

CITY OF SAN CLEMENTE

City Council Minutes

Regular City Council Meeting – January 5, 2016

These minutes reflect the order in which items appeared on the meeting agenda and do not necessarily reflect the order in which items were actually considered.

A Regular Meeting of the San Clemente City Council was called to order on January 5, 2016 at 5:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Baker.

PRESENT BROWN, DONCHAK, HAMM*, WARD, MAYOR BAKER

*Left meeting at 10:20 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 BROWN, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to recess to Closed Session at 5:00 p.m. to discuss the following:

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property: 1030 Calle Negocio

Agency negotiator: Assistant City Manager

Negotiating party: Family Assistance Ministries

Under Negotiation: Term and Rent for Possible Lease Extension

B. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

Case Name: Emergency Shelter Coalition v. City of San Clemente

Case Number: OCSC 30-2014-00758880

C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

Case Name: Capistrano Shores, Inc. v. City of San Clemente

Case Numbers: OC SC 30-2014-00709987-CU-EI-CXC and 30-2014-00726889-CU-WM-CJC

In attendance for the full Closed Session were all members of the City Council, City Manager Makshanoff, Assistant City Manager Sund, and City Attorney Smith. Community Development Director Gallardo-Daly and Attorney Christine Talley, of Best Best & Krieger, were in attendance for Closed Session Items A and B.

MEETING RECONVENED

Council reconvened at 6:14 p.m., with all members present.

INVOCATION

Chris Smith, Pastor with South Coast International Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Donchak led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **City Tile – William Tullius, Retiring Senior Building Inspector**

Mayor Baker presented a City tile to William Tullius, retiring Senior Building Inspector, in recognition of 29 years of exemplary service to the City of San Clemente.

B. **Commendation – Austin Warren, Jr., Eagle Scout Recipient**

Austin Warren, Jr. was unable to attend the Council meeting.

C. **San Clemente Library Update**

This item was deferred to the February 2, 2016 Council meeting.

D. **Presentation of the 2015 Project of the Year Award from the American Public Works Association (APWA) Southern California Chapter to the City of San Clemente**

Aeryn Donnelly-Terrey, Park Planner, narrated a Power Point presentation entitled "Turf Removal and Irrigation Retrofit Project for Water Conservation" and presented Council with the 2015 Project of the Year Award from the American Public Works Association (APWA) Southern California Chapter in recognition of the *Building Excellence Shaping Tomorrow* (BEST) Award for the Non-Functional Turf Removal and Irrigation Retrofit for Water Conservation Project. A hard copy of the presentation is on file with the City Clerk.

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

HMLA 469 Holiday Party

Wayne Eggleston, Heritage of San Clemente, thanked the City for its continued support of Marine Unit, HMLA 469; displayed photographs of gifts that were donated for the holiday event and thanked the anonymous donor of two Hot Wheels Jeeps.

Hillside at Via Ballena

Jim Kempton, San Clemente, thanked Council for negotiating an agreement with Via Ballena homeowners to repair the area slopes; expressed gratitude to the City for installing a new storm drain; requested that protective elements be added to the slope to prevent further damage.

Orange County's 100 Most Influential People of 2015

Brenda Miller, San Clemente, reported that she was named one of Orange County's 100 Most Influential People of 2015; thanked Council, Planning Commission and Staff for their continued support of her endeavors.

Homeless Alternatives

Sheila Ridge, San Clemente, reported that Family Assistance Ministries (FAM) is evaluating the possibility of initiating a pilot program whereby FAM would provide homeless residents with tokens for use of the showers at Calafia State Park; suggested that bus pass or Uber donations would provide homeless persons with needed transportation.

Outstanding Parking Ticket

Scott Smith, San Clemente, reported that he received a parking ticket for street sweeping; noted he is disputing the ticket because his vehicle was blocked in; opined the City has a parking problem in the vicinity of Laura's House.

San Onofre Nuclear Generating Station (SONGS)

Gary Headrick, San Clemente Green, expressed concern that public safety is being jeopardized as a result of SONGS' storage of radioactive waste in canisters that are susceptible to cracking.

Laurie Headrick, San Clemente Green, reported that an NBC-7 news report indicated that SONGS has been careless in its handling of radioactive material; urged Council to initiate an independent investigation to determine the amount of radioactive waste that is currently stored at SONGS.

