

CITY OF SAN CLEMENTE

City Council Minutes

Adjourned Regular Meeting – December 10, 2019

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 December 10, 2019 at 6:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Bane.

PRESENT FERGUSON, JAMES, WARD, MAYOR BANE

ABSENT HAMM

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

PLEDGE OF ALLEGIANCE

Councilmember Ward led the Pledge of Allegiance.

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

Martin v City of Boise

Rick Loeffler, San Clemente, summarized the Martin v City of Boise decision and suggested that it may be interpreted to mean that persons with access to indoor sleeping opportunities, or who live outdoors by choice, may be cited for camping outdoors; opined that the enforcement plan currently under consideration is permitted pursuant to the Boise case.

Request for Issuance of RFP for Attorney Services/Number of Council Votes Needed to Agendize Items

Brad Malamud, San Clemente, urged Council to agendize RFPs for City Attorney Services as well as litigation services; requested that Council agendize the possibility of modifying City Policy to allow one Councilmember to place items on Council meeting agendas.

Commendation of City Operations

Joe Janis, San Clemente, commended the professionalism of the City Manager and City Attorney and the efficient operations of the City; urged Council to move forward and work together for the betterment of the community.

Homeless Issues

Jim G. (last name not provided), San Clemente, opined that homeless persons are victims of society and suggested that government should pay for homeless shelters.

2. **Development Proposals for the Southwest Corner of Avenida Vista Hermosa and Avenida La Pata**

Report from the Assistant City Manager concerning development proposals for the southwest corner of Avenida Vista Hermosa and Avenida La Pata.

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

Craig Smith, of Fountainhead Development, and David Delrahim, of Platinum Energy, explained Fountainhead Development's proposal for the Vista Hermosa/La Pata site; narrated a PowerPoint presentation entitled "Bliss Car Wash" and responded to Council inquiries. A hard copy of the PowerPoint is on file with the City Clerk.

Michael DiGangi and Brian Johnson, of Property Nine Development, and Mike Sater, of Sater Oil International, provided an overview of Property Nine's development proposal for the Vista Hermosa/La Pata site; narrated a PowerPoint presentation, entitled "Property Nine Development & Objective" and responded to Council inquiries. A hard copy of the PowerPoint is on file with the City Clerk.

Casey McKeon, Matthew Heslin and John Belanich, with Heslin Holdings, summarized Heslin Holdings' development proposal for the Vista Hermosa/La Pata site; narrated a PowerPoint presentation entitled "Heslin Holdings" and responded to Council inquiries. A hard copy of the PowerPoint is on file with the City Clerk.

Brad Malamud, San Clemente, urged that a development decision be deferred until a comparison analysis of the three proposals is provided that includes an assessment of sale versus lease and projected revenues; stated that City revenue projections should take into consideration that gas sales will not incrementally increase if sales are diverted from another San Clemente gas station.

Sara Peterson, Owner of Zebra Coffee, reported that she signed a lease to operate a drive-through coffee shop and café across the street from the subject development site; urged Council to consider the impact that the development proposals will have on her business and the ramifications that big-box developments will have on the City as a whole.

Esther Bent, Manager with Zebra Coffee, spoke on the importance of small businesses and urged that they be supported; suggested the development proposals under consideration will divert business from local commercial operations.

Mike Sater, Sater Oil International, provided an overview of his company, noting that Sater Oil International operates Arco Gas Stations; expressed hope that Council will select Property Nine Development's proposal.

Bree Hughes, San Clemente, stated that she submitted an offer to purchase the Vista Hermosa/La Pata property; stressed that she is the only local operator to submit an offer and described the benefits associated with a local end user; requested that Council defer a decision to enable her family to submit a full proposal.

Ryan Bourque, San Clemente, opined that neither a gas station nor car wash are needed in Talega; suggested that the development proposals fail to represent the best usage for the property.

Kevin Reilly, San Clemente, opined that a gas station at the Vista Hermosa/La Pata site will transfer revenue from other gas stations, as opposed to creating new revenue for the City; commented that the proposals do not represent the highest and best use for the property.

Council directed Staff to research the concerns expressed in a letter, dated December 10, 2019, from NNN San Clemente LLC. A copy of the subject letter is on file with the City Clerk.

