

# CITY OF SAN CLEMENTE

## City Council Minutes

### Regular City Council Meeting – December 5, 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 Regular Meeting of the San Clemente City Council was called to order on December 5, 2017 at 5:03 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Ward.

**PRESENT** BROWN\*, DONCHAK, HAMM, SWARTZ, MAYOR WARD

\*Arrived at 5:06 p.m.

**ABSENT** NONE

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

\* \* \*

### **CLOSED SESSION**

MOTION BY COUNCILMEMBER SWARTZ, SECOND BY COUNCILMEMBER HAMM, CARRIED 4-0 (MAYOR PRO TEM BROWN ABSENT), to recess to Closed Session at 5:03 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: 7

Case Name: Villa San Clemente, LLC v. City of San Clemente  
Case Number: USDC 8:17-cv-1484

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

Case Name: City of San Clemente v. Foothill/Eastern Transportation Corridor Agency and County of Orange  
Case Number: 30-2017-00934703-CU-PT-CXC

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

*Closed Session items continued on next page*

Case Name: Capistrano Shores, Inc. v. City of San Clemente  
Case Numbers: OCSC 30-2014-00709987 and 30-2014-00726889

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

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

## **REGULAR CITY COUNCIL MEETING CONVENED**

The Regular City Council meeting of December 5, 2017 convened at 6:00 p.m., with all members present.

### **INVOCATION**

James "Jim" Davis, Senior Chaplain with the Orange County Sheriff's Department, gave the invocation.

### **PLEDGE OF ALLEGIANCE**

Councilmember Donchak led the Pledge of Allegiance.

## **1. SPECIAL PRESENTATIONS**

### **A. Holiday Serenade – San Clemente High School Madrigals**

The San Clemente High School Madrigals, under the direction of CJ Kemble, provided a holiday serenade.

### **B. Election of Mayor and Mayor Pro Tempore**

Michelle Schumacher, San Clemente, commended Mayor Ward for an exceptional job as mayor; displayed photographs of Mayor Ward working on the City's behalf during the last year.

Wayne Eggleston, San Clemente, expressed gratitude to Mayor Ward for her efforts during the past year, especially in relation to fighting the proposed toll road extension through San Clemente.

Joe Janis, San Clemente, thanked Mayor Ward for protecting San Clemente neighborhoods.

Charles Mann, San Clemente, thanked Mayor Ward for taking actions in the best interests of the citizens of San Clemente.

Larry Culbertson, on behalf of the San Clemente Historic Society, expressed gratitude to Mayor Ward for her hard work as mayor and applauded her efforts to preserve historic resources.

Bob Baker, San Clemente, thanked Mayor Ward for her great service to the City, noting that she always put residents first.

Mayor Ward provided an overview of the challenges facing the City over the past year; related that the last year has been exciting and rewarding and explained that she is honored to have served the City as mayor.

City Clerk Baade opened nominations for the office of Mayor.

Councilmember Donchak nominated Councilmember Brown for the office of Mayor. Councilmember Hamm seconded the nomination. There being no further nominations, MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to close nominations and elect Councilmember Brown to the office of Mayor.

Mayor Brown reflected on Councilmember Ward's passion for the City and congratulated her for a job well done; presented Councilmember Ward with a plaque that commemorated her service as mayor.

Mayor Brown opened nominations for the office of Mayor Pro Tem.

Mayor Brown nominated Councilmember Swartz for the office of Mayor Pro Tem. Councilmember Donchak seconded the nomination. There being no further nominations, Councilmember Swartz was unanimously elected to the office of Mayor Pro Tem. *(Note: This action was overturned later in the meeting. Please refer to Page 4 of these minutes.)*

C. **Commendation/Plaque Presentation - Colonel Robert E. Thacker**

Mayor Brown presented a commendation and plaque to Colonel Robert E. Thacker, USAF, Ret., in recognition and appreciation of his distinguished service and heroism during World War II, the Korean War and the Vietnam War.

D. **San Clemente High School Campus Report**

Carni Campbell and Trey Russell, San Clemente High School students, provided an update on campus activities.

E. **San Clemente Village Report**

Jan Montague, President of the San Clemente Village, provided an update on the San Clemente Village program.

F. **Presentation of Plaque to the City - 2017 Relay for Life**

Mary Grant presented a plaque to the City of San Clemente in appreciation for allowing the 2017 Relay for Life, which benefits the American Cancer Society, to take place at the Jim Johnson Memorial Park on August 26, 2017.

