

CITY OF SAN CLEMENTE

City Council Minutes

Special and Regular City Council Meeting – May 3, 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 Special and Regular Meeting of the San Clemente City Council was called to order on May 3, 2016 at 4:32 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Baker.

PRESENT BROWN, DONCHAK, HAMM, WARD, MAYOR BAKER

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 MAYOR BAKER, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to recess to Closed Session at 4:33 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: 9

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

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

Case Name: City of San Clemente v Sobertec LLC (2)
Case Number: 30-2015-00805234

Case Name: City of San Clemente v 449 Recovery, Inc.
Case Number: 30-2015-00805270

Case Name: City of San Clemente v A Mission For Michael, Inc.
Case Number: 30-2015-00806046

Closed Session items continued on following page

Case Name: City of San Clemente v William W. Martin, PHD
Case Number: 30-2015-00806055

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

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

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

B. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(d)(2)
Significant exposure to litigation
Number of potential cases: 1

C. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(d)(2)
Significant exposure to litigation
Number of potential cases: 3

D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8
Property: 1030 Calle Negocio, San Clemente
Agency Negotiator: Assistant City Manager
Negotiating Party: Family Assistance Ministries
Under Negotiation: Terms and Rent for Possible Lease Extension

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 was in attendance for Closed Session Items A, B and C.

MEETING RECONVENED

Council reconvened at 6:06 p.m., with all members present.

INVOCATION

Phil Johnson, Deacon with St. Michael's Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Donchak led the Pledge of Allegiance.

1. SPECIAL PRESENTATIONS**A. Mothers Against Drunk Driving (MADD) Award**

Orange County MADD was unable to attend the meeting. Consequently, Mayor Baker commended Deputy Aaron Schulte for his 40 DUI arrests.

B. Commendation Presentation – Tommy Harris, Retired Engineer/Paramedic

Mayor Baker and Councilmember Hamm presented a commendation to Tommy Harris, Retired Engineer/Paramedic, in recognition of 32 years of exceptional service to the City of San Clemente and Orange County Fire Authority.

C. Planning Commission Update

Planning Commission Chair Brown provided an update of the Planning Commission's activities, focusing on recent accomplishments, ongoing efforts, and future involvements. A hard copy of Mr. Brown's presentation is on file with the City Clerk.

D. PierPride – Mission and Fundraiser

Julia Darden and John McMains narrated a PowerPoint presentation entitled "PIERPRIDE – Preserving a Uniquely San Clemente Experience" that identified the mission of PierPride and its upcoming fundraising event. A hard copy of Ms. Darden's and Mr. McMains' PowerPoint is on file with the City Clerk.

2. ORAL COMMUNICATIONS (PART 1)**Crime in San Clemente**

Eva O'Keefe, San Clemente, narrated a PowerPoint presentation entitled "Increased Crime in San Clemente", which cited crime statistics and urged an increase in law enforcement personnel. A hard copy of Ms. O'Keefe's PowerPoint is on file with the City Clerk.

James C. Long, San Clemente, voiced concern with crime in San Clemente, especially crime perpetuated by homeless individuals; requested that law enforcement personnel in the City be increased.

Cord Bauer, San Clemente, stated that San Clemente has a problem with crime and homelessness, particularly in the 600 block of Camino de los Mares.

Kathleen McCarthy, San Clemente, voiced concern that she recently placed a Police call in response to a frightening individual at her business, but deputies never responded to the call.

Trish Meyler, San Clemente, stated that she placed a Police call because an individual was demanding entrance to her home during early morning hours; voiced concern that it took over 20 minutes for deputies to respond.

Council requested a report from the Orange County Sheriff's Department that identifies statistics associated with response times.

It was noted that modifications to law enforcement staffing levels will be considered by Council during the FY 2017 Budget Workshop/Public Hearing on May 24, 2016.

Councilmanic Districts

Anthony LaFrano, San Clemente, voiced concern that the initiative for Councilmanic districts that is being circulated in the City will divide the community.

