



CITY OF SAN CLEMENTE SPECIAL CITY COUNCIL REVISED* MEETING AGENDA

*This Revised Agenda varies from the original agenda that was posted on December 8, 2015 in the following respects: 1) The time of the Interviews/Selection of the City Representative to the Orange County Mosquito and Vector Control District has been changed from 4:30 p.m. to 4:15 p.m.; 2) The time of the Closed Session has been changed from 5:00 p.m. to 4:30 p.m.; 3) The number of potential cases associated with Closed Session Item G on Page 3 of this agenda has been increased from 1 to 2; and 4) The meeting has been redesignated from an Adjourned Regular Meeting to a Special Meeting.

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

December 15, 2015
4:15 p.m. – Interviews/Selection of
City Representative to Orange County
Mosquito and Vector Control District
4:30 p.m. – Closed Session
6:00 p.m. – Business Session

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.

Information concerning City Council Meeting protocols and procedures is contained at the end of this agenda.

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...

4:15 P.M. – INTERVIEWS/SELECTION OF CITY REPRESENTATIVE TO THE ORANGE COUNTY MOSQUITO AND VECTOR CONTROL DISTRICT

Staff Recommendation

Conduct interview(s) and appoint one San Clemente registered voter to represent the City on the Orange County Mosquito and Vector Control District, for either a two- or four-year term.

4:30 P.M. CLOSED SESSION

A. 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

B. 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

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: OC SC 30-2014-00709987-CU-EI-CXC and 30-2014-00726889-CU-WM-CJC

Closed Session items continued on following page

D. 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

E. 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

F. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code section 54956.9(d)(4)
Number of potential cases: 1

G. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2)
Number of potential cases: 2

6:00 P.M. BUSINESS MEETING

CALL TO ORDER

INVOCATION – Ron Sukut, Pastor - Cornerstone Community Church

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. Holiday Serenade – Marblehead Elementary 5th Grade Choir

Holiday serenade by the 5th grade students of Marblehead Elementary School, under the direction of Ms. Peterson and Mr. Rennie.

B. San Clemente High School Update

Presentation by San Clemente High School students McKenna Brownell and Daniel Klevit concerning San Clemente High School campus activities.

C. **Remote Observation System (ROS)**

Presentation of a Remote Observation System to Marine Safety by John McMains, San Clemente Lifeguard and Junior Guard Foundation.

D. **City Fiscal Reports**

Presentation by Assistant City Manager Sund and Finance Manager Vincent, concerning the Fiscal State of the City for the period ending June 30, 2015, Fiscal Year (FY) 2015 4th Quarter Financial Report, and FY 2016 1st Quarter Financial Report.

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 Regular City Council Meeting of November 17, 2015.](#)

B. **Receive and file:**

1. [Minutes of the Adjourned Regular Beaches, Parks and Recreation Meeting of November 11, 2015.](#)
2. [Minutes of the Regular Zoning Administrator Meeting of December 2, 2015.](#)
3. [Minutes of the Adjourned Regular Planning Commission Meeting of December 2, 2015.](#)

C. **Warrant Register**

[Wire Transfer Nos. 1455 through 1460 and Warrant Nos. 529138 through 529296 paid on 11/27/2015, in the amount of](#) \$3,423,680.70

[Warrant Nos. 529297 through 529415 paid on 12/4/2015, in the amount of](#) \$2,063,966.91

TOTAL WARRANT REGISTER\$5,487,647.61

Payroll Register

Approve Warrant Nos. 448 through 452 and Automatic Deposit Advises 28537 through 28854 for the period of 11/9/2015 through 11/22/2015, paid on 11/27/2015, in the amount of \$412,764.92

TOTAL PAYROLL REGISTER \$412,764.92

- D. [Contract Award – Pier Structural Construction Assessment and Design](#) Pages 6-D-1 through 6-D-2

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C15-77, by and between the City of San Clemente and TransSystems, providing for condition assessment, engineering and design services for pier improvements, in the amount of \$138,134.

- E. [Contract Award – City-Wide Janitorial Services](#) Pages 6-E-1 through 6-E-4

Staff Recommendation

1. Approve, and authorize the Mayor to execute, Contract C15-78, by and between the City of San Clemente and Omni Enterprise, DBA Omni Clean, providing for City-Wide Janitorial Services, in an amount of \$142,296 per fiscal year through FY 2017-18.
2. Approve the letter from Omni Enterprise, listed as Attachment 1 to the Administrative Report, dated December 15, 2015, to waive the bid irregularity for a mathematical error.

- F. [Records Destruction](#) Pages 6-F-1 through 6-F-4

Staff Recommendation

Adopt Resolution No. 15-55 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE DESTRUCTION OF CERTAIN CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

- G. [Notice of Completion – Traffic Signal Systems Upgrade, Avenida Vista Hermosa and Camino De Los Mares](#) Pages 6-G-1 through 6-G-6

Staff Recommendation

1. Accept the Traffic Signal Systems Upgrade Project for Avenida Vista Hermosa and Camino De Los Mares, Project Nos.13318 and 13319, from the contractor, Crosstown Electrical & Data, Inc.
2. Approve, and authorize the Mayor to execute and the City Clerk to record, the Notice of Completion for the Traffic Signal Systems Upgrade Project for Avenida Vista Hermosa and Camino De Los Mares.

Staff Recommendation continued on following 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, Crosstown Electrical & Data, 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.

