

CITY OF SAN CLEMENTE

City Council Minutes

Regular City Council Meeting – May 1, 2018

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

A Regular Meeting of the San Clemente City Council was called to order on May 1, 2018 at 5:07 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Brown.

PRESENT DONCHAK, WARD, MAYOR BROWN

ABSENT HAMM, SWARTZ

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 COUNCILMEMBER WARD, CARRIED 3-0 (COUNCILMEMBER SWARTZ AND MAYOR PRO TEM HAMM ABSENT), to recess to Closed Session at 5:07 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: 10

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

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

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

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

Closed Session items continued on next page

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

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

Case Name: City of San Clemente v. Foothill/Eastern Transportation Corridor
Agency and County of Orange
Case Number: OCSC 30-2017-00934703-CU-PT-CXC

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

Case Name: MemorialCare Services, et al. v. City of San Clemente
Case Number: USDC 8:16-cv-00852 DOC-JCG

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

B. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

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

C. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code section 54956.9(d)(4)
Number of potential cases: 2

D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Existing litigation pursuant to Government Code section 54956.9(d)(1)
Number of Cases: 1
Case Name: Emergency Shelter Coalition v. City of San Clemente
Case Number: OCSC 30-201400758880

REGULAR BUSINESS MEETING CONVENED

The Regular Business Meeting of May 1, 2018 convened at 6:00 p.m., with all members present, except Councilmember Swartz and Mayor Pro Tem Hamm.

INVOCATION

Holland Davis, Senior Pastor - Calvary Chapel San Clemente, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Brown led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Toll Road Update**

Councilmember Ward reported on her attendance at a Budget Committee meeting for the San Joaquin Hills and Foothill Eastern Transportation Corridors; noted that the TCA wants to study managed lanes on the I-5 from San Clemente to the San Diego County border; explained that some Board members expressed an interest in modifying the Joint Powers Agreement to expand the TCA's powers inasmuch as the I-5 is currently beyond the TCA's authority; related that members stated that they don't believe the toll roads should ever be free.

B. **Planning Commission Update**

Don Brown, Planning Commission Chair, reported on Planning Commission activities.

AGENDA ITEMS TO BE CONTINUED

Council noted that Agenda Items 7-A, 7-C and 9-C will be continued to future meetings.

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

Cabrillo Playhouse

Sandra Weaver, Cabrillo Playhouse, spoke on the value of the Playhouse to the community and noted that *Vanya and Sonja and Marsha and Spike* is currently playing; expressed a desire for Cabrillo Playhouse updates to appear on Council agendas.

City Executive Management

Jim Smetona, San Clemente, stated that he worked for the City of San Clemente for 35 years, but took an early retirement due to the new City executive management; opined that working conditions have deteriorated and requested that the results of the employee satisfaction survey be released.

Sunshine City

Brad Malamud, San Clemente, urged that Council agendaize the possibility of San Clemente becoming a sunshine city, whereby all City records are made public; stated that the cost associated with fulfilling public records requests would be reduced.

SB 54 (California Values Act)

Bonnie Robb, San Clemente, urged Council to protect public safety by adopting a resolution opposing SB 54 (California Values Act).

Gene James, San Clemente, urged Council to take a stance on the sanctuary state issue, noting that federal law trumps State law; urged Council to add deputies to protect public safety.

Jackson Hinkle, San Clemente, urged Council to not oppose SB 54 inasmuch as the City has more significant issues to address; spoke in opposition to mass deportations.

San Onofre Nuclear Generating Station

Ray Lutz, Citizens Oversight, noted that Citizens Oversight and the California Coastal Commission entered into a settlement agreement with regard to Citizens Oversight's lawsuit concerning the Commission's issuance of a permit to store nuclear waste at SONGS; urged Council to adopt a resolution that supports the settlement agreement and the relocation of nuclear waste from SONGS to a safer location; requested that Council endorse Citizens Oversight's HELMS proposal.