Sober Living Facilities

Gene James, San Clemente, expressed concern that his home is located next to a sober living home, noting that the sober living home was not disclosed to him prior to his purchase; described the negative impacts that the sober living home has had on his family's quality of life and urged Council to take all steps possible to eliminate sober living homes.

Possible Use of City Staff for Initiative Campaign

Jim Bieber, San Clemente, asserted that a Councilmember utilized City Staff to help prepare an article that was published in the San Clemente Times concerning an initiative campaign.

Disposal of Dead Whale Remains

Stephanie Moss, San Clemente, voiced concern that the intestines from a deceased whale were buried on the City beach; opined that the subject action will spread bacteria and attract predators; urged Council to direct that the buried remains be relocated and adopt a policy that will prevent marine animals from being buried in the beach in the future; stated that she obtained 500 signatures on a petition from community members who support her position. The petition was not turned into the City.

San Onofre Nuclear Generating Station (SONGS)

Doug Applegate, San Clemente, opined that SONGS could be a potential target for terrorist activity and suggested that the Department of Homeland Security should take proactive steps to reduce the security risk.

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

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

None.

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

Closed Session Item C (Anticipated Litigation)

City Attorney Smith reported that no reportable actions were taken during this evening's Closed Session; stated that only one of the three potential cases agendized as part of Closed Session Item C was discussed.

6. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER BROWN, CARRIED 5-0, to approve the Consent Calendar, with the removal of Items B-3, E, G, H, and J.

A. **City Council Minutes**

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

- 1. Approve the Minutes of the Regular City Council Meeting of April 5, 2016.

B. **Receive and file:**

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

- 1. Minutes of the Adjourned Regular Planning Commission Meeting of March 16, 2016.
- 2. Minutes of the Regular Study Session of the Planning Commission of April 20, 2016.
- 4. Minutes of the Regular Zoning Administrator Meeting of April 20, 2016.

C. **Warrant Register**

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

Wire Transfers Nos. 1501 through 1504
 paid on 4/15/16 and Warrant
 Nos. 532057 through 532180
 paid on 4/15/2016, in the amount of \$ 440,063.16

Warrant Nos. 532181 through 532337
 paid on 4/22/2016, in the amount of \$1,143,681.42

TOTAL WARRANT REGISTER ...\$ 1,583,744.58

Payroll Register

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

Warrant Nos. 483 through 485 and
Automatic Deposit Advises 31477 through 31777
paid on 4/15/2016, in the amount of \$ 431,766.51

TOTAL WARRANT REGISTER\$ 431,766.51

D. **State Lands Lease – Opportunistic Sand Replenishment Program**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER BROWN, CARRIED 5-0, to approve, and authorize the City Manager to execute, State Lands Commission Lease No. PRC 8567.9 for the City's Opportunistic Sand Replenishment Program.

F. **Contract Award – Support for Management of Housing and Urban Development (HUD) Funds**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER BROWN, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C16-25, by and between the City of San Clemente and Mike Linares, Inc., providing for support in managing Housing and Urban Development (HUD) funds, in an amount not to exceed \$28,500.

I. **AB 2255 (Melendez, Principal Co-Author Brough) – Drug and Alcohol Free Residences**

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

1. Support AB 2255.
2. Direct Staff to send the support letter, which is attached to the Administrative Report, dated May 3, 2016.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

B3. **Minutes of the Regular Planning Commission Meeting of April 20, 2016.**

Conditional Use Permit 15-304 (Rice Residence) – 102 Avenida Santa Inez

In response to Council inquiry relative to the detached accessory building proposed for the Rice residence at 102 Avenida Santa Inez, City Planner Pechous explained that the Planning Commission and Staff were concerned that the accessory building could be used as a living unit; explained that the Planning Commission imposed a requirement that a deed restriction be recorded to prohibit the accessory building from being converted to a living unit in the future.

MOTION BY MAYOR BAKER, SECOND BY MAYOR PRO TEM WARD, CARRIED 5-0, to receive and file the minutes of the Regular Planning Commission meeting of April 20, 2016.

E. **Contract Award – FY 2016 Slurry Seal Program**

Council commended Staff for assessing the possible removal of center double yellow lines on residential streets when the streets are scheduled to be slurry sealed.

