

# CITY OF SAN CLEMENTE

## City Council Minutes

### Adjourned Regular City Council Meeting – May 17, 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.*

An Adjourned Regular Meeting of the San Clemente City Council was called to order on May 17, 2016 at 4:30 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Baker.

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

\*Arrived at 4:33 p.m.

\*\* Arrived at 4:33 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 DONCHAK, SECOND BY MAYOR PRO TEM WARD, CARRIED 3-0 (COUNCILMEMBERS BROWN AND HAMM ABSENT), to recess to Closed Session at 4:30 p.m. to discuss the following:

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

Significant exposure to litigation pursuant to Government Code section 54956.9(b)

Number of Potential Cases: 1

**B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Existing litigation pursuant to Government Code section 54956.9(d)(1)

Number of Cases: 10

Case Name: Brault v. City of San Clemente

Case Number: OCSC 30-2016-00843347-CL-MC-CJC

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

Case Number: OCSC 30-201400758880

*Closed Session items continued on following page*

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

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

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

Pursuant to Government Code Section 54956.9(d)(4)  
Significant exposure to litigation  
Number of potential cases: 3

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

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

**E. 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

*Closed Session items continued on following page*

**F. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8

Property: 2.8 acre San Mateo site north of Calle Bahia, adjacent to the Golf Course site

APN(s): 060-010-37, 060-010-38

Agency negotiator: Assistant City Manager

Negotiating party: San Diego Gas and Electric Company

Under Negotiation: Price and Terms of Payment

In attendance for the full Closed Session were all members of the City Council, City Manager Makshanoff, Assistant City Manager Sund, and City Attorney Smith. Public Works Director/City Engineer Cameron was in attendance for Closed Session Item A and Community Development Director Gallardo-Daly was in attendance for Closed Session Items B, C and D.

**MEETING RECONVENED**

Council reconvened at 5:51 p.m., with all members present.

**FY 2017 PROPOSED BUDGET AND 3<sup>RD</sup> QUARTER FINANCIAL REPORT**

Deputy Administrative Services Director Vincent narrated a PowerPoint presentation entitled "FY 2016 3<sup>rd</sup> Quarter Financial Report as of March 31, 2016". A hard copy of Ms. Vincent's PowerPoint is on file with the City Clerk.

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER BROWN, CARRIED 5-0, to receive and file the FY 2016 3<sup>rd</sup> Quarter Financial Report.

Assistant City Manager Sund distributed copies of the proposed FY 2017 City budget and narrated a PowerPoint presentation entitled "Proposed Budget Fiscal Year 2017". A hard copy of Mr. Sund's presentation is on file with the City Clerk.

**CALL TO ORDER**

The Regular Council Meeting of May 17, 2016 was called to order at 6:13 p.m.

**INVOCATION**

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

**PLEDGE OF ALLEGIANCE**

Councilmember Brown led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **San Clemente High School Update**

San Clemente High School students McKenna Brownell and Daniel Klevit were unable to attend this evening's meeting.

B. **Presentation of Proclamation – National Beach Safety and Rip Current Awareness Week**

Mayor Baker presented a Proclamation to Bill Humphreys, Marine Safety Chief, and Dennis White, Ocean Lifeguard Supervisor, proclaiming June 7 through June 14, 2016 as National Beach Safety and Rip Current Awareness Week. Ocean Lifeguard Supervisor White narrated a PowerPoint presentation entitled "National Beach Safety and Rip Current Awareness Week". A hard copy of Mr. White's PowerPoint is on file with the City Clerk.

C. **Nonie Fickling – Recipient of California Parks and Recreation Society District 10 Volunteer Merit Award**

Mayor Baker recognized Nonie Fickling, President of the Friends of San Clemente Library, for being awarded the California Parks and Recreation Society District 10 Volunteer Merit Award in recognition of her ongoing support to the San Clemente Library.

D. **2016 Wall of Recognition Honoree**

Report from the Beaches, Parks and Recreation Department concerning the proposed 2016 Wall of Recognition honoree.

Assistant Beaches, Parks and Recreation Director Passow reviewed the contents of the Administrative Report.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0 to approve the selection of Robert "Bob" Hayden as the 2016 recipient to be honored on the Wall of Recognition.

Mayor Baker presented Robert "Bob" Hayden with a Certificate of Recognition in honor of his selection as the 2016 recipient to be honored on the City's Wall of Recognition.

