679-151-02); Tract 13054, Lot K (APN 679-231-42); Tract 15093, Lot H (APNs 679-151-22, 679-151-23, 679-221-41, and 679-221-40); Lot Line Adjustment 96-33, Parcel 1 (APN 679-151-05); Lot Line Adjustment 96-53, Parcel 3 (APNs 679-151-26 and 679-152-04); and Tract 10685, Lots 5 (APN 679-161-05) and 6 (APN 679-161-06).

Agency Negotiator: Erik Sund, Assistant City Manager.

Negotiating Parties: City of San Clemente and The Marblehead Community Association.

Under Negotiation: Terms of a conservation easement.

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. Public Works Director/City Engineer Bonigut was in attendance for Closed Session Item A and Community Development Director Gallardo-Daly was in attendance for Closed Session Item B.

MEETING RECONVENED

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

INVOCATION

Don Kappauf, Chaplain, Orange County Sheriff-Coroner Department, gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Swartz led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Toll Road Update**

City Attorney Smith reported that during this evening's Closed Session, Council authorized the City Attorney to file a lawsuit against the Transportation Corridor Agency (TCA) challenging any decision or work in furtherance of an extension of the SR 241 toll road involving territory within the City of San Clemente.

Mayor Ward reported that the Orange County Register published an article on July 16, 2017, entitled "Keep Toll Roads in Local Hands". A copy of the article was provided to Council and is on file with the City Clerk.

Anthony LaFrano, San Clemente, opined that a toll road through San Clemente would negatively impact the City; suggested that it is incongruent to oppose the toll road and also support Councilmanic districts, because the TCA will back candidates that favor the toll road alignment through San Clemente.

Michelle Schumacher, San Clemente, suggested the possibility of implementing a small tax to pay for lawsuit(s) opposing a toll road alignment through San Clemente; recommended that efforts be undertaken to educate residents on the toll road issue.

Mark McGuire, San Clemente, thanked Council for its unanimous opposition to the proposed toll road; noted that Alignment 14 (Pico) would connect to the I-5, with the I-5 being widened by four lanes to Basilone Road.

Eva O'Keefe, San Clemente, opined that at its June 5, 2017 public forum, the TCA violated the First and Fourth Amendment Rights of those in attendance; suggested that the City pay Mayor Ward's stipend for attending TCA meetings, rather than accept money from the TCA; stated that over 6,000 residents have signed a petition against the toll road.

Dan Bane, San Clemente, reported that he reviewed the 1988 legislative history for the SR 241 extension and discovered that several maps demonstrated that the road would terminate at Basilone Road; noted that Alignment 14 (Pico) is the only route, out of 18 alternatives, that terminates at Basilone Road; pointed out that engineering renderings also indicate that the TCA intends to pursue Alignment 14.

Josh Hershman, San Clemente, asserted that the TCA has overcharged individuals for account replenishment fees, noting that some individuals have been charged up to \$125, even though the fee is supposed to be approximately \$30; asserted that the overcharges represent a scam to demonstrate improved cash flow.

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

Massage Establishment Ordinance

Brenda Wells, I-5 Freedom Network, explained that the goal of the I-5 Freedom Network is to address human trafficking and exploitation; urged Council to amend the City's massage establishment ordinance to require the following: 1) That lights be dimmed at 9:00 p.m., 2) That windows provide clear views to the interior of the establishment; 3) That entrances be well lit at night; and 4) That property owners be made aware that if a massage tenant in their building has its license revoked, they will not be able to rent the space for two years.

Council referred the issue of possibly strengthening the City's massage establishment ordinance to the Human Affairs Committee.

North El Camino Real Landscape Median

Amanda Quintanilla, San Clemente, cited safety concerns with the landscaped medians on North El Camino Real; voiced concern that pedestrians sometimes cross the street to the medians instead of walking to crosswalks; stated that a car and motorcycles have driven in the Class I bike lane.

Council responded that final striping and bollard installation is scheduled to occur in the near future.

Homeless Encampments

Anthony LaFrano, San Clemente, voiced concern with homeless encampments along Avenida Pico; voiced particular concern with the proximity of the encampments to San Clemente High School; narrated a PowerPoint presentation entitled "Let's Keep Pico Clean". A hard copy of Mr. LaFrano's presentation is on file with the City Clerk.

3. MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to waive reading in full of all Resolutions and Ordinances.

4. **CONSIDERATION OF AGENDIZING ITEMS REQUIRING IMMEDIATE ACTION**

None.