Community Choice Energy

Monica Perez, San Clemente, urged Council to consider Community Choice Energy to reduce utility bills and foster quicker movement toward the use of renewable energy resources.

Terry Otsuki Kwa, San Clemente, spoke in support of Community Choice Energy and identified its benefits.

Homeless Encampments (Fire Danger)

Sean Conway, San Clemente, voiced concern with homeless encampments and the associated fire dangers.

Pier Pride Fundraisers

Mikii Rathmann, Pier Pride, reviewed Pier Pride's 2018 fundraisers to help preserve the pier; explained that Pier Pride's goal is to create an endowment.

Cannabis

Angela Conrad, San Clemente, opined that controlled cannabis can fit in San Clemente; pointed out that the tax dollars from cannabis sales would benefit the City.

3. MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER WARD, CARRIED 3-0 (COUNCILMEMBER SWARTZ AND MAYOR PRO TEM HAMM ABSENT), to waive reading in full of all Resolutions and Ordinances.

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

None.

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

None.

6. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER WARD, CARRIED 3-0 (COUNCILMEMBER SWARTZ AND MAYOR PRO TEM HAMM ABSENT), to approve the Consent Calendar, with the removal of Item B(1).

- A. **City Council Minutes**

None.

- B. MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER WARD, CARRIED 3-0 (COUNCILMEMBER SWARTZ AND MAYOR PRO TEM HAMM ABSENT), to receive and file:

- (2) Planning Commission Regular Study Session minutes of April 18, 2018.

- (3) Human Affairs Committee Regular Meeting minutes of April 10, 2018.
- (4) Zoning Administrator Regular Meeting minutes of April 18, 2018.

C. **Warrant Register**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER WARD, CARRIED 3-0 (COUNCILMEMBER SWARTZ AND MAYOR PRO TEM HAMM ABSENT), to:

Approve Wire Transfers Nos. 1810 through 1816 and Warrant Nos. 549329 through 549478, paid on 4/13/18, in the amount of.....\$1,527,507.65

Approve Warrant Nos. 549479 through 549653, paid on 4/20/18, in the amount of.....\$2,096,809.24

TOTAL WARRANT REGISTER.....\$3,624,316.89

Payroll Register

Approve Warrant No. 665, and Automatic Deposit Advises 47393 through 47703, for the period 3-26-18 through 4-8-18, paid on 4-13-18, in the amount of.....\$ 482,100.21

TOTAL PAYROLL REGISTER.....\$ 482,100.21

D. **Contract Award - Calle Redondel Storm Drain Improvement**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER WARD, CARRIED 3-0 (COUNCILMEMBER SWARTZ AND MAYOR PRO TEM HAMM ABSENT), to:

- 1. Approve the plans and specifications for the Calle Redondel Storm Drain Improvement, Project No. 15005.
- 2. Approve, and authorize the Mayor to execute, Contract C18-17 by and between the City of San Clemente and GCI Construction, Inc., providing for construction of the Calle Redondel Storm Drain Improvement, Project No. 15005, in the amount of \$195,500.

Action continued on next page

3. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C15-21 by and between the City of San Clemente and Stantec. This Amendment extends the term of the contract to December 1, 2018, provides for additional engineering services, and increases the contract amount from \$104,311 to \$111,311 (an increase of \$7,000).

E. Contract Award - Reservoir No. 9 Storm Damage Repair

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER WARD, CARRIED 3-0 (COUNCILMEMBER SWARTZ AND MAYOR PRO TEM HAMM ABSENT), to approve, and authorize the Mayor to execute, Contract C18-18 by and between the City of San Clemente and LGC Geotechnical, providing for design services for Reservoir No. 9 - Storm Damage Repair, Project No. 28401, in the amount of \$60,964.