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

**Introduction of Orange County Sheriff's Department (OCSD) Captain Jim Englund**

San Clemente Police Services Chief Moodie introduced Captain Jim Englund, the new OCSD Southwest Orange County Operations Captain.

**San Clemente Ocean Festival**

Peggy Vance and Ernie Marquez, representing the San Clemente Ocean Festival, reported that the Ocean Festival will take place on July 16-17, 2016.

**Sports Wall of Fame and Friends of the Beaches, Parks and Recreation Foundation Golf Tournament**

John Dorey, representing the Friends of San Clemente Beaches, Parks and Recreation Foundation reported that the Sports Wall of Fame induction ceremony will take place on May 21, 2016 and the Golf Tournament fundraiser will take place on June 24, 2016.

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**

City Attorney Smith noted that Council took no reportable action this evening.

6. **CONSENT CALENDAR**

MOTION BY MAYOR PRO TEM WARD, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to approve the Consent Calendar, with the removal of Items A-1, B-3, and L.

B. **Receive and file:**

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

- 1. Minutes of the Beaches, Parks and Recreation Commission Regular Meeting of April 12, 2016.
- 2. Minutes of the Regular Zoning Administrator Meeting of May 4, 2016.

C. **Warrant Register**

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

Wire Transfers Nos. 1505 through 1508  
 paid on 4/29/16 and Warrant  
 Nos. 532338 through 532509  
 paid on 4/29/2016, in the amount of ..... \$1,297,730.56

Warrant Nos. 532510 through 532659  
 paid on 5/6/2016, in the amount of ..... \$1,277,743.14

TOTAL WARRANT REGISTER ...\$ 2,575,473.70

**Payroll Register**

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

Warrant Nos. 486 through 488 and  
 Automatic Deposit Advises 31778 through 32086  
 for the period of 4/11/2016 through 4/24/2016,  
 paid on 4/29/2016, in the amount of ..... \$ 400,380.81

TOTAL WARRANT REGISTER ....\$ 400,380.81

D. **Contract Award – FY 2016 Major Street Maintenance for Avenida Barcelona, Trafalgar Lane, Arenoso Lane, Linda Lane and Via Mecha**

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

1. Approve the specifications for the FY 2016 Major Street Maintenance for Avenida Barcelona, Trafalgar Lane, Arenoso Lane, Linda Lane and Via Mecha, Project No. 26301.
2. Approve, and authorize the Mayor to execute, Contract C16-27, by and between the City of San Clemente and Palp, Inc., dba Excel Paving Company, providing for the FY 2016 Major Street Maintenance for Avenida Barcelona, Trafalgar Lane, Arenoso Lane, Linda Lane and Via Mecha, in the amount of \$411,382.90.

E. **Proposed Parking Prohibitions on Elena Lane**

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

1. Prohibit parking on the east side of Elena Lane, from the northeast curb return of Cazador Lane northerly fourteen (14) feet and easterly twenty-two (22) feet.
2. Adopt Resolution No. 16-27 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING 'NO PARKING AREAS' ON ELENA LANE.

F. **Contract Award – Water Reclamation Plant Emergency Generator Replacement**

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

1. Approve and authorize an appropriation in the amount of \$360,520 from the Sewer Fund Depreciation Reserve to Account 054-476-42420-000-16210.
2. Approve the plans and specifications for the Water Reclamation Plant Emergency Generator Replacement, Project No. 16210.
3. Approve, and authorize the Mayor to execute, Contract C16-28 by and between the City of San Clemente and Global Power Group, providing for replacement of the Water Reclamation Plant Emergency Generator, in the amount of \$258,861.

G. **Notice of Completion – Granada Trash Enclosure Screen Project**

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

1. Accept the Granada Trash Enclosure Screen Project, Project 16814, from the contractor, TNT Welding and Fabrication, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Granada Trash Enclosure Screen Project.

H. **Acceptance of Public Improvements and Bond Release - Marblehead Coastal Development**

MOTION BY MAYOR PRO TEM WARD, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to adopt Resolution No. 16-28 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF CERTAIN PARK AND AVENIDA PICO IMPROVEMENTS AND RELEASE OF PERFORMANCE AND LABOR & MATERIAL BONDS RELATED TO THE MARBLEHEAD COASTAL DEVELOPMENT IN TRACT 8817.

I. **Fee Waiver – San Clemente Library Summer Reading Program**

MOTION BY MAYOR PRO TEM WARD, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to approve a fee waiver in the amount of \$1,200 for rental and deposit fees associated with use of the Community Center Auditorium for the San Clemente Library's 2016 summer reading program.

