



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

September 6, 2016
4:30 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...

4:30 P.M. CLOSED SESSION (Adjourned Regular Meeting)

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 LEGAL COUNSEL – EXISTING LITIGATION
Existing litigation pursuant to Government Code section 54956.9(d)(1)
Number of Cases: 8

Case Name: City of San Clemente v Sobertec LLC (1)
Case Number: OCSC 30-2015-00805227

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

Case Name: Emergency Shelter Coalition v. City of San Clemente
Case Number: OCSC 30-201400758880

Closed Session items continued on following page

Case Name: San Clemente Vacation Rental Alliance v. City of San Clemente
Case Number: OCSC 30-2016-00858999-CU-WM-CJC

Case Name: Memorial Health Services, et al. v. City of San Clemente
Case Number: USDC 8:16-cv-00852-DOC-JCG

Case Name: Brault v. City of San Clemente
Case Number: OCSC 30-2016-00843347-CL-MC-CJC

D. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION Initiation of litigation pursuant to Government Code section 54956.9(d)(4)
Number of potential cases: 1

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 REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8:
Property: 1 Acre Vacant Land Parcel North of the Northeast Corner of Avenida Fabricante and Calle Extremo, APN # 690-661-09
Agency Negotiator: Erik Sund, Assistant City Manager
Negotiating Parties: City of San Clemente and Glaukos Corporation
Under Negotiation: Lease Terms

6:00 P.M. BUSINESS MEETING (Regular Meeting)

CALL TO ORDER

INVOCATION – Chris Smith, Pastor, Southcoast Church International

PLEDGE OF ALLEGIANCE

ROLL CALL

1. **Special Presentations.**

A. **Southern California Edison – Wheeler North Reef Update**

Presentation by Liese Mosher, Principal Manager, Decommissioning Communications, Southern California Edison, providing an update on the Wheeler North Reef project.

B. **Presentation of Proclamation – Constitution Week**

Presentation of Proclamation to Susan Schultz, President of the San Clemente Island Chapter of the Daughters of the American Revolution, setting apart September 17 to September 23, 2016 as Constitution Week.

C. **Presentation of Proclamation – Rail Safety Month**

Presentation of Proclamation to Sara Logan, of Operation Lifesaver, proclaiming the month of September 2016 as Rail Safety Month.

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 August 2, 2016.](#)

B. **Receive and file:**

- 1. [Minutes of the Regular Beaches, Parks and Recreation Commission Meeting of July 12, 2016.](#)
- 2. [Minutes of the Regular Zoning Administrator Meeting of July 20, 2016.](#)
- 3. [Minutes of the Regular Study Session of the Planning Commission of July 20, 2016.](#)
- 4. [Minutes of the Regular Planning Commission Meeting of July 20, 2016.](#)

C. **Warrant Register**

[Warrant Nos. 534557 through 534739
paid on 7/29/2016, in the amount of\\$1,320,203.77](#)

[Wire Transfer Nos. 1541 through 1544 and
Warrant Nos. 534740 through 534888
paid on 8/5/2016, in the amount of\\$1,322,350.90](#)

[Warrant Nos. 534889 through 535089
paid on 8/12/2016, in the amount of\\$ 827,897.81](#)

[Wire Transfer Nos. 1545 through 1548 and
Warrant Nos. 535090 through 535231
paid on 8/19/2016, in the amount of\\$3,479,579.91](#)

[Wire Transfer Nos. 1549 through 1550 and
Warrant Nos. 535232 through 535395
paid on 8/26/2016, in the amount of\\$2,843,362.79](#)

TOTAL WARRANT REGISTER\$9,793,395.18

Payroll Register

Warrant Nos. 513 through 517 and Automatic Deposit Advises 34013 through 34337 for the period of 7/18/2016 through 7/31/2016, paid on 8/5/2016, in the amount of \$ 454,616.47

Warrant Nos. 518 through 521 and Automatic Deposit Advises 34338 through 34668 for the period of 8/1/2016 through 8/14/2016, paid on 8/19/2016, in the amount of \$ 451,664.25

TOTAL WARRANT REGISTER\$ 906,280.72

D. **Donation Request – Vietnam Memorial** Pages 6-D-1 through 6-D-3

Staff Recommendation

1. Determine if the City will provide a \$5,000 donation to the Dana Point 5th Marine Regiment Support Group specifically for the Vietnam Memorial at Camp Pendleton.
2. Transfer \$5,000 from the Council Contingency Reserve Account 001-203-44900 to the Marine Unit Support Account 001-202-44756.

E. **Amendment to Shorecliffs Mobile Home Park Association Covenants, Conditions and Restrictions (CC&Rs)** Pages 6-E-1 through 6-E-6

Staff Recommendation

Approve the Amendment to the Declaration of Establishment of Covenants, Conditions and Restrictions for Shorecliffs Mobile Home Park Association, Inc., which is included as an attachment to the Administrative Report, dated September 6, 2016, which is on file with the City Clerk.

F. **AB 718 (Chu) - Removal of Regulatory Authority: Vehicles Used for Human Habitation** Pages 6-F-1 through 6-F-5

Staff Recommendation

1. Oppose AB 718 (Chu).
2. Direct Staff to send the opposition letter, which is attached to the Administrative Report, dated September 6, 2016.

