



CITY OF SAN CLEMENTE

REGULAR CITY COUNCIL

MEETING AGENDA

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

December 16, 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 - EXISTING LITIGATION, pursuant to Government Code Section 54956.9(a):

Emergency Shelter Coalition v. City of San Clemente., OCSC Case No. 30-2014-00758880-CU-WM-CJC.

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

Property: Vista Hermosa Sports Park, 987 Avenida Vista Hermosa, San Clemente

Agency Negotiator: James Makshanoff, City Manager

Negotiating Parties: City of San Clemente and Surf N' Turf Paradiso, LLC

Under Negotiation: Price and terms of payment

- C. Capistrano Shores, Inc. v. City of San Clemente:

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

Capistrano Shores Inc. v. City of San Clemente (OCSC No. 30-2014-00708545-CU-WM-CXC)

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

Capistrano Shores Inc. v. City of San Clemente (OCSC No. 30-2014-00709987-CU-EI-CXC)

Closed Session items continued on next page

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

Capistrano Shores Inc. v. City of San Clemente (OCSC No. 30-2014-00726889)

6:00 P.M. BUSINESS MEETING

CALL TO ORDER

INVOCATION – Ron Sukut, Sr. Pastor, Cornerstone Community Church

PLEDGE OF ALLEGIANCE

ROLL CALL

1. **SPECIAL PRESENTATIONS**

- A. **Holiday Serenade – Vista Del Mar Elementary School**

Holiday serenade by students of Vista Del Mar Elementary School, under the direction of Debbie Peterson and Greg Rennie.

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**

None.

B. **Receive and file:**

(1) [Minutes of the Regular Golf Course Committee meeting of November 6, 2014.](#)

(2) [Minutes of the Regular Zoning Administrator meeting of December 3, 2014.](#)

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

(4) [Minutes of the Regular Planning Commission meeting of December 3, 2014.](#)

C. **Warrant Register**

[Approve Wire Transfers Nos. 1330 through 1334, paid on 11/28/14, and Warrant Nos. 520749 through 520924, paid on 11/28/14, in the amount of.....](#)\$4,523,193.05

[Approve Warrant Nos. 520925 through 521059, paid on 12/5/14,in the amount of.....](#)\$1,351,826.05

TOTAL WARRANT REGISTER.....\$5,875,019.10

Payroll Register

Approve Warrant No. 344 and Automatic Deposit Advises 20236 through 20546 for the period 11/10/14 through 11/23/14, paid on 11/28/14, in the amount of.....\$ 419,476.70

TOTAL PAYROLL REGISTER.....\$ 419,476.70

- D. [Fiscal Year 2013-14 Measure M2 Expenditure Report](#) Pages 6-D-1 through 6-D-8

Staff Recommendation

Adopt Resolution No. 14-63 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO ADOPT THE FISCAL YEAR 2013-2014 MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF SAN CLEMENTE.

- E. [Utility Agreements, Easements and Deeds Related to the Avenida Vista Hermosa Interchange](#) Pages 6-E-1 through 6-E-106

Staff Recommendation

1. Approve, and authorize the Mayor to execute, Consent to Common Use Agreement Nos. 101916-1 and 101910-2 with the State of California.
2. Approve, and authorize the Mayor to execute, Consent to Common Use Agreement No. 101910-3 with San Diego Gas & Electric.
3. Approve, and authorize the Mayor to execute, an Easement Quitclaim Deed with Pacific Bell Telephone Company (doing business as AT&T California).
4. Approve, and authorize the Mayor to execute, an Easement Quitclaim Deed with San Diego Gas & Electric.
5. Approve, and authorize the Mayor to execute, Wall Footing Quitclaim deeds from the State of California to the City of San Clemente.
6. Approve, and authorize the Mayor to execute, Wall Footing Quitclaim deeds from the City of San Clemente to Pacific Pointe Apartments.
7. Approve, and authorize the Mayor to execute, grant deeds for 11 parcels to the State of California for the Avenida Vista Hermosa Interchange.
8. Approve, and authorize the Mayor to execute, easement deeds for six parcels to the State of California for the Avenida Vista Hermosa Interchange.
9. Accept a portion of Avenida Vista Hermosa within Tract 8817.
10. Authorize the City Clerk, if needed, to record these documents with the County of Orange Clerk-Recorder.