F. Increased Construction Management and Inspection Services Costs - Calle Toledo Storm Drain Improvements

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER WARD, CARRIED 3-0 (COUNCILMEMBER SWARTZ AND MAYOR PRO TEM HAMM ABSENT), to:

1. Approve a supplemental appropriation in the amount of \$25,000 from the Storm Drain Fund Depreciation Reserve to Account 059-553-45300-000-17008.
2. Approve an increased budget amount of \$25,000 for Dudek to provide construction management and inspection services for the Calle Toledo Storm Drain Improvements, Project No. 17008.

G. Fee Waiver Request for 2018 Lifeguard Challenge Event

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER WARD, CARRIED 3-0 (COUNCILMEMBER SWARTZ AND MAYOR PRO TEM HAMM ABSENT), to approve a fee waiver of \$1,888.60 for the costs associated with the special event permit, including lifeguard service fees, for "The Lifeguard Challenge" event on August 12, 2018.

H. **Fee Waiver Request for Relay for Life Hosted by the American Cancer Society**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER WARD, CARRIED 3-0 (COUNCILMEMBER SWARTZ AND MAYOR PRO TEM HAMM ABSENT), to approve a fee waiver in an amount not to exceed \$1,092 for costs associated with the "Relay for Life San Clemente" event at the Jim Johnson Memorial Sports Park on July 28, 2018.

I. **Contract Amendment - Extension to the Short-Term Wastewater Services Agreement with Santa Margarita Water District (SMWD)**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER WARD, CARRIED 3-0 (COUNCILMEMBER SWARTZ AND MAYOR PRO TEM HAMM ABSENT), to approve, and authorize the City Manager to execute, Amendment No. 2 to Contract C17-55, by and between the City of San Clemente and the Santa Margarita Water District, to extend the contract to treat wastewater flows from Talega for 120 days.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

B(1). **Planning Commission Regular Meeting Minutes of April 18, 2018**

Jim Ruehlin, San Clemente, stated that he is a member of the Planning Commission, but is speaking on behalf of himself; referenced Item 8-C on the Planning Commission Regular Meeting minutes of April 18, 2018 relating to Short Term Lodging Units (STLUs) - ZA 17-392; urged that Council refer the STLU ordinance back to the Planning Commission due to his belief that the Commission's findings were based on inaccurate information.

Mayor Brown stated that he intends to recuse himself from deliberations on the STLU issue because his wife is in the real estate industry.

City Attorney Smith pointed out that Mayor Brown's recusal would leave Council without a quorum and recommended that the Planning Commission minutes be continued.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER WARD, CARRIED 3-0 (COUNCILMEMBER SWARTZ AND MAYOR PRO TEM HAMM ABSENT) to continue the Planning Commission Regular Meeting minutes of April 18, 2018 to the Adjourned Regular Council meeting of May 9, 2018, which will take place at 4:00 p.m. in the Council Chambers.

7. PUBLIC HEARINGS**A. Consideration of California Coastal Commission Modified and Approved Local Coastal Program Comprehensive Land Use Plan Update**

Public Hearing to consider the California Coastal Commission (CCC)- approved City of San Clemente Comprehensive Land Use Plan Update. The CCC approved the LUP with suggested modifications at the CCC public hearing on February 8, 2018. The City of San Clemente is considering the suggested modifications from the CCC to the LUP and must act to accept or reject the modifications within 6 months of the CCC approval.

Council noted that the Public Hearing on the subject item will be continued to the Council meeting of June 12, 2018; noted that persons may speak this evening on an informational basis, but pointed out that the formal Public Hearing will be opened on June 12, 2018; urged citizens interested in having their comments included in the official record to either address Council on June 12, 2018 or submit their comments in writing.

Bree Hughes, San Clemente, expressed opposition to changing Cyprus Cove's private beach access to public use; noted that such a conversion will negatively affect her quality of life and property value.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER WARD, CARRIED 3-0 (COUNCILMEMBER SWARTZ AND MAYOR PRO TEM HAMM ABSENT), to continue the Public Hearing on the California Coastal Commission (CCC) Modified and Approved Local Coastal Program (LCP) Comprehensive Land Use Plan (LUP) Update to the Council meeting of June 12, 2018.

