

CITY OF SAN CLEMENTE

City Council Minutes

Special and Regular City Council Meeting – December 18, 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 Special Meeting of the San Clemente City Council was called to order on December 18, 2018 at 4:30 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Swartz.

PRESENT BANE, FERGUSON, HAMM, WARD, MAYOR SWARTZ

ABSENT NONE

STAFF PRESENT James Makshanoff, City Manager; Scott Smith, City Attorney; Joanne Baade, City Clerk; Laura Campagnolo, Deputy City Clerk.

CLOSED SESSION (SPECIAL MEETING)

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Existing litigation pursuant to Government Code section 54956.9(d)(1)
Number of Cases: 4

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 v. Foothill/Eastern Transportation Corridor Agency
Case Number: OCSC 30-2018-01000331-CU-WM-CJC

Memorial Health Services v. City of San Clemente
Case No. 8:16-CV-00852 DOC-JCG

Case Name: San Clemente Coastal Access Alliance v. City of San Clemente
Case Number: 30-2018-0134124-CU-WM-CJC

B. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code section 54956.9(d)(4)
Number of potential cases: 1

Closed Session items continued on next page

C. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2)

Number of potential cases: 1

REGULAR BUSINESS MEETING CONVENED

The City Council Business Meeting of December 18, 2018 convened at 6:04 p.m., with all members present.

INVOCATION

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

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Bane led the Pledge of Allegiance.

1. SPECIAL PRESENTATIONS

A. Holiday Vocal Performance - 5th Grade Choir Students

Fifth grade choir students from Truman Benedict, Marblehead, Vista del Mar, Concordia and Las Palmas Elementary Schools, under the direction of Choir Teacher Sharon Evans, provided a holiday vocal performance.

B. Toll Road Update

City Attorney Smith reported that the City Council, at its meeting of November 20, 2018, directed BBK to initiate an amendment to the City's complaint challenging the consulting contracts that were recently awarded by the TCA and the TCA's actions that exceed its legislative authority; provided a status report on the filing of the amended complaint.

C. City Fiscal Reports

Assistant City Manager Sund and Deputy Administrative Services Director Vincent reviewed the Fiscal State of the City for the period ending June 30, 2018, Fiscal Year 2018 4th Quarter Financial Report, and FY 2018 1st Quarter Financial Report. A hard copy of the PowerPoint entitled "Fiscal State of the City" is on file with the City Clerk.

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

Citizens Climate Lobby

Larry Kramer, San Juan Capistrano, reported that he is the President of the local chapter of Citizens Climate Lobby and identified the purposes of the organization; urged Council to consider climate change when making decisions that affect climate.

Jenifer Massey, San Clemente, encouraged Councilmembers to attend meetings of the Citizens Climate Lobby.

San Clemente Hospital Closure

Gus Gialamas, San Clemente, thanked Council for its continued efforts to bring a hospital to San Clemente; noted that the lack of a hospital results in increased mortality rates.

Debbie Weddle, San Clemente, former employee at San Clemente Hospital, spoke on the need for a hospital in San Clemente to save lives; pointed out that some patients cannot survive a 15-minute drive to Mission Hospital, noting that community hospitals can stabilize patients before they are transferred to a trauma center.

Steve Cullen, San Clemente, reviewed the history of the closure of San Clemente Hospital; voiced concern that Memorial Care is currently suing the City for \$42 million because the City allegedly devalued its property through a rezone, despite the fact that it received six offers to purchase the property; urged Council to continue to seek a new hospital for San Clemente.

Michael Clark, San Clemente, spoke on the need for quality emergency services in the City and expressed willingness to help the Council in this endeavor.

Terri Plunkett, San Clemente, voiced concern that the closure of San Clemente Hospital has negatively affected public health and safety; reported that surrounding hospitals are short-staffed and that patients are subjected to long wait times.

Carol Wilson, Capistrano Beach, reported that she recently went to Mission Hospital in Laguna Beach due to illness, but the hospital was filled to capacity; spoke on the need for a local hospital.

Kirk Tobiassen, San Clemente, reported that he is a retired paramedic; pointed out that the time to transport patients from San Clemente to Mission Hospital can take 30 minutes.

Pete Curran, San Clemente, former paramedic in San Clemente, spoke in support of bringing a hospital back to the City.