- F. [Alternate Crosswalk Design – Intersection of Avenida Vista Hermosa and the Commercial Center/Sports Park/Shorecliffs Middle School Parking Lot Entrance](#) Pages 6-F-1 through 6-F-3

Staff Recommendation

Approve deletion of decorative interlocking paver crosswalks and installation of painted yellow, ladder-style crosswalks at the intersection of Avenida Vista Hermosa and the entrances to the Commercial Center and Sports Park/Shorecliffs Middle School parking lot.

- G. [Orange County Transportation Authority \(OCTA\) Arterial Pavement Management Program Grant Submittal for South El Camino Real Rehabilitation from Avenida San Juan to Avenida Mendocino](#) Pages 6-G-1 through 6-G-8

Staff Recommendation

1. Authorize the submittal of an Arterial Pavement Management Program grant application to OCTA for the rehabilitation of South El Camino Real from East Avenida San Juan to Avenida Mendocino, Project No. 14326.
2. Adopt Resolution No. 14-64, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, AUTHORIZING APPLICATION FOR FUNDS FOR THE ARTERIAL PAVEMENT MANAGEMENT PROGRAM FUNDED WITH REGIONAL SURFACE TRANSPORTATION PROGRAM FUNDING UNDER THE MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY FEDERAL TRANSPORTATION ACT FOR SOUTH EL CAMINO REAL REHABILITATION, FROM EAST AVENIDA SAN JUAN TO AVENDIA MENDOCINO, PROJECT NO. 14326.

- H. [Contract Award – Sewer Manhole Rehabilitation FY 2015](#) Pages 6-H-1 through 6-H-4

Staff Recommendation

1. Approve the plans and specifications for the Sewer Manhole Rehabilitation FY 2015, Project No. 24200.
2. Approve, and authorize the Mayor to execute, Contract C14-54 by and between the City of San Clemente and Zebron Contracting, providing for the Sewer Manhole Rehabilitation FY 2015, in the amount of \$60,000.

- I. [Extension of Private Golf Cart Access to the Municipal Golf Course](#)
Pages 6-I-1 through 6-I-12

Staff Recommendation

Adopt Resolution No. 14-65 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING CERTAIN FEES FOR PLAY UPON THE MUNICIPAL GOLF COURSE, AND REPEALING RESOLUTION NO. 14-08.

- J. [Library Expansion Project Construction](#) Pages 6-J-1 through 6-J-79

Staff Recommendation

Approve an appropriation of \$220,463 to Account 037-867-45300 in the Developer's Improvement Fund.

- K. [Extension of Deadline to Select Beach Parking Projects and Committing to Return that Portion of Beach Parking Funds not Necessary to Create the Additional Parking](#) Pages 6-K-1 through 6-K-10

Staff Recommendation

Adopt Resolution No. 14-66 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING THE DEADLINE FOR SELECTING BEACH PARKING PROJECTS AND COMMITTING TO THE RETURN OF THAT PORTION OF BEACH PARKING FUNDS NOT NECESSARY TO CREATE THE ADDITIONAL BEACH PARKING.

- L. [Association for the Amphitheater \(AFTA\) – Time Extension for the Exclusive Negotiating Agreement and Early Entry Agreement](#) Pages 6-L-1 through 6-L-8

Staff Recommendation

1. Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract C08-57, the Exclusive Negotiating Agreement, by and between the City of San Clemente and Association for the Amphitheater (AFTA).
2. Approve, and authorize the Mayor to execute, Amendment No. 2 to the Early Entry Agreement by and between the City of San Clemente and Association for the Amphitheater (AFTA).

