

CITY OF SAN CLEMENTE

City Council Minutes

Adjourned Regular City Council Meeting – June 13, 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 June 13, 2016 at 5:05 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 5:12 p.m.

ABSENT NONE

STAFF PRESENT James Makshanoff, City Manager; Mal Richardson, Assistant City Attorney; Joanne Baade, City Clerk; Laura Campagnolo, Deputy City Clerk

CLOSED SESSION

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER HAMM, CARRIED 4-0 (COUNCILMEMBER BROWN ABSENT)), to recess to Closed Session at 5:05 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: 11
- Case Name: Brault v. City of San Clemente
Case Number: OCSC 30-2016-00843347-CL-MC-CJC
- Case Name: Memorial Health Services, et al. v. City of San Clemente
Case Number: OCSC 30-2016-00845211 CU-WM-CJC
- Case Name: Michael Schumacher v. City of San Clemente
Case Number: OCSC 30-2014-00729000-CU-PA-CJC
- Case Name: City of San Clemente v Sobertec LLC (1)
Case Number: 30-2015-00805227

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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

B. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION
Initiation of Litigation Pursuant to Government Code Section 54956.9(d)(4)
Number of Potential Cases: 4

In attendance for the full Closed Session were all members of the City Council, City Manager Makshanoff, Assistant City Manager Sund, and Assistant City Attorney Richardson, Community Development Director Gallardo-Daly and Attorney Jeff Dunn with Best, Best & Krieger, who participated via teleconference.

MEETING RECONVENED

Council reconvened at 6:13 p.m., with all members present.

INVOCATION

Robin Margraf, M.A., Our Lady of Fatima Catholic Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Baker led the Pledge of Allegiance.

Moment of Silence in Memory of the Victims of the Terrorist Attack in Orlando, Florida

Attendees observed a Moment of Silence in remembrance of the victims of the mass shooting in Orlando, Florida.

1. SPECIAL PRESENTATIONS

A. Presentation of Water Conservation Award to the City

Susan Hinman, Board Member of the Municipal Water District of Orange County, presented a Water Conservation Award to the City of San Clemente.

B. Pacific Coast Highway Corridor Study

Joe Alcock, Corridor Studies Section Manager with the Orange County Transportation Authority (OCTA), narrated a PowerPoint presentation entitled "Pacific Coast Highway Corridor Study" and responded to Council inquiries. A hard copy of Mr. Alcock's presentation is on file with the City Clerk.

2. ORAL COMMUNICATIONS (PART 1)

Pier Bowl Parking Lot Pay Station/City Funding of San Clemente High School Student Artwork at the Cinco de Mayo Fiesta

Mary Gail Hall, San Clemente, voiced concern that people are overpaying at the Pier Bowl parking lot pay station because the sign that indicates the hours when payment is required is not readily visible; voiced concern that the City has indicated that it cannot provide funding to support San Clemente High School student artwork at the Cinco de Mayo Fiesta.

Request to Return Water Usage Penalties to Residents

Brad Malamud, San Clemente, urged Council to return the revenue collected from water usage penalties to the residents.

3. MOTION BY COUNCILMEMBER BROWN, SECOND BY MAYOR PRO TEM WARD, 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**

Assistant City Attorney Richardson noted that Council took no reportable action during this evening's 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 Items E, H, J, L, M and O.

A. **City Council Minutes**

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

1. Approve the minutes of the Special and Regular City Council Meeting of May 3, 2016.
2. Approve the minutes of the Adjourned Regular City Council Meeting of May 17, 2016.

B. **Receive and file:**

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

1. Minutes of the Coastal Advisory Committee Regular Meeting of March 10, 2016.
2. Minutes of the Regular Zoning Administrator Meeting of May 18, 2016.
3. Minutes of the Regular Planning Commission Meeting of May 18, 2016.