B. Code Amendments - Phase 2 Comprehensive Code Updates (Zoning Amendments 17-412 and 18-090)

Public Hearing to consider a City-initiated amendment of Municipal Code (SCMC) Title 17 "Zoning" (Zoning Amendments 17-412 and 18-090). These Zoning Amendments are City-initiated to amend the San Clemente Municipal Code (SCMC) Title 17, Zoning, for Phase 2 of the comprehensive Zoning Code updates. These updates generally include incorporating remaining zoning updates for General Plan land use consistency and Housing Element Action Plan updates. It is anticipated that the entire comprehensive update will be completed in multiple phases.

Contract Planner Stonich narrated a PowerPoint presentation entitled "Phase 2 Zoning Code Update", a hard copy of which is on file with the City Clerk; distributed an errata sheet for Page 23 of the proposed Ordinance for ZA 17-423, which varied from the proposed Ordinance contained in the Administrative Report in that the following sentence was omitted from Paragraph E: "*Also, standalone residential uses are allowed.*"

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

During the course of discussion, Council noted that Mixed Use was envisioned to enable people to live where they work and requested data as to whether Mixed Use is, in fact, performing as originally anticipated. It was agreed that Staff will provide Council with occupancy rates for Mixed Use across all zones and will also look at some of the newer projects to determine if they were built as envisioned by the General Plan Advisory Committee (GPAC) and the General Plan.

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 3-0 (COUNCILMEMBER SWARTZ AND MAYOR PRO TEM HAMM ABSENT), to:

1. Determine that the project is exempt from further review of the California Environmental Quality Act (CEQA). Pursuant to State CEQA Guidelines Section 15162, the project is exempt because it is within the scope of Final Environmental Impact Report (EIR), State Clearinghouse No. 2013041021, certified for the Centennial General Plan on February 13, 2014, and the program EIR adequately describes the project. The project could have no new effects and no new mitigations are required.
2. Introduce Ordinance No. 1652 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, MAKING CEQA FINDINGS AND FOR A CITY-INITIATED AMENDMENT (ZA 17-412) TO THE CITY OF SAN CLEMENTE MUNICIPAL CODE TITLE 17, ZONING, TO ACHIEVE CONSISTENCY BETWEEN THOSE DOCUMENTS AND THE ADOPTED CENTENNIAL GENERAL PLAN, FOR PHASE 2 OF THE COMPREHENSIVE ZONING CODE PURSUANT TO GOVERNMENT CODE SECTION 65860, including the errata sheet (which eliminated the sentence "*Also, standalone residential uses are allowed*" from Page 23, Paragraph E).
3. Introduce Ordinance No. 1653 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, MAKING CEQA FINDINGS AND FOR A CITY-INITIATED AMENDMENT (ZA 18-090) OF THE CITY OF SAN CLEMENTE MUNICIPAL CODE SECTION 17.28.300 FOR TEMPORARY FENCING.

C. **Code Amendment - Regulation of Short-Term Lodging Units (STLU) Zoning Ordinance Amendment 17-392**

Public Hearing to consider a City-initiated amendment of San Clemente Municipal Code Title 17, the Zoning Ordinance, (Zoning Amendment 17-392) regarding regulation of Short-Term Lodging Units (STLUs). The City Council will be considering changes to the existing STLU regulations including, but not limited to, the expansion of the STLU overlay area, existing development standard requirements and operating procedures. On April 18, 2018 the Planning Commission voted (4-1) to concur with Staff and recommend approval of the proposed amendment to the City Council.

City Attorney Smith advised that Mayor Brown will recuse himself from this agenda item because his wife is a real estate professional involved in residential home sales and some aspects of the subject item relate to homes within 500' of the Brown residence; explained that Mayor Brown's recusal will leave Council without a quorum, adding that Mayor Brown can vote to continue the item; stated that speakers can address the issue of the continuance, but if they wish to address the substance of the item, they should speak at the Public Hearing that will take place on May 9, 2018 at 4:00 p.m. in the Council Chambers.