Congratulations to New Council/Expression of Gratitude to City Officers and Staff

Pamela Joy Glass, San Clemente, congratulated the new Councilmembers on their election and expressed gratitude to City representatives who work on behalf of the City.

Public Safety/Condition of Police Substation

Gene James, San Clemente, requested that Council reactivate the Public Safety Task Force for the purpose of enabling it to review the issue of public safety in a holistic manner; voiced concern with the condition of the Police substation.

Ole Hanson Beach Club Weathervane

Larry Culbertson, President of the San Clemente Historical Society, presented a weathervane to the City that is a close replica of the original weathervane that was located above the highest turret at the Ole Hanson Beach Club; thanked Lisa Spinelli for designing the weathervane, San Clemente Woman's Club for funding the materials for the project, and Paul Tierney for providing the machinery skills to create the weathervane.

3. MOTION BY COUNCILMEMBER FERGUSON, SECOND BY MAYOR SWARTZ, 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**

San Clemente Coastal Access Alliance v. City of San Clemente

City Attorney Smith announced that during this evening's Closed Session, Council voted 4-1 (Councilmember Ferguson voting no), to direct the City Attorney to answer and defend the lawsuit entitled San Clemente Coastal Access Alliance v. City of San Clemente.

Initiation of Zoning Amendment to Permit Hospitals on Additional Sites in the City

City Attorney Smith reported that Council determined in Closed Session to direct Staff to bring back for Council's consideration, at the earliest opportunity, the initiation of a zoning amendment to permit hospitals on additional sites in the City; requested that Council formalize its direction by motion at this time.

MOTION BY MAYOR PRO TEM BANE, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to request that Staff bring back for Council's consideration, at the earliest opportunity, the initiation of a zoning amendment to permit hospitals on additional sites in the City.

6. CONSENT CALENDAR

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to approve the Consent Calendar, with the removal of Items 6A(2), 6J and 6M.

A. City Council Minutes

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

- (1) Approve the Regular City Council Meeting minutes of November 20, 2018.

B. Commission and Committee Minutes

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to receive and file the following:

- (1) Planning Commission Regular Study Session Meeting minutes of December 5, 2018.
- (2) Planning Commission Regular Meeting minutes of December 5, 2018.
- (3) Zoning Administrator Regular Meeting minutes of December 6, 2018.

C. **Warrant Register**

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

Approve Warrant Nos. 554888 through 555006, paid on 11/30/18, in the amount of.....\$1,815,210.16

Approve Wire Transfers Nos. 1941 through 1948 and Warrant Nos. 555007 through 555183, paid on 12/7/18, in the amount of.....\$2,348,171.67

TOTAL WARRANT REGISTER.....\$4,163,381.83

Payroll Register

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

Approve Warrant No. 701 and Automatic Deposit Advises 52848 through 53121, for the period 11/19/18 through 12/2/18, paid on 12/7/18, in the amount of.....\$ 567,313.01

TOTAL PAYROLL REGISTER.....\$ 567,313.01

D. **Initiation of Zoning Amendment to Update the Inclusionary Housing In-Lieu Fee**

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to initiate a Zoning Amendment, as authorized by Municipal Code Section 17.16.020(C)(1), to update the Inclusionary Housing In-lieu Fee.

E. **Contract Amendment – Laboratory Services**

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

1. Approve, and authorize the Mayor to execute, Amendment No. 4 to Contract C15-53, by and between the City of San Clemente and Sierra Analytical Labs. Inc., providing for laboratory services related to regulatory compliance and the Water Reclamation Plant Efficiency Study. This Amendment increases the contract amount from \$686,000 to \$776,000 (an increase of \$90,000).
2. Approve a supplemental appropriation in the amount of \$20,000 to Account 054-476-45300-000-16206.

F. **Contract Award – Weed Abatement**

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C18-73, by and between the City of San Clemente and E. Stewart & Associates, providing for weed abatement and related fire-clearance services, in an amount not to exceed \$150,000.

G. **San Clemente Fiscal Year 2017-2018 Measure M2 Expenditure Report**

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to adopt Resolution No. 18-55 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO ADOPT THE FISCAL YEAR 2017-2018 MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF SAN CLEMENTE.