Jennifer Massey, San Clemente, stated that it is unjust for utility customers to pay \$3.3 billion for failed generators at SONGS that were less than one year old; asserted that it was illegal for SONGS to modify the design of the new generators without reporting the changes to the NRC; voiced concern that radioactive waste is being stored at SONGS.

North Beach Sand Replenishment

Don Slater, San Clemente, opined that this winter's El Nino conditions will result in additional sand production and suggested that the City use an excavator to extract available sand and deliver it to North Beach.

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

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

None.

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

City Attorney Smith announced that Council took no reportable action during Closed Session.

6. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM WARD, CARRIED 5-0, to approve the Consent Calendar, with the removal of Item F.

- A. **City Council Minutes**

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

1. Minutes of the Regular City Council Meeting of December 1, 2015.

B. Commission/Committee Minutes

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

1. Minutes of the Regular Golf Course Committee Meeting of November 5, 2015.
2. Minutes of the Regular Coastal Advisory Committee Meeting of November 12, 2015.
3. Minutes of the Adjourned Regular Study Session of the Planning Commission of December 3, 2015.
4. Minutes of the Regular Zoning Administrator Meeting of December 16, 2015.
5. Minutes of the Adjourned Regular Planning Commission Meeting of December 16, 2015.

C. Warrant Register

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

Wire Transfer Nos. 1461 through 1464
 and Warrant Nos. 529416 through 529559
 paid on 12/11/2015, in the amount of \$1,046,301.09

Warrant Nos. 529560 through 529731
 paid on 12/18/2015, in the amount of \$ 861,213.11

Wire Transfer Nos. 1465 through 1468
 and Warrant Nos. 529732 through 529887
 paid on 12/24/2015, in the amount of \$2,741,306.11

TOTAL WARRANT REGISTER \$4,648,820.31

Payroll Register

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

Warrant Nos. 453 through 455 and Automatic Deposit Advises 28855 through 29153 for the period of 11/23/2015 through 12/6/2015, paid on 12/11/2015, in the amount of \$487,867.75

Warrant Nos. 456 through 458 and Automatic Deposit Advises 29154 through 29441 for the period of 12/7/2015 through 12/20/2015, paid on 12/24/2015, in the amount of \$413,278.88

TOTAL PAYROLL REGISTER \$901,146.63

D. **Collection System Operator I/II – Creation of Additional City Position**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM WARD, CARRIED 5-0, to approve the addition of one full-time benefited Collection Systems Operator I/II in the Utilities Division.

E. **Contract Amendment – Monthly Meter Reading Services**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM WARD, CARRIED 5-0, to approve, and authorize the Mayor to execute, Amendment No. 2 to Contract C07-04 by and between the City of San Clemente and Alexander’s Contract Services Incorporated, providing for meter reading services. This Amendment will expand the scope of services and extend the term of the contract for a two-year period.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

F. **OCTA’s Proposed 2016 Bus Service Plan**

Laura Hanaford, San Clemente, reported that her disabled daughter depends on OCTA bus service to attend Saddleback Community College, movies, etc.; voiced concern with the proposed elimination of her daughter’s bus route.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER BROWN, CARRIED 5-0, to approve, and authorize the Mayor to execute, a letter to OCTA that expresses concern with the elimination of fixed bus Route 191 (Mission Viejo to San Clemente) and Route 193 (San Clemente) as proposed in the 2016 Bus Service Plan, with modifications to the letter to include the following: 1) request that OCTA streamline both routes to become more strategic in meeting the City's needs (i.e., eliminating unused stops and coordinating service times to coincide with rider preferences); 2) address the possible effect of the new Marblehead Coastal commercial and residential development on bus service demand; and 3) request that OCTA consider the importance of providing bus service to and from Saddleback Community College and the area surrounding Saddleback Memorial Medical Center, San Clemente Campus.

7. PUBLIC HEARINGS

A. Zoning Amendment/Specific Plan Amendment – Prohibition of Cannabis Dispensaries, Manufacturers, Cultivation, Delivery, and Testing Labs

Public Hearing to consider the adoption of City-initiated amendments to Municipal Code Title 17 (Zoning), Rancho San Clemente Specific Plan, Talega Specific Plan, and West Pico Corridor Specific Plan, to prohibit or regulate medical marijuana dispensaries, marijuana manufacturers, marijuana cultivation, marijuana testing laboratories, and delivery of marijuana. The proposed ordinance is to provide local regulatory authority over medical marijuana uses consistent with State law.