Robert Peters, San Clemente, opined that inadequate public notification of the proposal was provided; urged Council to provide enhanced notification about the continued Public Hearing.

Brad Den Dulk, San Clemente, agreed with the proposed continuance.

Jim Ruehlin, San Clemente, stated that he is a member of the Planning Commission, but is speaking on his own behalf; stated that residents of Buena Vista and the Montalvo/Lobeiro loop have not received direct communication about the hearing; voiced concern that the May 9, 2018 Council meeting is planned to be held at 4:00 p.m., which will hinder attendance; spoke in support of enhanced notification and rescheduling of the May 9, 2018 meeting to evening hours.

Tracey Engelking, San Clemente, questioned the necessity for Mayor Brown's recusal since the proposal affects all residents of San Clemente.

Hugh Limebrook, San Clemente, voiced concern that inadequate notification of the subject hearing was provided.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER WARD, CARRIED 3-0 (COUNCILMEMBER SWARTZ AND MAYOR PRO TEM HAMM ABSENT), to continue the Public Hearing concerning regulation of Short Term Lodging Units (ZA 17-392), due to lack of quorum, to the Council meeting of May 9, 2018 at 4:00 p.m. in the Council Chambers.

Council requested that Staff provide enhanced notification of the May 9, 2018 Public Hearing (e.g., newspapers, social media, email communications, posting on City website, and property postings at the Montalvo/Lobeiro loop and North Beach.)

MEETING RECESSED

Council recessed at 7:42 p.m. and reconvened at 7:58 p.m., with all members present, except Councilmember Swartz and Mayor Pro Tem Hamm.

D. Weed Abatement Program 2018

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 Manager Atamian reviewed the contents of the Administrative Report.

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

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER WARD, CARRIED 3-0 (COUNCILMEMBER SWARTZ AND MAYOR PRO TEM HAMM ABSENT), to adopt Resolution No. 18-15 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 PROPERTIES AND UNOCCUPIED, DEVELOPED PROPERTIES WITHIN THE CITY.

8. **UNFINISHED BUSINESS**

A. **Additional San Clemente Trolley Service for the 2018 Summer Operating Season**

Report from the Public Works Director/City Engineer concerning the possibility of authorizing additional San Clemente trolley service for the 2018 summer operating season.

Public Works Director/City Engineer Bonigut narrated a PowerPoint presentation entitled "San Clemente Trolley Summer 2018 Service Options", which is on file with the City Clerk, and responded to Council inquiries.

Mikii Rathmann, San Clemente, stated that both the Downtown Business Association and the Chamber of Commerce request that trolley service be extended to Thursdays, preferably through Labor Day; urged that Council expand service to S. El Camino Real.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER WARD, CARRIED 3-0 (COUNCILMEMBER SWARTZ AND MAYOR PRO TEM HAMM ABSENT), to:

1. Approve, and authorize the Mayor to execute, Amendment No. 3 to Contract C17-11, by and between the City of San Clemente and Professional Parking and Transportation Services, providing for Wednesday and Thursday trolley service from May 31 through September 3, 2018, in an amount not to exceed \$52,000.
2. Approve a supplemental appropriation in the amount of \$50,000 from the Air Quality Fund undesignated fund balance to Account 019-819-45300-000-00000.
3. Approve a supplemental appropriation in the amount of \$14,000 from the Council Contingency to Account 019-819-45300-000-00000.
4. Defer the conversation concerning the destination label change on the trolley vehicles until a master plan is developed that addresses how communications/advertising may or may not be included on trolley vehicles.

9. **NEW BUSINESS**

A. **Ordinance Introduction - Recovery of Costs of Administrative Hearings and Appeals**

Report from the City Attorney concerning the possibility of amending the Code of the City of San Clemente to recover costs of Administrative Hearings and Appeals.