H. **Notice of Completion – Street Rehabilitation for Avenida Pico, Avenida Pico/Camino Vera Cruz Intersection Improvements, Arterial Street Pavement Maintenance for Avenida La Pata and Avenida Vista Hermosa, As-Needed Pavement Repairs and Crack Sealing and Pavement Repairs for the Water Division**

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

1. Accept the Street Rehabilitation for Avenida Pico, Project No. 17328, Avenida Pico/Camino Vera Cruz Intersection Improvements, Project No. 17338, Arterial Street Pavement Maintenance for Avenida La Pata and Avenida Vista Hermosa, Project No. 18321, As-Needed Pavement Repairs and Crack Sealing, Project No. 27306 and Pavement Repairs for the Water Division, Project No. 24400, from the contractor, All American Asphalt.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Street Rehabilitation for Avenida Pico, Avenida Pico/Camino Vera Cruz Intersection Improvements, Arterial Street Pavement Maintenance for Avenida La Pata and Avenida Vista Hermosa, As-Needed Pavement Repairs and Crack Sealing and Pavement Repairs for the Water Division.
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 the contractor, All American Asphalt.

Action continued on next page

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. **Notice of Completion – Shorecliffs Middle School Safe Routes to School Pedestrian and Bicycle Improvements**

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

1. Accept the Shorecliffs Middle School Safe Routes to School Pedestrian and Bicycle Improvements, Project No. 17327, from the contractor, Calpromax Engineering, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Shorecliffs Middle School Safe Routes to School Pedestrian and Bicycle Improvements.
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 the contractor, Calpromax Engineering, 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.

K. **Communications Site Lease Agreement – Richard T. Steed Memorial Park, 247 Avenida La Pata (Sprint Spectrum)**

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

1. Approve, and authorize the Mayor, or his designee, to execute Contract C18-74, a Communications Site Lease, by and between the City of San Clemente and Sprint Spectrum L.P.
2. Authorize the City Manager to execute future extensions to Contract C18-74, as specified in the lease, provided that the lease rate is not reduced.

L. **Replacement of Fleet Vehicle Number 1081 and Purchase of Additional Fleet Vehicle**

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

1. Approve the purchase of two 2019 Ford F150 trucks from Raceway Ford from the Fleet Replacement Reserve for replacement of Fleet Vehicle Number 1081 and to add an additional fleet vehicle.
2. Authorize a supplemental appropriation in the amount of \$51,854 to Fleet Automotive Account 065-824-45600 from the Fleet Replacement Reserve Fund balance.

N. **City Investment Policy 202-1**

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to adopt Investment Policy Number 202-1, effective December 15, 2018.

O. **Initiation of Process to Amend San Clemente Municipal Code Title 17 – Amortization Extensions of Short-Term Lodging Units (STLUs) and Short-Term Apartment Rentals (STARs)**

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to initiate a Zoning Amendment to add an exception to eligibility requirements for an amortization extension for STLUs and STARs outside of RVL and RL Zones.

P. **Application for the California Investment Fire Prevention Grant Program**

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to adopt Resolution No. 18-60 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE FILING OF AN APPLICATION FOR THE CALIFORNIA CLIMATE INVESTMENT FIRE PREVENTION GRANT PROGRAM.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**6(2). City Council Regular Meeting Minutes of December 4, 2018**

MOTION BY COUNCILMEMBER WARD to modify the minutes of the City Council Regular Meeting of December 4, 2018 to change her vote on the motion to elect Councilmember Swartz to the office of Mayor from an "Aye" vote to a "Noe" vote to match her nomination that Councilmember Hamm serve as Mayor.

SUBSTITUTE MOTION BY MAYOR PRO TEM BANE, SECOND BY COUNCILMEMBER FERGUSON to direct Staff to view the video of the Council meeting of December 4, 2018 to determine whether Councilmember Ward's vote on the motion to appoint Councilmember Swartz to the office of Mayor was accurately reflected in the minutes.

Following discussion, Council approved the minutes of its December 4, 2018 meeting by consensus, with the understanding that the City Clerk will view the video of the meeting to determine if the vote on the motion to appoint Steve Swartz to the office of Mayor was properly recorded in the minutes. If the minutes are incorrect, they are to be corrected; if the minutes are correct, they are to be finalized as written.

NOTE: Subsequent to the meeting, City Clerk Baade confirmed the accuracy of the minutes as drafted. The minutes were subsequently finalized and entered into the record as originally prepared.

