



CITY OF SAN CLEMENTE

ADJOURNED REGULAR CITY COUNCIL MEETING AGENDA

City Council Chambers
San Clemente Civic Center
100 Avenida Presidio
San Clemente, California
www.san-clemente.org

December 19, 2017
4:30 p.m. - Appointment to
Orange County Mosquito
and Vector Control Board
5:00 p.m. - Closed Session
6:00 p.m. - Business Meeting

Information concerning City Council Meeting protocols and procedures is contained at the end of this agenda.

RULES FOR ADDRESSING COUNCIL

- Members of the public may address the City Council on matters within the jurisdiction of the City of San Clemente.
- If you wish to address Council, please complete one of the blue speaker cards located at the entrance to the Council Chambers and submit it to the City Clerk or Deputy City Clerk.
- Persons wishing to address Council concerning an **agendized** item will be invited to address Council during the time that Council is considering that particular agenda item. Persons wishing to address Council concerning a **non-agendized** issue will be invited to address Council during the "Oral Communications" portion of the meeting.
- When the Mayor calls your name, please step to the podium, state your name and your city of residence, and then give your presentation. Please limit your presentation to three minutes.

MISSION STATEMENT

The City of San Clemente, in partnership with the community we serve, will foster a tradition dedicated to:

Maintaining a safe, healthy atmosphere in which to live, work and play;

Guiding development to ensure responsible growth while preserving and enhancing our village character, unique environment and natural amenities;

Providing for the City's long-term stability through promotion of economic vitality and diversity...

Resulting in a balanced community committed to protecting what is valued today while meeting tomorrow's needs.

4:30 P.M. - INTERVIEWS/SELECTION OF CITY REPRESENTATIVE TO THE ORANGE COUNTY MOSQUITO AND VECTOR CONTROL DISTRICT

Staff Recommendation

Conduct interviews and appoint one San Clemente registered voter to represent the City on the Orange County Mosquito and Vector Control District, for a two-year term to expire January 2020.

5:00 P.M. - CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Existing litigation pursuant to Government Code section 54956.9(d)(1)
Number of Cases: 9

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

Case Name: MemorialCare Services, et al. v. City of San Clemente
Case Number: OCSC 30-2016-00845211 CU-WM-CJC

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

Case Name: Emergency Shelter Coalition v. City of San Clemente
Case Number: OCSC 30-201400758880

Closed Session items continued on next page

Case Name: Capistrano Shores, Inc. v. City of San Clemente
Case Numbers: OCSC 30-2014-00709987 and 30-2014-00726889

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

Case Name: City of San Clemente v. Michael Harrison, et al.
Case Number: OCSC 30-2017-00950172-CU-MC-CJC

Case Name: Sober Network Properties, LLC, et al. v. City of Can Clemente
Case Number: USDC 8:17-cv-00668

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

6:00 P.M. - BUSINESS MEETING

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. Holiday Serenade - 5th and 6th Grade Choir Students

Holiday serenade by the 5th and 6th grade choir students from Truman Benedict, Concordia, Las Palmas, Marblehead, Palisades and Vista del Mar Elementary Schools, under the direction of Choir Directors Debra Peterson and Greg Rennie.

B. City Fiscal Reports

Presentation by Assistant City Manager Sund and Deputy Administrative Services Director Vincent concerning the Fiscal State of the City for the period ending June 30, 2017, Fiscal Year (FY) 2017 4th Quarter Financial Report, and FY 2018 1st Quarter Financial Report.

C. Police Services Update

Police Services update by Chief Mike Peters.

D. **San Clemente-Dana Point Animal Shelter Report**

Report by Councilmember Swartz concerning animals available for adoption from the San Clemente-Dana Point Animal Shelter.

E. **City Hall Relocation**

Report from the Public Works Director concerning the upcoming relocation of City Hall offices to the City facility at 910 Calle Negocio.

