



CITY OF SAN CLEMENTE

REVISED AGENDA #2*

SPECIAL AND REGULAR CITY COUNCIL MEETING AGENDA

****Note: This Revised Agenda #2 differs from the original agenda that was posted on October 27, 2015 in the following respects: 1) the title of Resolution 15-48 on Page 7 has been corrected; 2) the verbiage of Closed Session Item H has been modified (see Paragraph 1 on Page 4 of this agenda); 3) a new Closed Session Item I has been added (see Paragraph 2 on Page 4 of this agenda); and 4) the time of the Closed Session has been changed to 4:00 p.m.***

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

November 3, 2015
4:00 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.

4:00 P.M. CLOSED SESSION

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957

Title: City Manager

B. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representative: Mayor

Unrepresented employee: City Manager

C. 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

D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property: 1030 Calle Negocio

Agency negotiator: Assistant City Manager

Negotiating party: Family Assistance Ministries

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: Emergency Shelter Coalition v. City of San Clemente

Case Number: OCSC 30-2014-00758880

Closed Session items continued on following page

F. 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-CU-EI-CXC and 30-2014-00726889-CU-WM-CJC

G. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

Number of Cases: 12

Case Name: City of San Clemente v Dual Diagnosis Treatment Center, Inc.

Case Number: 30-2015-00805214

Case Name: City of San Clemente v Sobertec LLC (1)

Case Number: 30-2015-00805227

Case Name: City of San Clemente v Sobertec LLC (2)

Case Number: 30-2015-00805234

Case Name: City of San Clemente v New Mindset, LLC

Case Number: 30-2015-00805235

Case Name: City of San Clemente v 449 Recovery, Inc.

Case Number: 30-2015-00805270

Case Name: City of San Clemente v Faith By The Sea, Inc.

Case Number: 30-2015-00805980

Case Name: City of San Clemente v New Mindset, LLC

Case Number: 30-2015-00805891

Case Name: City of San Clemente v Sober Spot, LLC

Case Number: 30-2015-00805975

Case Name: City of San Clemente v A Mission For Michael, Inc.

Case Number: 30-2015-00806046

Case Name: City of San Clemente v William W. Martin, PHD

Case Number: 30-2015-00806055

Case Name: City of San Clemente v Coast To Coast Referral Center, Inc.

Case Number: 30-2015-00806052

Case Name: City of San Clemente v Eric Olson

Case Number: 30-2015-00811144

Closed Session items continued on following page

H. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Subsections 54956.9(e)(3) and (e)(1)

Number of potential cases: 2

I. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

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

6:00 P.M. BUSINESS MEETING

CALL TO ORDER

INVOCATION - Don Kappauf, Chaplain, Orange County Sheriff-Coroner

PLEDGE OF ALLEGIANCE

ROLL CALL

1. SPECIAL PRESENTATIONS

A. Proclamation – Buddy Poppy Days

Presentation of Proclamation to Wayne Greenleaf, San Clemente Veterans of Foreign Wars, declaring November 14 - 15, 2015 as Buddy Poppy Days.

- 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. [Approve the Regular City Council Meeting minutes of October 6, 2015.](#)

B. **Receive and file:**

- 1. [Minutes of the Regular Zoning Administrator Meeting of October 21, 2015.](#)
- 2. [Minutes of the Regular Planning Commission Meeting of October 21, 2015.](#)
- 3. [Minutes of the Regular Beaches, Parks and Recreation Commission Meeting of October 13, 2015.](#)

C. **Warrant Register**

[Approve Wire Transfers Nos. 1442 through 1445, paid on 10-16-15, and Warrant Nos. 528195 through 528340, paid on 10-16-15, in the amount of.....](#)\$1,672,536.32

[Approve Warrant Nos. 528341 through 528522, paid on 10-23-15, in the amount of.....](#)\$1,047,665.64

TOTAL WARRANT REGISTER..... \$2,720,201.96

Payroll Register

Approve Warrant Nos. 437 through 438 and Automatic Deposit Advises 27600 through 27918 for the period 9-28-15 through 10-11-15, paid on 10-16-15, in the amount of.....\$ 418,327.11

TOTAL PAYROLL REGISTER.....\$ 418,327.11

D. **Notice of Completion - East Avenida Magdalena Waterline Replacement** Pages 6-D-1 through 6-D-4

Staff Recommendation

1. Accept the East Avenida Magdalena Waterline Replacement, Project No. 15403, from the contractor, GCI Construction, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the East Avenida Magdalena Waterline Replacement.
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 GCI Construction, 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.

E. **City of San Clemente Fiscal Year 2014-2015 Measure M2 Expenditure Report** Pages 6-E-1 through 6-E-10

Staff Recommendation

Adopt Resolution No. 15-46 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO ADOPT THE FISCAL YEAR 2014-2015 MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF SAN CLEMENTE.

