



# CITY OF SAN CLEMENTE

## SPECIAL AND REGULAR

### CITY COUNCIL

## MEETING AGENDA

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

August 4, 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**

**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 REAL PROPERTY NEGOTIATORS**

Property: City Acreage West of Avenida La Pata and North and South of Avenida Vista Hermosa

Agency negotiator: City Manager

Negotiating parties: TBD

Under Negotiation: Price and Terms of Payment

**C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** Pursuant to

Government Code Section 54956.9(d)(1)

Case Name: Emergency Shelter Coalition v. City of San Clemente

Case Number: OC SC 30-2014-00758880

**D. CONFERENCE WITH LABOR NEGOTIATOR**, pursuant to Government Code Section 54957.6:

Agency Negotiator: Erik Sund, Assistant City Manager

Employee Organizations: San Clemente City Employees Association

**E. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**, pursuant to Government Code Section 54957:

Title: City Manager

**6:00 P.M. BUSINESS MEETING**

**CALL TO ORDER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**1. SPECIAL PRESENTATIONS**

**A. Special Olympics World Games Law Enforcement Torch Run**

Presentation by Pamela Passow, Recreation Manager, concerning the recent Law Enforcement Torch Run for the Special Olympics World Games.

**B. Recognition of Outgoing City Commission/Committee Members**

Presentation of Certificates of Recognition to the following outgoing Commission/Committee members:

Vonne Barnes, Planning Commission  
Julia Darden, Planning Commission  
Dagmar Foy, Beaches, Parks and Recreation Commission  
Sherry Murphy, Beaches, Parks and Recreation Commission  
Tom Wicks, Beaches, Parks and Recreation Commission  
Richard Dickey, Coastal Advisory Committee.

**C. Planning Commission Update**

Presentation by Planning Commission Chair Brown concerning Planning Commission activities.

**D. Distracted Driver Awareness and Prevention**

Presentation by Sgt. Doug Ellithorpe, of the Orange County Sheriff's Department, concerning awareness and prevention of distracted driving.

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 Special and Regular City Council meeting of July 7, 2015.](#)
  
  - B. **Receive and file:**
    1. [Minutes of the Regular Golf Course Committee Meeting of May 7, 2015.](#)
    2. [Minutes of the Regular Coastal Advisory Committee Meeting of June 11, 2015.](#)
    3. [Minutes of the Adjourned Regular Planning Commission Meeting of June 30, 2015.](#)
    4. [Minutes of the Regular Zoning Administrator Meeting of July 8, 2015.](#)

- 5. [Minutes of the Adjourned Regular Planning Commission Meeting of July 8, 2015.](#)
- 6. [Minutes of the Regular Zoning Administrator Meeting of July 22, 2015.](#)
- 7. [Minutes of the Adjourned Regular Planning Commission meeting of July 22, 2015.](#)

C. **Warrant Register**

**FY 2015**

[Approve Wire Transfers 1406 through 1409, paid on 6/26/15, Warrant Nos. 525439 through 525580, paid on 6/26/15, in the amount of.....](#)\$1,867,930.65

**FY 2016**

[Approve Wire Transfer 1410, and Warrant Nos. 525581 through 525818, paid on 7/3/15, in the amount of.....](#)\$ 886,516.08

[Approve Wire Transfers 1411 through 1414, paid on 7/10/15, Warrant Nos. 525819 through 525996, paid on 7/10/15, in the amount of.....](#)\$4,881,259.83

[Approve Handwrite No. 525997, Warrant Nos. 525998 through 526201, paid on 7/17/15, in the amount of.....](#)\$2,403,694.61

[Approve Wire Transfers 1415 through 1418, paid on 7/24/15, Warrant Nos. 526202 through 526349, paid on 7/24/15, in the amount of.....](#)\$1,428,398.20