City Planner Pechous reviewed the contents of the Administrative Report and responded to Council inquiries; distributed copies of Exhibits A and B to the proposed Ordinance.

Mayor Hamm opened the Public Hearing.

Toni Barnard, San Clemente, reported that she is a cancer patient who depends on medicinal marijuana for pain relief.

James E. Adams, M.D. stated that he is a psychiatrist and that medical marijuana hampers his ability to treat his patients; reported that marijuana may relieve chronic pain, but voiced concern that it is highly addictive and few legitimate studies have been conducted on the efficacy of marijuana; voiced concern with the possible ramifications that a medical marijuana dispensary would have on adolescents.

Jim Gonzalez, Sacramento, stated that he is a government affairs consultant; referenced a letter to the City from the law firm of Clark Neubert, noting that the subject firm helps small businesses involved in the cannabis industry; stated that there is time for Council to delay a decision to enable a study to be conducted on the types of medical cannabis centers that should be available in San Clemente; opined that medical research is compelling with respect to medical cannabis.

Marci Mednick, on behalf of Mission Hospital, reported that Mission Hospital conducted a community needs assessment that determined that a high level of substance abuse and mental health issues exist; opined that marijuana dispensaries lower the perception of harm; urged Council to adopt the proposed Ordinance.

Susan Parmalee, San Clemente Health and Wellness Center, reported that San Clemente has a substance abuse problem; suggested that many high school students do not believe there is a risk in using marijuana.

Angela Conrad, San Clemente, suggested that it would be unfair and inappropriate to totally ban marijuana; reported that responsible residents consume marijuana products under the care of their physicians and experience positive results.

Susan Lind, San Clemente, reported that she consumes marijuana for pain relief, which has negated the need for her to use other medications; opined that the proposed Ordinance would be a disservice to the community since it would prevent the mail delivery of medical marijuana to persons in need; requested that Council table the issue until further research has been conducted.

Richard Benjamin, San Clemente, opined that more crime and overdoses in San Clemente are related to alcohol usage than marijuana; urged Council to postpone a decision until further research validates the need to regulate marijuana.

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

Following discussion, MOTION BY COUNCILMEMBER BROWN, SECOND BY MAYOR PRO TEM WARD, CARRIED 5-0, to introduce Ordinance No. 1613 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING ZONING AMENDMENT 15-456, AMENDING TITLE 17 OF THE SAN CLEMENTE MUNICIPAL CODE, AND APPROVING SPECIFIC PLAN AMENDMENT 15-471, AMENDING THE RANCHO SAN CLEMENTE SPECIFIC PLAN, TALEGA SPECIFIC PLAN, AND WEST PICO CORRIDOR SPECIFIC PLAN, TO PROHIBIT CANNABIS CULTIVATION, CANNABIS MANUFACTURING, CANNABIS TESTING LABORATORIES, CANNABIS DELIVERY, AND CANNABIS DISPENSARIES.

B. Penalties for Excessive Water Use

Public Hearing to consider removing the City's penalties for excessive water use from the City Code and instead setting reduced volumetric penalties for excessive water use by Resolution.

Assistant City Manager Sund narrated a PowerPoint presentation entitled "Code Modification to Reduce Excess Use Penalties" and, along with Business Services Officer Rendina and Deputy Public Works Director Rebensdorf, responded to Council inquiries. A hard copy of the presentation is on file with the City Clerk.

Mayor Baker opened the Public Hearing.

Steven Helfer, San Clemente, opined that higher-tier water users are subsidizing the lower-tier users; suggested that low-tier users should pay at least the amount that the City pays for water; voiced concern that he reduced his water consumption a few years ago in response to the drought, but the City later said that it needs to charge more for water because of the community's reduction in water usage; commented on the challenges that he faces in reducing his water usage beyond his earlier usage reduction.

Don Slater, San Clemente, stated that multi-unit housing that share a single meter results in a higher usage reading.

Lucian Toma, San Clemente, spoke on the importance of water conservation education.