H. [Consideration of Name Change – Marblehead Inland Park to Marblehead Park](#) Pages 6-H-1 through 6-H-13

Staff Recommendation

Adopt Resolution No. 15-56 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CHANGING THE NAME MARBLEHEAD INLAND PARK TO MARBLEHEAD PARK.

I. [Proposed Fencing – Bonito Canyon Park for the Boys and Girls Club](#) Pages 6-I-1 through 6-I-13

Staff Recommendation

1. Approve the proposed vinyl blue chain link fencing and proposed weekday hours at Bonito Canyon Park for the exclusive use of the Boys and Girls Club.
2. Approve a transfer in the General Fund in the amount of \$16,000 from the City Council Contingency account to Account 001-624-43890 for upgraded vinyl blue chain link fencing at Bonito Canyon Park.

J. [Fee Waiver – National Association of People Against Bullying](#) Pages 6-J-1 through 6-J-8

Staff Recommendation

Approve a fee waiver in an amount not to exceed \$1,037.50 for use of the Community Center auditorium, kitchen, and Ole Hanson Fireside Room, for a San Clemente High School dance on February 6, 2015.

K. [Amendment to Policy and Procedure 702-4 - Park Usage](#) Pages 6-K-1 through 6-K-13

Staff and Beaches, Parks and Recreation Commission Recommendation

Approve a modification to Policy and Procedure 702-4 (Max Berg Plaza Park Usage) to include all San Clemente parks.

- L. [City Investment Policy 202-1](#) Pages 6-L-1 through 6-L-53

Adopt Investment Policy and Procedure 202-1, effective December 15, 2015.

- 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. [Wal-Mart Instructional Alcohol Tasting \(951 Avenida Pico\) - Appeal of Conditional Use Permit 15-124](#) Pages 7-A-1 through 7-A-25

Public Hearing to consider an appeal by the City Council to consider the Planning Commission's October 7, 2015 approval of a request for beer and wine tastings within the grocery area of the Wal-Mart, located within the Mixed Use zoning designation of the Rancho San Clemente Specific Plan at 951 Avenida Pico.

Planning Commission Recommendation

Adopt Resolution No. 15-57 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, APPROVING CONDITIONAL USE PERMIT (CUP) 15-124, WAL-MART INSTRUCTIONAL BEER AND WINE TASTING, A REQUEST FOR BEER AND WINE INSTRUCTIONAL TASTING IN THE GROCERY AREA OF WAL-MART LOCATED AT 951 AVENIDA PICO.

B. [Norfolk Pine Tree Removal \(513 Elena Lane\) - Appeal of Minor Cultural Heritage Permit 15-228](#) Pages 7-B-1 through 7-B-51

Public Hearing to consider an appeal by the City Council to consider the Zoning Administrator's October 21, 2015 approval of a request for the removal of a Norfolk Pine tree on a vacant lot across the street from and abutting a historic structure at 516 Elena Lane. The subject property is located in the Residential Medium Density zoning district and Coastal Overlay (RM-CZ) at 513 Elena Lane.

Zoning Administrator and Staff Recommendation

Adopt Resolution No. 15-58 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR CULTURAL HERITAGE PERMIT 15-228, A REQUEST TO ALLOW THE REMOVAL OF A TREE ON A SINGLE-FAMILY RESIDENTIAL SITE ABUTTING A HISTORIC STRUCTURE, ON A SUBJECT PROPERTY LOCATED AT 513 ELENA LANE.

C. [San Clemente Coastal Land Use Plan](#) Pages 7-C-1 through 7-C-380

Public Hearing to consider the June 30, 2015 Planning Commission recommendation to adopt the City's Land Use Plan for the City's Local Coastal Program.

Staff Recommendation

1. Adopt Resolution No. 15-59 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE UPDATE TO THE CITY OF SAN CLEMENTE COASTAL LAND USE PLAN.
2. Direct Staff to submit the Land Use Plan to the California Coastal Commission for certification.

- D. [Annual Report Concerning the Mitigation Fee Act for FY 2015](#) Pages 7-A-1 through 7-A-18

Public Hearing to consider the City of San Clemente Annual Mitigation Fee Act Report Fiscal Year 2015 pursuant to Government Code Section §66006. Section 66006 provides that if a fee is imposed as a condition of development, the city shall deposit those fees in a separate capital facilities account. For each account created, the city shall, within 180 days after the end of the fiscal year, make certain information available to the public.

Staff Recommendation

Receive and file the Annual Report concerning the Mitigation Fee Act for Fiscal Year 2015.

8. **Unfinished Business.**

None.

9. **New Business.**

- A. [Prohibition of Unauthorized Commercial, Organized or Instructional Activities on Public Beaches, Parks and Trails](#) Pages 9-A-1 through 9-A-6

Report from the Beaches, Parks and Recreation Department concerning the possibility of prohibiting unauthorized commercial, organized or instructional activities on public beaches, parks and trails.

Staff Recommendation

Introduce Ordinance No. 1612 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 12.28 OF THE SAN CLEMENTE MUNICIPAL CODE AMENDING 12.28.010 DEFINITIONS.

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**

E. **Council Members**

1. **California Road Charge Pilot Program Update**

Report from Councilmember Donchak concerning the California Road Charge Pilot Program.

12. **Resolutions/Ordinances.**

None.

13. **Adjournment.**

The next Regular City Council Meeting will be held on January 5, 2016 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.

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.