G. **Toll Road Update**

Eva O'Keefe, San Clemente, stated that Supervisor Lisa Bartlett views San Clemente residents' position on the toll road as a nuisance; played an audio recording in which Supervisor Bartlett indicated that the majority of San Clemente residents support mobility solutions and that urged that the comments from a segment of South Orange County be taken with a grain of salt.

Steve Viele, San Clemente, asserted that Supervisor Bartlett is not serving her San Clemente constituency; objected to Supervisor Bartlett's assertion that 12,000 signatures in opposition to the toll road should be taken with a grain of salt.

Pete van Nuys, San Clemente, stated that the TCA should be abolished; commented that the toll road is not needed.

**MEETING RECESSED**

Council recessed at 7:05 p.m. and reconvened at 7:20 p.m., with all members present.

**RECONSIDERATION OF ELECTION OF MAYOR PRO TEM**

MOTION BY MAYOR BROWN, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 5-0, to reconsider the election for Mayor Pro Tem that occurred earlier in this meeting.

Mayor Brown explained that he erred in determining the typical rotation for the next Mayor Pro Tem when he nominated Councilmember Swartz for that office; suggested that Councilmember Hamm be appointed to the Mayor Pro Tem position.

Mayor Pro Tem Swartz stated that he would prefer to move into the Mayor Pro Tem role after he has had more Council experience.

MOTION BY MAYOR BROWN, SECOND BY MAYOR PRO TEM SWARTZ, CARRIED 5-0, to nominate and appoint Councilmember Hamm for the office of Mayor Pro Tem.

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

**Encampments on Avenida Pico (Fire Potential)**

Anthony Lafrano, San Clemente, opined that the recent 7-acre fire on Avenida Pico was started by human activity; voiced concern that persons camping on Avenida Pico use propane, which could ignite a deadly fire in the future; urged that a zero tolerance policy be implemented against illegal trespassing. A hard copy of Mr. LaFrano's slide presentation is on file with the City Clerk.

**Opposition to Short-Term Lodging Units in the Montalvo Loop Area**

Judy Rowe, San Clemente, urged Council to not allow short-term lodging units (STLUs) in the Montalvo loop area; opined that the character of her neighborhood should not be changed.

Richard Rowe, President of the Seapoint Villas Homeowners Association, voiced concern with the operation of short-term rentals and group living arrangements within the Montalvo loop; stated that the area experiences a shortage of parking; noted that the Seapoint Villas CC&Rs prohibit STLUs and multiple non-family members from residing in the units.

**Los Mares Beautification Project**

Toni Nelson, Capo Cares, and Eva O'Keefe, San Clemente Cares, narrated a PowerPoint presentation entitled "Appeal for Los Mares Beautification Project"; urged that Los Mares be rehabilitated to decrease crime, nuisances and transient activities; expressed willingness to work with the City to improve the area.

Councilmember Donchak agreed to work with Ms. Nelson and Ms. O'Keefe.

Council requested that an update on Caltrans' Adopt-a-Highway program be agendaized for a Council meeting in January 2018.

**'Twas the Night Before Christmas - Cabrillo Playhouse**

Sandra Weaver, representing the Cabrillo Playhouse, provided a preview of "Twas the Night Before Christmas" which is playing at the Cabrillo Playhouse.

### **Climate Change - Sea Level Rise**

Veda Chappell, San Clemente, stated she represents Citizens Climate Lobby, which is a non-profit, non-partisan grassroots advocacy group that is focused on national policies that affect climate change; voiced concern that the City's contracted climate research team indicated at a Coastal Advisory Committee meeting that a 1' to 3' sea level rise would reach the railroad tracks within 32 years and that no beach would remain.

Council noted that a Climate Change Element is included in the City's General Plan, which identifies the City's obligations and efforts.

### **Rancho San Clemente Knob Hill Fire**

Vonne Barnes, President of the Rancho San Clemente Community Association, displayed photographs of the Rancho San Clemente Knob Hill fire that occurred on November 25, 2017; noted that the 7-acre fire destroyed open space and threatened homes; explained that cigarette butts were found at the end of the ridge route trail; urged that unobtrusive trail fencing and fire hazard signage be installed.

Sophia Mains, together with members of the Community Problem Solving Club from San Clemente High School, requested fencing at the cul-de-sac at the top of Knob Hill and ten signs along the ridge route trail, to be funded from the \$12,600 that is provided annually to the trail pursuant to the 1995 easement agreement; opined that such action would reduce the potential for future area fires.