5. **CLOSED SESSION REPORT – CITY ATTORNEY**

City Attorney Smith reported on this evening's Closed Session as follows:

Transportation Corridor Agency – SR 241 Toll Road Extension

Council's Closed Session action on this item was reported earlier in the meeting. Please refer to Page 3 of these minutes for that action.

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

In the Dual Diagnosis Case, the City Council voted to authorize engagement of separate counsel to assist individual Councilmembers and a former Councilmember in depositions involving the case; noted that Councilmembers Donchak, Hamm and Ward, and former Councilmember Baker, will have the opportunity to have the cost of their depositions paid by the City; reported that Councilmembers Donchak, Hamm and Ward abstained from voting to make separate counsel available in their personal depositions, with the remaining Councilmembers voting in favor of that opportunity.

Raymundo Cueto v. City of San Clemente

On April 4, 2017, Council approved a settlement agreement in a workers compensation case entitled Raymundo Cueto v. City of San Clemente, noting that the settlement agreement was finalized this week. The authorized public portions of the subject agreement are now available for public inspection.

6. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to approve the Consent Calendar, with the removal of Items B(3), and G.

A. **City Council Minutes**

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

- (1) Approve the minutes of the Adjourned Regular City Council Meeting of June 26, 2017.

- (2) Approve the minutes of the Adjourned Regular City Council Meeting of June 27, 2017.
- (3) Approve the minutes of the Adjourned Regular City Council Meeting of June 20, 2017.

B. Receive and file:

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

- (1) Minutes of the Regular Golf Course Committee meeting of May 11, 2017.
- (2) Minutes of the Special Meeting of the Human Affairs Committee of May 23, 2017.
- (4) Minutes of the Regular Planning Commission Meeting of June 21, 2017.

C. Warrant Register

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

Warrant Nos. 542003 through 542198,
paid on 6/16/17, in the amount of.....\$ 1,281,093.61

Wire Transfers Nos. 1648 through 1651,
Warrant Nos. 542199 through 542375
paid on 6/23/17, in the amount of.....\$ 844,768.20

Wire Transfers Nos. 1652 through 1654,
Warrant Nos. 542376 through 542665
paid on 6/30/17, in the amount of.....\$ 1,498,304.72

Wire Transfers Nos. 1655 through 1661,
Warrant Nos. 542666 through 542796
paid on 7/7/17, in the amount of.....\$ 3,721,430.35

TOTAL WARRANT REGISTER..... \$ 7,345,596.88

Payroll Register

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

Warrant Nos. 590 through 596,
Automatic Deposit Advises 40929 through 41266
for the period of 6/5/2017 through 6/18/2017
paid on 6/23/17, in the amount of.....\$ 445,788.57

Warrant Nos. 597 through 601,
Automatic Deposit Advises 41267 through 41599
for the period of 6/19/2017 through 7/2/2017
paid on 7/7/17, in the amount of.....\$ 458,577.38

TOTAL PAYROLL REGISTER.....\$ 904,365.95

D. **Contract Award – Reservoirs 5A, 10, 12 and 14 Improvements, and Reservoir No. 8 Interior Coating**

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

1. Approve the plans and specifications for Reservoirs 5A, 10, 12, and 14 Improvements, Project No. 16410 and Reservoir No. 8 Interior Coating, Project No. 15408.
2. Approve, and authorize the Mayor to execute, Contract C17-28, by and between the City of San Clemente and Spiess Construction Co., Inc., providing for construction of Reservoirs 5A, 10, 12 and 14 Improvements, and Reservoir No. 8 Interior Coating, in the amount of \$3,486,764.
3. Approve a transfer of funds from Accounts 052-466-45300-000-16406 (Blanco Water Pump Station) in the amount of \$1,600,000, 052-466-45300-000-15406 (Reata Water Pump Station) in the amount of \$400,000, 052-467-45300-000-15401 (Reservoir 10 and 6 Water Line) in the amount of \$60,000, 052-466-45300-000-14406 (Reservoir 12 Rehabilitation) in the amount of \$391,007, 052-466-45300-000-14407 (Reservoirs 9 & 10 Chemical Improvements) in the amount of \$229,443, and 052-466-45300-000-15408 (Reservoir 8 Interior Coating) in the amount of \$713,817 to Account 052-466-45300-16410 (Reservoirs 5A, 10, 12 and 14 Improvements).

E. **Contract Amendment – Orange County Transportation Authority (OCTA) Related to Interstate 5 (I-5) Improvements**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0 to approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C13-53, a Cooperative Agreement (No. C-3-2079) by and between the OCTA and the City of San Clemente, to extend the term of the agreement by one year to September 30, 2018.

