



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

February 16, 2016
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 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 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

C. 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

Closed Session items continued on following page

D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property: 2.2 acre section of an 80 acre parcel on the southwest corner of Avenida La Pata and Vista Hermosa

APN: 678-163-01

Agency negotiator: Assistant City Manager

Negotiating parties: Ed Connor of Connor, Fletcher & Hedenkamp and representatives of Jamboree Housing Corporation

Under Negotiation: Terms of recent proposals to purchase or lease surplus property

E. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Number of Cases: 6

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

Case Number: 30-2015-00805235

(1401 N. El Camino Real Units 101 and 102)

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

Case Number: 30-2015-00805234

(1402 N. El Camino Real)

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

Case Number 30-2015-00805891

(665 Camino de los Mares, Unit 20)

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

Case Number: 30-2015-00805270

(1401 N. El Camino Real, Units 102, 104, 106, 113, 205, 207)

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

Case Number: 30-2015-00805214

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

Case Number: 8:15-cv-01611

6:00 P.M. BUSINESS MEETING

CALL TO ORDER

INVOCATION – Holland Davis, Senior Pastor, Calvary Chapel

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. City Tile – Larry Moore

Presentation of City Tile to Larry Moore, in recognition and appreciation of 44 years of exemplary service to the City of San Clemente.

B. Utility Pole Removal – Los Molinos District

Presentation by Duane Cave, External Relations Manager, San Diego Gas & Electric, concerning the removal of utility poles in the Los Molinos District.

C. San Clemente Library Update

Status update by Helen Fried, County Librarian, concerning the San Clemente Library.

D. San Clemente High School Update

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

- 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 January 19, 2016.](#)

B. **Receive and file:**

- 1. [Minutes of the Regular Golf Course Committee Meeting of January 7, 2016.](#)
- 2. [Minutes of the Regular Coastal Advisory Committee Meeting of December 10, 2015.](#)
- 3. [Minutes of the Regular Zoning Administrator Meeting of February 3, 2016.](#)
- 4. [Minutes of the Regular Study Session of the Planning Commission of February 3, 2016.](#)
- 5. [Minutes of the Regular Planning Commission Meeting of February 3, 2016.](#)

C. **Warrant Register**

[Warrant Nos. 530286 through 530452
paid on 1/29/2016, in the amount of \\$1,716,690.75](#)

[Approve Wire Transfers 1478 through 1481,
Warrant Nos. 530453 through 530592
paid on 2/5/2016, in the amount of \\$ 983,852.75](#)

TOTAL WARRANT REGISTER\$2,700,543.50

Payroll Register

Approve Warrant Nos. 465 through 467 and Automatic Deposit Advises 29985 through 30271 for the period of 1/18/2016 through 1/31/2016, paid on 2/5/2016, in the amount of \$390,563.11

TOTAL PAYROLL REGISTER \$390,563.11

D. **Contract Award – Primary Clarifier Number 5 Rehabilitation (Sludge Collection Equipment)** Pages 6-D-1 through 6-D-4

Staff Recommendation

1. Approve the plans and specifications for the Primary Clarifier No. 5 Rehabilitation (Sludge Collection Equipment), Project No. 16204.
2. Approve a supplemental appropriation in the amount of \$205,055 from the Sewer Depreciation Reserve Fund Account 054-476-45300-000-16204.
3. Approve, and authorize the Mayor to execute, Contract C16-01, by and between the City of San Clemente and Spiess Construction Company, providing for the rehabilitation of Primary Clarifier No. 5 (Sludge Collection Equipment), in the amount of \$275,700.

E. **Lease Agreement – North Beach Passenger Services Building** Pages 6-E-1 through 6-E-20

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C16-05, a Standard Single-Tenant Lease-Gross with Addendum, by and between the City of San Clemente and Pete Van Nuys, providing for the lease of the North Beach Passenger Services building, located at 1900 North El Camino Real.

F. **Parking Agreement – La Ventura Event Center** Pages 6-F-1 through 6-F-11

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C16-06, a Parking Agreement by and between the City of San Clemente and Roca Vista Investments, LLC, dba La Ventura Events Center, providing for the construction, lease and non-exclusive use of 22 parking spaces on City-owned property located on the northwestern side of the Municipal Golf Course.