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

1. Approve the plans and specifications for the FY 2016 Slurry Seal Program, Project No. 26302.
2. Approve, and authorize the Mayor to execute, Contract C16-24, by and between the City of San Clemente and Pavement Coatings, Co., providing for the FY 2016 Slurry Seal Program, in the amount of \$199,811.10.

G. **Contract Award – Operation and Maintenance of an Audible Wayside Horn System**

In response to Council inquiry, Deputy Public Works Director Bonigut provided an update on the Audible Wayside Horn System.

MOTION BY MAYOR BAKER, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C16-26, an agreement by and between the City of San Clemente and the Southern California Regional Rail Authority (SCRRA), providing for operation and maintenance of an Audible Wayside Horn System.

H. **AB 2403 (Bloom, Co-Author Brough) – Alcohol and Drug Abuse Recovery or Treatment Facilities**

City Manager Makshanoff reported that the City is working with legislators concerning the sober living home issue and reviewed the purpose of AB 2403.

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

1. Support AB 2403.
2. Direct Staff to send the support letter, which is attached to the Administrative Report, dated May 3, 2016, with the following modifications:
 - The second paragraph shall be modified to read in its entirety as follows: *“Residential group home facilities provide rehabilitation and support services in a therapeutic environment. However, what was not anticipated, was that existing laws would be manipulated for the advantage of business owners to garner maximum profits. Business owners have found loopholes within the existing laws and have exploited them for personal gain.”*
 - The second sentence in paragraph three shall be modified to read as follows: *“The over concentrated campus style facilities are more profitable than standalone facilities and they change the character of a neighborhood, causing it to become more similar to a hospital zone or busy commercial center”.*

J. **San Clemente Skatepark Coalition Support**

David Hennings, San Clemente Skatepark Coalition, provided an update on the status of the Coalition and summarized its goals; thanked Council for its support and noted that the Coalition looks forward to partnering with the City.

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

1. Support the San Clemente Skatepark Coalition.
2. Direct Staff to send the support letter, which is attached to the Administrative Report, dated May 3, 2016.

MEETING RECESSED

Council recessed at 7:30 p.m. and reconvened at 7:43 p.m., with all members present.

7. **PUBLIC HEARINGS**

A. **Weed Abatement 2016 – Order to Abate**

Public Hearing to consider all objections or protests, if any, to the proposed abatement of weeds, rubbish, refuse and dirt upon streets, sidewalks, parkways and private property within the City of San Clemente.

Code Compliance Supervisor Panas reviewed the contents of the Administrative Report.

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

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM WARD, CARRIED 5-0, to adopt Resolution No. 16-26 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ORDERING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO ABATE THE NUISANCES BY HAVING WEEDS, RUBBISH, REFUSE AND DIRT REMOVED FROM VACANT AND UNOCCUPIED STRUCTURED PROPERTIES WITHIN THE CITY.

B. Short-Term Lodging Units (STLUs) and Other Transitory Lodging Uses – Zoning Amendment 15-426 and Specific Plan Amendment 16-072

Public Hearing to consider a City-initiated Zoning Amendment and Specific Plan Amendment to regulate and place restrictions on short-term lodging units and other transitory lodging uses in all residential, commercial, and mixed-use zones and the Pier Bowl Specific Plan.

City Attorney Smith narrated a PowerPoint presentation concerning conflicts of interest as they relate to Councilmembers' ability to vote on aspects of the short-term lodging unit issue; reported as follows: 1) All Councilmembers are able to deliberate and vote on Ordinance No. 1622 because the "public generally" exemption applies; 2) Mayor Baker must recuse himself from deliberating and voting on Ordinance No. 1623 because it affects the Pier Bowl area which is within 500 feet of his residence; and 3) Councilmember Brown must recuse himself from deliberations and voting on Ordinance No. 1624 because an urgent care facility is located within 500 feet of his residence. A hard copy of City Attorney Smith's PowerPoint is on file with the City Clerk.

Associate Planner Atamian narrated a PowerPoint presentation entitled "Short-Term Lodging Units (STLUs) – Zoning Amendment 15-426/Specific Plan Amendment 16-072" and responded to Council inquiries. A hard copy of Mr. Atamian's PowerPoint presentation is on file with the City Clerk.