F. **Notice of Completion – Water Reclamation Plant Emergency Generator Replacement**

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

1. Accept the Water Reclamation Plant Emergency Generator Replacement, from the contractor, Global Power Group, Project No. 16210.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Water Reclamation Plant Emergency Generator Replacement, with the County Recorder.
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 Global Power Group.
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.

H. **Appointment of a Director and Alternate Directors to the South Orange County Wastewater Authority (SOCWA) Joint Powers Agency Board of Directors**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to adopt Resolution No. 17-20 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPOINTING A DIRECTOR AND ALTERNATE DIRECTORS TO THE SOUTH ORANGE COUNTY WASTEWATER AUTHORITY (SOCWA) JOINT POWERS AGENCY BOARD OF DIRECTORS.

I. **Establishment of Parking Restrictions on Avenida Serra**

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

1. Establish a two-hour parking restriction between the hours of 9:00 a.m. to 6:00 p.m. on Avenida Serra from El Camino Real to the alley.
2. Adopt Resolution No. 17-21 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING 'RESTRICTED PARKING AREAS' ON AVENIDA SERRA.

J. **Grant Submittal for Orange County Transportation Authority (OCTA) Measure 2 Environmental Cleanup Program (ECP) for the Trafalgar Canyon Runoff Treatment Project**

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

1. Adopt Resolution No. 17-22 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING AN APPLICATION FOR FUNDS FOR THE ENVIRONMENTAL CLEANUP, TIER 1 GRANT PROGRAM UNDER ORANGE COUNTY LOCAL TRANSPORTATION ORDINANCE NO. 3 FOR THE TRAFALGAR CANYON RUNOFF TREATMENT PROJECT.
2. Authorize the Utilities Director to submit the ECP Tier 1 Grant Program project proposal titled Trafalgar Canyon Runoff Treatment Project to OCTA.

K. **Contract Award – Water Reclamation Plant Gravity Belt Thickeners Replacement**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C17-26, by and between the City of San Clemente and PACE, providing design services for the Water Reclamation Plant Gravity Belt Thickeners Replacement, in the amount of \$195,827.

L. **Contract Contingency Increase - Tesoro Pressure Reducing Station Rehabilitation for Interstate 5/Pico Interchange Water Improvements**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to authorize a construction contingency increase in the amount of \$300,000 to the Tesoro Pressure Reducing Station Rehabilitation with O'Connell Engineering for the construction of the Interstate 5/Pico Interchange Water Improvements.

M. **Bid Rejection – Calle Redondel/Calle de los Molinos Storm Drain Improvements**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to reject public bids received on January 18, 2017 for construction of Calle Redondel/Calle de los Molinos Storm Drain and direct staff to re-bid the project.

N. **Proposed Tax Liens – 2016 Weed Abatement, 2014-2017 Storm Drain/Clean Ocean Charges, and 2013 and 2014 Sidewalk Repairs**

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

1. Adopt Resolution No. 17-23 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE ORANGE COUNTY AUDITOR-CONTROLLER TO ADD UNPAID 2016 WEED ABATEMENT ASSESSMENTS TO THE FY 2017-18 TAX ROLLS.
2. Adopt Resolution No. 17-24 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE ORANGE COUNTY AUDITOR-CONTROLLER TO ADD DELINQUENT STORM DRAIN AND CLEAN OCEAN FEES TO THE FY 2017-18 TAX ROLLS.
3. Adopt Resolution No. 17-25 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE ORANGE COUNTY AUDITOR-CONTROLLER TO ADD DELINQUENT SIDEWALK REPAIR FEES AS ASSESSMENTS TO THE FY 2017-18 TAX ROLLS.
4. Direct the City Clerk to file the resolutions with the Orange County Auditor-Controller, thereby placing a lien on the affected properties in order to collect revenue owed to the City.

O. **Contract Award – City-Wide Structured Cabling**

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

1. Approve the plans and specifications for City-Wide Structured Cabling, Project No. 27805.
2. Approve, and authorize the Mayor to execute, Contract C17-27, by and between the City of San Clemente and Berg Electric, providing for City-Wide Structured Cabling, in the amount of \$96,370.

P. **Senate Bill 649 (Hueso) – Wireless Communications Facilities, Letter of Opposition**

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

1. Oppose SB 649 (Hueso).
2. Direct Staff to send the opposition letter that is attached to the Administrative Report, dated July 18, 2017, 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.

Q. **Consideration of Donation to Drowning Prevention Campaign**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to approve the transfer of \$5,000 from Account 001-203-44900 (City Council Contingency Reserve), to Account 001-226-43890 (Fire Services - Other Contractual Services), as a contribution to the Orange County Task Force on Drowning Prevention.

