



CITY OF SAN CLEMENTE

REGULAR CITY COUNCIL

*REVISED MEETING AGENDA

Note: This revised agenda differs from the original agenda that was posted on November 11, 2014 in that it includes an additional Closed Session Item. The new item is Closed Session Item C and is included on Page 2 of this revised agenda in bold italic type.

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

November 18, 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 LEGAL COUNSEL - ANTICIPATED LITIGATION, pursuant to Government Code Section 54956.9(c). One potential case.

- 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)

- C. ***CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, Significant exposure to litigation pursuant to Government Code Section 54956.9(b). Three potential cases.***

6:00 P.M. BUSINESS MEETING

CALL TO ORDER

INVOCATION – Lollie Binley, Baha'i Faith Community

PLEDGE OF ALLEGIANCE

ROLL CALL

1. **SPECIAL PRESENTATIONS**

A. **San Clemente High School Update**

Presentation by San Clemente High School students McKenna Brownell and Daniel Klevit concerning campus activities.

B. **Family Week Proclamation**

Presentation of Proclamation to Kenny and Lindsey Colman setting apart November 23 – 29, 2014 as Family Week.

C. **City Fiscal Reports**

Presentation by Assistant City Manager/Finance and Administrative Services Director Sund and Finance Manager Vincent, concerning the Fiscal State of the City for the period ending June 30, 2014, Fiscal Year (FY) 2014 4th Quarter Financial Report, and FY 2015 1st Quarter Financial Report.

D. **Long Term Financial Plan**

Presentation by Assistant City Manager/Finance and Administrative Services Director Sund introducing the 2015 Long Term Financial Planning Issue Papers and Objectives.

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**

(1) [Approve the Adjourned Regular City Council Meeting minutes of November 6, 2014.](#)

B. **Receive and file:**

(1) [Minutes of the Regular Beaches, Parks and Recreation Commission meeting of October 14, 2014.](#)

(2) [Minutes of the Regular Zoning Administrator meeting of November 5, 2014.](#)

(3) [Minutes of the Regular Planning Commission Study Session of November 5, 2014.](#)

(4) [Minutes of the Regular Planning Commission meeting of November 5, 2015.](#)

C. **Warrant Register**

[Approve Wire Transfers Nos. 1319 through 1325, paid on 10/31/14, and Warrant Nos. 502158 through 520303, paid on 10/31/14, in the amount of](#).....\$2,320,328.66

[Approve Warrant Nos. 520304 through 520463, paid on 11/7/14, in the amount of](#)\$ 726,380.17

TOTAL WARRANT REGISTER.....\$3,046,708.83

Payroll Register

Approve Warrant No. 340 and Automatic Deposit Advises 19624 through 19933 for the period 10/13/14 through 10/26/14, paid on 10/31/14, in the amount of.....\$ 421,316.26

TOTAL PAYROLL REGISTER.....\$ 421,316.26

- D. [Declaration of Surplus and Disposition of Retired Fleet Equipment and Vehicles](#) Pages 6-D-1 through 6-D-2

Staff Recommendation

Declare the equipment and vehicles identified in the Administrative Report, dated November 18, 2014, as surplus and approve and authorize Ken Porter Auctions to publicly auction the surplus equipment and vehicles.

- E. [Sidewalk Easement – Cornerstone Church, 702 and 708 Avenida de la Estrella](#) Pages 6-E-1 through 6-E-7

Staff Recommendation

1. Accept the Sidewalk Easement from Cornerstone Community Church of San Clemente. D-471
2. Authorize the City Clerk to submit the Sidewalk Easement Deed to the Orange County Recorder for recordation.

- F. [Final Parcel Map 2013-128 – Portal Condominiums at 217 East El Portal](#) Pages 6-F-1 through 6-F-3

Staff Recommendation

1. Accept the water rights as dedicated.
2. Approve Final Parcel Map 2013-128 as it conforms to the requirements set forth in the Subdivision Map Act and the previously approved Tentative Parcel Map.
3. Authorize the Public Works Director/City Engineer to execute the Final Parcel Map.
4. Authorize the City Clerk to execute and submit the Final Parcel Map to the County of Orange Recorder's Office for recordation.