J. Adoption of Policy and Procedure for Guidelines for the Acceptance of Donations, Sponsorships and Gifts and Amendment to Policy and Procedure Relating to Partnership of Activities, Facility Rentals and Special Events

Following discussion, MOTION BY MAYOR SWARTZ, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to:

1. Adopt Policy and Procedure No. 204-1 entitled "Partnership of Activities, Facility Rentals and Special Events".
2. Adopt Policy and Procedure No. 204-5 entitled "Guidelines for the Acceptance of Donations, Sponsorships and Gifts", with the following modifications:

- Section 6.2 shall be expanded to read as follows:

"Designated Donations, Sponsors, or Fundraiser Activities may only be accepted when they have a purpose consistent with the City's goals and objectives and are in the best interest of San Clemente. The City must always consider the public trust and comply with all applicable laws when accepting donations. Organizations that qualify for and receive a discount for the use of a City facility through an established Partnership Agreement will not be eligible to receive any fee waiver or subsidy if they accept donations or sponsorships from an organization which is in current litigation with the City."

Action continued on next page

- Section 6.4 shall be modified to read as follows:

"The acceptance of all donations to the City will be based on the following guidelines:

- a. Purpose of Donation.
- b. Community or municipal need for the Donation.
- c. Compatibility of the Donation with San Clemente Municipal Codes, Policies, and other applicable laws.
- d. Timeliness of the Donation as it relates to implementation.
- e. Level of benefit and financial impact to the City.

- Section 6.5 (which related to Authority to Accept Donations) shall be eliminated.

M. Contract Amendment – Vista Hermosa Sports Park Ballfield Improvements and Acceptance of Donation from San Clemente Little League

Robert Nicolosi, San Clemente Little League, explained that San Clemente Little League has worked with the City and invested nearly \$100,000 to improve City baseball fields; asserted that the fields are not being properly maintained and suggested that the City should retain a fields maintenance company, rather than a landscape company, to maintain the fields.

Following discussion, MOTION BY MAYOR PRO TEM BANE, SECOND BY COUNCILMEMBER FERGUSON, CARRIED 5-0, to:

1. Approve, and authorize the City Manager to execute, Amendment No. 1 to Contract C18-40, by and between the City of San Clemente and PSFM. The amendment increases the contract amount from \$1,202,680 to \$1,240,680 (an increase of \$38,000), for supplemental infield work to be completed at the Vista Hermosa Sports Park ballfields #3 and #4.
2. Accept a donation of an amount not to exceed \$38,000 from San Clemente Little League to fund the infield improvements to Account 001-000-21563 Wishbook/Park Improvements.
3. Direct Staff to agendize the field maintenance contract after baseball season ends for evaluation of the contractor and quality of service.

7. PUBLIC HEARINGS

A. FY 2017-18 Mitigation Fee Act Annual Report

Public Hearing to consider the City of San Clemente Annual Mitigation Fee Act Report for Fiscal Year 2017-18.

Management Analyst Johnston reviewed the contents of the Administrative Report and responded to Council inquiries.

Mayor Swartz opened and closed the Public Hearing, there being no one desiring to speak on this item.

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to receive and file the Annual Report concerning the Mitigation Fee Act for Fiscal Year 2017-18, dated December 18, 2018, which is on file with the City Clerk.

B. 2018 Weed Abatement Billing

Public Hearing to consider objections or protests, if any, to the costs of the abatement of weeds, rubbish, refuse and dirt upon streets, sidewalks, parkways and private property within the City of San Clemente and to the assignment of these costs to the properties on which the abatement was completed.

Code Compliance Manager Atamian reviewed the contents of the Administrative Report and responded to Council inquiries.

Mayor Swartz opened and closed the Public Hearing, there being no one desiring to speak on this item.

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

1. Waive the City's notification costs for the compliant property owners.
2. Approve the Weed Abatement Report.
3. Authorize the Weed Abatement Contract Administrator to bill the amounts indicated in the report to the appropriate property owners.

C. **Historic Property Preservation Agreement 18-575, Pekarek Residence – 199 Avenida La Cuesta**

Public Hearing to consider approving Historic Property Preservation Agreement 18-575, for the historic house located at 199 Avenida La Cuesta.

Assistant Planner Carrillo narrated a PowerPoint presentation entitled "Historic Property Preservation Agreement 18-575: 199 Avenida La Cuesta (Pekarek Residence)" and responded to Council inquiries. A hard copy of Mr. Carrillo's presentation is on file with the City Clerk.

Mayor Swartz opened the Public Hearing.