J. **Senior Mobility Program Renewal**

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

1. Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract C11-19, by and between the City of San Clemente and Age Well Senior Services, providing for the Senior Mobility Program transportation.
2. Approve, and authorize the Mayor to execute, the Orange County Transportation Authority (OCTA) Senior Mobility Program Agency Service Plan.



K. **Selection of Consultant and Contract Award – Environmental Review of Ballena Landslide Repair**

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

1. Authorize the City Manager to select the consultant to perform CEQA professional services associated with the Ballena landslide repair and storm drain box construction.
2. Approve, and authorize the City Manager to execute, Contract C16-29, by and between the City of San Clemente and a consultant to be selected by the City Manager, providing for CEQA services associated with the Ballena landslide repair and storm drain box construction.

M. **Park Master Plan Amendment – Vista Hermosa Sports Park’s Courtney’s Sandcastle Playground**

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

1. Amend the Master Plan of Vista Hermosa Sports Park’s Courtney’s Sandcastle Playground to replace engineered wood fiber and rock style bench play features with rubberized surfacing.
2. Accept a donation from the Courtney’s Sandcastle Charitable Foundation of up to \$8,000 to Account 031-862-45300-000-10143.

N. **Contract Award – Assessment of Code Enforcement, Business Licensing, Planning Division Counter Operations, and the Engineering Division Development Services**

MOTION BY MAYOR PRO TEM WARD, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to approve, and authorize the City Manager to execute, Contract C16-31 by and between the City of San Clemente and Matrix Consulting Group, providing for an assessment of Code Enforcement, Business Licensing, Planning Division Counter Operations, and the Engineering Division Development Services, for an amount not to exceed \$29,400.

O. **Contract Award - Beach Parking Impact Fee Refund Administration Services**

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

1. Approve, and authorize the City Manager to execute, Contract C16-30 by and between the City of San Clemente and BNY Mellon, providing for professional financial services in administering the Beach Parking Impact Fee refunds, in an amount not to exceed \$68,000.
2. Approve a supplemental appropriation of \$68,000 from the General Fund's Unassigned Fund Balance to Account 001-203-43690-000-00000, City Administration – Other Professional Services.

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

A1. **Minutes of the Special and Regular City Council Meeting of April 19, 2016**

MOTION BY MAYOR PRO TEM WARD, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to approve the minutes of the Special and Regular City Council meeting of April 19, 2016, with the amendment that the fourth paragraph on Page 4 be modified to read as follows:

**Councilmanic Districts**

Jim Bieber, San Clemente, referenced a recent newspaper editorial by Mayor Pro Tem Ward and voiced concern that City Staff may have been utilized to write an article relating to an initiative campaign.

B3. **Minutes of the Regular Planning Commission Meeting of May 4, 2016**

Council referenced the portion of the Planning Commission meeting minutes of May 4, 2016 that related to the project at 101 Avenida Calafia (Raya's Paradise); noted that the General Plan provides that all new development bear its full fair share cost of public safety; requested that Staff report to Council at the time the Raya's Paradise project is scheduled for Council consideration relative to the manner by which the subject development will comply with the General Plan requirement.

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER BROWN, CARRIED 5-0, to receive and file the minutes of the Regular Planning Commission meeting of May 4, 2016.

L. **Local Coastal Program Planning Grant**

Associate Planner Ciampa noted that the Administrative Report states that the grant request would seek the sum of \$100,000, but in conversations with the Coastal Commission staff and City consultant, Staff has determined to revise its recommendation to request a \$135,000 grant; explained the proposed usage of the grant funding and confirmed that receipt of the funding will not obligate the City to complete and/or finalize its Local Coastal Plan.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER BROWN, CARRIED 4-1 (MAYOR PRO TEM WARD VOTING NOE) to adopt Resolution No. 16-29 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA COASTAL COMMISSION FOR A LOCAL COASTAL PROGRAM GRANT TO ASSIST IN THE CERTIFICATION OF A LOCAL COASTAL PROGRAM, with the modification that the grant request be increased from \$100,000 to \$135,000.

7. **PUBLIC HEARINGS**

A. **Acquisition of Easement Interest by Eminent Domain for New Waterline Between Reservoirs 6 and 10 (Generally Located Between Paseo Peregrino and Via Floritas)**

Public Hearing to consider acquiring an easement (generally located between Paseo Peregrino and Via Floritas) by eminent domain for a new water line between Reservoirs 6 and 10.