Mayor Baker recused himself during the portion of Staff's presentation that addressed proposed Ordinance No. 1623 and left the Council Chambers at 8:11 p.m.

Mayor Baker returned to the dais at 8:13 p.m.

Councilmember Brown recused himself during the portion of Staff's presentation that addressed proposed Ordinance No. 1624 and left the Council Chambers at 8:13 p.m.

Councilmember Brown returned to the dais at 8:15 p.m.

Mayor Baker opened the Public Hearing.

Monica Burick, San Clemente, spoke in support of the proposed ordinances and urged Council to limit the proliferation of short-term rentals.

Lauren Cramer, San Clemente, thanked Council for its efforts; spoke in support of the proposed ordinances.

Anthony LaFrano, San Clemente, spoke in support of the proposed ordinances.

Jack Roemer, San Clemente, spoke in support of short-term rentals; asserted rental units bring revenue to the City.

Harry Snyder, San Clemente, spoke in support of short-term rentals; urged Council to not impose a 5-day minimum rental requirement.

Nicole Sayer, San Clemente, spoke in support of short-term rentals; noted that she plans to rent her house during summer months to help pay her mortgage; requested Council allow new applicants for short-term rentals to be considered for a permit.

Scott Hunt, San Clemente, spoke in support of short-term rentals; asserted that emphasis should be placed on enforcement of problem units; suggested Council should not restrict short-term rentals to certain neighborhoods.

Susan Harvey, Covina, spoke in support of short-term rentals; noted that she has high standards for her rental property; urged Council to allow tandem parking; requested that current short-term rental properties be grandfathered.

Mary Jane Johnson, San Clemente, urged Council to oppose the ordinances and allow more time for public input.

Sharon Briant, San Clemente, suggested long-term rentals are more problematic than short-term rentals; suggested that the City should focus on homelessness and increased crime, as opposed to short-term rentals that bring revenue to the City.

Diane Taylor, San Clemente, realtor with White Water Realty, commented that she has never received complaints about a short-term rental; identified the contents of agreements that her renters are required to sign; opined the proposal is discriminatory and represents spot zoning.

Jim Bieber, San Clemente, spoke in support of short-term rentals and described the impact that prohibiting short-term rentals will have on investors; displayed a PowerPoint presentation, which is on file with the City Clerk.

Larry Dahm, San Clemente, speaking on behalf of Bill Robinson, reported on the negative impacts that short-term rentals have on neighborhood character; urged Council to approve the proposed ordinances.

James Payne, San Clemente, spoke in support of short-term rentals; stated that the proposed action would compromise the Coastal Act and violate CEQA; alleged a lack of due process and unfair taking; submitted a letter to Council that is on file with the City Clerk.

Jodye Brown, San Clemente, stated that her permit for a short-term rental was denied because it was not received by the City until February 4, 2016, noting that prior to that time she was upgrading her property for rental purposes; expressed concern that her property is outside the boundaries of the areas proposed for short-term rentals; conveyed that some vacationers prefer to stay in quieter, less-impacted areas of a community.

Joe Janis, San Clemente, stated that over 600 individuals signed a petition that opposed commercial businesses (including short-term rentals, group homes, etc.) from operating in residential neighborhoods; presented a graph that described the petition results, noting that 95% of citizens contacted signed the petition. Mr. Janis' graphic is on file with the City Clerk. The petition was not turned into the City.

Chris Geil, San Clemente, spoke in support of short-term rentals; urged Council to exempt children twelve years of age and under from occupancy limits.

David Silver-Westrick, San Clemente, voiced concerns that the proposed boundaries for short-term rentals will result in lawsuits.

T.J. Orr, San Clemente, spoke in favor of short-term rentals; reported that only a few properties consistently experience problems; urged Council to oppose the proposed ordinances.

Aaron Clark, San Clemente, urged Council to impose regulations to help avoid problems, but to not ban short-term rentals; asserted the Coastal Commission is protective of visitor-serving short-term rentals.