R. **Contract Award – Arterial and Mobility Study**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C17-29, by and between the City of San Clemente and IBI Group, providing for an Arterial and Mobility Study, in the amount of \$89,000.

S. **Contract Award – Strategic Planning Services**

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

1. Approve, and authorize the City Manager to execute, Contract C17-30, by and between the City of San Clemente and Englander, Knabe & Allen, providing for strategic planning services, in an amount not to exceed \$102,000.
2. Approve a transfer of \$75,000 from the General Fund's Council Contingency Account to Account 001-203-43690-000-00000.
3. Approve a supplemental appropriation of \$27,000 from the General Fund's Unassigned Fund Balance to Account 001-203-43690-000-00000.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

6B(3). **Minutes of the Regular Zoning Administrator Meeting of June 21, 2017**

Council referenced the portion of the Zoning Administrator minutes of June 21, 2017 that related to the Pacific Building Patio at 127 South El Camino Real. Community Development Director Gallardo-Daly responded to Council inquiries, explaining that the proposal is to provide access to the outdoor patio for use by employees during breaks and lunch periods; noted that the patio could only be used for future public dining if adequate parking can be provided, or the City approves a parking waiver; pointed out that the patio was designed to be aesthetically interesting from the alley.

MOTION BY MAYOR WARD, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to receive and file the minutes of the Regular Zoning Administrator Meeting of June 21, 2017.

G. **Contract Amendment – Pier Structural Construction Assessment and Design**

Council directed Staff to research the possibility of implementing a pigeon re-homing program that utilizes falcons to prevent the pigeons from returning, in lieu of netting the underside of the pier. The re-homing program option will be investigated by Staff and presented for Council consideration when the construction contract is agendized for a future meeting.

MOTION BY MAYOR WARD, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to approve, and authorize the Mayor to execute, Amendment No. 2 to Contract C15-77, by and between the City of San Clemente and TranSystems, providing for additional design and construction support for

Pier improvements. This Amendment expands the scope of the contract, increases the contract amount from \$189,799 to \$278,799 (an increase of \$89,000), and extends the contract term to July 1, 2019.

7. **PUBLIC HEARINGS**

None.

8. **UNFINISHED BUSINESS**

None.

9. **NEW BUSINESS**

A. **Consideration of Block Wall Along the Rear Property Lines of Selected Properties Adjacent to Camino Del Rio**

Report from the Public Works Director/City Engineer concerning the possibility of constructing a block wall along the rear property lines of selected properties adjacent to Camino Del Rio.

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

Alex McKinnon, San Clemente, explained that he was aware that Camino Del Rio would extend to La Pata, but believes that the traffic noise from the extension surpasses original projections; voiced concern that vehicles utilize excessive speeds on Camino Del Rio; urged Council to support a block wall to protect homes on Camino Forestal.

Sean Thorstenson, San Clemente, spoke in support of a block wall on Camino Del Rio to alleviate the issues of road noise, safety, privacy and pollution.

Brenda Miller, San Clemente, suggested that roundabouts be constructed on Camino Del Rio at the community access roads to decrease vehicle speeds and increase safety.

Jeff Haddad, San Clemente, stated that his home is located on Camino Ventosa and backs to Camino Del Rio; voiced concerns with noise and traffic speeds and urged Council to consider implementing noise abatement measures.

Don Wolfe, San Clemente, spoke in support of a block wall; voiced concern that vehicle speeds have increased and safety and privacy have worsened.

Following discussion, MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 4-1 (MAYOR WARD DISSENTING) to:

1. Authorize construction of a block wall behind the nine properties at 6171 through 6187 Camino Forestal. The wall is to be constructed only behind those properties for which written property owner authorization is obtained. The cost for the block wall is not to exceed \$180,000.
2. Direct Staff to explore ways to reduce vehicle speeds on Camino Del Rio, including the possibility of road diets and increased enforcement.
3. Direct Police Services to provide periodic reports during the next two months that identify the number of hours that police vehicles are deployed on Camino Del Rio for the purpose of enforcing speed limits.

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

Orange County Fire Authority (OCFA) Transparency

Stephen Wontrobski, Mission Viejo, opined that the OCFA lacks transparency, in particular as it relates to pension liability and cost-saving recommendations.

Mayor Pro Tem Brown agreed to provide an update on OCFA matters at the August 15, 2017 Council meeting under Councilmember items.