City Attorney Smith reviewed the contents of the Administrative Report and responded to Council inquiries; requested that the following modifications be made to the proposed Ordinance: 1) That Page 3, Section 1.22.030, be modified to reference "ten business days", as opposed to "ten working days", to be consistent with wording throughout the ordinance; and 2) That Page 2, Section 1.22.020, be amended to change reference to "administrative hearing or appeal" with "administrative hearing or administrative appeal"; responded to Council inquiries.

Brad Malamud, San Clemente, asserted that the proposed ordinance is a disservice to the citizens of San Clemente; voiced concern that the ordinance does not establish a cap on fees and suggested that the proposal is an attack on appeals filed by the Outlets at San Clemente; urged that the Ordinance be amended to provide appellants the option to bypass appeals and take an issue directly to court.

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 3-0 (COUNCILMEMBER SWARTZ AND MAYOR PRO TEM HAMM ABSENT), to:

1. Introduce Ordinance No. 1655 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADDING A NEW CHAPTER 1.22 TO TITLE 1 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO FEES FOR ADMINISTRATIVE HEARINGS AND APPEALS AND AMENDING SECTIONS 1.20.080 AND 1.20.090 OF CHAPTER 1.20 OF TITLE 1 OF THE MUNICIPAL CODE RELATING TO JUDICIAL REVIEW OF ADMINISTRATIVE CITATIONS, with the following modifications: 1) That Page 3, Section 1.22.030, be modified to reference "ten business days", as opposed to "ten working days"; and 2) That Page 2, Section 1.22.020, be amended to change reference to "administrative hearing or appeal" with "administrative hearing or administrative appeal".
2. Direct Staff to notice a Public Hearing for a future Council meeting to establish reasonable appeal fees.

B. Recreation Sports Partnership Application - Elite Soccer League

Report from the Beaches, Parks and Recreation Department concerning a Recreation Sports Partnership application by Elite Soccer League.

Recreation Manager Thomas reviewed the contents of the Administrative Report.

Michael Affleck, Laguna Hills, speaking on behalf of Elite Soccer, reviewed Elite Soccer's history in San Clemente; stated that Elite Soccer would be able to offer more scholarships to San Clemente youth if it is granted Platinum sponsorship; opined that AYSO is able to offer additional programs because of its sponsorship level.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER WARD, CARRIED 3-0 (COUNCILMEMBER SWARTZ AND MAYOR PRO TEM HAMM ABSENT), to approve, and authorize the Mayor to execute, an Agreement (Contract No. C18-19), by and between the City of San Clemente and Elite Soccer, providing for Gold Partnership status for a one-year period. (*Note: This Agreement is retroactive to November 2017.*)

Council directed Staff to revisit the sponsorship issue on a global scale (i.e., including both AYSO and Elite Soccer) in November 2018 when Elite Soccer's agreement is due to expire.

C. **Code Amendment - Regulation of Short-Term Lodging Units (Chapters 1.20 (Administrative Fines), 3.24 (Transient Occupancy Tax), and a Cross-Reference to Chapter 8.28 in Subsection 17.28.292(E)(3) (Solid Waste Collection)**

Report from the City Attorney concerning possible amendments to the Code of the City of San Clemente regarding regulation of short-term lodging units (i.e., Chapters 1.20 (Administrative Fines), 3.24 (Transient Occupancy Tax), and a cross-reference to Chapter 8.28 in Subsection 17.28.292(E)(3) (Solid Waste Collection).

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER WARD, CARRIED 3-0 (COUNCILMEMBERS SWARTZ AND MAYOR PRO TEM HAMM ABSENT), to continue the Public Hearing concerning Regulation of Short-Term Lodging Units as they relate to administrative fines, transient occupancy tax, and solid waste collection, to the Council meeting of May 9, 2018 that will take place at 4:00 p.m. in the Council Chambers.

