



# CITY OF SAN CLEMENTE

## SPECIAL AND REGULAR CITY COUNCIL

### **\*REVISED MEETING AGENDA**

***Note: This revised agenda differs from the original agenda that was posted June 30, 2015 in that additional items were added. The revised language is included on Pages 8, 9 and 11 in italicized type. On Page 9, Items 7A and 7A, there were minor changes made to the Ordinances (See pages 7-A-6 through 7-A-16 and 7-B-3 through 7-B-7).***

City Council Chambers  
San Clemente Civic Center  
100 Avenida Presidio  
San Clemente, California  
[www.san-clemente.org](http://www.san-clemente.org)

July 7, 2015  
4:30 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. CLOSED SESSION (SPECIAL MEETING)**

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
Pursuant to Government Code Section 54956.9(d)(1)  
Case Name: Capistrano Shores, Inc. v. City of San Clemente  
Case Numbers: OC SC 30-2014-00709987 and 30-2014-00726889
  
- B. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**  
Pursuant to Government Code Section 54956.9(d)(2)  
Significant exposure to litigation  
Number of potential cases: 1
  
- C. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**  
Pursuant to Government Code Section 54956.9(d)(4)  
Initiation of litigation  
Number of potential cases: 8
  
- D. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION**  
Pursuant to Government Code Section 54956.9(d)(1)  
Significant exposure to litigation  
Number of potential cases: 2  
Claimants: Labateck Brown Kellner (Steele)  
Thorsnes Bartolotta McGuire (Surf N Turf Paradiso)
  
- E. CONFERENCE WITH LABOR NEGOTIATORS**  
Pursuant to Government Code Section 54957.6  
Agency designated representative: Erik Sund  
Employee organization: San Clemente City Employees Association
  
- F. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
Pursuant to Government Code Section 54956.9(d)(1)  
Case Name: Select Electric v. City of San Clemente  
Case Number: OC SC 30-2014-00753366

**6:00 P.M. BUSINESS MEETING (REGULAR MEETING)****CALL TO ORDER****INVOCATION - Pastor Chris Smith – Southcoast Church****PLEDGE OF ALLEGIANCE****ROLL CALL****1. SPECIAL PRESENTATIONS****A. Presentation of Proclamation – Parks Make Life Better Month**

Presentation of Proclamation to Pamela Passow, Recreation Manager, designating July 2015 as Parks Make Life Better Month.

**B. Network/Internet Security**

Presentation by Brian Brower, Information Technology Manager, and Brandon R. Brown, Director of ITSEC & Sr. Fellow Business Data Links, Inc., concerning Network/Internet Security.

**C. Human Relations Leadership Awards**

Presentation of Human Relations Leadership awards to Sofia Spralja and Victoria Mendez in recognition of their dedicated commitment to human relations.

- 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. [Minutes of the Regular City Council Meeting of June 2, 2015.](#)
    2. [Minutes of the Adjourned Regular Council Meeting of June 11, 2015.](#)
    3. [Minutes of the Regular Council Meeting of June 16, 2015.](#)
    4. [Minutes of the Adjourned Regular Council Meeting of June 18, 2015.](#)
  
  - B. **Receive and file:**
    1. [Minutes of the Regular Coastal Advisory Committee Meeting of May 14, 2015.](#)
    2. [Minutes of the Adjourned Regular Planning Commission Meeting of June 9, 2015.](#)
    3. [Minutes of the Regular Zoning Administrator Meeting of June 17, 2015.](#)
    4. [Minutes of the Regular Planning Commission Study Session of June 17, 2015.](#)
    5. [Minutes of the Regular Planning Commission Meeting of June 17, 2015.](#)
    6. [Minutes of the Regular Beaches, Parks and Recreation Commission Meeting of June 9, 2015.](#)
    7. [Minutes of the Adjourned Regular Planning Commission Meeting of June 24, 2015.](#)

C. **Warrant Register**

Approve Wire Transfers 1402 through 1405,  
paid on 6/12/15, Warrant Nos. 525102  
through 525300, paid on 6/12/15,  
in the amount of.....\$1,018,379.78

Warrant Nos. 525301 through 525438,  
paid on 6/19/15, in the amount of.....\$ 912,930.13

TOTAL WARRANT REGISTER.....\$1,931,309.91

**Payroll Register**

Warrant Nos. 399 through 401 and  
Automatic Deposit Advises 24516 through 24854  
for the period 5/25/15 through 6/7/15,  
paid on 6/12/15, in the amount of.....\$ 416,587.13

TOTAL PAYROLL REGISTER.....\$ 416,587.13

D. **Parking Prohibition – Calle Escuela and North El Camino Real** Pages  
6-D-1 through 6-D-7

Planning Commission and Staff Recommendation

1. Approve prohibiting parking on Calle Escuela, south side, from the southwest curb return at Avenida Presidio in a westerly direction for a distance of 20 feet.
2. Approve prohibiting parking on El Camino Real, south side, at 1520 North El Camino Real for a distance of 6 feet east of the driveway.
3. Adopt Resolution No. 15-35 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING 'NO PARKING AREAS' ON CALLE ESCUELA AND EL CAMINO REAL.

