



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 1, 2015
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...

5:00 P.M. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)
Case Name: Daniel Walker v. City of San Clemente
Case Numbers: 30-2012-00591239-CU-WM-CJC; G050552 and G050987;
S229788 and S229789

B. 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

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: OCSC 30-2014-00758880

D. 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

Closed Session items continued on following page

E. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8
Property: 2.8 acre San Mateo site north of Calle Bahia, adjacent to the Golf Course site
APN(s): 060-010-37, 060-010-38
Agency negotiator: Assistant City Manager
Negotiating party: San Diego Gas and Electric Company
Under Negotiation: Price and Terms of Payment

F. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)
Case Name: City of San Clemente v Eric Olson
Case Number:30-2015-00811144

6:00 P.M. BUSINESS MEETING

CALL TO ORDER

INVOCATION – Chris Smith, Pastor, Southcoast Church International

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. Holiday Serenade – Our Lady of Fatima Catholic School Student Performance

Holiday serenade by students of Our Lady of Fatima Catholic School, under the direction of Marion Smithson.

B. Election of Mayor and Mayor Pro Tempore

The City Clerk will conduct the election for Mayor. The newly elected Mayor will then assume the Mayor's seat and will conduct the election for Mayor Pro Tempore.

C. Presentation of Painting to the City of San Clemente

Presentation of a painting of a dive bell from artist Monte Livingston of the Living Art Gallery to the City of San Clemente.

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 Minutes of the Special and Regular City Council Meeting of November 3, 2015.](#)
 - B. **Receive and file:**
 1. [Minutes of the Regular Golf Course Committee Meeting of September 3, 2015.](#)
 2. [Minutes of the Regular Coastal Advisory Committee Meeting of September 10, 2015.](#)
 3. [Minutes of the Regular Zoning Administrator Meeting of November 18, 2015.](#)
 4. [Minutes of the Regular Planning Commission Study Session of November 18, 2015.](#)
 5. [Minutes of the Regular Planning Commission Meeting of November 18, 2015.](#)

C. **Warrant Register**

Approve Handwrite No. 528960,
Wire Transfer Nos. 1450 through 1453
and Warrant Nos. 528814 through 528959
paid on 11/13/2015, in the amount of \$1,696,019.58

Approve Wire Transfer No. 1454
and Warrant Nos. 528961 through 529137
paid on 11/20/2015, in the amount of \$1,813,355.05

TOTAL WARRANT REGISTER\$3,509,374.63

Payroll Register

Approve Warrant Nos. 442 through 447 and Automatic Deposit Advises 28230 through 28536 for the period of 10/26/2015 through 11/8/2015, paid on 11/13/2015, in the amount of \$429,001.71

TOTAL PAYROLL REGISTER \$429,001.71

D. **Final Tract Map 17500 – Reef Point Villas Condos (410 Arenoso Lane)**
Pages 6-D-1 through 6-D-3

Staff Recommendation

1. Accept on behalf of the City of San Clemente, the water rights as dedicated.
2. Accept on behalf of the City of San Clemente, the sidewalk and public pedestrian access easement as dedicated.
3. Approve Final Tract Map 17500 as it conforms to the requirements set forth in the Subdivision Map Act and the previously approved Tentative Tract Map.
4. Authorize the Public Works Director/City Engineer to execute the Final Tract Map upon verification of California Coastal Commission approval.
5. Authorize the City Clerk to execute and submit the Final Tract Map to the County of Orange Recorder’s Office for recordation.

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

Staff Recommendation

1. Approve, and authorize the Mayor to execute, Amendment No. 3 to Contract C03-47, by and between the City of San Clemente and Maris Imaging Solutions, providing for City-wide electronic document imaging services, for a term to expire February 18, 2017, with the option for four additional one-year extensions.
2. Approve, and authorize the Mayor to execute, Amendment No. 3 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, for a term to expire February 18, 2017, with the option for four additional one-year extensions.

- F. [Contract Award – Community Center Painting](#) Pages 6-F-1 through 6-F-3

Staff Recommendation

1. Approve, and authorize the Mayor to execute, Contract C15-75, by and between the City of San Clemente and Astro Painting, providing for painting of the Community Center, in an amount not to exceed \$90,000.
2. Approve the letter from Astro Painting, listed as Attachment 1 to the Administrative Report dated December 1, 2015, to waive the bid irregularity.