During the course of discussion, Council requested a comparative analysis of the three development proposals to include, but not be limited to, sales tax, property tax, purchase price/lease revenue, and willingness of bidders to consider local business concepts. Council also requested information concerning site plans in use to help provide insight into the amount of re-trading that could be expected.

MOTION BY MAYOR BANE, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to continue this agenda item to the Council meeting of January 21, 2020.

MEETING RECESSED

Council recessed at 7:40 p.m. and reconvened at 7:53 p.m., with all members present.

3. **Urgency Ordinance Relating to Closure of the Pico Transitional Camp, Restoration of the City-Wide Camping Ban, and Provision of Alternate Interim Shelter**

Report from the City Manager and City Attorney concerning possible adoption of an Urgency Ordinance amending Chapter 8.86 of the San Clemente Municipal Code (relating to public camping) in its entirety, repealing Ordinances Nos. 1673, 1674, and 1675, and finding the Ordinance exempt from CEQA (in connection with closure of the Pico Transitional Camp and the restoration of the City-wide camping ban where alternative shelter, hotel vouchers, or ordinary campground opportunities are made available).

City Attorney Smith reviewed the contents of the Administrative Report and responded to Council inquiries.

Rick Loeffler, San Clemente, voiced concern with allowing tents to be erected from 5:00 p.m. to 10:00 a.m.; questioned whether the Orange County Sheriff's Department (OCSD) will enforce the City's Codes and requested that the OCSD contract be placed on the City's website to help citizens assess whether the contract provisions are being honored.

Rey Harju, San Clemente, thanked Council for its efforts to address homelessness; voiced concern that homeless individuals jeopardize the safety of residents in his North Beach neighborhood.

Jinhy Yoon, San Clemente, thanked Council for its efforts to resolve homeless issues; conveyed that she supports the closure of the camp on Pico; suggested that if it becomes necessary in the future to open another camp, that it should be established in the SB2 zone away from ocean views and liquor stores.

Amy Spencer, Elder Law and Disability Rights Center, read a letter from the Center, dated December 10, 2019, which was written on behalf of the Emergency Shelter Coalition (ESC). The subject letter supported the repeal of Ordinances Nos. 1673, 1674 and 1675 and closure of the Pico camp, and expressed the ESC's willingness to work with the City toward the establishment of a safe and appropriate shelter. A copy of the subject letter is on file with the City Clerk.

Eric Ward, San Clemente, voiced concern that providing homeless individuals with hotel vouchers will attract non-residents to the City unless the vouchers are limited

to City residents; questioned the purpose of establishing a long-term transitional campground when the Pico camp only attracts 4-5 people; asserted that homeless persons should not be allowed to camp in State parks.

Council directed Staff to invite Mercy House to attend the January 21, 2020 Council meeting to provide an update on its homeless outreach efforts and level of success.

Council requested that Staff provide an update to Council concerning Code enforcement training for Park Rangers.

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER JAMES, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to:

1. Adopt Urgency Ordinance No. 1682 entitled AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 8.86 OF THE SAN CLEMENTE MUNICIPAL CODE (RELATED TO PUBLIC CAMPING) IN ITS ENTIRETY, REPEALING ORDINANCES NOS. 1673, 1674, AND 1675, AND FINDING THE ORDINANCE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.
2. Approve a supplemental appropriation for FY 2019-20 in the amount of \$70,000 to Account 038-809-43890 (Low/Moderate Income Housing Fund – Other Contractual Services).

4. **Oral Communications (Part 2)**

Provision of Round-Trip Transportation for Homeless Persons to Utilize Out-of-Town Homeless Shelters

Darryl McFann, San Clemente, noted that the City is considering the concept of offering round-trip transportation for homeless persons to utilize out-of-town shelters; questioned and received confirmation that return transportation to San Clemente would be limited to those persons who initially used the transportation to travel from San Clemente to the shelter.

5. **Adjournment**

MOTION BY MAYOR PRO TEM FERGUSON, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to adjourn at 8:25 p.m. to an Adjourned Regular Council Meeting to be held on December 17, 2019 at 4:30 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, for the purpose of conducting interviews and making an

appointment of the City Representative to the Orange County Mosquito and Vector Control District Board of Trustees. Closed Session items will be considered at 5:00 p.m. and the regular business meeting will take place at 6:00 p.m.

Please note the Regular Council Meeting of January 7, 2020 was previously cancelled.



MAYOR of the City of
San Clemente, California



CITY CLERK of the City of
San Clemente, California