TOTAL WARRANT REGISTER.....\$11,467,799.37

**Payroll Register**

**FY 2015**

Warrant Nos. 402 through 405 and Automatic Deposit Advises 24855 through 25205 for the period 6/8/15 through 6/21/15, paid on 6/26/15, in the amount of.....\$ 422,858.59

**FY 2016**

Warrant Nos. 406 through 411 and Automatic Deposit Advises 25218 through 25559 for the period 6/22/15 through 7/5/15, paid on 7/10/15, in the amount of.....\$ 442,634.03

Warrant Nos. 412 through 415 and Automatic Deposit Advises 25560 through 25913 for the period 7/6/15 through 7/19/15, paid on 7/24/15, in the amount of.....\$ 463,589.71

TOTAL PAYROLL REGISTER.....\$ 1,329,082.33

- D. [Cabrillo Parking Lot – Time Limit Change](#) Pages 6-D-1 through 6-D-13

**Planning Commission and Staff Recommendation**

1. Approve the conversion of the all-day public parking lot off Avenida Cabrillo between 121 and 145 Avenida Cabrillo to a 3-hour time limit to free up parking supply for customers and shoppers during the day, but continue to allow residents to park overnight between the hours of 9:00 p.m. to 9:00 a.m.
2. Adopt Resolution No. 15-40 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, AMENDING “RESTRICTED PARKING AREAS” WITHIN CITY PARKING LOT ON AVENIDA CABRILLO BETWEEN 121 AND 145 AVENIDA CABRILLO.

E. [Notice of Completion and Project Contingency Increase – City of San Clemente Recycled Water Meter Services](#) Pages 6-E-1 through 6-E-4

Staff Recommendation

1. Approve a \$22,166 increase in construction contingency for the San Clemente Recycled Water Meter Services, Project No. 18201.
2. Accept the San Clemente Recycled Water Meter Services, Project No. 18201, from the contractor, GRFCO Construction, Inc.
3. Authorize the Mayor to execute, and City Clerk to record, the Notice of Completion for the San Clemente Recycled Water Meter Services, Project No. 18201.
4. 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 GRFCO, Construction, Inc.
5. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

F. [Notice of Completion – Calle Frontera Rehabilitation from Avenida Pico to Avenida Vista Hermosa](#) Pages 6-F-1 through 6-F-5

Staff Recommendation

1. Accept the Calle Frontera Rehabilitation, Project No. 15315, from the contractor, All American Asphalt.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Calle Frontera Rehabilitation, Project No.15315.
3. 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 the contractor, All American Asphalt.
4. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

G. [Contract Award – Laboratory Services](#) Pages 6-G-1 through 6-G-2

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C15-53 by and between the City of San Clemente and Sierra Analytical, providing for laboratory services, in an amount not to exceed \$250,000 based upon time and materials.

H. [Notice of Completion – FY 2015 Major Street Maintenance for Calle Amigo, Calle Descanso, Calle Sorpreso, Calle Macho, Calle Amable, Calle Brisa, Calle Contenta, Calle Dulce, Calle Embocadura and Calle Corral](#) Pages 6-H-1 through 6-H-5

Staff Recommendation

1. Accept the FY 2015 Major Street Maintenance for Calle Amigo, Calle Descanso, Calle Sorpreso, Calle Macho, Calle Amable, Calle Brisa, Calle Contenta, Calle Dulce, Calle Embocadura and Calle Corral, Project No. 25301, from the contractor, R.J. Noble Company.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the street rehabilitation for FY 2015 Major Street Maintenance for Calle Amigo, Calle Descanso, Calle Sorpreso, Calle Macho, Calle Amable, Calle Brisa, Calle Contenta, Calle Dulce, Calle Embocadura and Calle Corral, Project No. 25301.
3. 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 the contractor, R.J. Noble Company.
4. 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. [Contract Award – School Crossing Guard Services](#) Pages 6-I-1 through 6-I-23

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C15-54, by and between the City of San Clemente and American Guard Services, Inc., providing for school crossing guard services, in an amount not to exceed \$113,000 in FY 2016.