3. MOTION BY COUNCILMEMBER SWARTZ, 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 advised that no reportable actions were taken during this evening's Closed Session; advised that the Villa San Clemente LLC v. City of San Clemente case, that was listed on the Closed Session agenda, was not discussed.

6. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to approve the Consent Calendar, with the removal of Items D, I and M.

A. **City Council Minutes**

None.

B. Receive and file:

None.

C. **Warrant Register**

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

Wire Transfers Nos. 1733 through 1734,  
and Warrant Nos. 546070 through 546231,  
paid on 11/17/17 in the amount of.....\$1,206,063.77

Wire Transfers Nos. 1735 through 1738  
and Warrant Nos. 546232 through 546380, paid  
on 11/24/17 in the amount of.....\$1,558,617.12

TOTAL WARRANT REGISTER.....\$2,764,680.89

**Payroll Register**

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

Warrant Nos. 639 through 641 and  
Automatic Deposit Advises 44472 through 44768  
for the period 11/6/17 through 11/19/17, paid  
on 11/24/17 in the amount of.....\$ 437,294.14

TOTAL PAYROLL REGISTER.....\$ 437,294.14

**E. Notice of Completion - Operational Continuity Data Center**

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

1. Accept the Operational Continuity Data Center, Project No. 13810, from the contractor, Data Specialties, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Operational Continuity Data Center, Project No. 13810, 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 Data Specialties, 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.

**F. Contract Award - Cascadita Canyon Waterline Abandonment**

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

1. Approve the plans and specifications for the Cascadita Canyon Waterline Abandonment, Project No. 26406.
2. Approve a supplemental appropriation in the amount of \$83,000 from the Water Fund Depreciation Reserve to Account 052-466-45300-26406.
3. Approve, and authorize the Mayor to execute, Contract 17-53 by and between the City of San Clemente and GCI Construction, Inc., providing for the construction of the Cascadita Canyon Waterline Abandonment, in the amount of \$98,160.

**G. City Investment Policy 202-1**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to adopt Investment Policy No. 202-1, effective December 5, 2017.



**H. Bid Award - Network Switching Equipment**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to approve the purchase of network switching equipment from CDW-G LLC, in the total amount of \$133,885.

**J. Records Destruction**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to adopt Resolution No. 17-39 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE DESTRUCTION OF CERTAIN CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

**K. Contract Amendment - Temporary Staff Augmentation in the Planning Division**

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

1. Approve a budget transfer in the amount of \$86,000 from Account 001-433-41010-000-00000 (Salaries Current Planning, Full Time) to Account 001-433-43890-000-00000 (Contractual Services).
2. Approve a budget transfer in the amount of \$63,000 from Account 001-431-41010-000-00000 (Salaries Long Range, Full Time) to Account 001-433-43890-000-00000 (Contractual Services).
3. Approve, and authorize the Mayor to execute, Amendment No. 3 to Contract C17-17, by and between the City of San Clemente and Sagecrest Planning + Environmental, providing for temporary staff augmentation in the Planning Division. This Amendment extends the contract terms through June 30, 2018, or until services are no longer needed, and increases the contract amount from \$105,000 to \$349,000 (an increase of \$244,000).

**L. 2017 Washington D.C. Sober Living Homes Reform Trip**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to approve an appropriation in the amount of \$2,600 from the Council Contingency Reserve Account to Account 001-203-43060 and authorize out of state travel.

**ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION****D. Fiscal Year 2016-2017 Measure M2 Expenditure Report**

Bob Baker, San Clemente, noted that the San Clemente projects funded with Measure M2 funds represent actual traffic solutions, as opposed to toll road traffic solutions; acknowledged the benefits that traffic light synchronization have provided to the City.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to adopt Resolution No. 17-38 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO ADOPT THE FISCAL YEAR 2016-2017 MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF SAN CLEMENTE.

**I. Equipment Purchase - LED Street Light Fixtures for LED Street Light Retrofit Phase 2**

Richard Boyer, San Clemente, voiced concern that the proposed LED lighting is 3000 degrees kelvin, which represents a very bright, white light that barely meets dark sky certification criteria; spoke in support of warmer lights or lower luminosity.

MOTION BY MAYOR PRO TEM HAMM, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 5-0, to approve a purchase order with Leotek Electronics USA, LLC, for LED Street Light Retrofit Phase 2, Project No. 18806, in an amount not to exceed \$198,567.09.