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

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

1. Adopt Ordinance No. 1614 entitled ORDINANCE OF THE CITY OF SAN CLEMENTE AMENDING SECTION 13.12.060 OF TITLE 13, CHAPTER 13.12, OF THE SAN CLEMENTE MUNICIPAL CODE TO REMOVE THE CITY'S WATER PENALTIES FOR EXCESSIVE WATER USE TO BE SET INSTEAD BY RESOLUTION TO TAKE EFFECT IMMEDIATELY UPON ADOPTION PURSUANT TO WATER CODE 376.

Action continued on next page

2. Adopt Resolution No. 16-01 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SETTING FORTH WATER PENALTIES FOR EXCESSIVE WATER USE PURSUANT TO THE CITY'S WATER CONSERVATION ORDINANCE SET FORTH IN CHAPTER 13.12 OF THE SAN CLEMENTE MUNICIPAL CODE. *(Note: By virtue of the passage of Resolution No. 16-01, the existing penalties at Tier 2 are reduced from \$7 to \$2, and the existing penalties at Tier 3 are reduced from \$10 to \$4.)*
3. Direct Staff to contact the highest water offenders in an effort to gain information that will help the City address water conservation going forward, with a focus toward specific questioning concerning having one meter for multi-units and differences in large lots.
4. Direct Staff to return to Council with a proposal for use of the funds, with consideration to be given to projects that can be fast-tracked, and education and consulting for high-usage offenders.
5. Direct Staff to return to Council in 90 days with an update on the City's performance with respect to water reduction or if changes occur at the State level with regard to direction to municipalities.

MEETING RECESSED

Council recessed at 8:03 p.m. and reconvened at 8:14 p.m., with all members present.

8. **UNFINISHED BUSINESS**

None.

9. **NEW BUSINESS**

A. **Code Amendment – Investment Advisory Committee**

Report from the Assistant City Manager concerning the possibility of amending the Code of the City of San Clemente to include rules and regulations relating to the Investment Advisory Committee.

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

Following discussion, MOTION BY COUNCILMEMBER BROWN, SECOND BY COUNCILMEMBER HAMM, CARRIED 4-1 (COUNCILMEMBER DONCHAK VOTING NOE), to introduce Ordinance No. 1615 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADDING A NEW CHAPTER 2.43 TO THE CODE OF THE CITY OF SAN CLEMENTE RELATING TO THE CITY'S INVESTMENT ADVISORY COMMITTEE, with the modification that Section 2.43.030 be expanded to reference two Industry Specialists.

B. Interim Urgency Ordinance – Establishing a Moratorium on the Establishment, Permitting, and Approval of Short-Term Lodging

Report from the Community Development Director concerning the possibility of establishing a moratorium on the establishment, permitting, and approval of short-term lodging.

Community Development Director Gallardo-Daly reviewed the contents of the Administrative Report and, along with Assistant City Manager Sund and City Attorney Scott, responded to Council inquiries.

Marily Caddy, San Clemente, reported that she lives near two vacation rental properties; noted that renters engage in excessive noise and alcohol usage; urged Council to place a moratorium on short-term vacation rentals.

John Joseph, San Clemente; opined that vacation rentals constitute illegal hotels and cited specific concerns with regard to noise, excessive drinking and possible drug use; voiced concern that there are no City regulations in place, even though properties in his neighborhood are prohibited by their CC&Rs from operating as short-term rentals.

Kelly Bieber, San Clemente, voiced opposition to the proposed moratorium on vacation rentals; reported that she owns two vacation rentals that are within blocks of her permanent residence; noted that she hired local contractors and architects for home improvements and has received positive feedback from neighbors.

Jim Bieber, San Clemente, spoke in opposition to a ban on short-term vacation rentals, noting that only a small portion of vacation rentals cause problems; suggested that passage of a moratorium will result in a referendum to allow voters to decide the issue.

Douglas Halbert, San Clemente, reported that he lives in The Coast and has concerns with short-term vacation rentals, especially as they relate to noise.

Vickie Janis, San Clemente, stated that a vacation rental on her street sleeps 20 people, but only provides parking for four cars; urged Council to address the code enforcement and zoning aspects of short-term vacation rentals.

Joe Janis, San Clemente, suggested that many residents oppose short-term vacation rentals, even though few file formal complaints; urged Council to support the moratorium.

Harry Snyder, San Clemente, spoke in support of short-term vacation rentals, noting that complaints are nominal in comparison to the number of homes in San Clemente; suggested that restrictions and guidelines need to be enacted, but urged Council to not ban short-term rentals.