Don Slater, San Clemente, reported he is selling his property because he can no longer use it for short-term rentals.

Kevin Daehnke, San Clemente, suggested that the proposed STLU overlay on Boca de la Playa should be limited to properties currently utilized as apartment rentals, noting that the other properties are condominiums that are precluded by CR&Rs from being used for short-term rental purposes; voiced concern that designating North Beach for short-term rental usage could serve as the first incremental step in commercializing the area.

Mayor Baker recused himself from Public Comments, and left the Council Chambers at 9:22 p.m., because Jennifer Harris indicated that her comments will relate to the Pier Bowl area.

Jennifer Harris, San Clemente, explained that she currently owns a rental property on Monterey Lane that is outside the boundary for allowable short-term rentals; urged that the STLU boundary be extended to include her property so that she can continue to rent her property on short-term bases.

Mayor Baker returned to the dais at 9:24 p.m.

Cristina Barnes, San Clemente, reported that she has a vacation rental and closely screens her renters; noted that she provides a list of recommended local businesses to her tenants and urged Council to oppose the proposed ordinances.

Brad DenDulk, San Clemente, expressed concurrence with the existing STLU ordinance, but disagreed with any new ordinance that limits vacation rentals.

Tricia Mading, San Clemente, urged Council to oppose short-term rentals, citing parking and traffic concerns.

Susan Nelson, San Clemente, urged Council to oppose short-term rentals; conveyed that short-term rentals result in increased traffic and excessive speeding in her residential neighborhood.

Valerie Hirsh, San Clemente, spoke in support of the proposed ordinances; asserted that residents in San Clemente do not want short-term rentals in their neighborhoods.

Jim Laurent, San Clemente, urged Council to support the proposed ordinances; voiced concern that the value of his property has decreased because of the STLU located next to his home.

Elise Comeau, Laguna Niguel, reported that she works for Beachside Vacation Rentals; suggested that short-term rentals provide jobs and urged Council to oppose the proposed ordinances.

Cameron James, Olivenhain, reported that she owns a vacation rental that would be eliminated if the proposed zoning is approved; urged Council to oppose the proposed ordinances.

Jeff Bosson, San Clemente, noted that the majority of owners of short-term rentals do not encounter problems; suggested that Council allow time for a determination to be made as to whether or not the ordinances that were adopted in February 2016 are adequate to alleviate problems.

Wayne Eggleston, San Clemente, speaking as a private citizen, opined that preserving the character and safety of residential neighborhoods is of paramount importance and asserted that STLUs are a land use and zoning issue, as opposed to a code enforcement issue.

Don Bonnano, San Clemente, reported that residents on Boca de la Playa are opposed to the establishment of commercial zoning on their street.

The following individuals submitted speaker cards, but did not speak:

Richard Harvey, Covina - Speaker card indicated that he supports grandfathering of current STLUs, opposes discriminatory regulations, such as prohibiting tandem parking, and opposes Zoning Amendment 15-426 and Specific Plan Amendment 16-072.

Chad Nelson, San Clemente – Speaker card indicated that he opposes short-term rentals and the proposed two-year amortization period.

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

MEETING RECESSED

Council recessed at 9:45 p.m. and reconvened at 9:58 p.m., with all members present.

Following deliberations, MOTION BY COUNCILMEMBER HAMM, SECOND BY MAYOR PRO TEM WARD, CARRIED 4-1 (COUNCILMEMBER DONCHAK VOTING NOE), to introduce Ordinance No. 1622 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING ZONING AMENDMENT 15-426, TO AMEND MUNICIPAL CODE TITLE 17, ZONING, TO ESTABLISH REGULATIONS RELATED TO SHORT-TERM LODGING UNITS AND OTHER TRANSITORY LODGING USES, AND AMEND CHAPTER 3.24, ARTICLES I AND III, REGARDING SHORT-TERM LODGINGS, with the following modifications:

- Section 8 shall be revised to delete subsection C.3 [Minimum Rental Length]. The subsequent subsections shall be renumbered to compensate for the deletion. Any references to the deleted subsection and renumbered subsections that occurred elsewhere in the ordinance shall be revised accordingly.
- Section 9, Footnote 20 shall be revised to remove Lots 40 through 46, of Block 4, of Tract 821 in order to exclude certain Residential Medium-zoned properties (those with an address between, and including, 109 to 121 Boca de la Playa) from the areas where STLUs are proposed adjacent to the North Beach Focus Area. Section 2 of Table 17.32.030, Residential Zone Uses, shall be revised to delete the "O" under the "RM" column from the "STLU" row to reflect that no properties in the Residential Medium zone permit STLUs.

