

# CITY OF SAN CLEMENTE

## City Council Minutes

### Special and Regular City Council Meeting – April 17, 2018

*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 April 17, 2018 at 4:30 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Councilmember Swartz.

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

\*Arrived 4:33 p.m.

**ABSENT** HAMM

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

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### **CLOSED SESSION**

MOTION BY COUNCILMEMBER SWARTZ, SECOND BY COUNCILMEMBER WARD, CARRIED 3-0 (MAYOR BROWN AND MAYOR PRO TEM HAMM ABSENT), to recess to Closed Session at 4:30 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: City of San Clemente v. Foothill/Eastern Transportation Corridor Agency and County of Orange  
Case Number: OCSC 30-2017-00934703-CU-PT-CXC

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

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

*Closed Session items continued on next page*

Case Name: Villa San Clemente, LLC. v. City of San Clemente  
Case Number: 30-2017-00963212-CU-WM-CJC

Case Name: Villa San Clemente, LLC. v. City of San Clemente  
Case Number: 30-2017-00947401-CU-WM-CJC

Case Name: Villa San Clemente, LLC. v. City of San Clemente  
Case Number: 30-2017-00917422-CU-WM-CJC

Case Name: Villa San Clemente, LLC. v. City of San Clemente  
Case Number: 30-2017-00959587-CU-WM-CJC

Case Name: Villa San Clemente, LLC. v. City of San Clemente  
Case Number: 30-2017-00945850-CL-JR-CJC

**B. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**

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

Number of potential cases: 2

**C. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**

Initiation of litigation pursuant to Government Code section 54956.9(d)(4)

Number of potential cases: 1

**REGULAR BUSINESS MEETING CONVENED**

The Regular Business Meeting of April 17, 2018 convened at 6:00 p.m., with all members present, except Mayor Pro Tem Hamm.

**INVOCATION**

Mayor Brown gave the invocation.

**PLEDGE OF ALLEGIANCE**

Councilmember Ward led the Pledge of Allegiance.

## **REORDERING OF CITY COUNCIL AGENDA**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 4-0 (MAYOR PRO TEM HAMM ABSENT), to consider Agenda Item 7-A (Reconsideration of the Conditions of Approval portion of the previously-approved permits for the Outlets at San Clemente Freeway-Oriented Signs) immediately following Oral Communications Part 1, and to consider Agenda Item 11A(2) (Orange County Transportation Authority Update) immediately following the Toll Road Update.

### **1. SPECIAL PRESENTATIONS**

#### **A. Toll Road Update**

Eva O'Keefe, San Clemente, provided an update on the Reserve's legal efforts to prevent the extension of SR-241 through San Clemente, focusing on its Temporary Restraining Order that was rejected on a technicality, as well as its Amended Complaint; stated that Oceanside Assembly Member Rocky Chavez has introduced AB 2791 to redefine the toll road as stopping at Oso Parkway.

Agenda Item 11A(2) was considered at this point in the meeting as follows:

#### **Orange County Transportation Authority (OCTA) Update**

Councilmember Donchak reported on the last meeting of the Orange County Transportation Authority, focusing on the Board's approval of Los Patrones Parkway into the Master Plan of Arterial Highways as a free secondary four-lane undivided arterial, and the upcoming extension of the HOV lanes on the I-5 to the San Diego County border; explained that the extension of the SR-241 is unnecessary due to the HOV extension and fact that the I-5 is only at 58% capacity on average.

#### **B. Proclamation Presentation - Youth Week**

Mayor Brown presented a proclamation to members of the San Clemente Elks Lodge declaring the first week in May 2018 as Youth Week.

#### **C. South Orange County Wastewater Authority (SOCWA) State Audit**

Betty Burnett, General Manager with SOCWA, narrated a PowerPoint presentation entitled "City of San Clemente Update on SOCWA", which summarized the results of the SOCWA State Audit. A hard copy of Ms. Burnett's PowerPoint is on file with the City Clerk.