Larry Culbertson, San Clemente Historical Society, spoke in support of the proposed Historic Property Preservation Agreement, but voiced concern that Staff is recommending that the property owner be allowed ten years in which to obtain a termite inspection; urged that the timeframes to complete improvements in HPPAs be examined and that shorter completion periods be implemented where appropriate; suggested that Staff should inspect HPPA properties on a more-frequent basis.

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

MOTION BY COUNCILMEMBER HAMM, SECOND BY MAYOR PRO TEM BANE, CARRIED 5-0, to adopt Resolution No. 18-56 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 18-575 FOR THE PROPERTY LOCATED AT 199 AVENIDA LA CUESTA.

D. **Local Coastal Program Land Use Plan Amendment (LUPA) and Authorization to Submit the LUPA to the California Coastal Commission**

Public Hearing to consider an amendment to the Certified Local Coastal Program (LCP) Land Use Plan (LUP), that is focused on (1) modifying the threshold year for calculating cumulative changes to an existing structure relative to the "Major Remodel" definition in the LUP and (2) modifying the designation of the two southernmost parcels on Coronado Lane from MU4 (Mixed Use – 4) to RH (Residential High) and revising the boundary of the Visitor Serving Commercial District Overlay to exclude these parcels.

Leslea Meyerhoff, Consultant, Summit Environmental Group, Inc., narrated a PowerPoint presentation entitled "City of San Clemente Local Coastal Program Land Use Plan Amendment", and, along with Senior Planner Stiehl, responded to Council inquiries. A hard copy of Ms. Meyerhoff's presentation is on file with the City Clerk.

Mayor Swartz opened the Public Hearing.

Adam Minow, Newport Beach, stated that he is a Certified Public Accountant and is speaking on behalf of his client who is an owner and resident of the Pier Bowl; commended the City's goal to promote visitor-serving land uses in the Pier Bowl area and opined that the inability to use redevelopment funds is one of the reasons that commercial land uses in the Pier Bowl have not proven to be viable or sustainable. A hard copy of Mr. Minow's statement is on file with the City Clerk.

Mandy Sackett, Surfrider Foundation, urged Council to deny the proposed LUPA due to the proposed change to the definition of "Major Remodel".

Mark McGuire, San Clemente, stated that he supports the proposed change in the LUPA that seeks to redefine a major remodel, but urged Council to not pursue the portion of the amendment that relates to redesignating the two southernmost parcels on Coronado Lane from MU4 (Mixed Use-4) to RH (Residential High).

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

Following discussion, MOTION BY MAYOR PRO TEM BANE, SECOND BY MAYOR SWARTZ, CARRIED 3-2 (COUNCILMEMBERS HAMM AND WARD VOTING NOE), to adopt Resolution No. 18-57 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO ADOPT THE LAND USE PLAN AMENDMENT (LUPA) AND AUTHORIZE THE SUBMITTAL OF THE LOCAL COASTAL PLAN PROGRAM LAND USE PLAN AMENDMENT TO THE CALIFORNIA COASTAL COMMISSION FOR PROCESSING, with the modification that the two southernmost parcels on Coronado Lane retain the designation of MU4 (Mixed Use-4).

8. **UNFINISHED BUSINESS**

None.

9. **NEW BUSINESS**

A. **Code Amendment – Solid Waste Management to Require Applicable Businesses to Comply with Mandatory Commercial Recycling (AB 341) and Mandatory Organics Recycling (AB 1826)**

Report from the Utilities Director concerning a proposed Code Amendment pertaining to Solid Waste Management to Require Applicable Businesses to Comply with Mandatory Commercial Recycling (AB 341) and Mandatory Organics Recycling (AB 1826).

Utilities Director Rebensdorf reviewed the contents of the Administrative Report and responded to Council inquiries.

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to introduce Ordinance No. 1666 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 8.28 ("HEALTH AND SAFETY - SOLID WASTE MANAGEMENT") OF THE CODE OF THE CITY OF SAN CLEMENTE, CALIFORNIA TO INCORPORATE NEW STATE MANDATES, CITY RULES AND REGULATIONS.

B. **Code Amendment – Removal of Section that Allowed for Lawn Irrigation Runoff and Amendment to Explicitly State That Irrigation Runoff is a Prohibited Discharge to the Storm Drain System**

Report from the Utilities Director concerning a proposed Code Amendment to remove the Section that allowed for lawn irrigation runoff and amendment to explicitly state that irrigation runoff is a prohibited discharge to the storm drain system.

