



CITY OF SAN CLEMENTE REVISED REGULAR CITY COUNCIL MEETING AGENDA

Note: This revised agenda differs from the original agenda that was posted on September 8, 2015 in that the time for Closed Session has changed to 4:30 p.m.

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

September 15, 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

Pursuant to Government Code Section 54956.9(d)(1)
Case Name: Walker v. San Clemente
Case Number: GO50789; OCSC 30-2012-00591239

B. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(d)(2)
Significant Exposure to Litigation
Number of potential cases: 2

C. 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: OCSC 30-2014-00709987 and 30-2014-00726889

D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8
Property: North Beach Passenger Services Building, 1900 North El Camino Real, San Clemente
Agency Negotiator: Assistant City Manager
Negotiating Party: Pete Van Nuys
Under Negotiation: Term and Rent for Possible Lease Extension

E. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)
Case Name: Surf N Turf Paradiso LLC v. San Clemente (cross-complaint in Wilford v. Ruffner)
Case Number: 30-2014-00759162-CU-FR-CXC

Closed Session items continued on following page

F. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

Property: 1 Acre Vacant Land Parcel North of the Northeast Corner of Avenida Fabricante and Calle Extremo, APN # 690-661-09

Agency Negotiator: Erik Sund, Assistant City Manager

Negotiating Parties: City of San Clemente and Glaukos Corporation

Under Negotiation: Lease Terms

6:00 P.M. BUSINESS MEETING

CALL TO ORDER

INVOCATION - Pastor Holland Davis, Calvary Chapel San Clemente

PLEDGE OF ALLEGIANCE

ROLL CALL

1. SPECIAL PRESENTATIONS

A. Presentation of Proclamation – Readiness Awareness Day

Presentation of Proclamation to Martin Garff, Church of Jesus Christ of Latter-Day Saints, proclaiming October 17, 2015 as Readiness Awareness Day.

B. Presentation of Proclamation – Constitution Week Proclamation

Presentation of Proclamation to Mary Dahm and Susan Schultz proclaiming September 17-23, 2015 as Constitution Week.

C. [Orange County Local Agency Formation Commission \(LAFCO\) – South Orange County Visioning Process](#) Pages 1C-1 through 1C-87

Presentation by Carolyn Emery, Chief Executive, Orange County LAFCO, concerning the South Orange County Visioning Process – Rancho Mission Viejo Study Area.

D. [Pier Bowl Train Station](#) Pages 1D-1 through 1D-17

Presentation by Cecilia Gallardo-Daly, Community Development Director, concerning the Pier Bowl Train Station.

Staff Recommendation

Discuss the subject in light of the information presented in the Administrative Report, dated September 15, 2015, and provide direction to Staff.

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 September 1, 2015.](#)

 - B. **Receive and file:**
 1. [Minutes of the Regular Zoning Administrator meeting of September 2, 2015.](#)
 2. [Minutes of the Regular Golf Course Committee meeting of July 2, 2015.](#)
 3. [Minutes of the Regular Study Session of the Planning Commission of September 2, 2015.](#)
 4. [Minutes of the Regular Planning Commission meeting of September 2, 2015.](#)

C. **Warrant Register**

Wire Transfer No. 1428, Warrant Nos. 527064 through 527294, paid on 8/28/15, in the amount of.....\$4,663,005.66

Wire Transfer Nos. 1429 through 1433, paid on 9/4/15, Warrant Nos. 527295 through 527420, paid on 9/4/15, in the amount of.....\$ 593,971.59

TOTAL WARRANT REGISTER.....\$5,256,977.25

Payroll Register

Warrant No. 424 and Automatic Deposit Advises 26614 through 26947 for the period 8/17/15 through 8/30/15, paid on 9/4/15, in the amount of.....\$ 442,899.71

TOTAL PAYROLL REGISTER.....\$ 442,899.71

D. **Contract Amendment – Temporary Building Inspection Services**
Pages 6D-1 through 6D-4

Staff Recommendation

Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract AC-661, by and between the City of San Clemente and VCA Code Group, providing for temporary building inspection services for the City’s Building Division. This proposed amendment would increase the total maximum compensation from \$25,000 to \$104,000, an increase of \$79,000.