C. Warrant Register

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

Wire Transfers Nos. 1509 through 1512
 paid on 5/13/16 and Warrant
 Nos. 532660 through 532839
 paid on 5/13/2016, in the amount of \$1,765,456.55

Wire Transfer No. 1513 and
 Warrant Nos. 532840 through 533043
 paid on 5/20/2016, in the amount of \$1,141,838.93

Wire Transfer Nos. 1514 through 1518 and
 Warrant Nos. 533044 through 533199
 paid on 5/27/2016, in the amount of \$2,920,046.02

TOTAL WARRANT REGISTER ...\$ 5,827,341.50

Payroll Register

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

Warrant Nos. 489 through 493 and
 Automatic Deposit Advises 32087 through 32401
 for the period of 4/25/2016 through 5/8/2016,
 paid on 5/13/2016, in the amount of \$ 395,465.03

Warrant Nos. 494 through 497 and
 Automatic Deposit Advises 32402 through 32717
 for the period of 5/9/2016 through 5/22/2016,
 paid on 5/27/2016, in the amount of \$ 400,593.63

TOTAL WARRANT REGISTER\$ 796,058.66

D. **Contract Amendment – As-Needed Geotechnical Services**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM WARD, CARRIED 5-0, to approve, and authorize the Mayor to execute, Amendment No. 1 to Contract AC-672, by and between the City of San Clemente and LGC Geotechnical, Inc., providing for as-needed geotechnical services. This contract amendment increases the contract amount from \$25,000 to \$125,000, an increase of \$100,000, and extends the term of the agreement to June 30, 2018.

F. **Notice of Completion – Bonito Canyon Park and Marblehead Park Playground Replacement Project and Donation of Surplus Property**

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

1. Accept the Bonito Canyon Park and Marblehead Park Playground Replacement Project, Project No. 12724, from the contractor, Landscape Structures, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Bonito Canyon Park and Marblehead Park Playground Replacement Project.

G. **Notice of Completion – Water Reclamation Plant (WRP) Sewer Line Upsizing for Segunda Deshecha Canada M02 Treatment (M02 Influent Force Main and Backwash Bypass Modifications)**

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

1. Accept the WRP Sewer Line Upsizing for the Segunda Deshecha Canada (M02) Treatment (M02 Influent Force Main and Backwash Bypass Modifications), City Project No. 16208, from the contractor, GCI Construction, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the WRP Sewer Line Upsizing for Segunda Deshecha Canada M02 Treatment (M02 Influent Force Main and Backwash Bypass Modifications).
3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Engineering Division that no liens have been levied against GCI Construction, Inc.
4. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

I. **Contract Amendment – Reservoirs 5A, 10, 12 and 14 Rehabilitation and Chemical Improvements**

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

1. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C14-33, by and between the City of San Clemente and AKM Consulting Engineers, providing for a Reservoir Management Study, Reservoir Nos. 10 and 12 Rehabilitation, and Reservoir 5A and 14 Chemical Improvements, Project Nos. 31401, 14406, and 14407. This contract amendment increases the total not-to-exceed amount from \$272,358 to \$350,868, an increase of \$78,510, extends the agreement effective date to December 30, 2018, and expands the scope of services.
2. Approve a transfer of \$274,640 from Account 052-466-45300-15407 to Account 052-466-45300-16410 for Reservoirs 5A, 10, 12 and 14 Improvements.
3. Approve a transfer of \$676,740 from Account 052-466-45300-13408 to Account 052-466-45300-16410 for Reservoirs 5A, 10, 12 and 14 improvements.

K. **Grant Application - Citizens Option for Public Safety Program (COPS)**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM WARD, CARRIED 5-0, to approve the use of COPS grant funds for a portion of one patrol deputy position for FY 2017.

N. **Contract Award – Maintenance of Three New Marblehead Parks**

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

1. Approve, and authorize the Mayor to execute, Contract C16-34, by and between the City of San Clemente and E. Stewart & Associates, providing for park maintenance at three new Marblehead Coastal Parks: Pico Park, Vista Del Sol Park and Canyon View Park, for the period of June 14, 2016 through June 30, 2018, for a not-to-exceed total amount of \$66,469, for the 25-month contract period.

Action continued on following page

2. Approve, and authorize the Mayor to execute, Contract C16-35, by and between the City of San Clemente and E. Stewart & Associates, providing for restroom cleaning at three new Marblehead Coastal Parks: Pico Park, Vista Del Sol Park and Canyon View Park, for the period of June 14, 2016 through June 30, 2018, for a not-to-exceed total amount of \$23,031, for the 25-month contract period.
3. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C15-49, by and between the City of San Clemente and Lippert Building Company, providing for playground inspection and maintenance of playground equipment for the period of June 14, 2016 through June 30, 2018, from \$162,000 to \$204,183, an increase of \$42,183, for the 25-month period.