- M. [Property Lease - 910 Calle Negocio 2nd Floor \(Jacobs Project Management Company\)](#) Pages 6-M-1 through 6-M-20

Staff Recommendation

1. Approve, and authorize the Mayor to execute, the Standard Multi-Tenant Office Lease – Gross for the lease of 5,460 square feet on the 2nd floor of the 910 Calle Negocio building by and between the City of San Clemente and Jacobs Project Management Company. Contract C14-55
 2. Approve a supplemental appropriation of \$55,960; \$20,085 to Account 006-803-43605 (Broker Commissions) and \$35,880 to Account 006-803-43500 (Improvements) from the Negocio Debt Service Fund balance.
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. [Substantial Amendment to the Fiscal Year 2014 Annual Action Plan: Ole Hanson Beach Club's ADA Improvements](#) Pages 7-A-1 through 7-A-6

Continued Public Hearing to consider a Substantial Amendment to the Fiscal Year 2014 Annual Action Plan related to the Ole Hanson Beach Club's ADA improvements.

Staff Recommendation

Approve the Substantial Amendment to the 2014 Annual Action Plan and authorize submittal of the substantial amendment to the U.S. Department of Housing and Urban Development (HUD).

- B. [Zoning Amendment \(ZA\) 14-101 \(Nonconforming Ordinance Amendment\) - Existing Nonconforming Mobile Uses and Associated Accessory Structures and Improvements](#) Pages 7-B-1 through 7-B-18

Public Hearing to consider Zoning Amendment (ZA) 14-101, related to existing Nonconforming Mobile Uses and associated accessory structures and improvements.

Planning Commission Recommendation

Introduce Ordinance No. 1591 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 17.72.060 REGARDING THE REPLACEMENT OF MOBILE HOMES WHEN THEIR RESIDENTIAL USE IS LEGALLY NON-CONFORMING.

- C. [Annual Report Concerning the Mitigation Fee Act for Fiscal Year 2014 and the Five Year Mitigation Fee Act Report for Fiscal Years 2010 through 2014 – City of San Clemente](#) Pages 7-C-1 through 7-C-31

Public Hearing to consider the Mitigation Fee Act for Fiscal Year 2014 and the Five Year Mitigation Fee Act Report for Fiscal Years 2010 through 2014.

Staff Recommendation

Receive and file the Annual Report concerning the Mitigation Fee Act for Fiscal Year 2014 and the Five-Year Mitigation Fee Report for Fiscal Years 2010 through 2014.

8. Unfinished Business.

- A. [Establishment of a Phase I Mobility Task Force](#) Pages 8-A-1 through 8-A-2

Report from the Public Works Director concerning the possibility of establishing a Phase I Mobility Task Force.

Staff Recommendation

Provide direction regarding establishing s a Phase I Mobility Task Force.

9. New Business.

None.

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**

- (1) [Vacancies on the Planning Commission, Investment Advisory Committee and Coastal Advisory Committee](#) Pages 11A(1) -1 through 11A(1) - 3

Report from the City Clerk concerning the possibility of filling vacancies on the Planning Commission, Investment Advisory Committee, and Coastal Advisory Committee.

Staff Recommendation

Determine whether to fill the Planning Commission, Investment Advisory Committee and/or Coastal Advisory Committee vacancies at this time, or whether to defer filling the vacancies until the annual Commission/Committee selection process in June 2015. If Council desires to fill the positions at this time, Staff recommends that Council authorize the City Clerk to advertise the vacancies, and that Council schedule a meeting date in January 2015 to interview candidates and make appointments.

B. **City Manager**

C. **City Attorney**

D. **Council Members**

12. **Resolutions/Ordinances.**

None.

13. **Adjournment.**

The next Regular Council Meeting will be held on January 6, 2015 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.