2. **Oral Communications (Part 1).** Members of the audience who wish to address Council on matters that are within the jurisdiction of the City of San Clemente, but not separately listed on the agenda, may do so during the Oral Communications portion of the meeting. A total time limitation of 30 minutes is allocated for Oral Communications Part 1, with each speaker being allotted 3 minutes in which to give his or her presentation. Speaker order is determined by the order in which speaker cards are provided to the City Clerk or Deputy City Clerk at the meeting. Speakers that cannot be accommodated during Oral Communications Part 1 will be invited to address Council during Oral Communications Part 2, which appears on this agenda as Item No. 10. When the Mayor calls your name, please step to the podium, state your name and the City in which you reside, and make your presentation. Subject to very limited exceptions, Council is not permitted to discuss or take action on items that do not appear on the agenda.

3. **Motion waiving reading in full of all Resolutions and Ordinances.**

4. **Consideration of agenda items requiring immediate action.** Any items agenda items will be considered under New Business, unless otherwise determined by a majority vote of the City Council.

5. **Closed Session Report - City Attorney.**

6. **Consent Calendar.** All items listed on the Consent Calendar are considered to be routine and will be enacted by one motion without discussion unless Council, Staff, or the public requests removal of an item for separate discussion and action.

A. **City Council Minutes**

[Approve the Special and Regular City Council minutes of November 21, 2017.](#)

B. Receive and file:

- (1) [Beaches, Parks and Recreation Commission Special Meeting minutes of October 24, 2017 and Regular Meeting minutes of November 14, 2017.](#)
- (2) [Zoning Administrator Regular Meeting minutes of December 6, 2017.](#)
- (3) [Planning Commission Study Session minutes of December 6, 2017.](#)
- (4) [Planning Commission Regular Meeting minutes of December 6, 2017.](#)

C. **Warrant Register**

[Approve Wire Transfers Nos. 1739 through 1742 and Warrant Nos. 546381 through 546514, paid on 12/1/17, in the amount of.....\\$ 945,546.10](#)

[Approve Handwrite Nos. 546668 through 546726, and Wire Transfers Nos. 1743 through 1746, and Warrant Nos. 546515 through 546667, paid on 12-8-17.....\\$3,965,300.44](#)

TOTAL WARRANT REGISTER..... \$4,910,846.54

Payroll Register

Approve Warrant Nos. 642 through 643, and Automatic Deposit Advises 44769 through 45047, for the period 11/20/17 through 12/3/17, paid on 12/8/17, in the amount of.....\$524,165.70

TOTAL PAYROLL REGISTER.....\$524,165.70

D. **Communication Site Lease Agreement - T-Mobile West LLC (San Gorgonio Park Site)** Pages 6D-1 through 6D-24

Staff Recommendation

Approve, and authorize the Mayor to execute, a Communications Site Facility Lease Agreement (Contract C17-57), by and between the City of San Clemente and T-Mobile West LLC, and authorize the City Manager to approve future amendments provided that the City Manager shall not have the authority to approve a decrease in the rental rate without prior approval of the City Council.

- E. [Contract Amendment - Hazardous Waste Response, Cleanup, Removal and Disposal, Environmental On-Call Services](#) Pages 6E-1 through 6E-2

Staff Recommendation

1. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract AC-725, by and between the City of San Clemente and Ocean Blue Environmental Services, Inc., providing for hazardous waste response, cleanup, removal and disposal, environmental on-call services. This Amendment increases the contract amount from \$24,500 to \$49,500 (an increase of \$25,000).
2. Approve a supplemental appropriation in the amount of \$25,000 to Account 059-552-43890 from the Storm Drain Operating Fund.
3. Authorize the City Manager to approve a one-time extension to the contract for twelve months in the amount of \$25,000.

- F. [Contract Amendment - Reimbursement of City-Provided Utility Services for the Interstate 5/Avenida Pico Interchange Improvement Project](#) Page 6F-1

Staff Recommendation

Approve, and authorize the Public Works Director/City Engineer to execute, Amendment No. 1 to Utility Agreement No. CSC-1 (City Agreement No. C13-54) with the Orange County Transportation Authority for reimbursement of City-provided utility services for the Interstate 5/Avenida Pico Interchange Improvement Project.