**M. Contract Award - Street Rehabilitation for Avenida Pico; Avenida Pico/Camino Vera Cruz Intersection Improvements; Arterial Street Pavement Maintenance for Avenida La Pata and Vista Hermosa; As-Needed Pavement Repairs and Crack Sealing; and Pavement Repairs for the Water Division**

Public Works Director Bonigut referenced Page 2 of the Administrative Report, dated December 5, 2017; stated that under the category "Arterial Street Pavement Maintenance for Avenida La Pata and Vista Hermosa", the last sentence reads "Following the slurry the street will be restriped in its present configuration"; clarified that the same number of lanes will be retained, but the width will be reduced from 12' to 11' to accommodate 2' buffered bike lanes.

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

1. Approve the specifications for the Street Rehabilitation for Avenida Pico, Project No. 17328; Avenida Pico/Camino Vera Cruz Intersection Improvements, Project No. 17338; Arterial Street Pavement Maintenance for Avenida La Pata and Vista Hermosa, Project No. 18321; As-Needed Pavement Repairs and Crack Sealing, Project No. 27306; and Pavement Repairs for the Water Division, Project No. 24400.
2. Approve, and authorize the Mayor to execute, Contract C17-54 by and between the City of San Clemente and All American Asphalt, providing for the street rehabilitation of Avenida Pico, Project No. 17328; Avenida Pico/Camino Vera Cruz Intersection Improvements, Project No. 17338; Arterial Street Pavement Maintenance for Avenida La Pata and Vista Hermosa, Project No. 18321; As-Needed Pavement Repairs and Crack Sealing, Project No. 27306; and Pavement Repairs for the Water Division, Project No. 24400, in the amount of \$2,191,732.40.

7. **PUBLIC HEARINGS**

A. **Appeal 17-276 - Appeal of the Planning Commission Decision Affirming the Requirement of a Sign Exception Permit for Freeway-Oriented Signage to Exceed Municipal Requirements for the Outlets at San Clemente - 101 West Avenida Vista Hermosa**

Public Hearing to consider an Appeal filed by the Craig Realty Group concerning the Community Development Director's decision that the proposed Master Sign Program application for freeway-oriented signs requires a Sign Exception Permit. The Planning Commission heard this appeal on October 18, 2017, and determined the following: Denied Appeal 17-276, Appeal of Community Development Director's determination that a Sign Exception Permit is required for a pending application for Outlets at San Clemente to exceed the applicable Code requirement of one square foot of signage per linear foot of building frontage, located at 101 West Avenida Vista Hermosa.

City Attorney Smith announced that his firm represented the applicant in litigation referenced in the Administrative Report ten years ago and hence he will recuse himself from this item; stated that special counsel, Omar Sandoval, will provide legal services during this item; pointed out that the

Administrative Report references consultation with the City Attorney, but clarified that the consultation was provided with the special counsel, and not his firm.

City Planner Gregg narrated a PowerPoint presentation entitled "Appeal 17-276, Master Sign Program", which is on file with the City Clerk; introduced Staff counsel Matt Silver, with Silver & Wright.

Special Counsel Sandoval stated that he has not provided any advice to Staff on this issue, noting that Matt Silver has taken that role; explained that his role is to advise the City Council on the subject proceedings; stated that because an application will be considered by the Planning Commission that will eventually be considered by Council, it would not be appropriate for Council to discuss that application until after the Commission has acted and the matter is before Council; stated that the issue currently before Council is whether the determination of the Community Development Director, which was upheld by the Planning Commission, should be upheld by Council; recommended that Council limit this evening's proceedings to the appeal.

Matt Silver, Staff Counsel, emphasized that only the Sign Exception Permit (SEP) requirement for the freeway-oriented signs is at issue for this agenda item; noted that the Master Sign Program (MSP) was unaffected by Council's decision to rescind the SEP; stated that Council invalidated the SEP pursuant to a Writ of Mandate based on court order due to inadequate CEQA findings; pointed out that an SEP is required; noted that speakers may make constitutional or legal arguments this evening, but explained that the proper venue to determine legal questions is before a court of law.

Madison Spach, on behalf of Villa San Clemente (Appellant), stressed that the only thing that the Appellant objects to is the declaration by the Community Development Director that the 2008 court order has the effect of invalidating a portion of the Master Sign Program; stated that if Council adopts the resolution before it this evening, it would be adopting something that wasn't appealed, i.e., whether a Sign Exception Permit is necessary.

Mayor Brown opened the Public Hearing.