Gary Green, San Clemente, spoke on the negative effects of short-term vacation rentals on his community; asserted that renters generate excessive noise and expressed support for the moratorium.

Steven Helfer, San Clemente, conveyed his opposition to the proposed moratorium; noted that he owns a vacation rental and carefully screens potential renters; opined that the City should revoke the licenses of rentals that generate continual problems.

T.J. Orr, San Clemente, stated that he owns a successful vacation rental and requires renters to sign written agreements that establish boundaries; asserted that owners should be held accountable for their guests; noted that the leased homes in his neighborhood cause as many problems as short-term rentals.

Bryan Knowles, San Clemente, stated that Airbnb and VRBO are powerful marketing tools for San Clemente; explained that many property owners provide guide books that promote local shops and restaurants that, in turn, help the local economy.

Cameron James, San Clemente, conveyed that she does not support a moratorium and believes that nuisance calls can be resolved by enforcing existing ordinances; urged Council to retain an individual to specifically address short-term rental nuisances.

Valerie Hirsh, San Clemente, explained that she lives behind a short-term rental that is known as "The Wedding House"; urged Council to immediately address the nuisances associated with short-term rentals.

Susan Nelson, San Clemente, stated that she has not complained to the Sheriff's Department concerning the short-term rental property next to her residence because a crime was not taking place; voiced concern that Code Compliance Officers are on duty only during business hours.

Scott Kelly, San Clemente, suggested the proposed moratorium is ill advised; reported that he rents out a room in his home and those renters patronize local businesses and restaurants.

Jilinda Den Dulk, San Clemente, reported that she favors regulations on short-term rentals but is opposed to a moratorium; reported that owners of vacation rentals invest a significant amount of money in their properties; asserted that local business owners depend on the tourist industry to support their businesses.

Bradley Den Dulk, San Clemente, explained that he is opposed to the moratorium; asserted that regulations concerning quiet hours and maximum occupancy would alleviate problems; suggested that a good neighbor policy should be required for each short-term rental agreement.

Richard Benjamin, San Clemente, spoke in opposition to the moratorium; suggested that long-term rentals generate more complaints than vacation rentals.

Sera Benjamin, San Clemente, voiced opposition to a moratorium due to her belief that it would negatively impact responsible property owners that desire to rent their homes.

Brian Randall, San Clemente, reported that he manages vacation rentals; asserted that investors cause property values to increase and, if a moratorium is implemented, those investors would relocate to other communities.

Mike Barnes, San Clemente, noted concern that vacation rentals cause problems involving parking, excessive noise, and reduced privacy and security.

Deanna Pearce, San Clemente, spoke in opposition to the moratorium; reported that the long-term rentals in her neighborhood create more problems than the vacation rentals; reported that one vacation rental property on her street has been rehabilitated from a dilapidated home to a beautiful property.

Kristi Dasonville, San Clemente, voiced concerns with the negative effects of short-term rentals on her neighborhood; voiced concern that short-term rentals are occurring in zones that do not allow transient lodging.

Tricia Mading, San Clemente, reported that she lives next to a short-term rental that negatively impacts her neighborhood; suggested that short-term rentals are similar to hotels, as well as bed and breakfasts, except that they do not provide on-site management and parking; urged Council to support the moratorium.

Jim Laurent, San Clemente, asserted that short-term rental properties are businesses that operate in residential neighborhoods; suggested that property management companies provide less oversight over rental properties than property owners; spoke in support of the proposed moratorium.

Rosemarie Francisco stated that she resides primarily in Riverside, but spends 15% of her time at her San Clemente residence; reported that her home is on the same street as a short-term vacation rental that is marketed as a resort property; voiced concern that it becomes the responsibility of neighbors to police rental properties; urged Council to support the moratorium.

Robert Fabela, Los Gatos, reported that he purchased a lot in the Pier Bowl to develop a duplex, with the intent to rent one of the units and vacation in the other unit; urged Council to either reject the moratorium or exempt the Pier Bowl area, which is a tourist destination, from the moratorium.

John Schrab, San Clemente, spoke in opposition to the moratorium; suggested the issue of short-term rentals has not been adequately studied; noted that speakers on both sides of the issue agree that short-term rentals need to be regulated.

Peter Cyr, San Clemente, opined that a moratorium would infringe upon his property rights as an owner of a rental property; urged Council to focus on owner accountability.