Utilities Director Rebensdorf reviewed the contents of the Administrative Report and responded to Council inquiries.

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to introduce Ordinance No. 1667 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DELETING CHAPTER 12.16.080 CONTROL OF IRRIGATION AND STORMWATER AND AMENDING CHAPTER 13.40 STORMWATER RUNOFF CONTROL OF THE CODE OF THE CITY OF SAN CLEMENTE, CALIFORNIA TO COMPLY WITH THE NPDES MS4 PERMIT TO PROHIBIT IRRIGATION RUNOFF.

C. Aquatics Partnership Application – San Clemente Aquatics

Report from the Assistant City Manager concerning an Aquatics Partnership Application with San Clemente Aquatics.

Recreation Manager Thomas-Wylie reviewed the contents of the Administrative Report and responded to Council inquiries.

Goran Westerhund, San Clemente Aquatics, requested that Council renew the three-year Senior Partnership with San Clemente Aquatics to provide San Clemente Aquatics with stability and the ability to plan ahead.

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

- 1) Grant Senior Partnership status to San Clemente Aquatics with a three-year agreement.
- 2) Direct Staff to return to Council at a future meeting with a proposed three-year Partnership Agreement for approval.

D. Recreation Sports Partnership Applications

Report from the Assistant City Manager concerning consideration of Recreation Sports Partnership Applications.

Recreation Manager Thomas-Wylie reviewed the contents of the Administrative Report and responded to Council inquiries.

Michael Affleck, Elite Soccer League, reviewed Elite Soccer's 12-year history in San Clemente and identified the purpose and goals of the organization; stated that Staff expressed concern that 19% of Elite Soccer's revenue is used to pay administrative costs, but noted that the percentage is due to the small size of Elite Soccer as compared to AYSO.

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

1. Grant Platinum Partnership status to American Youth Soccer Region 111 and San Clemente Little League with a three-year agreement.
2. Grant Gold Partnership status to Elite Soccer League for two years, maintaining the current Partnership levels.
3. Direct Staff to return to Council at a future meeting with the Partnership Agreements for approval.

E. **Consideration of Suspending Automatic Increases to the Sewer Connection Fee**

Report from the Assistant City Manager concerning the possibility of suspending automatic increases to the sewer connection fee.

Management Analyst Johnston reviewed the contents of the Administrative Report and responded to Council inquiries.

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER FERGUSON, CARRIED 5-0, to adopt Resolution No. 18-58 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SUSPENDING THE AUTOMATIC INFLATOR TO THE SEWER CONNECTION FEES UNTIL REINSTATED BY ACTION OF THE CITY COUNCIL.

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

Employee Satisfaction Survey

Tony Rubolino, San Clemente, reviewed comments provided on the Employee Satisfaction Survey.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. **City Attorney**

None.

MEETING RECESSED

Council recessed at 9:03 p.m. and reconvened at 9:08 p.m., with all members present.

D. Council Members(1) Update to Council Appointees to Regional Committees, Commissions and Boards

Council updated its appointees to Regional Committees, Commissions and Boards as follows:

Committee/Commission/Board	Representative(s)
Capistrano Unified School District Liaison Committee	Ferguson and Ward
Coastal Animal Services Authority (CASA)	Swartz/Hamm (Alt.)
Community Engagement Panel	Swartz/Bane (Alt.)
Conservancy (Elected/Appointed Representative to Friends of the Reserve Commission)	Hamm is the City's Elected/Appointed Representative. The City's "At Large" position is vacant (term expired June 30, 2018). On 6-14-18, Council left position vacant (there were no applications) pending more information about the situation with the Reserve. The Talega HOA Representative is Laurie Gooch (term expires June 30, 2020).
Chamber of Commerce – Economic Development	Swartz/Ferguson (Alt). <i>Note: The Mayor will continue to attend ribbon-cutting ceremonies.</i>
Downtown Business Association – Economic Development	Bane/Hamm (Alt.)
Emergency Operational Area Council (Orange County)	Mayor and Mayor Pro Tem
Fire Authority (Orange County)	Swartz
Historic Preservation Ad Hoc Committee	Ward and Ferguson
Insurance Authority (California Joint Powers Insurance Authority)	Swartz/Bane (Alt.) (<i>Note: Council also authorized Staff members to participate as needed</i>).
Investment Advisory Committee	Swartz
Legislative Delegate Program - Representative to Senate District 38	Mayor and Mayor Pro Tem
Legislative Delegate Program - Representative to 73 rd Assembly District	Mayor and Mayor Pro Tem
Library Task Force (Orange County)	Ferguson
Mayors (South Orange County Association of Mayors)	Mayor
U.S. Marine Corps Liaison	Hamm
MWDOC Interaction of Elected Officials	Ward/Ferguson (Alt.)