G. [Contract Award – Pier Plank Replacement](#) Pages 6-G-1 through 6-G-4

Staff Recommendation

1. Approve the plans and specifications for the Pier Plank Replacement, Project No. 25802.
2. Approve a supplemental appropriation in the amount of \$14,300 from the unassigned General Fund to Account 001-636-45700-000-25802.
3. Approve, and authorize the Mayor to execute, Contract C16-07, by and between the City of San Clemente and Bellingham Marine Industries, Inc., providing for the replacement of planks on the San Clemente Pier, in the amount of \$99,874.

H. [Conceptual Design – Camino Del Rio Intersection Improvements Project](#) Pages 6-H-1 through 6-H-10

Planning Commission and Staff Recommendation

1. Approve the conceptual design for the Camino Del Rio Intersection Improvements project as provided in Attachments 2 and 3 of the Administrative Report, dated February 16, 2016, which is on file with the City Clerk.
2. Approve re-striping Camino Del Rio from four lanes to two lanes with a center turn lane from Camino De Los Mares to 500 feet east of Calle Precipicio.
3. Approve and direct staff to seek OCTA approval to change the Master Plan of Arterial Highways (MPAH) designation of portions of Camino Del Rio and Camino De Los Mares.

I. [Parking Prohibitions – Avenida Cabrillo](#) Pages 6-I-1 through 6-I-6

Staff Recommendation

1. Prohibit parking on both sides of Avenida Cabrillo, for a distance of sixteen (16) feet along the two catch basins adjacent to and across from 240 Avenida Cabrillo.
2. Adopt Resolution No. 16-06 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING 'NO PARKING AREAS' ON AVENIDA CABRILLO.

J. [Parking Modifications – Boca De La Playa](#) Pages 6-J-1 through 6-J-6

Planning Commission and Staff Recommendation

1. Relocate two metered parking spaces at 107 and 109 Boca De La Playa to the northwest and southwest corners of Avenida Pico and Boca De La Playa.
2. Prohibit parking on Boca De La Playa, south side, at 107 Boca De La Playa for a distance of twenty-two (22) feet and at 109 Boca De La Playa for a distance of eighteen (18) feet east of the driveway.
3. Adopt Resolution No 16-07 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING 'NO PARKING AREAS' ON BOCA DE LA PLAYA.

K. [Policy and Procedure 103-2-1 – Wall of Recognition](#) Pages 6-K-1 through 6-K-7

Staff and Beaches, Parks and Recreation Commission Recommendation

Approve modifications to Policy and Procedure 103-2-1 (Wall of Recognition), to include the following: 1) streamlining of the nomination and approval process including the nomination due date, 2) inclusion of a Staff member, a Beaches, Parks and Recreation Commission member, and a Human Affairs Committee member on the Wall of Recognition Committee, and 3) allowing Council to both approve and recognize the Wall of Recognition honoree at the same meeting.

L. [Contract Award – City Tree Inventory](#) Pages 6-L-1 through 6-L-2

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C16-08, by and between the City of San Clemente and Dudek and Associates, providing for a City Tree Inventory, in the amount of \$60,000, including a \$12,000 contingency for additional tree inventory tasks that can only be performed after receiving prior written consent from the Maintenance Services Manager.

- M. [Appointment of Interim Human Resources Manager](#) Pages 6-M-1 through 6-M-4

Staff Recommendation

Adopt Resolution No. 16-08 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE APPOINTMENT OF THERESA ST. PETER AS INTERIM HUMAN RESOURCES MANAGER.

- N. [Notice of Completion – Community Center Painting](#) Pages 6-N-1 through 6-N-17

Staff Recommendation

1. Accept the Community Center Painting, Project No. 14503, from the contractor, Astro Painting Company, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Community Center Painting Project.
3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion, upon verification with the Maintenance Services Division that no liens have been levied against Astro Painting Company, Inc.
4. Authorize the City Clerk to release the Performance Bond.