Lauren Cramer, San Clemente, reported that she lives next to two short-term rental properties and supports the moratorium.

Tom Ender, San Clemente, spoke in support of a moratorium, citing that short-term rentals change the feel of neighborhoods.

Sam Joseph, San Clemente, urged Council to support the moratorium; conveyed concern that the City has issued permits for short-term rentals in The Coast community, despite the fact that its CC&Rs prohibit short-term rentals.

Susan Lind, San Clemente, voiced opposition to the moratorium; reported that visitors to her rental have later purchased homes in San Clemente and are now full-time residents; suggested that property owners should take responsibility for their rental units.

Terry Harrison, San Clemente, reported that she is an Airbnb host; urged Council to not support the moratorium; stated that it is the responsibility of the homeowner to enforce regulations on their renters.

The following individuals did not wish to speak, but expressed opposition to the moratorium:

Robert Sawyer, San Clemente
Emily Confield, San Clemente
C.J. Williams, San Clemente
Hall Higgins, San Clemente
Brenda Wells, San Clemente
Judy Minor, San Clemente
Virginia Nock, San Clemente
Jeff Bossom, San Clemente
Rita Riley (City of residence was not provided)

Following deliberations, MOTION BY COUNCILMEMBER HAMM, SECOND BY MAYOR PRO TEM WARD, **FAILED 3-2** (COUNCILMEMBERS BROWN AND DONCHAK VOTING NOE) to adopt Ordinance No. 1616 entitled AN INTERIM URGENCY ORDINANCE (PURSUANT TO GOVERNMENT CODE SECTION 65858) OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING A MORATORIUM ON THE ESTABLISHMENT, PERMITTING, AND APPROVAL OF SHORT-TERM LODGING USES. **Note: The motion failed because the subject Urgency Ordinance required a 4/5 vote to pass.**

Councilmember Hamm left the meeting at 10:20 p.m.

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

Cannabis (Marijuana)

Kessler Armbrusto, San Clemente, urged Council to form a drug abuse and marijuana task force to develop marijuana regulations in lieu of prohibiting marijuana; stated a prohibition will not stop the use of marijuana in San Clemente.

11. **REPORTS**

A. **Commissions and Committees**

(1). **Newly-Created Industry Specialist Position on the Investment Advisory Committee – Establishment of Term of Office and Scheduling of Interviews/Appointment Date and Time**

City Clerk Baade reviewed the contents of the Administrative Report.

Council directed the City Clerk to advertise the vacancy for an Industry Specialist on the Investment Advisory Committee for a partial term to expire June 30, 2017. Additionally, Council determined that interviews would take place on February 2, 2016 at 4:30 p.m.

B. **City Manager**

Sand Bag Availability

City Manager Makshanoff reported that the City is providing sand bags to residents in preparation for the winter storms.

C. **City Attorney**

None.

D. **Council Members**

Road Conditions (Heavy Rain and Possible One-Night Closure of Southbound Avenida Pico)

Councilmember Donchak urged residents to drive safely during the heavy rains; reported that the OCTA has indicated that southbound Avenida Pico will likely be closed tonight to accommodate preventative work to protect shoring of the new bridge abutment.

Boys and Girls Club Bike Donations

Mayor Baker reported on his attendance at the bike donation event at the Boys and Girls Club; thanked San Clemente Police Services for its donation of two bikes.

12. **RESOLUTIONS/ORDINANCES**

A. **Ordinance No. 1612 (Second Reading) – Prohibition of Unauthorized Commercial, Organized or Instructional Activities on Public Beaches, Parks and Trails Without a Permit**

MOTION BY MAYOR PRO TEM WARD, SECOND BY COUNCILMEMBER BROWN, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to adopt Ordinance No. 1612 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 12.28 OF THE SAN CLEMENTE MUNICIPAL CODE AMENDING 12.28.010 DEFINITIONS.

13. **ADJOURNMENT**

MOTION BY MAYOR PRO TEM WARD, SECOND BY MAYOR BAKER, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to adjourn at 10:31 p.m.

The next Regular Council Meeting will be held on January 19, 2016 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be considered at 5:00 p.m. The Regular Business Meeting will commence at 6:00 p.m.



MAYOR of the City of
San Clemente, California


CITY CLERK of the City of
San Clemente, California