P. Funding Authorization - Orange County Fire Authority Drowning Prevention Campaign

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM WARD, CARRIED 5-0, to approve a transfer of \$5,000 from Account 001-203-44900, City Council Contingency Reserve, to Account 001-226-43890, Fire Services – Other Contractual Services, as a contribution to the Orange County Task Force on Drowning Prevention.

Q. Appropriations Limit for Fiscal Year 2017

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

1. Approve selection of the following annual adjustment factors:
 - a. Population increase for the County of Orange
 - b. Increase in California per capita personal income
2. Adopt Resolution No. 16-39 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING AN APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA CONSTITUTION.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

E. Contract Amendment – Pier Structural Construction Assessment and Design

Deputy Public Works Director Rebensdorf reviewed the contents of the Administrative Report and responded to Council inquiries.

MOTION BY MAYOR BAKER, SECOND BY COUNCILMEMBER BROWN, CARRIED 5-0, to approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C15-77, by and between the City of San Clemente and TranSystems, providing for a Pier Structural Construction Assessment. This contract amendment increases the contract amount from \$138,134 to \$189,799, an increase of \$51,665, and provides for additional evaluation and design services for the Pier steel piles.

H. Conceptual Design – Avenida Pico Restriping

Brenda Miller, San Clemente, spoke in support of the restriping of Avenida Pico, noting that it will improve safety for bicyclists.

Lew Avera, San Clemente, opined that the restriping project will not negatively impact traffic in Talega and conveyed support for the proposal.

Transportation Engineering Manager Frank responded to Council inquiries.

MOTION BY COUNCILMEMBER HAMM, SECOND BY MAYOR BAKER, CARRIED 4-1 (COUNCILMEMBER DONCHAK VOTING NOE), to:

1. Approve the proposed typical cross sections for the project as provided in Attachment 2 of the Administrative Report, dated June 13, 2016.
2. Approve re-striping Avenida Pico from six lanes to four lanes with turn lanes from Avenida Vista Hermosa to east end.
3. Approve and direct staff to seek OCTA interim approval for the lane re-alignment in conformance with the Master Plan of Arterial Highway Program (MPAH).

J. **Contract Award – Comprehensive Cost-of-Service Study for the City's Water Utility**

Brad Malamud, San Clemente, opined that the cost-of-service study should be conducted by City staff, as opposed to utilizing a consultant.

Assistant City Manager Sund and Rob Grant with Carollo Engineers, Inc. responded to Council inquiries.

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

1. Approve, and authorize the Mayor to execute, Contract 16-37 by and between the City of San Clemente and Carollo Engineers, Inc., providing for the Comprehensive Cost-of-Service Study for the City's Water Utility, in an amount not to exceed \$87,000.
2. Approve a supplemental appropriation in the amount of \$12,000 to Other Professional Services (Account 052-461-43690) from the Water Operating Fund balance.

L. **2016-2017 Strategic Implementation Program – Centennial General Plan**

City Planner Pechous responded to Council inquiries.

MOTION BY MAYOR BAKER, SECOND BY COUNCILMEMBER BROWN, CARRIED 4-0 (COUNCILMEMBER DONCHAK ABSENT), to adopt Resolution No. 16-38 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE 2016-2017 STRATEGIC IMPLEMENTATION PROGRAM FOR THE CENTENNIAL PLAN.

M. **Bicycle Corridor Improvement Program Project and Pacific Coast Bicycle Route Signage**

Brenda Miller, San Clemente, asserted that 11" Quick Response (QR) codes on the wayfinding bicycle signage are beneficial and urged Council's support.

Following discussion, MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to approve the revised Cooperative Agreement No. C-5-3811 with the Orange County Transportation Authority (OCTA), eliminating the bicycle racks and including sharrows in the project scope. (City Contract C16-33)

Action continued on following page

Council deferred action on the QR code issue to the Council meeting of July 5, 2016 to allow Staff and Brenda Miller to provide additional information concerning the overall justification for 11" QR codes on the wayfinding bicycle signage.

O. **San Clemente Ocean Festival Partnership Agreement**

Peggy Vance and Nick Azzollini, speaking on behalf of the Ocean Festival, urged residents to visit the Ocean Festival website to learn about upcoming activities; reported that a shuttle service to the Ocean Festival will be provided from the Outlets at San Clemente.

Following discussion, MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER BROWN, CARRIED 5-0, to direct the City Attorney to draft a Partnership Agreement by and between the City of San Clemente and the San Clemente Ocean Festival, incorporating the event details contained in the Administrative Report, dated June 13, 2016, that is on file with the City Clerk. Staff is to analyze the issue of the appropriate term for the agreement, with strong recognition of the public benefit that the Festival provides.