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. [General Plan Amendment 15-049/Zoning Amendment 14-456/Interim MU3.2 Zone Design Guidelines](#) Pages 7-A-1 through 7-A-459

Public Hearing to consider General Plan Amendment 15-049/Zoning Amendment 14-456/Interim MU3.2 Zone Design Guidelines.

PART 1

Planning Commission and Staff Recommendation

1. Adopt Resolution 15-47 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CERTIFYING ADDENDUM NO. 1 OF THE CENTENNIAL GENERAL PLAN ENVIRONMENTAL IMPACT REPORT, ADOPTING AMENDMENTS TO THE GENERAL PLAN LAND USE MAP, AND ADOPTING GENERAL PLAN AMENDMENT 15-049; EXCLUDING AMENDMENTS RELATED TO THE MU3.2, NC2, AND NC3 LAND USE DESIGNATIONS AND BOUNDARIES OF THE ECR A-OVERLAY.
2. Introduce Ordinance 1609 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING AMENDMENTS TO THE ZONING MAP OF THE CITY OF SAN CLEMENTE AND ADOPTING ZONING AMENDMENT 14-456; EXCLUDING AMENDMENTS RELATED TO THE MU3.2 ZONE, NC2 ZONE, AND NC3 ZONE, AND BOUNDARIES OF THE ECR A-OVERLAY.

PART 2

Planning Commission and Staff Recommendation

1. Adopt Resolution 15-48 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CERTIFYING ADDENDUM NO. 1 OF THE CENTENNIAL GENERAL PLAN ENVIRONMENTAL IMPACT REPORT, ADOPTING AMENDMENTS TO THE GENERAL PLAN LAND USE MAP, AND ADOPTING GENERAL PLAN AMENDMENT 15-049; WITH AMENDMENTS LIMITED TO THE MU3.2, NC2, AND NC3 LAND USE DESIGNATIONS AND BOUNDARIES OF THE ECR A-OVERLAY.

Planning Commission and Staff Recommendation continued on following page

2. Introduce Ordinance 1610 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING AMENDMENTS TO THE ZONING MAP OF THE CITY OF SAN CLEMENTE AND ADOPTING ZONING AMENDMENT 14-456; WITH AMENDMENTS LIMITED TO THE MU3.2 ZONE, NC2 ZONE, AND NC3 ZONE, AND BOUNDARIES OF THE ECR-A OVERLAY.
3. Adopt Resolution 15-49 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING INTERIM MIXED USE 3.2 DESIGN GUIDELINES.

B. [Billing for 2015 Weed Abatement Program](#) Pages 7-B-1 through 7-B-8

Public Hearing to consider billing for the 2015 Weed Abatement Program.

Staff Recommendation

1. Waive the City's notification costs for the compliant property owners.
2. Approve the Weed Abatement Report by motion.
3. Authorize the Weed Abatement Contract Administrator to bill the property owners the amounts indicated in the report.

8. **Unfinished Business.**

None.

9. **New Business**

A. [Playground Replacement Program](#) Pages 9-A-1 through 9-A-5

Report from the Public Works Director/City Engineer concerning a Playground Replacement Program.

Staff Recommendation

1. Concur with the approach to use engineered wood fiber for the playground surface in future playground replacement projects.
2. Concur with the proposed anticipated timeline of playground replacements as presented in the Administrative Report, dated November 3, 2015, that is on file with the City Clerk.
3. Provide direction regarding inclusion of shade structures for Ages 2-5 playgrounds in future playground replacement projects.

Staff Recommendation continued on following page

4. Provide direction regarding in-kind or challenging play equipment in future playground equipment replacements.

- B. [Issuance of 2015 Special Tax Bonds of Community Facilities District 2006-1 \(Marblehead Coastal\) of the City of San Clemente](#) Pages 9-B-1 through 9-B-211

Report from the Assistant City Manager concerning issuance of the 2015 Special Tax Bonds of Community Facilities District 2006-1 (Marblehead Coastal) of the City of San Clemente.

Staff Recommendation

Adopt Resolution 15-50 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2006-1 OF THE CITY OF SAN CLEMENTE, AUTHORIZING THE ISSUANCE OF BONDS OF COMMUNITY FACILITIES DISTRICT NO. 2006-1 DESIGNATED 2015 SPECIAL TAX BONDS, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$60,000,000, APPOINTING A FISCAL AGENT, APPROVING A FISCAL AGENT AGREEMENT, PRELIMINARY OFFICIAL STATEMENT, BOND PURCHASE AGREEMENT AND CONTINUING DISCLOSURE AGREEMENT AND AUTHORIZING NEGOTIATION OF TERMS OF THE SALE OF SAID BONDS, AND AUTHORIZING PREPARATION OF FINAL OFFICIAL STATEMENT.

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**

12. Resolutions/Ordinances.

None.

13. Adjournment.

The next Regular City Council Meeting will be held on November 17, 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.