

CITY OF SAN CLEMENTE ADJOURNED REGULAR CITY COUNCIL AGENDA

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

May 17, 2016 4:30 p.m. - Closed Session 5:30 p.m. - Presentation of Proposed FY 2017 City Budget 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...

4:30 P.M. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code section 54956.9(b)

Number of Potential Cases: 1

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Existing litigation pursuant to Government Code section 54956.9(d)(1)

Number of Cases: 10

Case Name: Brault v. City of San Clemente

Case Number: OCSC 30-2016-00843347-CL-MC-CJC

Case Name: Emergency Shelter Coalition v. City of San Clemente

Case Number: OCSC 30-201400758880

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 449 Recovery, Inc.

Case Number: 30-2015-00805270

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

Closed Session items continued on following page

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. Dual Diagnosis Treatment Center, Inc.

Case Number: OCSC 30-2015-00805214

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

Case Number: USDC 8:15-cv-01611CJC-JCG

C. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(d)(4)

Significant exposure to litigation Number of potential cases: 3

D. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(d)(2)

Significant exposure to litigation Number of potential cases: 1

E. 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

F. 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

5:30 P.M. - FY 2017 PROPOSED BUDGET AND 3RD QUARTER FINANCIAL REPORT

Presentation of the proposed FY 2017 City Budget and 3rd Quarter Financial Report by Finance Manager Vincent.

6:00 P.M. BUSINESS MEETING

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. San Clemente High School Update

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

B. <u>Presentation of Proclamation - National Beach Safety and Rip Current</u> Awareness Week

Presentation of a Proclamation to Bill Humphreys, Marine Safety Chief, and Dennis White, Ocean Lifeguard Supervisor, proclaiming June 7 through June 14, 2016 as National Beach Safety and Rip Current Awareness Week.

C. Nonie Fickling – Recipient of California Parks and Recreation Society <u>District 10 Volunteer Merit Award</u>

Presentation of California Parks and Recreation Society District 10 Volunteer Merit Award to Nonie Fickling, President of the Friends of San Clemente Library, in recognition of her ongoing support to the San Clemente Library.

D. 2016 Wall of Recognition Honoree Pages 1-D-1 through 1-D-6

Report from the Beaches, Parks and Recreation Department concerning the proposed 2016 Wall of Recognition Honoree.

Wall of Recognition Committee Recommendation

- 1. Approve the selection of Robert "Bob" Hayden as the 2016 recipient to be honored on the Wall of Recognition.
- 2. Direct the Mayor to present Robert "Bob" Hayden with a Certificate of Recognition.

- 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. <u>City Council Minutes</u>

1. Approve the Minutes of the Special and Regular City Council Meeting of April 19, 2016.

B. Receive and file:

- 1. <u>Minutes of the Beaches, Parks and Recreation Commission Regular Meeting of April 12, 2016.</u>
- 2. Minutes of the Regular Zoning Administrator Meeting of May 4, 2016.
- 3. Minutes of the Regular Planning Commission Meeting of May 4, 2016.

C. Warrant Register

Wire Transfers Nos. 1505 through 1508

paid on 4/29/16 and Warrant

Nos. 532338 through 532509

paid on 4/29/2016, in the amount of \$1,297,730.56

Warrant Nos. 532510 through 532659

paid on 5/6/2016, in the amount of\$1,277,743.14

TOTAL WARRANT REGISTER ...\$ 2,575,473.70

Payroll Register

TOTAL WARRANT REGISTER\$ 400,380.81

D. Contract Award – FY 2016 Major Street Maintenance for Avenida Barcelona, Trafalgar Lane, Arenoso Lane, Linda Lane and Via Mecha Pages 6-D-1 through 6-D-13

Staff Recommendation

- Approve the specifications for the FY 2016 Major Street Maintenance for Avenida Barcelona, Trafalgar Lane, Arenoso Lane, Linda Lane and Via Mecha, Project No. 26301.
- 2. Approve, and authorize the Mayor to execute, Contract C16-27, by and between the City of San Clemente and Palp, Inc., dba Excel Paving Company, providing for the FY 2016 Major Street Maintenance for Avenida Barcelona, Trafalgar Lane, Arenoso Lane, Linda Lane and Via Mecha, in the amount of \$411,382.90.
- E. <u>Proposed Parking Prohibitions on Elena Lane</u> Pages 6-E-1 through 6-E-6

Planning Commission and Staff Recommendation

- Prohibit parking on the east side of Elena Lane, from the northeast curb return of Cazador Lane northerly fourteen (14) feet and easterly twentytwo (22) feet.
- 2. Adopt Resolution No. 16-27 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 ELENA LANE.