7. **PUBLIC HEARINGS**

A. **101 Avenida Calafia (Raya's Paradise) - Conditional Use Permit 15-071/Site Plan Permit 15-072/Architectural Permit 15-073/Abandonment Permit 16-122/Interpretation Permit 16-147**

Public Hearing to consider a request to construct a 40-unit congregate care/assisted living facility at 101 Avenida Calafia.

MOTION BY COUNCILMEMBER HAMM, SECOND BY MAYOR PRO TEM WARD, CARRIED 5-0, to continue the Public Hearing to the Council meeting of July 5, 2016.

B. Urban Water Management Plan

Public Hearing to consider providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually to prepare, adopt and file an Urban Water Management Plan (UWMP) with the California Department of Water Resources (DWR) every five years in the year ending in zero and five. The 2015 UWMP updates are due to DWR by July 1, 2016.

Deputy Public Works Director Rebensdorf narrated a PowerPoint presentation entitled “2015 Urban Water Management Plan” and responded to Council inquiries. A hard copy of Mr. Rebensdorf’s presentation is on file with the City Clerk.

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

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

1. Adopt Resolution No. 16-40 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING THE URBAN WATER MANAGEMENT PLAN PURSUANT TO AB 797.
2. Direct Staff to file the City of San Clemente 2015 Urban Water Management Plan with the California Department of Water Resources by July 1, 2016.

C. Organics Waste Recycling Program

Public Hearing to consider proposed increases to solid waste collection service rates for annual inflation adjustments for increased labor, vehicle and facility operation and maintenance costs, and increased landfill disposal charges.

Deputy Public Works Director Bonigut narrated a PowerPoint presentation entitled “Organics Waste Recycling Program” and, along with Dean Ruffridge, Senior Vice President with CR&R, responded to Council inquiries. A hard copy of Mr. Bonigut’s presentation is on file with the City Clerk.

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

City Clerk Baade announced that the City received 55 written protests out of 26,829 parcels, which does not represent a majority protest.

MOTION BY COUNCILMEMBER HAMM, SECOND BY MAYOR PRO TEM WARD, CARRIED 5-0, to approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C87-62, a franchise agreement by and between the City of San Clemente and CR&R, Inc., to implement an organics waste collection program, change the annual price adjustment approach and clarify solid waste container sizes.

MEETING RECESSED

Council recessed at 7:56 p.m. and reconvened at 8:07 p.m., with all members present.

D. **Repeal of Ordinance No. 1605 – Temporary Moratorium on Permitting or Establishment in Residential Zones of Sober Living Homes and Large Alcoholism or Drug Abuse Recovery or Treatment Facilities**

Public Hearing to consider repealing Ordinance No. 1605, which extended a temporary moratorium on permitting or establishment in residential zones of (1) sober living homes and (2) large alcoholism or drug abuse recovery or treatment facilities, subject to reasonable accommodation, to allow time for consideration of appropriate amendments to the City Municipal Code.

City Planner Pechous reviewed the contents of the Administrative Report and, along with Code Compliance Supervisor Panas and Community Development Director Gallardo-Daly, responded to Council inquiries.

Mayor Baker opened the Public Hearing.

Barbara Ortiz, San Clemente, asserted that sober living facilities jeopardize safety and compromise quality of life.

Dolores Padgett, San Clemente, asserted that sober living and boarding homes in The Coast neighborhood have caused problems for residents.

Michael White, San Clemente, voiced concern that recovery homes serve as multi-family housing within single-family neighborhoods; suggested that recovery homes should be located in industrial areas.

Katia Kenny-Heinzen, San Clemente, voiced concern with sober living facilities in her neighborhood and asserted that recovery homes belong in industrial areas, as opposed to residential neighborhoods.

Michele Forster, San Clemente, cited concerns associated with the existence of sober living homes in residential areas.

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

MOTION BY COUNCILMEMBER BROWN, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to adopt Urgency Ordinance No. 1628 entitled AN URGENCY ORDINANCE OF THE CITY OF SAN CLEMENTE REPEALING ORDINANCE NO. 1605, WHICH EXTENDED A TEMPORARY MORATORIUM ON PERMITTING OR ESTABLISHMENT IN RESIDENTIAL ZONES OF (1) SOBER LIVING HOMES AND (2) LARGE ALCOHOLISM OR DRUG ABUSE RECOVERY OR TREATMENT FACILITIES, SUBJECT TO REASONABLE ACCOMMODATION, TO ALLOW TIME FOR CONSIDERATION OF APPROPRIATE AMENDMENTS TO THE CITY MUNICIPAL CODE.