D. **Orange County Human Relations Report**

Francisco Marmolejo and Susan Reese, of Orange County Human Relations, reported on Orange County Human Relations activities and presented the City with a certificate in recognition of its support of positive community relations.

E. **San Clemente High School Report**

Carni Campbell reported on San Clemente High School activities.

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

**Sanctuary Cities**

Mary Franta, San Clemente, urged that San Clemente be exempted from California's sanctuary laws; opined that criminals should not be protected from prosecution and deportation.

Gene Jemes, San Clemente, urged that San Clemente reject California sanctuary city laws.

**Transient Issues**

Anthony LaFrano, San Clemente, urged that the City proactively address the homeless issue and prohibit loitering within 1,000 feet of a school. Hard copies of Mr. LaFrano's photographs are on file with the City Clerk.

Tony Rubilino urged that the City become more proactive in addressing the homeless situation; suggested that Family Assistance Ministries be privatized and voiced concern that Public Safety Task Force meetings are conducted during the day which hinders attendance. Hard copies of Mr. Rubilino's photographs are on file with the City Clerk.

Eva O'Keefe, San Clemente, narrated a PowerPoint presentation entitled "The North Beach Issue", which addressed problems associated with transients (i.e., drugs, open containers, and utilization of parking spaces). A hard copy of Ms. O'Keefe's presentation is on file with the City Clerk.

**Possible Extension of SR-241**

Cord Bauer, San Clemente, reported on efforts to prevent the extension of the SR-241 through San Clemente and urged that IBI Group be retained to address the effect on traffic if the SR-73 were free.

### **Cannabis Regulations**

Angela Connors, San Clemente, stated that cannabis is being consumed, distributed, purchased and sold in San Clemente without regulation; urged that the City establish regulations to help protect citizens from products from unlicensed and black market sellers.

Joe Greenfeld, San Clemente, pointed out that voters in California supported the legalization of cannabis and stated that 60% of San Clemente voters support some form of cannabis legalization; opined that Council is obligated to adopt the regulations and ordinances to support the will of the voters; conveyed support for cannabis delivery services.

Mike Rainier, San Clemente, stated that he is involved in the manufacture and distribution of cannabis; urged that the City establish regulations for cannabis, pointing out the benefits of the resulting sales tax revenue.

Paul Middleton, resident of Dallas, Texas and South Orange County, spoke on the medical treatment benefits of cannabis.

### **PUBLIC HEARINGS**

A. **Reconsideration of the Conditions of Approval Portion of the Previously Approved Permits for the Outlets at San Clemente Freeway-Oriented Signs - 101 West Avenida Vista Hermosa (Sign Exception Permit 15-423 and Amendment to Discretionary Sign Permit 05-176)**

Public Hearing to consider an additional condition of approval to Sign Exception Permit 15-423 and Amendment to Discretionary Sign Permit 05-176 (Outlets at San Clemente Freeway-Oriented Signs - 101 West Avenida Vista Hermosa), that were approved at the City Council meeting of March 6, 2018, to require the property owner's written consent to all of the imposed conditions of approval within 30 days.

City Attorney Smith reported that he is unable to represent the Council on this agenda item because his firm (Best Best & Krieger) previously represented the Applicant; stated that Omar Sandoval will serve as special counsel for this item.

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 4-0 (MAYOR PRO TEM HAMM ABSENT) to reconsider the Conditions of Approval of the previously approved permits for the Outlets at San Clemente freeway-oriented signs.

City Planner Gregg narrated a PowerPoint presentation entitled "Outlets at San Clemente Freeway-Oriented Signs - Reconsideration of Conditions of Approval". A hard copy of Ms. Gregg's PowerPoint are on file with the City Clerk.

Mayor Brown opened the Public Hearing.