- E. [Human Affairs Committee Annual Report 2014-2015](#) Pages 6-E-1 through 6-E-3

Staff Recommendation

Receive and file the Human Affairs Committee Report, dated July 7, 2015, that is on file with the City Clerk.

- F. [Contract Award – Beach Trail Fencing Repair](#) Pages 6-F-1 through 6-F-2

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C15-48, by and between the City of San Clemente and E. Stewart & Associates, providing for Beach Trail Fencing Repair, for a period of three years from July 1, 2015 to June 30, 2018, at a cost not to exceed \$12,500 per year.

- G. [Contract Award – Playground Maintenance](#) Pages 6-G-1 through 6-G-36

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C15-49, by and between the City of San Clemente and Lippert Building Company, providing for Playground Equipment Repair, for a period of three years from July 1, 2015 to June 30, 2018, at a cost not to exceed \$54,000 per year.

- H. [Notice of Completion and Project Budget Increase – City of San Clemente Recycled Water Retrofits and the San Gorgonio Park Recycled Water Retrofit](#) Pages 6-H-1 through 6-H-7

Staff Recommendation

1. Approve a \$8,675 increase in construction contingency for the San Gorgonio Park Recycled Water Retrofit, Project 13111.
2. Approve a \$14,270 increase in construction contingency for the City of San Clemente Recycled Water Retrofits, Project No. 13111.
3. Approve a supplemental appropriation in the amount of \$22,950 from the General Fund to Account 001-635-45300-000-13111.
4. Accept the City of San Clemente Recycled Water Retrofits and San Gorgonio Park Recycled Water Retrofit, Project No. 13111.

*Staff Recommendation continued on following page*

5. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the City of San Clemente Recycled Water Retrofits and San Gorgonio Park Recycled Water Retrofit, Project No. 13111, from the contractor, Midori Landscaping, Inc.
6. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Engineering Division that no liens have been levied against Midori Landscaping, Inc.
7. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

I. [Assembly Bill 718 – Removal of Regulatory Authority: Vehicles Used for Human Habitation](#) Pages 6-I-1 through 6-I-5

Staff Recommendation

Approve the opposition letter to AB 718 and authorize the Mayor to execute the letter on behalf of the City Council.

J. [Contract Award – Housing Element Update](#) Pages 6-J-1 through 6-J-29

Staff Recommendation

1. Approve, and authorize the Mayor to execute, Contract C15-50, by and between the City of San Clemente and Veronica Tam and Associates, Inc. providing for the preparation of two Housing Elements that would cover planning periods 2014 – 2017 and 2018 – 2021, in the amount of \$58,740. Funding is to be provided from Account 001-431-43890, Other Contractual Services.
2. Authorize the Community Development Director to approve the contingency of approximately 5% (\$3,000), if necessary.

K. [Proposed Tax Liens – 2014 Weed Abatement and 2013 and 2014 Storm Drain/Clean Ocean Charges](#) Pages 6-K-1 through 6-K- 21

Staff Recommendation

1. Adopt Resolution No. 15-36 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE ORANGE COUNTY AUDITOR-CONTROLLER TO ADD UNPAID 2014 WEED ABATEMENT ASSESSMENTS TO THE FY 2015-16 TAX ROLLS.

*Staff Recommendation continued on following page*

2. Adopt Resolution No. 15-37 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE ORANGE COUNTY AUDITOR-CONTROLLER TO ADD DELINQUENT STORM DRAIN AND CLEAN OCEAN FEES TO THE FY 2015-16 TAX ROLLS.
3. Approve, and authorize the Mayor to execute, the Agreement for Collection of Special Taxes, Fees, Charges and Assessments by and between the City of San Clemente and the County of Orange. (C15-51)
4. Direct the City Clerk to file the Agreement and Resolutions with the Orange County Auditor-Controller, thereby placing a lien on the affected properties in order to collect revenue owed to the City.

- L. [Resolution Establishing Guidelines for Compliance with the Healthy Workplaces, Healthy Families Act of 2014 \(California Labor Code Sections 245-249\)](#) Pages 6-L-1 through 6-L-11

Staff Recommendation

Adopt Resolution No. 15-38 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING THE GUIDELINES BY WHICH THE CITY WILL COMPLY WITH THE HEALTHY WORKPLACES, HEALTHY FAMILIES ACT OF 2014 (CALIFORNIA LABOR CODE SECTIONS 245-249).

- M. [Orange County Fire Authority – Third Amendment to Joint Powers Authority Agreement](#) Pages 6-M-1 through 6-M-7

Staff Recommendation

Adopt Resolution No. 15-39 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE THIRD AMENDMENT TO THE ORANGE COUNTY FIRE AUTHORITY AMENDED JOINT POWERS AUTHORITY AGREEMENT, AND AUTHORIZING ITS EXECUTION.