Deputy Public Works Director Rebensdorf reviewed the contents of the Administrative Report and displayed a PowerPoint presentation. A hard copy of Mr. Rebensdorf's PowerPoint is on file with the City Clerk.

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

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

1. Adopt Resolution No. 16-30 entitled A RESOLUTION OF THE CITY OF SAN CLEMENTE DECLARING THAT THE ACQUISITION OF AN EASEMENT INTEREST IN CERTAIN REAL PROPERTY BY EMINENT DOMAIN IS NECESSARY FOR A WATER LINE BETWEEN RESERVOIRS 6 & 10 PROJECT.

*Motion continued on next page*

2. Authorize the City Attorney to pursue an eminent domain process to acquire an easement for the new water line between Reservoirs 6 and 10.
3. Authorize the City Manager to execute all documents in the name of the City of San Clemente in the eminent domain process on behalf of the City.

**B. Ambulance Transport Fees**

Public Hearing to consider a proposed increase in Ambulance Transport fees as well as the establishment of two new fees related to providing this service, to become effective July 1, 2016.

Deputy Administrative Services Director Vincent reviewed the contents of the Administrative Report and responded to Council inquiries.

Mayor Baker opened the Public Hearing.

Ed Liptrap, San Clemente, expressed concern with the ambulance transport billing process and debt collection practices.

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

Council directed Staff to contact Wittman Enterprises to ascertain the circumstances relating to Mr. Liptrap's account.

MOTION BY COUNCILMEMBER HAMM, SECOND BY MAYOR PRO TEM WARD, CARRIED 5-0, to adopt Resolution No. 16-31 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REVISING AMBULANCE TRANSPORT FEES, AND REPEALING RESOLUTION NO. 12-16, EXHIBIT "A" AS IT RELATES TO AMBULANCE TRANSPORT FEES. To ensure full cost recovery for all services, Council directed Staff to assess the following:

1. Review excessive use of City medical transport services and determine if a fee can be established to offset City costs.
2. Determine the feasibility of implementing a first responder fee.
3. Review the ambulance subscription fee.
4. The cost to provide Advanced Life Support (ALS) and Basic Life Support (BLS) transport is a fixed cost (that is currently reflected in the Administrative Report as the proposed "non-resident" fee). Staff is to review the possibility of charging this fee for all transports, with the proviso that those who subscribe to the Ambulance Subscription Program would be charged the "resident" fee.

C. **Code Amendment - Sanitary Sewer Rates**

Public Hearing to consider amending the Code of the City of San Clemente as it pertains to sanitary sewer rates.

Business Services Officer Rendina narrated a PowerPoint presentation entitled "Code Modification to Sewer Rates" and responded to Council inquiries. A hard copy of Mr. Rendina's PowerPoint is on file with the City Clerk.

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

City Clerk Baade reported that she received 8 written protests out of 17,498 active sewer accounts, which does not represent a majority protest.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0 to introduce Ordinance No. 1625 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 13.24.190, SUBSECTIONS (D) AND (E) OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO SANITARY SEWER RATES.

D. **Code Amendment - Water Rates**

Public Hearing to consider amending the Code of the City of San Clemente as it pertains to water rates.

Business Services Officer Rendina narrated a PowerPoint presentation entitled "Code Modification to Water Rates" and responded to Council inquiries. A hard copy of Mr. Rendina's PowerPoint is on file with the City Clerk.

Mayor Baker opened the Public Hearing.

Zdenka De Gree, San Clemente, read a letter in protest to the proposed water rate pricing methodology, especially as it relates to multi-family residences; opined that the pricing structure unfairly discriminates against larger families. A hard copy of Ms. De Gree's letter is on file with the City Clerk.

Brad Malamud, San Clemente, opined that the City's water rates are illegal under Proposition 218; urged that the tiered rates be eliminated and that a flat rate be charged for water.

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

City Clerk Baade reported that she received 10 written protests out of 17,524 active water accounts, which does not represent a majority protest.

Council requested a report that addresses the water rate methodologies that other cities utilize for multi-family residences.

Council directed Staff to inform the individuals that submitted written water protests, and the individuals who spoke against the water rate increase this evening, of the future workshops that will take place in connection with the water cost-of-service study.

In response to Council inquiry, City Attorney Scott opined that the City's tiered water rate structure is legal.