Madison Spach, legal counsel on behalf of the Applicant, referenced his letter of April 16, 2018 (which is on file with the City Clerk) which explained Villa San Clemente's objections to Council's reconsideration of the Conditions of Approval for the Outlets at San Clemente freeway-oriented signs; asserted that the Condition of Approval that is under consideration this evening is not needed because Condition No. 6 (which was adopted by Council on March 6, 2018), stipulates that the owner shall submit written consent to all conditions prior to the issuance of building permits; cited Section 17.12.120 of the City Code, which sets forth conditions necessary to reconsider an item, and asserted that the conditions were not met because the reconsideration was initiated by Staff, as opposed to a member of the Council; summarized the Lynch decision, in which the California Supreme Court determined that an Applicant cannot accept the benefits of Conditions of Approval, while simultaneously opposing those Conditions through the judicial system; asserted that there is a Constitutional limitation on the ability of the Council to limit to 30 days the period in which the Applicant must accept the Conditions of Approval.

Brad Malamud, legal counsel on behalf of the Applicant, objected to Council's actions of April 3, 2018 to defer approval of the March 6, 2018 City Council minutes to April 17, 2018 as well as its recess to Closed Session during consideration of the subject minutes; voiced concern that the reconsideration in question will re-open the entire signage package to reconsideration; disagreed with Council's re-ordering of the agenda this evening and suggested that a bad precedent has been established.

Benjamin Doran, San Clemente, spoke in opposition to excessive signage, but stated that he supports tasteful project identification signage; concurred with the lighting schedule and bronze sign color that Council approved.

Kathy Armenteros, San Clemente, voiced concern that Council has not offered to meet with residents of various communities in the City that would be affected by the outlet signs.

Pete van Nuys, San Clemente, opined that members of the public do not understand the extent of the signage that will be displayed at the Outlets.

Kristi Kindred, San Clemente, stated that she is a co-operator of a seasonal boutique at the Outlets; spoke on the need for tasteful, unobtrusive signage.

Jancee Aellig, San Clemente, spoke on the need for signage to make businesses successful; noted that tax revenue from the Outlets helps the City.

Paul Simonds, Chair of the South Orange County Economic Coalition, asserted that the City is becoming anti-business; stated that the signage issue was already vetted.

Jason Chase, San Clemente, stated that he is the customer service manager for the Outlets; explained that signage is essential and people want the Outlets to succeed.

Vickie McMurchie, San Clemente, stated that she is the marketing and special events manager for the Outlets; reviewed the history of the signage issue and spoke in opposition to reconsideration of the conditions of approval.

Abigail Gazda, San Clemente, speaking on behalf of the San Clemente Chamber of Commerce, spoke on the importance of Outlet signage to attract business.

Charles Mann, San Clemente, urged that Council reconsider its approval of the Outlet signage, stating that confusion exists concerning signage locations; urged that Council meet with residents.

Steve Knoblock, San Clemente, Assistant General Counsel with Craig Realty Group, noted that the signage approval was the result of a two-year process with an exhaustive, now certified, environmental review; opined that the condition of approval under consideration is a ploy to deprive the Outlets of its rights; requested that Council deny the reconsideration.

Richard Boyer, President of San Clemente Citizens for Integrity in Development, noted that the outlet mall in Carlsbad is successful, despite the fact that it does not have freeway-oriented signage; apologized for the late submittal (on April 3, 2018) of his packet of information relating to the Outlet signage, but stated that it contains useful information.

Nicky Magnuson, San Clemente, speaking on behalf of San Clemente Christian School, spoke in support of the Outlet's signage, noting that the Outlets support San Clemente Christian School.

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

Following deliberations, MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 4-0 (MAYOR PRO TEM HAMM ABSENT), to adopt Resolution No. 18-14 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AN AMENDMENT TO DISCRETIONARY SIGN PERMIT (DSP) 05-176 AND SIGN EXCEPTION PERMIT 15-423, A REQUEST TO AMEND A PREVIOUSLY-APPROVED MASTER SIGN PROGRAM TO ALLOW FREEWAY-ORIENTED SIGNS FOR THE OUTLETS AT SAN CLEMENTE LOCATED AT 101 WEST AVENIDA VISTA HERMOSA.

3. MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 4-0 (MAYOR PRO TEM 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**

**San Clemente Vacation Rental Alliance (SCVRA) v. City of San Clemente**

City Attorney Smith reported that during this evening's Closed Session, Council took the following actions:

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR BROWN, CARRIED 4-0 (MAYOR PRO TEM HAMM ABSENT), to approve a settlement agreement with the San Clemente Vacation Rental Alliance (SCVRA), with the exception of Exhibit C to the agreement (i.e., the list of properties whose owners have requested and have been granted amortization extensions).

MOTION BY COUNCILMEMBER SWARTZ, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 3-0-1 (MAYOR BROWN RECUSING AND MAYOR PRO TEM HAMM ABSENT), to approve the portion of Exhibit C to the SCVRA settlement agreement relating to 115 Trafalgar Lane and 135 Avenida Barcelona. Mayor Brown recused himself from deliberations and left the meeting room during consideration of this



portion of the settlement agreement because the properties on Trafalgar Lane and Avenida Barcelona are located within 500' of property owned by Mayor Brown.

MOTION BY MAYOR BROWN, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 4-0 (MAYOR PRO TEM HAMM ABSENT), to approve the remainder of Exhibit C to the SCVRA settlement agreement (i.e., everything except reference to 115 Trafalgar Lane and 135 Avenida Barcelona which were approved in the previous motion).

### **Villa San Clemente Cases**

City Attorney Smith reported that he recused himself from the portion of this evening's Closed Session relating to the Villa San Clemente cases that were listed on the Closed Session agenda because his firm (Best Best & Krieger) previously represented the Applicant; advised that special counsel Alan Burns attended the Closed Session during discussion of the Villa San Clemente cases; advised that special counsel Alan Burns was also present at the April 3, 2018 Closed Session relating to the Villa San Clemente cases.

## **6. CONSENT CALENDAR**

~~MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 4-0 (MAYOR PRO TEM HAMM ABSENT), to approve the Consent Calendar with the removal of Item 6-A.~~

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

- (1) Design Review Subcommittee Meeting minutes of March 14, 2018.
- (2) Zoning Administrator Regular Meeting minutes of March 21, 2018.

C. **Warrant Register**

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

Wire Transfers Nos. 1804 through 1807,  
and Warrant Nos. 549012 through 549188, paid  
on 3-30-18 in the amount of.....\$2,223,088.63

Wire Transfers Nos. 1808 through 1809,  
and Warrant Nos. 549189 through 549328, paid  
on 4-06-18 in the amount of.....\$1,169,051.39

TOTAL WARRANT REGISTER.....\$3,392,140.02

**Payroll Register**

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

Warrant Nos. 662 through 664,  
Automatic Deposit Advises 47095 through  
47392, for the period 3-12-18 through  
3-25-18, paid on 3-30-18, in the amount of.....\$ 463,043.28

TOTAL PAYROLL REGISTER.....\$ 463,043.28

D. **Designation of City Representative to Obtain Federal Emergency Management Agency (FEMA) and California Office of Emergency Services (CAL OES) Grant Programs for Winter Disaster Damage**

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 4-0 (MAYOR PRO TEM HAMM ABSENT), to adopt Resolution No. 18-10 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DESIGNATING THE CITY MANAGER, PUBLIC WORKS DIRECTOR/CITY ENGINEER AND UTILITIES DIRECTOR AS THE CITY'S AUTHORIZED REPRESENTATIVES TO OBTAIN FEDERAL AND STATE FINANCIAL ASSISTANCE.