Additionally, Staff was directed to provide a report to Council regarding the status of the City's regulation of STLUs 18 months after adoption of the ordinance. This report was tentatively scheduled to be provided to Council in December 2017.

Council noted that the City received a letter from the California Coastal Commission this afternoon that indicated that City action relating to visitor-serving inventory will require approval from the Commission, which is contrary to the information contained in the Administrative Report. Council requested that Staff converse with Coastal Commission staff and provide clarification to Council relative to the Commission's role in the zoning issue prior to the second reading of Ordinance No. 1622.

Mayor Baker recused himself from deliberations on proposed Ordinance No. 1623 because he owns property within 500 feet of the Pier Bowl area and left the Council Chambers at 10:49 p.m.

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER BROWN, CARRIED 3-1-1 (COUNCILMEMBER DONCHAK VOTING NOE AND MAYOR BAKER RECUSED), to introduce Ordinance No. 1623 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING SPECIFIC PLAN AMENDMENT 16-072, TO AMEND THE PIER BOWL SPECIFIC PLAN, TO ESTABLISH REGULATIONS RELATED TO SHORT-TERM LODGING UNITS AND OTHER TRANSITORY LODGING USES.

Mayor Baker returned to the dais at 10:57 p.m.

Councilmember Brown recused himself from deliberations on proposed Ordinance No. 1624 because he owns property within 500 feet of an urgent care facility and left the Council Chambers at 10:57 p.m.

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 4-0-1 (COUNCILMEMBER BROWN RECUSED), to introduce Ordinance No. 1624 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING ZONING AMENDMENT 15-426, TO AMEND MUNICIPAL CODE TITLE 17, ZONING, TO ESTABLISH REGULATIONS RELATED TO TRANSITORY LODGING USES AND SPECIALTY HOSPITALS, with the following modification:

- Section 3 shall be revised to delete the "C" under the "NC 1.3," "NC 2," "NC 3," and "CC 2" columns from the "Specialty Hospital" row, to restrict specialty hospital uses to be conditionally permitted only in the Community Commercial (CC 4) zone.

Councilmember Brown returned to the dais at 11:00 p.m.

8. **UNFINISHED BUSINESS**

None.

9. **NEW BUSINESS**

A. **Proposed Council Initiative Measure to Increase the Maximum Transient Occupancy Tax (TOT) Rate to 13 Percent and Change the Municipal Code Definition of “Hotel”**

Report from the Assistant City Manager concerning the possibility of adding a measure to the General Municipal Election ballot of November 8, 2016 concerning the possibility of increasing the Maximum Transient Occupancy Tax Rate to 13 Percent, and revising the Municipal Code definition of “hotel”.

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

Jim Bieber, San Clemente, voiced concerns relative to Councilmember response to his presentation during the Oral Communications portion of this evening’s meeting.

Brad DenDulk, San Clemente, urged Council to oppose the proposed increase to the Transient Occupancy Tax (TOT), due to his belief that a TOT increase will decrease the demand for rentals.

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

1. Declare Council’s intent to add a measure to the General Municipal Election ballot of November 8, 2016, that would amend Chapter 3.24 of the San Clemente Municipal Code to increase the TOT to 13 percent and update the Municipal Code’s definition of “hotel”, with the following modifications:
 - An additional “Whereas” shall be added that states the TOT rate has not increased since 1991.
 - The first sentence of the fourth paragraph on Page 2 shall be corrected to read as follows: *“For the privilege of occupancy in any hotel, including an STLU, each transient is subject to and must pay a general tax in the amount of 13 percent of the rent charged by the operator.”*
2. Direct the City Clerk to include the subject measure in the resolutions necessary to call the General Municipal Election of November 8, 2016.