F. Contract Award – Water Reclamation Plant Emergency Generator
Replacement Pages 6-F-1 through 6-F-4

Staff Recommendation

- 1. Approve and authorize an appropriation in the amount of \$360,520 from the Sewer Fund Depreciation Reserve to Account 054-476-42420-000-16210.
- 2. Approve the plans and specifications for the Water Reclamation Plant Emergency Generator Replacement, Project No. 16210.
- 3. Approve, and authorize the Mayor to execute, Contract C16-28 by and between the City of San Clemente and Global Power Group, providing for replacement of the Water Reclamation Plant Emergency Generator, in the amount of \$258,861.
- G. Notice of Completion Granada Trash Enclosure Screen Project
 Pages 6-G-1 through 6-G-4

Staff Recommendation

- 1. Accept the Granada Trash Enclosure Screen Project, Project 16814, from the contractor, TNT Welding and Fabrication, Inc.
- 2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Granada Trash Enclosure Screen Project.
- H. Acceptance of Public Improvements and Bond Release Marblehead
 Coastal Development Pages 6-H-1 through 6-H-5

Staff Recommendation

Adopt Resolution No. 16-28 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF CERTAIN PARK AND AVENIDA PICO IMPROVEMENTS AND RELEASE OF PERFORMANCE AND LABOR & MATERIAL BONDS RELATED TO THE MARBLEHEAD COASTAL DEVELOPMENT IN TRACT 8817.

Fee Waiver – San Clemente Library Summer Reading Program Pages
 6-l-1 through 6-l-3

Staff Recommendation

Approve a fee waiver in the amount of \$1,200 for rental and deposit fees associated with the San Clemente Library's 2016 summer reading program.

J. <u>Senior Mobility Program Renewal</u> Pages 6-J-1 through 6-J-8

Staff Recommendation

- 1. Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract C11-19, by and between the City of San Clemente and Age Well Senior Services, providing for the Senior Mobility Program transportation.
- 2. Approve, and authorize the Mayor to execute, the Orange County Transportation Authority (OCTA) Senior Mobility Program Agency Service Plan.
- K. <u>Selection of Consultant and Contract Award Environmental Review</u> of Ballena Landslide Repair Page 6-K-1

Staff Recommendation

- Authorize the City Manager to select the consultant to perform CEQA professional services associated with the Ballena landslide repair and storm drain box construction.
- 2. Approve, and authorize the City Manager to execute, Contract C16-29, by and between the City of San Clemente and a consultant to be selected by the City Manager, providing for CEQA services associated with the Ballena landslide repair and storm drain box construction.
- L. Local Coastal Program Planning Grant Pages 6-L-1 through 6-L-5

Staff Recommendation

Adopt Resolution No. 16-29 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA COASTAL COMMISSION FOR A LOCAL COASTAL PROGRAM GRANT TO ASSIST IN THE CERTIFICATION OF A LOCAL COASTAL PROGRAM.

M. Park Master Plan Amendment – Vista Hermosa Sports Park's Courtney's Sandcastle Playground Pages 6-M-1 through 6-M-3

Staff and Beaches, Parks and Recreation Commission Recommendation

- 1. Amend the Master Plan of Vista Hermosa Sports Park's Courtney's Sandcastle Playground to replace engineered wood fibar and rock style bench play features with rubberized surfacing.
- 2. Accept a donation from the Courtney's Sandcastle Charitable Foundation of up to \$8,000 to Account 031-862-45300-000-10143.
- N. Contract Award Assessment of Code Enforcement, Business
 Licensing, Planning Division Counter Operations, and the Engineering
 Division Development Services Pages 6-N-1 through 6-N-19

Staff Recommendation

Approve, and authorize the City Manager to execute, Contract C16-31 by and between the City of San Clemente and Matrix Consulting Group, providing for an assessment of Code Enforcement, Business Licensing, Planning Division Counter Operations, and the Engineering Division Development Services, for an amount not to exceed \$29,400.

O. Contract Award - Beach Parking Impact Fee Refund Administration
Services Pages 6-O-1 through 6-O-2

Staff Recommendation

- 1. Approve, and authorize the City Manager to execute, Contract C16-30 by and between the City of San Clemente and BNY Mellon, providing for professional financial services in administering the Beach Parking Impact Fee refunds, in an amount not to exceed \$68,000.
- 2. Approve a supplemental appropriation of \$68,000 from the General Fund's Unassigned Fund Balance to Account 001-203-43690-000-00000, City Administration Other Professional Services.

- 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. Acquisition of Easement Interest by Eminent Domain for New Waterline Between Reservoirs 6 and 10 (Generally Located Between Paseo Peregrino and Via Floritas) Pages 7-A-1 through 7-A-9

Public Hearing to consider acquiring an easement (generally located between Paseo Peregrino and Via Floritas) by eminent domain for a new water line between Reservoirs 6 and 10.

Staff Recommendation

- 1. Adopt Resolution No. 16-30 entitled A RESOLUTION OF THE CITY OF SAN CLEMENTE DECLARING THAT THE ACQUISITION OF AN EASEMENT INTEREST IN CERTAIN REAL PROPERTY BY EMINENT DOMAIN IS NECESSARY FOR A WATER LINE BETWEEN RESERVOIRS 6 & 10 PROJECT. NOTE: THIS RESOLUTION REQUIRES FOUR AFFIRMATIVE VOTES TO BE ADOPTED.
- 2. Authorize the City Attorney to pursue an eminent domain process to acquire an easement for the new water line between Reservoirs 6 and 10.
- Authorize the City Manager to execute all documents in the name of the City of San Clemente in the eminent domain process on behalf of the City.
- B. Ambulance Transport Fees Pages 7-B-1 through 7-B-8

Public Hearing to consider a proposed increase in Ambulance Transport fees as well as the establishment of two new fees related to providing this service, to become effective July 1, 2016.