8. **UNFINISHED BUSINESS**

None.

9. **NEW BUSINESS**

A. **General Municipal Election – November 8, 2016 (Election for Two Members of the City Council, One City Clerk, One City Treasurer, and Ballot Measure Relating to Increasing the Transient Occupancy Tax (“TOT”) and Clarifying the Definition of “Hotels” that are Subject to the Tax)**

Report from the City Clerk concerning the November 8, 2016 General Municipal Election.

City Clerk Baade reviewed the contents of the Administrative Report and responded to Council inquiries.

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

1. Adopt Resolution No. 16-32 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES, AND FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO INCREASING THE TRANSIENT OCCUPANCY TAX

(“TOT”) AND CLARIFYING THE DEFINITION OF “HOTELS” THAT ARE SUBJECT TO THE TAX, with the request that the City Attorney address the definition of “hotel” in his Impartial Analysis and the direction that the ballot measure language be modified to read as follows:

<p>[Insert Ballot Measure Letter] San Clemente, Increase in “Hotel” Guest Tax</p>	<p>YES</p>
<p>Shall Ordinance No. 1627 be adopted to increase the transient occupancy tax (“TOT”) from its current rate of 10 percent to 13 percent in perpetuity, for an estimated annual increase of \$570,000?</p>	<p>NO</p>

2. Adopt Resolution No. 16-33 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2016, WITH THE GENERAL ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE. The ballot measure language within Resolution No. 16-33 will be modified to coincide with the revised ballot measure language as contained in Resolution No. 16-32.
3. Adopt Resolution No. 16-34 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON NOVEMBER 8, 2016.
4. Council determined that a tie vote among the officer candidates who receive the highest number of votes will be decided by lot.
5. MOTION BY COUNCILMEMBER BROWN, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to adopt Resolution No. 16-36 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY MEASURE CONCERNING THE POSSIBILITY OF INCREASING THE TRANSIENT OCCUPANCY TAX (“TOT”) AND CLARIFYING THE DEFINITION OF “HOTELS” THAT ARE SUBJECT TO THE TAX, TO BE SUBMITTED TO CITY VOTERS AT A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2016 AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS. All members of Council will sign the Argument in

Favor of the Transient Occupancy Tax measure. The ballot measure language within Resolution No. 16-36 will be modified to coincide with the revised ballot measure language as contained in Resolution No. 16-32.

6. MOTION BY COUNCILMEMBER BROWN, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to adopt Resolution No. 16-37 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR A CITY MEASURE CONCERNING THE POSSIBILITY OF INCREASING THE TRANSIENT OCCUPANCY TAX "TOT" AND CLARIFYING THE DEFINITION OF "HOTELS" THAT ARE SUBJECT TO THE TAX, TO BE SUBMITTED TO CITY VOTERS AT A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2016. The ballot measure language within Resolution No. 16-37 will be modified to coincide with the revised ballot measure language as contained in Resolution No. 16-32.

B. Reassessment District No. 2016-1

Report from the Assistant City Manager concerning Reassessment District 2016-1.

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

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

1. Adopt Resolution No. 16-41 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE REASSESSMENT REPORT AND CONFIRMING REASSESSMENTS WITHIN REASSESSMENT DISTRICT NO. 2016-1.
2. Adopt Resolution No. 16-42 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF LIMITED OBLIGATION REFUNDING BONDS FOR REASSESSMENT DISTRICT NO. 2016-1, APPROVING THE FORM OF FISCAL AGENT AGREEMENT, FIRST SUPPLEMENTAL AGREEMENT, BOND PURCHASE AGREEMENT, PRELIMINARY OFFICIAL STATEMENT, AND CONTINUING DISCLOSURE AGREEMENT, AND AUTHORIZING OTHER ACTIONS IN CONNECTION THEREWITH.

C. Fiscal Year 2017 City Budget

Report from the Assistant City Manager concerning the Fiscal Year 2017 City Budget.