Ronald Salman, San Clemente, stated he resides in Marblehead Inland; noted that the outlet's signage is visible to residents; asserted that residents do not support freeway-oriented signage; urged that the appeal be denied.

Brad Malamud, San Clemente, stated that a Master Sign Program is controlling and valid forever; stated the Master Sign Program was not part of the court's decision; opined that the Community Development Director did not have the right to revoke the MSP.

Steve Knoblock, In-House Counsel with Villa San Clemente, commented on Villa San Clemente's property rights and asserted that the City will be served tomorrow with a petition in the Orange County Superior Court if the appeal is not approved; noted that the Outlets at San Clemente represent the City's highest sales tax producing business.

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

Following discussion, MOTION BY MAYOR PRO TEM HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to adopt Resolution No. 17-40 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DENYING APPEAL 17-276, APPEAL OF PLANNING COMMISSION'S DETERMINATION THAT A SIGN EXCEPTION PERMIT IS REQUIRED FOR FREEWAY-ORIENTED SIGNAGE AT THE OUTLETS AT SAN CLEMENTE TO EXCEED THE APPLICABLE CODE REQUIREMENT OF ONE SQUARE FOOT OF SIGNAGE PER LINEAR FOOT OF BUILDING FRONTAGE, LOCATED AT 101 WEST AVENIDA VISTA HERMOSA.

**B. Appeal 17-280 - Appeal of the Planning Commission Decision to Deny Temporary Banner Permit Renewal Applications to Exceed 120 Days - 101 West Avenida Vista Hermosa**

Public Hearing to consider an Appeal filed by the Craig Realty Group concerning the City's denial of 18 temporary banner sign permits. The Planning Commission heard this appeal on October 18, 2017, and determined the following: Denied Appeal 17-280, Appeal of Denial of Temporary Banner Permit Renewal Application for Outlets at San Clemente, located at 101 West Avenida Vista Hermosa.

City Planner Gregg narrated a PowerPoint presentation entitled "Marblehead Temporary Banner Permits". Matt Silvers, Staff Counsel, continued the PowerPoint presentation by explaining the contents of Municipal Code Section 17.84.030(H).1.f, which reads as follows:

Each business may have up to four banner permits per calendar year. Renewals of banner permits are allowed, but in no case shall a business display a temporary banner for more than 120 days per calendar year. A minimum of 14 days between permits is required, except upon renewal of an existing banner permit. Banners may be replaced during the authorized period so long as they are the same or smaller size and installed in the approved location. These provisions are to ensure temporary banner signs are not used as permanent display or in-lieu of permanent signs for the business.

Madison Spach, on behalf of Villa San Clemente (Appellant), stated that permanent Outlet signage is past due because of the Sign Exception Permit

issue and City delays; asserted that the City does not enforce existing banner display time limitations, adding that the City itself had a banner for the Farmers' Market that exceeded time display limitations.

Mayor Brown opened and closed the Public Hearing, there being no one desiring to speak to this issue.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER WARD, CARRIED 4-1 (COUNCILMEMBER SWARTZ DISSENTING), to adopt Resolution No. 17-41 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DENYING APPEAL 17-280, APPEAL OF DENIAL OF TEMPORARY BANNER PERMIT RENEWAL APPLICATIONS FOR OUTLETS AT SAN CLEMENTE LOCATED AT 101 WEST AVENIDA VISTA HERMOSA.

8. **UNFINISHED BUSINESS**

None.

9. **NEW BUSINESS**

A. **Short-Term Wastewater Services Agreement with Santa Margarita Water District (SMWD) - Treatment of Talega Sewer Flows**

Report from the Utilities Director concerning the possibility of entering into a Short-Term Agreement with SMWD for the treatment of Talega Sewer Flows.

MOTION BY MAYOR PRO TEM HAMM, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C17-55, a short-term Wastewater Services Agreement, by and between the City of San Clemente and the Santa Margarita Water District, providing for the treatment of Sewer Flows from Talega, subject to minor changes as approved by the City Attorney.

B. **Agreement with Trabuco Canyon Water District to Purchase Potable Water from the Baker Water Treatment Plant to Improve Supply Reliability**

Report from the Utilities Director concerning the possibility of purchasing potable water from the Baker Water Treatment Plant to improve supply reliability.