- O. [SB 876 \(Liu\) - Enforcement of Local Ordinances](#) Pages 6-O-1 through 6-O-13

Staff Recommendation

1. Oppose SB 876.
2. Direct Staff to send the opposition letter that is attached to the Administrative Report, dated February 16, 2016 and on file with the City Clerk, to the author of the bill as well as the individuals listed in the “cc” section of the letter.

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. **[Smoking Ban – Beach and Trail Access Points](#)** Pages 7-A-1 through 7-A-6

Public Hearing to consider a City-initiated proposal to amend the Code of the City of San Clemente to prohibit smoking at the beach and trail access points. The Beaches, Parks and Recreation Commission considered the proposal at its meeting of January 12, 2016 and recommended Council approval.

Staff Recommendation

Introduce Ordinance No. 1618 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 8.64 OF THE SAN CLEMENTE MUNICIPAL CODE TO MODIFY SECTION 8.64.140, TITLED: BEACHES-SMOKING PROHIBITED AND SECTION 8.64.170, TITLED: PUBLIC TRAILS – SMOKING PROHIBITED.

B. **[Sign Exception Permit and Sign Ordinance Amendments - Zoning Amendment 15-225 and General Plan Amendment 16-002](#)** Page 7-B-1

Public Hearing to add General Plan policies regarding freeway-oriented signs and consideration of the removal of the Sign Exception Permit provisions and modifications to the sign ordinance, including but not limited to, removal of freeway-oriented signs, limitations on the size of signs, and amortization provisions.

Staff Recommendation

Continue the Public Hearing on Zoning Amendment 15-225/General Plan Amendment 16-002, Sign Exception Permit and Sign Ordinance Amendments, to the City Council meeting of March 1, 2016.

8. **Unfinished Business.**

None.

9. **New Business.**A. **[Orange County Transportation Authority Grant \(OCTA\) Submittal - San Clemente Trolley Project](#)** Pages 9-A-1 through 9-A-22

Report from the Public Works Director/City Engineer concerning the possibility of submitting a grant application to the Orange County Transportation Authority for a San Clemente Trolley.

Staff Recommendation

1. Authorize the submittal of a Measure M2 (Project V) grant application to OCTA for a San Clemente Trolley/Circulator.
2. Adopt Resolution No. 16-09 entitled A RESOLUTION OF THE CITY COUNCIL OF SAN CLEMENTE, CALIFORNIA, APPROVING THE SUBMITTAL OF THE SAN CLEMENTE TROLLEY PROJECT TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER PROJECT V COMMUNITY BASED TRANSIT/CIRCULATORS PROGRAM.

B. **[Beaches, Parks and Recreation Master Plan Update - Request for Proposals](#)** Pages 9-B-1 through 9-B-15

Report from the Beaches, Parks and Recreation Department concerning the possibility of authorizing the release of an updated Beaches, Parks and Recreation Master Plan Request for Proposals.

Staff Recommendation

Approve the release of the updated Beaches, Parks and Recreation Master Plan Request for Proposals.

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.**

- A. [Ordinance No. 1617 \(Second Reading\) – Regulation of Short-Term Lodging Units](#) Pages 12-A-1 through 12-A- 20

Staff Recommendation

Adopt Ordinance No. 1617 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA AMENDING SAN CLEMENTE MUNICIPAL CODE SECTION 1.16.030 REGARDING VIOLATIONS OF STATE OR FEDERAL LAW, CHAPTER 3.24, ARTICLES I AND III, REGARDING SHORT-TERM LODGINGS, SECTION 8.48.040 REGARDING GENERAL NOISE REGULATIONS, AND SECTION 9.16.010 REGARDING LOUD AND UNRULY GATHERINGS, AND ADDING CHAPTER 9.20 REGARDING REPEAT NUISANCE SERVICE-CALL FEE.

13. **Adjournment.**

Adjourn to an Adjourned Regular Meeting to be held on February 25, 2016 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California at 4:00 p.m. for the purpose of considering the Long Term Financial Plan.

The next Regular City Council Meeting will be held on March 1, 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.