Deputy Administrative Services Director Vincent narrated a PowerPoint presentation entitled "Fiscal Year 2017 Budget Adoption" and responded to Council inquiries. A hard copy of Ms. Vincent's PowerPoint is on file with the City Clerk.

Bill Hart, San Clemente, suggested that Council formulate a citizens ad-hoc committee to make recommendations to Council to decrease crime.

Council expressed an interest in considering the establishment of a citizens ad-hoc committee at a future meeting.

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

1. Adopt Resolution No. 16-44 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING AND APPROVING THE BUDGET AT THE FUND LEVEL FOR THE CITY OF SAN CLEMENTE FOR THE 2017 FISCAL YEAR AND THE COMMITMENT OF FUND BALANCE.
2. Adopt Resolution No. 16-45 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A REVISED SALARY SCHEDULE AND NEW CLASSIFICATIONS AND AMENDING RESOLUTION NO. 16-21 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH.

D. Fiscal Year 2017 City Police Services Contract

Report from the Assistant City Manager concerning the FY 2017 City Police Services contract.

Deputy Administrative Services Manager Vincent narrated a PowerPoint presentation entitled "FY 2017 Police Services Contract Orange County Sheriff's Department". A hard copy of Ms. Vincent's PowerPoint is on file with the City Clerk.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER BROWN, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C16-36, by and between the City of San Clemente and the County of Orange, providing for police services for the 2017 fiscal year.

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

None.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

City Manager Makshanoff announced that the San Clemente Lifeguard Association is hosting a forum on “Return of the Big Marine Predators to California Waters” on June 16, 2016 at 7:00 p.m. in the Council Chambers.

C. **City Attorney**

None.

D. **Council Members**

Orange County Fire Authority – Additional Firefighter for Engine 50

Councilmember Hamm requested a written report from the Orange County Fire Authority concerning the possible use of a SAFER Grant to fund an additional firefighter for Engine 50.

Transportation Corridor Agency (TCA) FY 2017 Budget

Mayor Pro Tem Ward reported that she voted in opposition to the Transportation Corridor Agency’s FY 2017 budget because no details were provided on the proposed alignment of the I-5 corridor which could negatively impact San Clemente.

Palm Beach Mobile Home Park (Grand Opening Under New Ownership)

Mayor Pro Tem Ward reported that the Palm Beach Mobile Home Park is under new ownership and reported on her attendance at the Park’s grand opening.

Community Engagement Panel (CEP)

Councilmember Brown invited the public to attend the next CEP meeting which is scheduled for June 22, 2016 at the San Juan Capistrano Community Center.

Governance Options - Councilmanic Districts

Councilmember Donchak requested the City Attorney provide Council with a white paper that describes the different types of governance options for cities with Councilmembers that are elected by districts.

San Clemente High School Graduation

Mayor Baker reported on his attendance at the San Clemente High School graduation ceremony, recognized the class valedictorians, and displayed photographs of the event; requested that Chase Gutierrez, Scholar of Scholars, be invited to a future Council meeting for recognition. Hard copies of the graduation photographs are on file with the City Clerk.

San Clemente Car Show

Mayor Baker reported on his attendance at the San Clemente Car Show.

Memorial Day Event

Mayor Baker reported on his attendance at the Memorial Day event and thanked Staff for its efforts.

4th of July Flyover

Mayor Baker reported that the Condor Squadron is conducting its annual 4th of July flyover at 6:25 p.m. on July 4th.

Volunteer Recognition

Mayor Baker reported on his attendance at the Volunteer Recognition Breakfast, noting that Joan Thompson was named Volunteer of the Year; displayed photographs of the event that are on file with the City Clerk.

12. **RESOLUTIONS/ORDINANCES****A. Ordinance No. 1625 (Second Reading) – Sanitary Sewer Rates**

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

B. Ordinance No. 1626 (Second Reading) – Water Rates

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

13. **ADJOURNMENT**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to adjourn at 9:51 p.m. to an Adjourned Regular Meeting to be held on June 20, 2016 at 4:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California for the purpose of interviewing and making appointments to various City Commissions and Committees and the Talega Representative to the Friends of the Reserve Commission.

The next Regular City Council Meeting will be held on June 21, 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.

Note: Meetings of the Public Financing Authority and Successor Agency to the San Clemente Redevelopment Agency immediately followed the San Clemente City Council meeting of June 13, 2016. Please refer to the minutes of those meetings for actions taken.

MAYOR of the City of
San Clemente, California

CITY CLERK of the City of
San Clemente, California