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

1. Approve, and authorize the Mayor to execute, Contract C17-56, by and between the City of San Clemente and Trabuco Canyon Water District, providing for the purchase, sale, and delivery of domestic water.
2. Approve a supplemental appropriation in the amount of \$32,000 to Purchased Water Account 052-462-42610 from the Water Operating Restricted Fund Balance.
3. Approve a one-time purchase of water from the Trabuco Canyon Water District for testing Irvine Lake Water through the Baker Water Treatment Plant in the amount of \$137,451.60.

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) Update to Council Appointees to Regional Committees, Commissions and Boards**

Council updated its appointees to Regional Committees, Commissions and Boards as follows:

<b>Committee/Commission/Board</b>	<b>Representative(s)</b>
Capistrano Unified School District Liaison Committee	Brown (No Alternate Permitted)
Coastal Animal Services Authority (CASA)	Hamm/Swartz (Alt.)
Conservancy (Elected/Appointed Representative to Friends of the Reserve Commission)	Hamm is the City's Elected/Appointed Rep; Patricia Holloway is the Community "At Large" Representative (term expires June 30, 2018); The Talega HOA Representative position is Laurie Gooch (term expires June 30, 2018).
Chamber of Commerce – Economic Development	Brown/Swartz (Alt.)  <i>Note: The Mayor will attend ribbon cutting ceremonies.</i>
Downtown Business Association – Economic Development	Hamm/Swartz (Alt.)
Emergency Operational Area Council (Orange County)	Mayor and Mayor Pro Tem
Fire Authority (Orange County)	Brown
Insurance Authority (California Joint Powers Insurance Authority)	Donchak/Swartz (Alt.) <i>(Note: Council can appoint unlimited alternates including Staff)</i>
Investment Advisory Committee	Swartz
Legislative Delegate Program - Representative to Senate District 38	Mayor and Mayor Pro Tem
Legislative Delegate Program - Representative to 73 <sup>rd</sup> Assembly District	Mayor and Mayor Pro Tem
Library Task Force (Orange County)	Donchak/Swartz (Alt.)
Mayors (South Orange County Association of Mayors)	Mayor
U.S. Marine Corps Liaison	Brown
MWDOC Interaction of Elected Officials	Ward/Swartz (Alt.)



Nine South County Water Agencies (This is the name of a group that consists of nine South Orange County water agencies).	Ward/Swartz (Alt.)
OCTA Transportation Planning Workshops	Donchak and Tom Bonigut
Public Safety Task Force	Swartz/Hamm. Ward is alternate.
Pier Bowl Association	Hamm
Project Participation Committee (Dana Point Ocean Water Desalination Plant Project)	Brown/Swartz (Alt.)
Sand Replenishment Project	Hamm/Swartz (Alt.)
SCAG General Assembly	Swartz/Donchak (Alt.)
Social Service/Community Service Budget Committee	Donchak
South Orange County Watershed Management Area Executive Committee	Brown/Swartz (Alt.)
Toll Road Subcommittee	Donchak/Ward (Appointment occurred at 6/20/17 Council meeting for terms to expire 1/1/18)
Transportation Corridor JPA (Foothill Eastern)	Ward/Swartz (Alt.)
Transportation Corridor JPA (San Joaquin Hills)	Swartz/Ward (Alt.)
Vector (Orange County Vector Control)	Jim Dahl (term expires January 2018)
Wall of Recognition	Hamm


**12. RESOLUTIONS/ORDINANCES**

**A. Ordinance No. 1648 (Second Reading) - Assigning Authorities to the New Utilities Director Position**

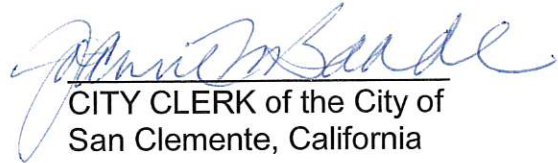
MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 5-0, to adopt Ordinance No. 1648 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTERS 2.20, 2.24, 13.04, 13.12, 13.24, 13.32, 13.34, 13.40, AND 13.44 OF THE MUNICIPAL CODE OF THE CITY OF SAN CLEMENTE TO ASSIGN AUTHORITIES TO THE NEW UTILITIES DIRECTOR POSITION.

13. **ADJOURNMENT**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to adjourn at 9:20 p.m. to an Adjourned Regular City Council Meeting to be held on December 19, 2017 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. At 4:30 p.m., Council will interview and make an appointment to the Orange County Mosquito and Vector Control District Board of Trustees. Closed Session items will be considered at 5:00 p.m. The Regular Business Meeting will take place at 6:00 p.m.



MAYOR of the City of  
San Clemente, California



CITY CLERK of the City of  
San Clemente, California