- G. [Community Facilities District No. 2006-01 \(Marblehead Coastal\) Local Agency Special Tax and Bond Accountability Act Report \(SB 165\) for Fiscal Year Ended June 30, 2017](#) Pages 6G-1 through 6G-9

Staff Recommendation

Accept and file the Community Facilities District No. 2006-1 (Marblehead Coastal) Local Agency Special Tax and Bond Accountability Act Report (SB 165) for the fiscal year ended June 30, 2017.

- H. [Contract Amendment - Street Sweeping Parking Enforcement Services](#) Pages 6H-1 through 6H-2

Staff Recommendation

Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C14-24, by and between the City of San Clemente and Patrol One, concerning street sweeping parking enforcement services. This Amendment extends the contract term through June 30, 2018, and increases the total not-to-exceed contract amount to \$106,644.79.

- I. [Contract Award - Graffiti Removal](#) Pages 6I-1 through 6I-2

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C17-58 by and between the City of San Clemente and E. Stewart and Associates, Inc., providing for graffiti removal services in connection with public properties and specific private property locations within the City, for the initial term of January 1, 2018 to June 30, 2020, with two optional one-year extensions.

- J. [Contract Award - Printing of the City Magazine](#) Pages 6J-1 through 6J-21

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C17-59 by and between the City of San Clemente and Advanced Web Offset, providing for the printing of the City Magazine for three (3) years with two (2) one-year extensions, for an amount not to exceed \$49,000 per year.

- K. [Contract Amendment - Office Lease of Suite 210 on the 2nd Floor - 910 Calle Negocio](#) Pages 6K-1 through 6K-4

Staff Recommendation

1. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C15-74, by and between the City of San Clemente and Makoil, Inc., providing for the lease of 4,825 square feet on the 2nd floor of the 910 Calle Negocio building, with an option to expand the lease area by 5,460 square feet.
2. Approve a supplemental appropriation of \$51,700; \$46,700 to Account 001-203-43605 (Broker Commissions) and \$5,000 to Account 001-203-43500 (Improvements) from the General Fund unassigned fund balance.

L. [Initiation of a General Plan Amendment and Specific Plan Amendments to Eliminate References to Freeways in San Clemente Planning and Zoning Regulations](#) Pages 6L-1 through 6L-15

Staff Recommendation

As authorized by Municipal Code section 17.16.020(C)(1), direct the Planning Commission to:

1. Initiate an amendment to the General Plan to define and clarify the scope of Measure V's public roadways exception,
 - a) Eliminate any references to SR-241 and zoning that acknowledges SR-241.
2. Initiate any amendment or amendments to the City's Specific Plans that might be needed to ensure that each Specific Plan is consistent with the clarified meaning and intent of the General Plan and the elimination of SR-241.

M. [Contract Contingency Increase - Citywide Structured Cabling](#) Pages 6M-1 through 6M-2

Staff Recommendation

Authorize a construction contingency increase in the amount of \$38,200 to the Citywide Structured Cabling Project with Berg Electrical Corp. for the installation of data cabling required for the relocation of City Hall staff to 910 Calle Negocio.

7. **Public Hearings.** The Public Hearing process includes a staff presentation, a presentation by the applicant not to exceed ten (10) minutes, and public testimony (not to exceed three minutes per speaker). Following closure of the Public Hearing, the City Council will respond to questions raised during the hearing, discuss the issues, and act upon the matter by motion.

A. [City of San Clemente Annual Report Concerning the Mitigation Fee Act Report for FY 2016/17](#) Pages 7A-1 through 7A-18

Public Hearing to consider the City of San Clemente Annual Mitigation Fee Act Report for Fiscal Year 2016/17.

Staff Recommendation

Receive and file the Annual Report concerning the Mitigation Fee Act for Fiscal Year 2016-17, dated December 19, 2017, which is on file with the City Clerk.

B. [Billing for 2017 Weed Abatement Program](#) Pages 7B-1 through 7B-11

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.

Staff Recommendation

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.

8. **Unfinished Business.**

None.

9. **New Business.**

A. [Update on San Clemente Summer Trolley Program](#) Pages 9A-1 through 9A-11

Report from the Public Works Director concerning an update on the San Clemente Summer Trolley Program.