Nine South County Water Agencies (This is the name of a group that consists of nine South Orange County water agencies).	Ward/Ferguson (Alt.)
OCTA Transportation Planning Workshops	Bane and Tom Bonigut
Public Safety Task Force	Inactive. May be reactivated at a later date.
Pier Bowl Association	Bane
Sand Replenishment Project	Swartz/Hamm (Alt.)
SCAG General Assembly	Bane/Swartz (Alt.)
Social Service/Community Service Budget Committee	Ferguson
South Orange County Watershed Management Area Executive Committee	Staff
Transportation Corridor JPA (Foothill Eastern)	Ferguson/Bane (Alt.)
Transportation Corridor JPA (San Joaquin Hills)	Bane/Ferguson (Alt.)
Vector (Orange County Vector Control Board)	Michelle Schumacher (term expires January 2020)
Wall of Recognition	Swartz

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to adopt Resolution No. 18-59 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DESIGNATING AND APPOINTING ITS REPRESENTATIVE TO THE ORANGE COUNTY FIRE AUTHORITY'S BOARD OF DIRECTORS, with the direction that the Resolution indicate that Mayor Swartz is the City's representative to the Orange County Fire Authority Board of Directors.

(2) **Consideration of Nuclear Regulatory Commission letters of November 28, 2018 and November 29, 2018 relating to the results of a routine inspection, as well as a special inspection in response to the misalignment of a loaded spent fuel storage canister at the San Onofre Nuclear Generating Station (SONGS)**

Mayor Swartz provided an overview of the Nuclear Regulatory Commission's response to the City's letter concerning an incident involving the misalignment of a loaded spent fuel storage canister at SONGS; voiced concern that the response was not comprehensive and did not identify practices to be used in the future to prevent problems; voiced concern that the City of San Clemente and County of Orange were not immediately informed when the incident occurred; stated that efforts continue with regard to relocating the

nuclear waste from wet storage to dry storage; stated that the Community Engagement Panel continues to seek information from the Nuclear Regulatory Commission and Southern California Edison.

Gene Stone, San Clemente, thanked Mayor Swartz for his participation in the Community Engagement Panel (CEP) and spoke in support of independent real-time radiation monitoring that is accessible to the public.

Sunshine Ordinance

Councilmember Ferguson requested that an agenda report be prepared for the January 15, 2019 City Council meeting concerning the possibility of the City adopting a Sunshine Ordinance; suggested the possibility of establishing an advisory board to review the proposal and prepare a white paper.

During the course of discussion, Council requested that the agenda report include information about the Sunshine Ordinance survey that was provided by BBK and also identify transparency efforts already in effect in the City, e.g., the Transparency portion of the City's website.

Possible Upgrades to Police Facility

Mayor Pro Tem Bane noted that the City expects a budget surplus this year and that the Orange County Sheriffs Department returns overage funds to the City; suggested the possibility of funding common-sense improvements to the Police facility (such as installing lockers, etc.). It was agreed that City Manager Makshanoff will ascertain Police Services' needs.

12. **RESOLUTIONS/ORDINANCES**

None.

13. **ADJOURNMENT**

MOTION BY COUNCILMEMBER HAMM, SECOND BY MAYOR PRO TEM BANE, CARRIED 5-0, to adjourn at 9:35 p.m. to a Special Council Meeting to be held on Tuesday, January 15, 2019 at 3:30 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, for the purpose of considering an appeal of an Administrative Hearing Officer decision to revoke Short Term Lodging Unit (STLU) Operating License 314901 (2813 La Ventana, San Clemente, California).

The next Regular Council Meeting will be held on Tuesday, January 15, 2019 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be discussed at 5:00 p.m. The General Session will commence at 6:00 p.m.

Note: The first Regular Council Meeting in January 2019 was previously cancelled because it falls on New Year's Day.


CITY CLERK of the City of
San Clemente, California

MAYOR of the City of
San Clemente, California