Staff Recommendation

Adopt Resolution No. 16-31 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REVISING AMBULANCE TRANSPORT FEES, AND REPEALING RESOLUTION NO. 12-61, EXHIBIT "A" AS IT RELATES TO AMBULANCE TRANSPORT FEES.

C. Code Amendment - Sanitary Sewer Rates Pages 7-C-1 through 7-C-7

Public Hearing to consider amending the Code of the City of San Clemente as it pertains to sanitary sewer rates.

Staff Recommendation

Introduce Ordinance No. 1625 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 13.24.190, SUBSECTIONS (D) AND (E) OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO SANITARY SEWER RATES.

D. <u>Code Amendment - Water Rates</u> Pages 7-D-1 through 7-D-12

Public Hearing to consider amending the Code of the City of San Clemente as it pertains to water rates.

Staff Recommendation

Introduce Ordinance No. 1626 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 13.04.220, SUBSECTIONS (A), (B) AND (C) OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO WATER RATES.

8. Unfinished Business.

None.

9. New Business.

A. Consideration of a Ballot Measure to Change the City Clerk and City

Treasurer From Elected to Appointive Positions

Pages 9-A-1 through 9-A-8

Report from the Assistant City Manager concerning the possibility of adding a measure to the General Municipal Election ballot of November 8, 2016 relative to changing the City Clerk and City Treasurer from elected to appointive positions.

Staff Recommendation

- 1. Determine whether or not to add to the ballot for the General Municipal Election on November 8, 2016 the question(s) of whether the City Clerk and City Treasurer shall be appointive positions. If Council determines in favor of adding the question(s) to the ballot, Staff recommends that Council provide direction as to whether the question shall be posed to the voters in the form of a single compound question (i.e. "Shall the offices of City Clerk and City Treasurer be appointive?") or whether the questions shall be posed to the voters in the form of two separate questions (i.e. "Shall the office of City Clerk be appointive?" and "Shall the office of City Treasurer be appointive?").
- 2. Concur with the verbiage for the text of the applicable measure(s) as prepared by the City Attorney.
- B. Contract Award Banquet and Wedding Service Operations at the Ole Hanson Beach Club Pages 9-B-1 through 9-B-534

Report from the Beaches, Parks and Recreation Department concerning approval of a concession agreement for banquet and wedding service operations at the Ole Hanson Beach Club.

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C16-32, by and between the City of San Clemente and 24 Carrots, LLC, providing for banquet and wedding service operations at the Ole Hanson Beach Club.

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). Consideration of Supporting H.R. 4745 (Interim Consolidated Storage Act of 2016) and/or H.R. 3643 (Interim Consolidated Storage Act of 2015) (Councilmember Donchak) Pages 11-A(1)-1 through 11-A(1)-5

12. Resolutions/Ordinances.

A. Ordinance No. 1622 (Second Reading) – Short-Term Lodging Units Pages 12-A-1 through 12-A-35

Staff Recommendation

Adopt Ordinance No. 1622 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING ZONING AMENDMENT 15-426, TO AMEND MUNICIPAL CODE TITLE 17, ZONING, TO ESTABLISH REGULATIONS RELATED TO SHORT-TERM LODGING UNITS AND OTHER TRANSITORY LODGING USES, AND AMEND CHAPTER 3.24, ARTICLES I AND III, REGARDING SHORT-TERM LODGINGS.

B. Ordinance No. 1623 (Second Reading) – Short-Term Lodging Units and Other Transitory Lodging Uses, Pier Bowl Specific Plan Pages 12-B-1 through 12-B-7

Staff Recommendation

Adopt Ordinance No. 1623 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING SPECIFIC PLAN AMENDMENT 16-072, TO AMEND THE PIER BOWL SPECIFIC PLAN, TO ESTABLISH REGULATIONS RELATED TO SHORT-TERM LODGING UNITS AND OTHER TRANSITORY LODGING USES.

C. Ordinance No. 1624 (Second Reading) – Transitory Lodging Uses and Specialty Hospitals Pages 12-C-1 through 12-C-6

Staff Recommendation

Adopt Ordinance No. 1624 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING ZONING AMENDMENT 15-426, TO AMEND MUNICIPAL CODE TITLE 17, ZONING, TO ESTABLISH REGULATIONS RELATED TO TRANSITORY LODGING USES AND SPECIALTY HOSPITALS.

13. Adjournment.

Adjourn to an Adjourned Regular Meeting to be held on May 24, 2016 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California at 4:00 p.m. for the purpose of conducting a workshop and Public Hearing on the Proposed FY 2017 City Budget.

The next Council Meeting will take place on **June 13, 2016** rather than June 7, 2016 to allow the Council Chambers to be used as a polling place for the Presidential Primary Election on June 7, 2016. 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.