- G. [Records Retention Schedule Update](#) Pages 6-G-1

Staff Recommendation

Approve the modified Records Retention Schedule as presented in the Administrative Report, dated November 18, 2014.

- H. [Approval to Join the Figtree Property Assessed Clean Energy \(PACE\) Program](#) Pages 6-H-1 through 6-H-19

Staff Recommendation

1. Adopt Resolution No. 14-50 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING ASSOCIATE MEMBERSHIP BY THE CITY OF SAN CLEMENTE IN THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY AND AUTHORIZING AND DIRECTING THE EXECUTION OF AN ASSOCIATE MEMBERSHIP AGREEMENT RELATING TO ASSOCIATE MEMBERSHIP OF THE CITY IN THE AUTHORITY.
2. Adopt Resolution No. 14-51 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE CITY OF SAN CLEMENTE TO JOIN THE FIGTREE PACE PROGRAM; AUTHORIZING THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY TO CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS WITHIN THE TERRITORY OF THE CITY OF SAN CLEMENTE; AND AUTHORIZING RELATED ACTIONS.
3. Authorize the City Manager to execute Participation Agreements or related documents, and to approve such actions as are necessary to allow implementation of the Figtree program provided that such agreements and actions do not require expenditure of City funds.

- I. [Interim Guidelines for General Plan, Zoning Ordinance, and Specific Plan Compliance](#) Pages 6-I-1 through 6-I-13

Planning Commission Recommendation

Adopt Resolution No. 14-52 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING THE INTERIM GUIDELINES FOR GENERAL PLAN, ZONING ORDINANCE, AND SPECIFIC PLAN COMPLIANCE.

- J. [“Friend of the Court” Brief - Lawsuit Challenging Unfunded State Mandate \(Certain Costs of Complying with NPDES Municipal Storm Water \(“MS4”\) Permit Issued by the Regional Water Quality Control Board\)](#) Pages 6-J-1 through 6-J-3

Recommendation

Authorize the City Attorney’s Office to file a “Friend of the Court” Brief in support of County of Orange, Orange County Flood Control District, and Several Other Orange County Cities in Lawsuit Challenging Unfunded State Mandate (Certain Costs of Complying with NPDES municipal storm water (“MS4”) Permit Issued by the Regional Water Quality Control Board).

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. [North Beach Rooftop Grill and Bar – 1509 North El Camino Real \(Conditional Use Permit 12-362, Cultural Heritage Permit 12-363, Discretionary Sign Permit 13-082, Minor Exception Permit 13-084, Outdoor Dining Permit 13-085\)](#) Pages 7-A-1 through 7-A-221

Public Hearing to consider approval of Conditional Use Permit 12-362, Cultural Heritage Permit 12-363, Discretionary Sign Permit 13-082, Minor Exception Permit 13-084, and Outdoor Dining Permit 13-085, for the North Beach Rooftop Grill and Bar, located at 1509 North El Camino Real.

Staff Recommendation

1. Adopt Resolution No. 14-53 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, APPROVING CONDITIONAL USE PERMIT (CUP) 12-362, CULTURAL HERITAGE PERMIT 12-363, OUTDOOR DINING PERMIT (ODP) 13-085, AND DENYING MINOR EXCEPTION PERMIT (MEP) 13-084, NORTH BEACH ROOFTOP GRILL AND BAR, A REQUEST TO CONVERT A ONE-STORY COMMERCIAL BUILDING INTO A RESTAURANT WITH OPEN ROOF TOP DINING, FULL RANGE OF ALCOHOL SERVICE, AMPLIFIED SOUND, LIVE ENTERTAINMENT, AND PARKING WAIVERS LOCATED AT 1509 NORTH EL CAMINO REAL.
2. Adopt Resolution No. 14-54 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING DISCRETIONARY SIGN PERMIT (DSP) 13-082, NORTH BEACH ROOFTOP GRILL AND BAR SIGNAGE, A REQUEST FOR A NEW SIGN PACKAGE FOR A NEW RESTAURANT LOCATED AT 1509 NORTH EL CAMINO REAL.