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

Increase in Councilmember Stipend

Anthony LaFrano, San Clemente, opined that the stipend paid to Councilmembers should be increased above the current rate of \$400 per month.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. **City Attorney**

None.

D. **Council Members**

(1). **Possibility of Directing Staff to Draft a Revision to the Code of the City of San Clemente relative to Regulations Relating to Temporary Fencing. (Councilmember Hamm)**

Council directed Staff to evaluate options to improve the City's temporary fencing regulations and provide a report to Council.

(2) **Orange County Transportation Authority (OCTA) Van Pool (Councilmember Donchak)**

Councilmember Donchak narrated a PowerPoint presentation that described the OCTA Van Pool program. A hard copy of Councilmember Donchak's PowerPoint is on file with the City Clerk.

Southern California Edison Artificial Reef Project

Councilmember Hamm requested that Southern California Edison report to Council at a future meeting relative to the status of the artificial reef project.

Impact of Failure to Widen Ortega Highway

Councilmember Hamm noted that the City of San Juan Capistrano recently rejected OCTA funding to widen Ortega Highway and voiced concern that Avenida La Pata will be impacted as a result of this action; questioned whether the City would be eligible to receive OCTA money for transportation improvements to offset that impact. It was noted that the Mobility Task Force will consider all aspects of the decision to not widen the Ortega Highway in June 2016. Councilmember Donchak will report to Council after the Mobility Task Force considers the issue.

Orange County Transportation Authority (OCTA) Mobility Task Force

Councilmember Donchak reported on her attendance at a recent OCTA Mobility Task Force meeting; noted that two additional officers have been assigned to cite for traffic infractions occurring in the I-5 construction corridor.

San Clemente High School Traffic Master Plan

Councilmember Donchak reported that Principal Carter has developed a traffic plan for San Clemente High School that will be presented at a future Council meeting.

Association of California Cities-Orange County (ACC-OC) Infrastructure Tour

Councilmember Brown reported that ACC-OC is conducting its final infrastructure tour at the Port of Los Angeles in May.

Community Engagement Panel (CEP) Meeting

Councilmember Brown reported that the next Community Engagement Panel meeting is scheduled for June 22, 2016, noting that temporary interim storage of nuclear waste will be discussed.

San Clemente Hospital – Public Hearing on Closure

Mayor Baker reported on his attendance at the Public Hearing before the Orange County Emergency Medical Services' Emergency Medical Care Committee concerning the impending closure of San Clemente Hospital; noted that several people spoke on the importance of the hospital to San Clemente residents.

Bonito Canyon Park Playground Grand Opening

Mayor Baker reported on his attendance at the grand opening of the Bonito Canyon Park playground and displayed photographs of the event. Hard copies of Mayor Baker's photographs are on file with the City Clerk.

Orange County Sheriff's Department Medal of Valor Awards

Mayor Baker reported that Mayor Pro Tem Ward and he attended the Orange County Sheriff's Department Medal of Valor event; reported that Deputy Hamchuk and Deputy Reyes received Medals of Valor for their lifesaving efforts.

Mayor's Visit with Boy Scouts from Vista Del Mar School

Mayor Baker reported on a recent visit to City Hall by a Boy Scout Troop from Vista Del Mar School.

12. RESOLUTIONS/ORDINANCES

None.

13. ADJOURNMENT

MOTION BY COUNCILMEMBER HAMM, SECOND BY MAYOR BAKER, CARRIED 5-0, to adjourn at 11:30 p.m. to an Adjourned Regular Council Meeting to be held on May 17, 2016 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be considered at 4:30 p.m. The proposed FY 2017 City budget will be presented at 5:30 p.m. The Regular Business Meeting will commence at 6:00 p.m.

A subsequent Adjourned Regular Meeting will be held on May 24, 2016 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California at 4:00 p.m. for the purpose of conducting a workshop and Public Hearing on the Proposed FY 17 City Budget.



CITY CLERK of the City of
San Clemente, California



MAYOR of the City of
San Clemente, California