E. **Designation of Fiscal Year (FY) 2018 and 2019 Street Rehabilitation Projects Pursuant to the State Road Repair and Accountability Act of 2017 (Senate Bill 1)**

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 4-0 (MAYOR PRO TEM HAMM ABSENT), to adopt Resolution No. 18-11 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING THE LIST OF PROJECTS FOR FISCAL YEAR 2017-2018 AND ADOPTING THE LIST OF PROJECTS FOR FISCAL YEAR 2018-2019 FUNDED BY THE STATE OF CALIFORNIA ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017 (SB1).

F. **Contract Award – Purchase and Installation of a Four-Fold Door for Fire Station No. 60**

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

1. Approve a supplemental appropriation in the amount of \$20,300 from the Undesignated General Fund Balance to Account No. 001-226-43410.
2. Approve, and authorize the Mayor to execute, Contract C18-15, by and between the City of San Clemente and Byron EPP, Inc., providing for the purchase and installation of a fire apparatus door at Fire Station No. 60, in the amount of \$168,800.

G. **Initiation of a Zoning Amendment to Clarify the Timing for Expiration of Entitlements for Non-Conforming Uses**

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 4-0 (MAYOR PRO TEM HAMM ABSENT), to direct the Planning Commission to initiate a zoning amendment to clarify the expiration of approvals for uses that become non-conforming under the zoning code, as authorized by Municipal Code Section 17.16.020(C)(1).

H. **Replacement of Motor Control Center (MCC) at the Vista Hermosa Pump Station**

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 4-0 (MAYOR PRO TEM HAMM ABSENT), to approve the purchase of Motor Control Center (MCC) equipment from Graybar Electric Company in the amount of \$45,500 for the Vista Hermosa Pump Station.

I. **Interim Deputy Community Development Director/Building Official**

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 4-0 (MAYOR PRO TEM HAMM ABSENT), to adopt Resolution No. 18-12 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE APPOINTMENT OF MICHAEL JORGENSEN AS INTERIM DEPUTY COMMUNITY DEVELOPMENT DIRECTOR/BUILDING OFFICIAL.

J. **2017 General Plan Progress**

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

1. Adopt Resolution No. 18-13 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACCEPTING THE GENERAL PLAN 2017 PROGRESS REPORT.
2. Direct Staff to submit a copy of the General Plan 2017 Progress Report to State departments as required by law.

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

A. **City Council Minutes of March 6, 2018, March 12, 2018, March 20, 2018, and April 3, 2018**

Brad Malamud, San Clemente, referenced the City Council minutes of April 3, 2018, stating that the Council illegally recessed to Closed Session during consideration of the March 6, 2018 City Council minutes; asserted that deferring approval of the March 6, 2018 Council minutes from the Council meeting of April 3, 2018 to the Council meeting of April 17, 2018 was inappropriate and that considering Agenda Item 7-A this meeting before approving the March 6, 2018 minutes was improper; urged that Council

deem that the March 6, 2018 City Council minutes were approved two weeks ago.

Richard Boyer, President of San Clemente Citizens for Integrity in Development, stated that he incorrectly stated at the March 6, 2018 Council meeting that his group sued the City three times; provided correction that his group met the City in court three times, but filed only one lawsuit.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 4-0 (MAYOR PRO TEM HAMM ABSENT), to add a notation to Page 16 of the City Council minutes of March 6, 2018, to indicate that an additional condition of approval concerning the Outlets at San Clemente freeway-oriented signage project was added at the Council meeting of April 17, 2018 and directing readers to the appropriate location on the April 17, 2018 Council minutes where the additional action can be viewed.