- G. [Contract Award – T-Street Overpass Concrete Maintenance Stair Nosing and Concrete Deck Repairs](#) Pages 6-G-1 through 6-G-4

Staff Recommendation

1. Approve the plans and specifications for the T-Street Overpass Concrete Maintenance Stair Nosing and Concrete Deck Repairs, Project No. 25801.
2. Approve a supplemental appropriation in the amount of \$65,183 from the General Fund's Unassigned Fund Balance to Account 001-636-45700-000-25801.
3. Approve, and authorize the Mayor to execute, Contract C15-76, by and between the City of San Clemente and The Richards Group, providing for the T-Street Overpass Concrete Maintenance Stair Nosing and Concrete Deck Repairs, in the amount of \$119,000.

- H. [Final Tract Map 17820 – Del Comercio Condos \(2717 Calle Del Comercio\)](#) Pages 6-H-1 through 6-H-3

Staff Recommendation

1. Accept on behalf of the City of San Clemente, the water rights as dedicated.
2. Accept on behalf of the City of San Clemente, the sidewalk and public pedestrian access easement as dedicated.
3. Approve Final Tract Map 17820 as it conforms to the requirements set forth in the Subdivision Map Act and the previously approved Tentative Tract Map.
4. Authorize the Public Works Director / City Engineer to execute the Final Tract Map.
5. Authorize the City Clerk to execute and submit the Final Tract Map to the County of Orange Recorder's Office for recordation.

- I. [Contract Amendment – Design and Permitting of Recycled Water Site Retrofit of City Parks, Medians and Customer Sites](#) Pages 6-I-1 through 6-I-2

Staff Recommendation

1. Approve a supplemental appropriation in the amount of \$156,000 from the Sewer Fund Connection Fee to Account 054-477-43890-000-34201.
2. Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract C14-52, by and between the City of San Clemente and RMC Water and Environment. This Amendment extends the term of the contract from December 1, 2015 to September 1, 2016 and increases the contract amount from \$350,000 to \$506,000, an increase of \$156,000.

- J. [Initiation of Zoning Amendment - Prohibit or Regulate Medical Marijuana Dispensaries, Medical Marijuana Manufacturers, Marijuana Cultivation, and Delivery of Marijuana](#) Pages 6-J-1 through 6-J-4

Staff Recommendation

1. Receive a report on new state legislation specifically authorizing local regulation of medical cannabis uses.
2. Refer this item to the Planning Commission to conduct research and discussion and give direction to the Council on the development of long-term prohibitions or regulation of cannabis dispensaries, cultivation, transportation, and distribution.

- K. [Contract Amendment – City Manager Employment Agreement](#) Pages 6-K-1 through 6-K-3

Staff Recommendation

Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C14-36, the employment agreement by and between the City of San Clemente and City Manager James Makshanoff.

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.**

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

- (1) [Council Appointed Representatives to Regional Committees, Commissions and Boards](#) Pages 11(D)-1 through 11(D)-6

Staff Recommendation

- 1. Update Councilmember appointments to various regional committees, commissions and boards.
- 2. Determine the Councilmember to serve as the City's Representative to the Orange County Fire Authority Board of Directors. After the appointee is determined, Staff recommends that Council adopt Resolution No. 15-54 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DESIGNATING AND APPOINTING ITS REPRESENTATIVE TO THE ORANGE COUNTY FIRE AUTHORITY'S BOARD OF DIRECTORS, with the direction that the name of the City's Director be inserted.

12. **Resolutions/Ordinances.**

- A. [Ordinance No. 1611 \(Second Reading\) – Emergency Shelters](#) Pages 12-A1 through 12-A-5

Staff Recommendation

Adopt Ordinance No. 1611 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTIONS 17.56.103 AND 17.53.104 OF TITLE 17 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO EMERGENCY SHELTERS.

13. Adjournment.

Adjourn to an Adjourned Regular City Council Meeting to be held on December 15, 2015 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Interviews/Appointment for the City representative to the Orange County Mosquito and Vector Control District Board of Trustees will take place at a time to be determined. 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.

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 Office 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 Office, located at 100 Avenida Presidio, San Clemente, during normal business hours.

The City Clerk's Office 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.