B. [Sidewalk Repair Program – Assessment of Costs to Property Owners for Defective Sidewalk Repairs](#) Pages 7-B-1 through 7-B-8

Public Hearing to consider authorizing the Finance Division to invoice property owners for their share of the cost to repair defective sidewalks under the Fiscal Years 2013 and 2014 Sidewalk Repair Program.

Staff Recommendation

Adopt Resolution No. 14-55 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE PROPERTY OWNER SHARE OF COSTS FOR REPAIRS PERFORMED IN THE FISCAL YEARS 2013 AND 2014 SIDEWALK REPAIR PROGRAM, PROJECT NO. 19317 AND AUTHORIZING THE FINANCE DIVISION TO INVOICE THOSE COSTS.

C. [Rate and Method of Apportionment of the Special Taxes for Marblehead Coastal Community Facilities District \(CFD\) No. 2006-1](#) Pages 7-C-1 through 7-C-146

Continued Public Hearing to consider altering the rate and method of apportionment of the special taxes for Marblehead Coastal Community Facilities District (CFD) No. 2006-1.

Staff Recommendation

1. Receive and file the Revised Community Facilities District Report dated October 30, 2014 and the Supplement to the Community Facilities District Report, dated October 30, 2014, both prepared by Koppel and Gruber Public Finance.
2. Adopt Resolution No. 14-56 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2006-1 OF THE CITY OF SAN CLEMENTE, CALLING A SPECIAL ELECTION ON PROPOSED CHANGES TO THE AMENDED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX.
3. Adopt Resolution No. 14-57 entitled A RESOLUTION OF CHANGE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2006-1 OF THE CITY OF SAN CLEMENTE, DECLARING THE RESULTS OF A SPECIAL ELECTION, APPROVING CHANGES TO THE AMENDED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX, DIRECTING THE CLERK OF THE LEGISLATIVE BODY TO RECORD AN AMENDED AND RESTATED NOTICE OF SPECIAL TAX LIEN AND RESTATED ACQUISITION AGREEMENT.

Recommendation continued on the following page

4. Introduce Ordinance No. 1588 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2006-1 OF THE CITY OF SAN CLEMENTE LEVYING SPECIAL TAXES PURSUANT TO THE AMENDED AND RESTATED RATE AND METHOD OF APPORTIONMENT.

8. **Unfinished Business.**

None.

9. **New Business.**

A. **[City Policy No. 801-2 - "Design Immunity" and Ordinance Relating to Approval of Designs](#)** Pages 9-A-1 through 9-A-10

Report from the Public Works Director concerning the possibility of approving City Policy No. 801-2 entitled "Design Immunity" and adopting an Ordinance relating to approval of designs.

Staff Recommendation

1. Approve and adopt City Policy No. 801-2, entitled "Design Immunity".
2. Introduce Ordinance No. 1589 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING A NEW SECTION 2.20.040 OF THE MUNICIPAL CODE OF THE CITY OF SAN CLEMENTE RELATING TO APPROVAL OF DESIGNS.

B. **[Regional Circulation, Financing and Phasing Program \(RCFPP\)](#)** Pages 9-B-1 through 9-B-7

Report from the Public Works Director concerning the possibility of adopting an Ordinance to amend the Regional Circulation, Financing and Phasing Program (RCFPP).

Staff Recommendation

Introduce Ordinance No. 1590 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING THE REGIONAL CIRCULATION, FINANCING AND PHASING PROGRAM (RCFPP).

- C. [Conceptual Design for Restriping on Calle Frontera](#) Pages 9-C-1 through 9-C-9

Report from the Public Works Director/City Engineer concerning approval of a conceptual design for restriping Calle Frontera.

Staff Recommendation

1. Approve the conceptual design of restriping Calle Frontera as shown on Option 1 for Segment 1 as provided in Attachment 2 of the Administrative Report, dated November 18, 2014.
 2. Approve the conceptual design of restriping Calle Frontera Option 3 with Option 6 Overlay for Segment 2 as provided in Attachment 3 of the Administrative Report, dated November 18, 2014.
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) 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 December 2, 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.