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 4-0 (MAYOR PRO TEM HAMM ABSENT), to modify the portion of the March 20, 2018 Council minutes relating to development of a leaf blower ordinance to read in its entirety as follows:

Council directed that Staff and the Planning Commission develop a Leaf Blower Ordinance. Council indicated that it is not interested in banning all leaf blowers, but may consider establishing regulations on their use or possibly banning gas-powered leaf blowers. Specific directions were provided as follows:

- City is to reach out to stakeholders (e.g., landscaping companies, South Orange County Management District, etc.).
- Code Enforcement is to report on enforcement processes should additional restrictions be contemplated.
- City to consider what other cities are doing, especially as it relates to decibel levels, hours of operation, and gas versus electric blowers.
- City to contemplate leaf vacuums versus leaf blowers.
- City to consider requiring leaves to be picked up and not simply blown to another location.
- City to review the City of Dana Point's leaf blower ordinance.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 4-0 (MAYOR PRO TEM HAMM ABSENT), to take action as follows:

1. Approve the City Council Special and Regular Meeting minutes of March 6, 2018, as modified to add a notation to Page 16 of the City Council minutes of March 6, 2018, to indicate that an additional condition of approval concerning the Outlets at San Clemente freeway-oriented signage project was added at the Council meeting of April 17, 2018 and directing readers to the appropriate location on

the April 17, 2018 Council minutes where the additional action can be viewed.

2. Approve the Adjourned Regular City Council Meeting minutes of March 12, 2018.
3. Approve the Regular City Council Meeting minutes of March 20, 2018, as modified to reflect Council's action concerning development of a Leaf Blower Ordinance to read in its entirety as follows:

Council directed that Staff and the Planning Commission develop a Leaf Blower Ordinance. Council indicated that it is not interested in banning all leaf blowers, but may consider establishing regulations on their use or possibly banning gas-powered leaf blowers. Specific directions were provided as follows:

- City is to reach out to stakeholders (e.g., landscaping companies, South Orange County Management District, etc.).
- Code Enforcement is to report on enforcement processes should additional restrictions be contemplated.
- City to consider what other cities are doing, especially as it relates to decibel levels, hours of operation, and gas versus electric blowers.
- City to contemplate leaf vacuums versus leaf blowers.
- City to consider requiring leaves to be picked up and not simply blown to another location.
- City to review the City of Dana Point's leaf blower ordinance.

4. Approve the Regular City Council Meeting minutes of April 3, 2018.

## 7. **PUBLIC HEARINGS**

### A. **Reconsideration of the Conditions of Approval Portion of the Previously Approved Permits for the Outlets at San Clemente Freeway-Oriented Signs - 101 West Avenida Vista Hermosa (Sign Exception Permit 15-423 and Amendment to Discretionary Sign Permit 05-176)**

Public Hearing to consider an additional condition of approval to Sign Exception Permit 15-423 and Amendment to Discretionary Sign Permit 05-176 (Outlets at San Clemente Freeway-Oriented Signs - 101 West Avenida Vista Hermosa), that were approved at the City Council meeting of March 6, 2018, to require the property owner's written consent to all of the imposed conditions of approval within 30 days.

This agenda item was considered earlier in the meeting. Please refer to Page 5 of these minutes for a summary of that action.

8. **UNFINISHED BUSINESS**

None.

9. **NEW BUSINESS**

None.

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

**Cannabis Regulations**

Jenna Lee, San Juan Capistrano, voiced concern with the opioid epidemic and urged that cannabis regulations be established.

Samuel Grosso, Mission Viejo, spoke on the growth of the cannabis industry and the need for cannabis regulations.

Kristoffer Leuandowski, San Juan Capistrano, spoke in support of responsible cannabis regulations.

Jeremy Greenfeld, San Clemente, stated that he wants to operate a medical cannabis delivery service; urged Council to consider issuing licenses to cannabis businesses.

**San Onofre Nuclear Generating Station - Faulty Canisters**

Gary Headrick, San Clemente Green, stated that the first four canisters that were loaded at San Onofre Nuclear Generating Station were faulty, which raises quality control questions; voiced further concern that the canisters that have already been loaded cannot be remedied because a solution is not known at this time.