Wall Along Camino Del Rio

Matt Clawson, San Clemente, spoke in support of a block wall being installed on Camino Del Rio; stated that he was aware that Camino Del Rio would open to La Pata, but believes that the actual noise levels, which typically range between 60 and 70 decibels, exceed original expectations; requested that the City conduct a new noise study.

11. REPORTS**A. Commissions and Committees****(1) Determination of Rules of Engagement for the Toll Road Subcommittee**

Councilmember Donchak reported on recent activities of the Toll Road Subcommittee, which included meetings with Staff to prepare materials to present to the full Council; stated that the Subcommittee reached out to stakeholders and groups in South Orange County to educate them concerning the toll road; conveyed that the OCTA Chief Executive Officer and she will meet with the Southern California Association of Governments (SCAG) to provide an overview of the toll road proposal and explain the City's concerns; reported that an updated report on OCTA's project to extend HOV lanes on the I-5 south to the San Diego County line will be available for review in September 2017.

It was agreed that Mayor Ward will send a letter to the Transportation Corridor Agency (TCA) expressing concerns that her First and Fourth Amendment rights were violated at the TCA's public forum on June 5, 2017.

Council requested that the Planning Commission, in its role as the City's Transportation Commission, review the toll road proposal and potential arterial solution at a future Study Session.

(2) Report by Councilmember Swartz concerning the possibility of authorizing Councilmember Swartz (and possibly others) to work with Staff to develop a program to allow unified advertising in the trolleys

Council agreed to consider the trolley system as a whole following the summer season. Issues to be considered include advertising and other uses for the trolleys while not in service (e.g., fundraisers, homecoming parade, Puttin' on the Glitz, rental to private companies, etc.).

B. City Manager

None.

C. City Attorney

None.

D. **Council Members**

Ocean Festival

Councilmember Donchak reported on the success of this year's Ocean Festival.

Plant Palette on Sides of I-5 Between Avenida Vaquero and Avenida Vista Hermosa

Councilmember Hamm noted that eucalyptus and pine trees were planted on the sides of the I-5 between Avenida Vaquero and Avenida Vista Hermosa despite Council's direction to not include eucalyptus and pine trees in City landscape; recommended that the plantings be replaced with appropriate vegetation.

Recent Brush Fires

Councilmember Hamm thanked the first responders to the recent brush fires and thanked residents for their support of San Clemente Police Services and the Orange County Fire Authority; commented on the importance of defensible space between structures and wildlands, noting that the fire breaks at Camp Pendleton prevented the brush fires from moving into the City.

Paul Walker Statue

Mayor Pro Tem Brown narrated a PowerPoint presentation entitled "What Up Council?" and displayed a miniature Paul Walker statue. A hard copy of Mayor Pro Tem Brown's presentation is on file with the City Clerk.

12. **RESOLUTIONS/ORDINANCES**

A. **Ordinance No. 1642 (Second Reading) – Solid Waste Management, Solid Waste Reduction and Recycling, and Waste Management Plan for Certain Construction, Demolition and Renovation Projects**

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to adopt Ordinance No. 1642 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REPLACING IN ITS ENTIRETY CHAPTER 8.28 COLLECTION AND DISPOSAL OF SOLID WASTE AND CHANGING THE TITLE TO SOLID WASTE MANAGEMENT, AMENDING CHAPTER 8.68 ENTITLED SOLID WASTE REDUCTION AND RECYCLING, AND REPLACING IN ITS ENTIRETY CHAPTER 8.69 ENTITLED WASTE MANAGEMENT PLAN FOR CERTAIN CONSTRUCTION, DEMOLITION AND RENOVATION PROJECTS.

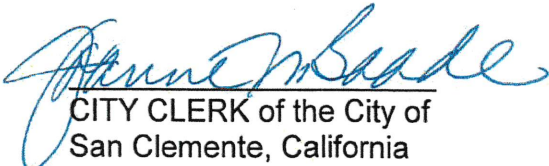
B. **Ordinance No. 1643 (Second Reading) – Prohibition of Aggressive Solicitation**

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 5-0, to adopt Ordinance No. 1643 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 9.04 OF THE SAN CLEMENTE MUNICIPAL CODE (OFFENSES AGAINST PUBLIC PEACE AND DECENCY) TO PROHIBIT AGGRESSIVE SOLICITATION.

13. **ADJOURNMENT**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to adjourn at 8:38 p.m. The next Regular Council Meeting will be held on August 15, 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.

Note: The Regular City Council Meeting of August 1, 2017 was previously cancelled.


CITY CLERK of the City of
San Clemente, California

MAYOR of the City of
San Clemente, California