MOTION BY COUNCILMEMBER BROWN, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to introduce Ordinance No. 1626 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 13.04.220, SUBSECTIONS (A), (B) AND (C) OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO WATER RATES.

8. **UNFINISHED BUSINESS**

None.

**MEETING RECESSED**

Council recessed at 7:39 p.m. and reconvened at 7:50 p.m., with all members present.

9. **NEW BUSINESS**

A. **Consideration of a Ballot Measure to Change the City Clerk and City Treasurer From Elected to Appointive Positions**

Report from the Assistant City Manager concerning the possibility of adding a measure to the General Municipal Election ballot of November 8, 2016 relative to changing the City Clerk and City Treasurer from elected to appointive positions.

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

Following discussion, MOTION BY COUNCILMEMBER HAMM, SECOND BY MAYOR PRO TEM WARD, CARRIED 3-2 (COUNCILMEMBER DONCHAK AND MAYOR BAKER VOTING NOE), to table consideration of submitting to the electorate the question of whether the City Clerk and City Treasurer offices should be appointive, rather than elected, until the beginning of 2017.

B. **Contract Award - Banquet and Wedding Service Operations at the Ole Hanson Beach Club**

Report from the Beaches, Parks and Recreation Department concerning approval of a concession agreement for banquet and wedding service operations at the Ole Hanson Beach Club.

Assistant Beaches, Parks and Recreation Director Passow narrated a PowerPoint presentation entitled "Ole Hanson Beach Club" and, along with Assistant City Manager Sund, responded to Council inquiries. A hard copy of Ms. Passow's PowerPoint is on file with the City Clerk.

Norm Bennett, Owner and Chef, and Lynn Wagoner, Director of Venues, representing 24 Carrots, responded to Council inquiries concerning their business plan and term of the agreement with the City.

Mark Holcomb, representing Jay's Catering, reported that his company submitted a proposal for catering services at the Ole Hanson Beach Club; suggested that Council taste the food and visit the facilities of the vendors that submitted proposals.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER BROWN, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C16-32, by and between the City of San Clemente and 24 Carrots, LLC, providing for banquet and wedding service operations at the Ole Hanson Beach Club, with the following amendments:

1. The initial term of the agreement shall be five years, plus three successive five-year extensions.
2. The agreement shall specify that in each of the five-year milestones, the extension will be dependent upon bilateral consent.
3. After 18 months of operations, the parties will communicate to determine whether the City is acting as a good landlord and that the tenant is delivering at the level expected.

Council clarified that the rent steps will remain in place for any contract extension.

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

None.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. **City Attorney**

None.



D. **Council Members**

- (1). **Consideration of Supporting H.R. 4745 (Interim Consolidated Storage Act of 2016) and/or H.R. 3643 (Interim Consolidated Storage Act of 2015) - (Councilmember Donchak)**

Council authorized letters of support for H.R. 4745 (Interim Consolidated Storage Act of 2016) and H.R. 3643 (Interim Consolidated Storage Act of 2015).

**San Clemente Library**

Councilmember Donchak reported that she recently attended the Orange County Library budget presentation and noted that San Clemente Library's donations have significantly dropped. Council directed Staff to research the cause for the donation reduction.

**Sprouts Grand Opening**

Councilmember Donchak commended the Sprouts Grand Opening.

**Association of California Cities-Orange County (ACC-OC) Los Angeles Harbor Port Tour**

Councilmember Brown reported that he will attend ACC-OC's Port of Los Angeles tour.

**Police Services Ride-a-Long**

Councilmember Brown reported that he participated in a ride-along with San Clemente Police Services.

**San Clemente Times Column**

At the request of Mayor Pro Tem Ward, City Attorney Smith opined that Staff's contribution to the "Council Corner" article that appeared in the San Clemente Times did not violate the Government Code; pointed out that Staff's contributions were de minimus and occurred prior to the publication of the Notice of Intent to circulate the initiative petition.

**Orange County Fire Authority Drowning Prevention Awareness Campaign**

Mayor Baker requested that the possibility of donating \$5,000 to the Orange County Fire Authority's drowning prevention education campaign be added to the June 13, 2016 Council agenda.

**Meeting with California Department of Public Health**

Mayor Baker reported that City Manager Makshanoff and he addressed the California Department of Public Health regarding the impending closure of San Clemente Hospital; explained that the California Department of Public Health indicated that it cannot take any action to keep the hospital open; noted that the beds have not been taken off the hospital's license, and as such, a new operator will not be required to go through the process to recertify the beds.