- E. [Contract Amendment – Electronic Document Indexing Services](#) Pages 6E-1 through 6E-3

Staff Recommendation

Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract C14-56, by and between the City of San Clemente and Maris Imaging Solutions, providing for electronic document indexing services for the City's Building Division. This amendment would increase the maximum contract amount from \$20,000 to \$35,000, an increase of \$15,000.

- F. [Contract Amendments – Ole Hanson Beach Club Rehabilitation](#) Pages 6F-1 through 6F-4

Staff Recommendation

1. Approve a supplemental appropriation in the amount of \$205,810 to Account 001-621-45300-000-12559 from the Developer's Improvement Fund, North Beach Reserve.
2. Approve, and authorize the Mayor to execute, Amendment No. 3 to Contract C11-51, by and between the City of San Clemente and Architectural Resources Group. This amendment would increase the contract amount from \$418,710 to an amount not to exceed \$483,520, an increase of \$64,810.
3. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C14-53, by and between the City of San Clemente and Dudek. This amendment would increase the contract amount from \$142,500 to an amount not to exceed \$268,500, an increase of \$126,000.

- G. [Notice of Completion – Water Reclamation Plant Headworks Electrical Rewiring](#) Pages 6G-1 through 6G-4

Staff Recommendation

1. Accept the Water Reclamation Plant Headworks Rewiring, Project No. 24200, from the contractor, AEP Electric.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Water Reclamation Plant Headworks Rewiring.

Staff recommendation continued on next page

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, AEP Electric.
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.

H. **Contract Award – Water Reclamation Plant Building “K” Drainage Improvements** Pages 6H-1 through 6H-3

Staff Recommendation

1. Approve the plans and specifications for the Water Reclamation Plant Building “K” Drainage Improvements, Project No. 25207.
2. Approve, and authorize the Mayor to execute, Contract C15-65, by and between the City of San Clemente and Fleming Environmental, Inc., providing for the Water Reclamation Plant Building “K” Drainage Improvements, in the amount of \$34,608.

I. **Contract Award – Street Improvements for Calle De Los Molinos, Calle Valle, Calle Bonita, and Avenida de la Estrella** Pages 6I-1 through 6I-22

Staff Recommendation

1. Approve the plans and specifications for Street Improvements for Calle De Los Molinos, Calle Valle, Calle Bonita and Avenida De La Estrella, Project Nos. 18118, 19102 and 16351.
2. Approve, and authorize the Mayor to execute, Contract C15-66, by and between the City of San Clemente and All American Asphalt, providing for Street Improvements for Calle De Los Molinos, Calle Valle, Calle Bonita and Avenida De La Estrella, in the amount of \$1,397,397.

J. [Contract Award – Standard Industrial/Commercial Land Lease of Vacant Parcel No. 690-661-09 \(Avenida Fabricante Lot located on Avenida Fabricante adjacent to the Coastal Animal Services Authority\)](#)

Pages 6J-1 through 6J-22

Staff Recommendation

1. Find that California Government Code requirements for the disposition of the surplus property located at Avenida Fabricante adjacent to the Coastal Animal Services Authority have been satisfied as described in the Administrative Report, dated September 15, 2015.
2. Approve, and authorize the Mayor to execute, Contract C15-67, a Standard Single-Tenant Land Lease – Gross with Addendum, by and between the City of San Clemente and Glaukos Corporation, providing for lease of the property located on Avenida Fabricante.

K. [Contract Award – Purchase of Electricity](#) Pages 6K-1 and 6K-2

Staff Recommendation

Approve, and authorize the City Manager to execute, Contract C15-68, by and between the City of San Clemente and Noble Americas, providing for the purchase of electricity, in an amount not to exceed \$40.00 per Kilo-watt hour, for a two-year period.

L. [Acquisition of Street Right of Way and Related Easements for the Camino Del Rio Extension](#) Pages 6L-1 through 6L-4

Staff Recommendation

Approve, and authorize the City Manager to execute, an Agreement for Acquisition of Real Property as well as related documents as may be required, to obtain street right-of-way and easements for the Camino Del Rio Extension, Project No. 18316.

M. [Initiation of a Zoning Amendment to Consider Updates to the City's Housing Element with Regard to Homeless Shelters](#) Page 6M-1

Staff Recommendation

Initiate a Zoning Amendment to the Zoning Ordinance to consider updates to housing requirements relating to Homeless Shelters.