Staff Recommendation

Receive and file the update on the Summer Trolley Program, as contained in the Administrative Report, dated December 19, 2017, which is on file with the City Clerk, and provide direction to Staff concerning potential future service changes, advertising and trolley rentals.

10. **Oral Communications (Part 2).** Members of the audience who wish to address Council on matters that are within the jurisdiction of the City of San Clemente, but not separately listed on the agenda, may do so during the Oral Communications portion of the meeting. When the Mayor calls your name, please step to the podium, state your name and the City in which you reside, and make a presentation not to exceed three minutes. Subject to very limited exceptions, Council is not permitted to discuss or take action on items that do not appear on the agenda.

11. **Reports.**

A. **Commissions and Committees**

B. **City Manager**

C. **City Attorney**

(1) **Consideration of Appointing a City Representative to the Community Engagement Panel**

D. **Council Members**

12. **Resolutions/Ordinances.**

None.

13. **Adjournment.**

The next Regular Council Meeting will be held on January 16, 2018 in the Council Chambers, located at 100 Avenida Presidio, San Clemente. Closed Session items will be considered at 5:00 p.m. and the Regular Business Meeting will take place at 6:00 p.m.

The Regular Council Meeting of January 2, 2018 was previously cancelled.

CITY COUNCIL MEETING PROCEDURES

PRESENTATION OF WRITTEN MATERIALS TO COUNCIL

In order to ensure that Councilmembers have adequate time to consider written materials concerning agenda items, it is strongly recommended that such materials be submitted to the City Clerk by noon the date preceding the Council meeting.

MEETINGS RECORDED AND TELEVISED

City Council meetings are broadcast live and are replayed periodically on Cox Communications Local Access Channel 30 (or Channel 854 for high-definition televisions). Meetings are also recorded via audio CD and DVD and retained as a City record in accordance with the City's records retention schedule.

USE OF ELECTRONIC VISUAL AIDS BY PUBLIC AT MEETINGS

To allow staff adequate time to confirm software compatibility, individuals wishing to utilize electronic visual aids to supplement their oral presentations at the meeting, must submit the electronic files to the City Clerk by no later than 12:00 p.m. on the day of the meeting. Only compatible electronic formats will be permitted to be used on City audio/visual computer equipment. Staff makes no guarantee that such material will be compatible, but will use its best efforts to accommodate the request.

LENGTH OF MEETINGS

At 11:00 p.m., the City Council will determine which of the remaining agenda items can be considered and acted upon at this meeting and will continue all other agenda items to a future meeting.

AMERICANS WITH DISABILITIES ACT

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from the City Clerk at (949) 361-8200. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

COMMUNICATION DEVICES

To minimize meeting distractions and sound system interference, please be sure all personal communication devices are turned off or on silent mode.

MEETING SCHEDULE

Regular Council Meetings are held on the first and third Tuesdays of each month in the Council Chambers, located at 100 Avenida Presidio, San Clemente. Closed Session items are considered at 5:00 p.m. and the Business Meeting begins at 6:00 p.m. Additional meetings of the City Council may be called as needed.

AGENDAS, ADMINISTRATIVE REPORTS AND SUPPLEMENTAL WRITTEN MATERIALS

Agendas and Administrative Reports are available for review and/or copying at the City Clerk's Department as soon as agendas are posted (a minimum of 72 hours prior to the meeting). Agendas and Administrative Reports can also be viewed at the San Clemente Library, located at 242 Avenida Del Mar, or by accessing the City's website at www.san-clemente.org. An "Inspection Copy" of agenda materials is also located at the entrance to the Council Chambers during meetings for public review. All written material distributed to a majority of the Council after the original agenda packet was distributed is available for public inspection in the City Clerk's Department, located at 100 Avenida Presidio, San Clemente, during normal business hours.

The City Clerk's Department also offers an agenda packet subscription service free of charge. If you wish to receive email copies of City Council agendas, which include hyperlinks to staff reports and other back-up material, please send an email to cityclerk@san-clemente.org or call 949-361-8200.