12. **RESOLUTIONS/ORDINANCES**

**A. Ordinance No. 1622 (Second Reading) – Short-Term Lodging Units**

Jack Roemer, San Clemente, expressed disappointment that his rental property was approved for a maximum capacity of four persons, rather than eight persons, because of the parking requirements; noted that his residence has a 30-foot tandem driveway in addition to a one-car garage.

James Payne, representing San Clemente Vacation Rental Alliance Group, reported that his group attended a recent Coastal Commission meeting and informed the Commission of the City's intended zoning actions; voiced concern that reducing the inventory of short-term rentals will decrease the number of persons that can visit San Clemente annually; asserted that a Coastal Development Permit (CDP) must be obtained before the City can implement the proposed Ordinances.

Chris Geil, San Clemente, voiced concern that the proposed parking regulations for short-term rentals would limit her three-bedroom rental to a capacity of four persons.

Joe Janis, San Clemente, opined that short-term rentals change the makeup of neighborhoods and promote a continual influx of strangers; distributed an inventory of hotel rooms in San Clemente. A copy of the inventory is on file with the City Clerk.

Tricia Mading, San Clemente, opined that short-term lodging units (STLUs) do not provide affordable lodging for visitors; opined that areas west of the I-5 lack adequate infrastructure to accommodate STLUs.

Bradley Den Dulk, San Clemente, spoke in support of short-term rentals and less-stringent parking regulations.

Jim Laurent, San Clemente, urged Council to adopt the proposed Ordinance.

Wayne Eggleston, speaking as a private citizen, stated that there is nothing specific in the Coastal Act with regard to vacation rentals, noting that they fall under the umbrella of lower-cost visitor-serving accommodations; urged Council to direct Staff to ascertain the actual number of vacation rentals available in the City; noted that other cities have banned vacation rentals and urged Council to adopt the proposed Ordinance.

Valerie Hirsch, San Clemente, urged Council to provide an inventory of hotels and campgrounds to the California Coastal Commission; spoke in support of the proposed Ordinances.

Associate Planner Atamian responded to Council inquiries.

MOTION BY COUNCILMEMBER HAMM, SECOND BY MAYOR PRO TEM WARD, CARRIED 4-1 (COUNCILMEMBER DONCHAK VOTING NOE), to adopt 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.

**B. Ordinance No. 1623 (Second Reading) – Short-Term Lodging Units and Other Transitory Lodging Uses, Pier Bowl Specific Plan**

Mayor Baker recused himself from deliberations because he owns property within 500 feet of the Pier Bowl; left the dais at 9:59 p.m.

Don Dursa, Diamond Bar, urged Council to allow short-term rentals in the 300 block of Avenida Del Mar.

Bradley Den Dulk, San Clemente, stated the Pier Bowl is high density and should not be subject to the four-person per-car requirement.

Wayne Eggleston, San Clemente, suggested that short-term rentals should be allowed in the 300 block of Avenida Del Mar.

MOTION BY COUNCILMEMBER HAMM, SECOND BY MAYOR PRO TEM WARD, CARRIED 3-1-1 (COUNCILMEMBER DONCHAK VOTING NOE AND MAYOR BAKER RECUSED), to adopt 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 10:09 p.m.

C. Ordinance No. 1624 (Second Reading) – Transitory Lodging Uses and Specialty Hospitals

Councilmember Brown recused himself from deliberations because he lives within 500 feet of an urgent care facility; left the Council Chambers at 10:09 p.m.


MOTION BY COUNCILMEMBER HAMM, SECOND BY MAYOR PRO TEM WARD, CARRIED 4-0-1 (COUNCILMEMBER BROWN RECUSED) to adopt 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.

Councilmember Brown returned to the dais at 10:10 p.m.

13. ADJOURNMENT


MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR BAKER, CARRIED 5-0, to adjourn at 10:10 p.m. to an Adjourned Regular Council Meeting to 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 2017 City Budget.

The next Council Meeting will take place on **June 13, 2016**, rather than June 7, 2016, to allow the Council Chambers to be used as a polling site for the Presidential Primary Election on June 7, 2016. Closed Session items will be considered at 5:00 p.m. The Regular Business Meeting will commence at 6:00 p.m.



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CITY CLERK of the City of  
San Clemente, California



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MAYOR of the City of  
San Clemente, California