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. [2014-2015 Consolidated Annual Performance Evaluation Report \(CAPER\) for Expenditure of Community Development Block Grant Funds](#) Pages 7A-1 through 7A-22

Public Hearing to consider the proposed submission of the 2014-2015 Consolidated Annual Performance Evaluation Report.

Staff Recommendation

Approve and adopt the 2014-2015 Consolidated Annual Performance Evaluation Report (CAPER) for submittal to the Department of Housing and Urban Development.

- B. [200 West Ave. San Antonio \(Future Address: 234 West Avenida San Antonio\) – Variance 14-388 \(Spencer Residence\)](#) Pages 7B-1 through 7B-22

Public Hearing to consider an appeal by the City Council to consider the Planning Commission's July 22, 2015 approval of a request to construct a single-family residence with a reduced front yard setback on a vacant coastal canyon lot located at 200 West Avenida San Antonio (future address will be changed to 234 West Avenida San Antonio). The project is located within the Residential Low zoning district and Coastal Zone overlay (RL-CZ).

Planning Commission Recommendation

Adopt Resolution No. 15-43 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING VARIANCE 14-388, SPENCER RESIDENCE, A REQUEST TO CONSTRUCT A SINGLE-FAMILY RESIDENCE WITH A REDUCED FRONT YARD SETBACK ON A VACANT, RESIDENTIAL LOW-DENSITY, COASTAL CANYON LOT LOCATED AT 200 W. AVENIDA SAN ANTONIO (FUTURE ADDRESS 234 W. AVENIDA SAN ANTONIO).

8. **Unfinished Business.**

None.

9. New Business

- A. [Fee Waiver Request – Landscape of the Traffic Circle Located at the Intersection of Boca de la Playa and Calle Las Bolas](#) Pages 9A-1 through 9A-8

Report from the Community Development Director concerning a request by the San Clemente Tree Foundation to waive all City fees associated with landscaping the traffic circle located at the intersection of Boca de la Playa and Calle las Bolas in North Beach.

Staff Recommendation

1. Defer this project and incorporate it into the FY 2017 Capital Projects Analysis, as part of the City's Long Term Financial Planning Process.
- or
2. Waive all City Fees associated with the landscaping of the existing traffic circle, approve the proposed conceptual design, and approve an allocation of \$7,000 for the service and meter installation from the Water Distribution Fund, Account 052463. The annual cost for maintenance will be included in the Public Works Maintenance Division budget which is funded from the General Fund.
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) [City Position on Resolutions Being Considered by the League of California Cities at the 2015 Annual Conference](#) Pages 11A(1)-1 through 11A(1)-56

Staff Recommendation

Determine whether or not to support the following resolutions that will be considered by the League of California Cities at its General Assembly Meeting on October 2, 2015:

1. Resolution relating to League Bylaws Amendments Regarding Succession of League Offices to Fill Vacancies.
2. Resolution Calling for Legislation to Preserve Therapeutic Environments for Group Homes and Avoid Impacts of Overconcentration of Alcohol and Drug Abuse Recovery and Treatment Facilities in Residential Neighborhoods.
3. Resolution Supporting SB593 (McGuire) and Continued Local Flexibility for Cities as They Address Neighborhood and Fiscal Impacts of Temporary Rentals of Residential Units.
4. Resolution Calling Upon the Governor and the Legislature to Work with the League of California Cities to Enact Legislation or to Otherwise Compel Southern California Edison to Create a Program to Automatically Provide Direct Compensation to its Customers Affected by Prolonged Electrical Power Outages Under Specified Circumstances.

- (2) [Use of Council Chambers as a Polling Site for the 2016 Primary and General Elections](#) Pages 11A(2)-1 through 11A(2)-2

Staff Recommendation

1. Determine whether to grant the Registrar of Voters' request to utilize the Council Chambers as a polling site for the Primary Election on June 7, 2016 and/or the General Election on November 8, 2016.
2. If Council determines to allow the Registrar of Voters to utilize the Council Chambers as a polling site on June 7, 2016, Staff recommends that Council select an alternate meeting date for its first meeting in June 2016.

- B. **City Manager**
- C. **City Attorney**
- D. **Council Members**

12. **Resolutions/Ordinances.**

None.

13. **Adjournment.**

The next Regular City Council Meeting will be held on October 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.