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

SB 54 (California Values Act)

Judy Jones, San Clemente, speaking on behalf of the League of Women Voters, stated that the League will be sending a letter to Council urging that it not act on SB 54; explained that the League opposes the deportation of unauthorized immigrants that have no history of criminal activity.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. **City Attorney**

None.

D. Council Members

(1) Consideration of City Position on Federal Bill HR 3929 - Stranded Nuclear Waste Accountability Act of 2017

Public Works Director/City Engineer Bonigut reviewed the contents of the Administrative Report.

Ray Lutz, Citizens Oversight, stated that it is difficult to know what HR 3929 could mean for San Clemente, but it is worth pursuing the funds; urged that Council form a standing committee relative to the SONGS issue; urged that Council adopt a resolution that supports relocation of the nuclear waste from SONGS and acknowledges that the City incurs costs relating to spent fuel and associated risks.

Laurie Headrick, San Clemente Green, stated that it appears that HR 3929 would not benefit San Clemente and stressed that even if the bill can help San Clemente, it should not be interpreted as consent; identified possible uses for funding.

Gary Headrick, San Clemente Green, stated that greater clarity relative to the bill is needed; urged that the City pursue all funding sources to improve public safety.

Jackson Hinkle, San Clemente, noted that HR 3929 could provide significant funding for emergency planning; commented that the best way to prevent an emergency is to ensure that problems cannot happen in the first place; voiced concern that HR 3053 (Nuclear Waste Policy Amendments Act of 2017) could have devastating results.

Council provided direction to Staff as follows:

1. Contact Congressman Issa's office to determine why he is not co-sponsoring the current version of HR 3929, versus last year's failed bill, and encourage his co-sponsorship. Desired modifications to the bill include: 1) Better definition of "jurisdiction", and 2) Identification of allowable usage of funds should they become available, as well as the amount of the funds, and what the City would need to do.
2. Identify lobbyist(s) knowledgeable in the energy industry and meet with them to discuss the City's needs and the various pieces of legislation that are in progress and report back with a proposed plan of action as to whether or not a lobbyist

should be utilized. If a lobbyist is deemed to be beneficial, provide a scope of work and associated cost.

3. Determine the deadline for the City to take a position on HR 3929.

(2) **Orange County Fire Authority Report (OCFA) - Mayor Brown**

Mayor Brown reported that Brian Fennessy assumed his duties as the OCFA's Fire Chief on April 16, 2018.

(3) **Medal of Valor Event**

Councilmember Ward reported on her attendance at the 30th Annual Orange County Sheriff's Department Medal of Valor event; reviewed awards presented, which included recognition of six off-duty Sheriff Deputies that assisted during the active-shooter situation in Las Vegas.

12. **RESOLUTIONS/ORDINANCES**

None.

13. **ADJOURNMENT**

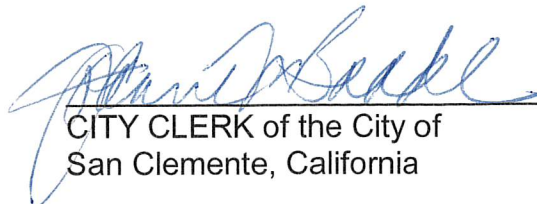
MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER WARD, CARRIED 3-0 (COUNCILMEMBER SWARTZ AND MAYOR PRO TEM HAMM ABSENT), to adjourn at 9:40 p.m. to an Adjourned Regular City Council meeting to take place on May 9, 2018 at 4:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

A subsequent Joint Council/Commissions/Committees meeting will be held on May 10, 2018 at 7:00 p.m. at the Ole Hanson Beach Club, located at 105 W. Avenida Pico, San Clemente, California.

The next Regular Council Meeting will be held on May 15, 2018 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be considered at 5:00 p.m. The Regular Business Meeting will commence at 6:00 p.m.



MAYOR of the City of
San Clemente, California



CITY CLERK of the City of
San Clemente, California