



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

November 6, 2014
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.

5:00 P.M. CLOSED SESSION

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, pursuant to Government Code Section 54956.8:

Property: Third floor of the Community Development Department building, located at 910 Calle Negocio, San Clemente

Agency Negotiator: James Makshanoff, City Manager

Negotiating Parties: City of San Clemente and Corrective Solutions

Under Negotiation: Both Price and Terms of Payment.

- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, pursuant to Government Code Section 54956.9(a):

Callan, et al. v. Marlborough Seaview Estates Homeowners Association, et al., OCSC Case No. 01CC07556 (consolidated with Case No. 01CC15381)

6:00 P.M. BUSINESS MEETING

CALL TO ORDER

INVOCATION – Pastor Mike Fanning, Heritage Christian Fellowship

PLEDGE OF ALLEGIANCE

ROLL CALL

1. SPECIAL PRESENTATIONS

A. Presentation of Proclamation – Pancreatic Cancer

Presentation of a Proclamation to Bob Sottile, setting aside the month of November 2014 as Pancreatic Cancer Awareness Month.

B. Certificate of Recognition – Deputy Rod Valdez

Presentation of a Certificate of Recognition to Deputy Rod Valdez for 28 years of service with the Orange County Sheriff's Department and San Clemente Police Services.

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 agendizing items requiring immediate action. Any items agendized 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**

- (1) [Approve the Regular City Council Meeting minutes of October 7, 2014.](#)
- (2) [Approve the Regular City Council Meeting minutes of October 21, 2014.](#)

B. **Receive and file:**

- (1) [Minutes of the Planning Commission Regular Study Session of October 22, 2014.](#)
- (2) [Minutes of the Regular Planning Commission meeting of October 22, 2014.](#)
- (3) [Minutes of the Regular Zoning Administrator meeting of October 22, 2014.](#)

C. **Warrant Register**

[Approve Wire Transfers Nos. 1314 through 1318, paid on 10/17/14, and Warrant Nos. 519843 through 520017, paid on 10/17/14, in the amount of](#).....\$2,189,047.17

[Approve Warrant Nos. 520018 through 520157, paid on 10/24/14, in the amount of](#).....\$ 575,846.20

TOTAL WARRANT REGISTER.....\$2,764,893.37

Payroll Register

Approve Warrant Nos. 338 through 339 and Automatic Deposit Advises 19309 through 19623 for the period 9/29/14 through 10/12/14, paid on 10/17/14, in the amount of.....\$ 445,641.94

TOTAL PAYROLL REGISTER.....\$ 445,641.94

- D. [Land Lease – Gratitude Garden Preschool, City Property to the North of 92 Avenida La Pata](#) Pages 6-D-1 through 6-D-22

Staff Recommendation

Approve, and authorize the Mayor to execute, a land lease agreement by and between the City of San Clemente and ROSE SOCAL, LLC (Gratitude Garden Preschool), providing for the lease of a portion of the City owned property located to the north of 92 Avenida La Pata to Gratitude Garden Preschool. Contract C14-49

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. [Conduit Financing for The Presidio \(Formerly Casa de Seniors Apartments\) - 72 Unit Senior Multifamily Rental Housing Project at 105 Avenida Presidio](#) Pages 7-A-1 through 7-A-5

Public Hearing to consider conduit financing from the California Municipal Finance Authority (CMFA) for The Presidio (72 Unit Senior Multifamily Rental Housing Project at 105 Avenida Presidio).

Staff Recommendation

1. Adopt Resolution No. 14-47 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE APPROVING THE ISSUANCE OF THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY MULTIFAMILY HOUSING REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$16,000,000 FOR THE PURPOSE OF FINANCING THE ACQUISITION, IMPROVEMENT AND EQUIPPING OF THE PRESIDIO AND CERTAIN OTHER MATTERS RELATING THERETO.
2. Approve the issuance of the Bonds by the California Municipal Finance Authority (CMFA) for the benefit of The Presidio, LP (the "Borrower"), to provide for the financing of the project.

B. [Historic Property Preservation Agreement 14-298, Myhren Residence, 245 Avenida Del Poniente](#) Pages 7-B-1 through 7-B-39

Public Hearing to consider approving Historic Property Preservation Agreement 14-298, for the historic residence located at 245 Avenida Del Poniente.

Staff Recommendation

Adopt Resolution No. 14-48 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 14-298 FOR THE PROPERTY LOCATED AT 245 AVENIDA DEL PONIENTE.

8. **Unfinished Business.**

None.

9. **New Business.**

A. [Consideration of Resolution - Dry Cask Storage of Spent Nuclear Fuel at the San Onofre Nuclear Generating Station \(SONGS\)](#) Pages 9-A-1 through 9-A-76

Report from the Public Works Director concerning the possibility of adopting a Resolution concerning the Dry Cask Storage of Spent Nuclear Fuel at the San Onofre Nuclear Generating Station (SONGS).

Staff Recommendation

Adopt Resolution No 14-49 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DECLARING THE CITY'S POSITION ON DRY CASK STORAGE OF SPENT NUCLEAR FUEL AT THE SAN ONOFRE NUCLEAR GENERATING STATION (SONGS).

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**
- D. **Council Members**

- (1) [City Vote – ACC-OC Representative to the Orange County Transportation Authority \(OCTA\) \(District 5\)](#) Page 11D(1)-1

Staff Recommendation

Determine the candidate that the City of San Clemente will support to fill the position of ACC-OC representative to the Orange County Transportation Authority (OCTA).

- (2) Update on Status of the Potential Closure of the San Clemente Campus of Saddleback Memorial Hospital.

12. **Resolutions/Ordinances.**

None.

13. **Adjournment.**

The next Regular Council Meeting will be held on November 18, 2014 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.

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.

This agenda is subject to amendment up to 72 hours prior to the meeting.