- J. [Contract Award – Preparation of City Master Plan of Drainage](#) Pages 6-J-1 through 6-J-2

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C15-55, by and between the City of San Clemente and VA Consulting Inc., providing for the preparation of the City Master Plan of Drainage, Project Nos. 34001, 34002, 34003 and 34004, in the amount of \$199,460.

- K. [Notice of Completion and Additional Contract Award – Non-Functional Turf Removal and Irrigation Retrofit for Water Conservation](#) Pages 6-K-1 through 6-K-4

Staff Recommendation

1. Accept the Non-Functional Turf Removal and Irrigation Retrofit for Water Conservation, Project No. 15104, from the contractor, Marina Landscape, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Non-Functional Turf Removal and Irrigation Retrofit for Water Conservation, Project No. 15104.
3. 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 the contractor, Marina Landscape, Inc.
4. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.
5. Approve, and authorize the City Manager to execute, Contract C15-56, by and between the City of San Clemente and E. Stewart & Associates, providing for turf removal at the CASA Animal Shelter as part of Turf Removal and Irrigation Retrofit for Water Conservation, in an amount not to exceed \$23,632.

L. [Traffic Signal Systems Update Project for Avenida Pico and El Camino Real – Supplemental Appropriation](#) Page 6-L-1

Approve a supplemental appropriation in the amount of \$225,000 from the Gas Tax undesignated fund balance to Account 012-861-45300-000-13305 (Avenida Pico Signal Synchronization Project).

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.

None.

8. **Unfinished Business.**

None.

9. **New Business**

A. [Mobilehome Park Act Local Enforcement Responsibilities within Mobilehome Parks \(Possible Cancellation\)](#) Pages 9-A-1 through 9-A-44

Report from the Community Development Director concerning the possibility of cancelling the City's Mobilehome Park Act Local Enforcement Responsibilities.

Staff Recommendation

While the decision to cancel mobilehome park local enforcement responsibilities rests with the City Council, staff recommends Option #1 but an alternate Option #2 has been provided should the City Council desire to maintain local enforcement authority responsibilities.

Option #1

1. Authorize City Staff to notify the Department of Housing and Community Development (HCD) that the City intends to cancel local enforcement authority responsibilities and return mobilehome park enforcement to HCD.

*Staff Recommendation Continued on Next Page*

2. Introduce Ordinance No. 1604 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING NOTIFICATION TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR THE CANCELLATION OF LOCAL ENFORCEMENT RESPONSIBILITY FOR THE MOBILEHOME PARKS ACT AND THE SPECIAL OCCUPANCY PARKS ACT.

This Ordinance shall take effect ninety (90) days following receipt by the Department of Housing and Community Development pursuant to Subdivisions 18300(e) and 18865(e) of the California Health and Safety Code.

Option #2

1. Authorize City Staff to notify the Department of Housing and Community Development (HCD) that the City intends to make corrective measures necessary to maintain local enforcement authority responsibilities.
2. Authorize an additional appropriation of \$15,600 from the unassigned fund balance into consulting services, Account 001-422-43890, to implement the mobilehome park maintenance inspection program.

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**
- C. **Council Members**

**(1) California Joint Powers Insurance Authority (CJPIA) Update**

Update from Councilmember Donchak on the CJPIA.

**(2) South Orange County Charter School (Councilmember Brown)**

Consideration of authorizing Councilmember letters of support for a South Orange County Charter School.

12. **Resolutions/Ordinances.**

- A. **Ordinance No. 1600 (Second Reading) – Solar Energy System Permits**  
Pages 12-A-1 through 12-A-3

Staff Recommendation

Adopt Ordinance No. 1600 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 15.04.030 OF THE 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. **Ordinance No. 1601 (Second Reading) – Residential Rooftop Solar Systems** Pages 12-B-1 through 12-B-7

Staff Recommendation

Adopt 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.

13. **Adjournment.**

The next Regular City Council Meeting will be held on August 18, 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](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.