**Transient Issues**

Adrienne Markes, San Clemente, voiced public safety concerns relating to transients; urged Council to oppose SB 54.

**Recognition of Susan Jennrich - Nominee for Woman of the Year**

Lew Avera, San Clemente, commended Susan Jennrich on being nominated for the Woman of the Year award; noted that Ms. Jennrich will become President of the San Clemente Chamber of Commerce in 2019.

**11. REPORTS****A. Commissions and Committees****(1) Scheduling of Meetings to Interview and Appoint Individuals to Serve on Various City Commissions and Committees and the Friends of the Reserve Commission**

Council scheduled Adjourned Regular Meetings to be held on June 13 and 14, 2018 at 4:30 p.m. for the purpose of interviewing, and making appointments, to City Commissions and Committees, and Friends of the Reserve Commission.

Additionally, Council changed its first meeting in June 2018 to June 12, 2018.

**(2) Orange County Transportation Authority (OCTA) Update (Councilmember Donchak)**

This item was considered earlier in the meeting. Please refer to Page 3 of these minutes for a summary of that discussion.

**B. City Manager**

None.

**C. City Attorney**

None.

**D. Council Members****Community Choice Energy - Renewable Power**

Councilmember Donchak reported on her attendance at the Orange County Clean Power Summit at the University of California, Irvine on April 11, 2018 concerning Community Choice Energy (CCE); requested that Staff organize a meeting with representatives from the City of Solana Beach, which has created a CCE program. It was agreed that Councilmembers Donchak and Ward will attend the meeting with Solana Beach representatives, with Councilmember Swartz available to attend as a back-up.



**Community Engagement Panel (CEP)**

Councilmember Swartz reported on a recent meeting of the Community Engagement Panel; advised that the manufacturer is taking responsibility for defective pins on four canisters and is expected to provide proper remedy; noted that Southern California Edison has agreed to 24/7 radiation monitoring on site and making the monitoring information accessible to the public.

**California Water Fix**

Councilmember Ward reported on the California Water Fix project, noting that the Metropolitan Water District of Southern California has agreed to provide funding toward an additional tunnel to improve water supply reliability.

**Stranded Nuclear Waste Accountability Act of 2017**

Council requested that Federal Bill HR 3929 (Stranded Nuclear Waste Accountability Act of 2017) be agendaized for the Council meeting of May 1, 2018 to enable Council the opportunity to take a position on the bill.

**State of the City/Presentations Concerning Toll Road and Lyft Program/Meeting Concerning Homelessness/Orange County Fire Authority Report**

Mayor Brown reported on the recent State of the City event, advised that IBI Group and he gave a presentation to the Orange County Council of Governments Infrastructure and Technology Committee concerning the City's position on the toll road as well as the City's success with the Lyft program; stated that he will meet with the mayors of other Orange County cities at the request of Judge Carter concerning the homeless issue; requested that an Orange County Fire Authority report be agendaized for the Council meeting of May 1, 2018.

**12. RESOLUTIONS/ORDINANCES**

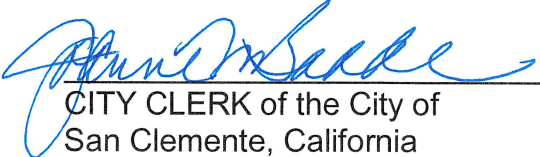
None.

13. **ADJOURNMENT**

MOTION BY MAYOR BROWN, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 4-0 (MAYOR PRO TEM HAMM ABSENT), to adjourn at 9:15 p.m.

The next Regular Council Meeting will be held on May 1, 2018 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.

A subsequent Adjourned Regular Meeting will be held on May 10, 2018 at 7:00 p.m. at the Ole Hanson Beach Club, located at 105 W. Avenida Pico, San Clemente, for the purpose of meeting in joint session with the City's Commissions and Committees.

  
CITY CLERK of the City of  
San Clemente, California

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MAYOR of the City of  
San Clemente, California