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. [\*Interim Urgency Ordinance Imposing a Temporary Moratorium on Permitting or Establishment in Residential Zones of \(1\) Sober Living Homes and \(2\) Large Alcoholism or Drug Abuse Recovery or Treatment Facilities, Subject to Reasonable Accommodation, to Allow Time for Consideration of Appropriate Amendments to the City Municipal Code\*](#) Pages 7-A-1 through 7-A-16

Public Hearing to consider adopting an Interim Urgency Ordinance to impose a temporary moratorium on permitting or establishment in residential zones of (1) sober living homes and (2) large alcoholism or drug abuse recovery or treatment facilities, subject to reasonable accommodation, to allow time for consideration of appropriate amendments to the City Municipal Code.

Staff Recommendation

Adopt Interim Urgency Ordinance No. 1602 entitled INTERIM URGENCY ORDINANCE OF THE CITY OF SAN CLEMENTE IMPOSING A TEMPORARY MORATORIUM ON THE PERMITTING OR ESTABLISHMENT IN RESIDENTIAL ZONES OF (1) SOBER LIVING HOMES AND (2) LARGE ALCOHOLISM OR DRUG ABUSE RECOVERY OR TREATMENT FACILITIES, SUBJECT TO REASONABLE ACCOMMODATION, TO ALLOW TIME FOR CONSIDERATION OF APPROPRIATE AMENDMENTS TO THE CITY MUNICIPAL CODE.

B. [\*Interim Urgency Ordinance Imposing a Temporary Moratorium on the Establishment and Permitting of Alcohol or Other Drug Abuse Programs to Allow Time for Consideration of Appropriate Amendments to the City Municipal Code\*](#) Pages 7-B-1 through 7-B-7

Public Hearing to consider adopting an Interim Urgency Ordinance to impose a temporary moratorium on the permitting of an establishment in commercial zones or alcohol or other drug abuse programs to allow time for consideration of appropriate amendments to the City Municipal Code.

Staff Recommendation

Adopt Interim Urgency Ordinance No. 1603 entitled INTERIM URGENCY ORDINANCE OF THE CITY OF SAN CLEMENTE IMPOSING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND PERMITTING OF ALCOHOL OR OTHER DRUG ABUSE PROGRAMS IN COMMERCIAL ZONES TO ALLOW TIME FOR CONSIDERATION OF APPROPRIATE AMENDMENTS TO THE CITY MUNICIPAL CODE.

**8. Unfinished Business.**

None.

**9. New Business**

- A. [Code Amendment – Exempting Solar Energy System Permits from the City’s Requirement of Homeowners’ Association Approval as a Precondition to Receiving City Permit Approval](#) Pages 9-A-1 through 9-A-11

Report from the Community Development Director concerning the possibility of amending the Code of the City of San Clemente to exempt solar energy systems permits from the City’s requirement of homeowners’ association approval as a precondition to receiving City permit approval.

Staff Recommendation

Introduce Ordinance No. 1600 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 15.04.030 OF MUNICIPAL CODE, EXEMPTING SOLAR ENERGY SYSTEM PERMITS FROM THE CITY’S REQUIREMENT OF HOMEOWNERS’ ASSOCIATION APPROVAL AS A PRECONDITION TO RECEIVING CITY PERMIT APPROVAL.

- B. [Code Amendment – Providing an Expedited, Streamlined Permitting Process for Small Residential Rooftop Solar Systems](#) Pages 9-B-1 through 9-B-131

Report from the Community Development Director concerning the possibility of amending the Code of the City of San Clemente to provide an updated, streamlined permitting process for small residential rooftop solar systems.

Staff Recommendation

Introduce Ordinance No. 1601 entitled AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADDING SECTION 15.04.080 TO THE MUNICIPAL CODE, TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS.

- C. [Design of I-5/Avenida Pico Bridge Column Caps](#) Pages 9-C-1 through 9-C-36

Report from the Public Works Director/City Engineer concerning the potential re-design of the I-5/Avenida Pico Bridge Column Caps.

Staff Recommendation

To not pursue the re-design of the I-5/Avenida Pico column caps.

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 Voting Delegate and Alternate\(s\) – League of California Cities Annual Business Meeting](#) Pages 11-D-(1) – 1 to 11-D-(1)-3

Staff Recommendation

Appoint one Voting Delegate and one or two Alternate(s) to vote on the City's behalf at the League of California Cities Annual Business Meeting on October 2, 2015 in San Jose.

- (2) [Santa Margarita Water District Ad-hoc Drought Response Partners Committee](#) Page 11-D-(2)-1

Staff Recommendation

Appoint two Councilmembers to serve on the Santa Margarita Water District Ad-hoc Drought Response Partners Committee.

- (3) [Update Report – Orange County Fire Authority \(Mayor Pro Tem Baker\)](#)

12. **Resolutions/Ordinances.**

- A. [Ordinance No. 1599 \(Second Reading\) - Commercial Mascots](#) Pages 12-A-1 through 12-A-3

Staff Recommendation

Adopt Ordinance No. 1599 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING ZONING AMENDMENT 15-086, FOR THE PURPOSES OF PROHIBITING COMMERCIAL MASCOT SIGNS.

13. **Adjournment.**

The next Regular City Council meeting will be held on August 4, 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.

**The Regular City Council meeting of July 21, 2015 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](http://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](mailto:cityclerk@san-clemente.org) or call 949-361-8200.

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