- G. [Orange County Transportation Authority \(OCTA\) Grant Cooperative Agreement for Project V, Community-Based Transit/Circulators \(San Clemente Trolley\)](#) Pages 6-G-1 through 6-G-25

Staff Recommendation

Approve, and authorize the Mayor to execute, Cooperative Agreement C-6-1301 by and between the City of San Clemente and OCTA for Project V Community-Based Transit/Circulators (San Clemente Trolley). (City Contract C16-50)

- H. [National Pollutant Discharge Elimination System \(NPDES\) – Program Shared Costs Budget for Fiscal Year 2016-2017](#) Pages 6-H-1 through 6-H-31

Staff Recommendation

Approve the proposed NPDES Stormwater Program Shared Cost Budget for FY 2016-2017.

- I. [Contract Award – Boca de la Playa Sidewalk Improvements](#) Pages 6-I-1 through 6-I-10

Staff Recommendation

1. Approve the specifications for the Boca de la Playa Sidewalk Improvements, Project No. 17325.
2. Approve, and authorize the Mayor to execute, Contract C16-51, by and between the City of San Clemente and CT&T Concrete Paving, Inc., providing for Boca de la Playa Sidewalk Improvements, in the amount of \$45,500.

- J. [Contract Award – FY 2017 Slurry Seal Program](#) Pages 6-J-1 through 6-J-12

Staff Recommendation

1. Approve the plans and specifications for the FY 2017 Slurry Seal Program, Project No. 27308.
2. Approve, and authorize the Mayor to execute, Contract C16-52, by and between the City of San Clemente and American Asphalt South, Inc., providing for the FY 2017 Slurry Seal Program, in the amount of \$181,494.16.

- K. [Contract Award – Via Montego/Via Cascadita Storm Drain Improvements](#) Pages 6-K-1 through 6-K-2

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C16-53, by and between the City of San Clemente and Stantec, providing for engineering and design services for the Via Montego/Via Cascadita Storm Drain Improvements, in the amount of \$97,380.

- L. [Contract Amendment – Temporary Staff Augmentation within the Development Section of the Public Works Department](#) Pages 6-L-1 through 6-L-2

Staff Recommendation

1. Approve a budget transfer in the amount of \$40,000 from Account 001-414-41010 (Salaries, Full Time) to Account 001-414-43560-000-00000 (Clerical Services).
2. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract AC-690 by and between the City of San Clemente and Project Partners. This Amendment increases the contract amount from \$25,000 to \$65,000 (an increase of \$40,000) and extends the contract term to December 31, 2016.

- M. [Contract Award – Main Pump Station HVAC Modifications](#) Pages 6-M-1 through 6-M-4

Staff Recommendation

1. Approve the plans and specifications for the Main Pump Station HVAC Modification, Project No. 24200.
2. Approve, and authorize the Mayor to execute, Contract C16-54, by and between the City of San Clemente and Ricco Refrigeration & Air Co., providing for construction of Main Pump Station HVAC Modifications, in the amount of \$165,922.

- N. [Lease Amendment – Family Assistance Ministries \(FAM\) - 1030 Calle Negocio](#) Page 6-N-1

Staff Recommendation

Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract C12-01, a Standard Industrial/Commercial Single Tenant Lease – Gross, by and between the City of San Clemente and Family Assistance Ministries.

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.**

- A. [South Orange County Mobility Forum Update and Potential Alternatives Evaluation and Considerations](#) Pages 9-A-1 through 9-A-28

Report from the Public Works Director/City Engineering concerning the South Orange County Mobility Forum update and potential alternatives evaluation and considerations.

Staff Recommendation

1. Affirm prior City Council opposition to any capacity-enhancing improvements to the current at-grade beachfront railroad track alignment within San Clemente, and support an alternative which will locate all existing and future rail services in a tunnel or in a suitable bypass alignment.
2. Adopt Resolution No. 16-57 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, OPPOSING ANY FOOTHILL-SOUTH 241 TOLL ROAD EXTENSION ALIGNMENT THAT TERMINATES AT THE EASTERN END OF AVENIDA PICO OR CONNECTS TO INTERSTATE 5 VIA THE AVENIDA LA PATA/AVENIDA PICO CORRIDOR."

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

- (1) [City Position on Resolution Being Considered by the League of California Cities at its 2016 Annual Business Meeting](#) Pages 11A(1)1 through 11A(1)27

Staff Recommendation

Determine whether or not to support the following resolution that will be considered by the League of California Cities at its Annual Business Meeting on October 7, 2016:

1. Resolution committing the League of California Cities to supporting Vision Zero, toward zero deaths, and other programs or initiatives to make safety a top priority for transportation projects and policy formulation, while encouraging cities to pursue similar initiatives.

B. City Manager

C. City Attorney

D. Council Members

12. Resolutions/Ordinances.

- A. [Ordinance No. 1630 \(Second Reading\) – Rescinding Ordinance Nos. 1585 and 1611 \(Emergency Shelters\)](#) Pages 12-A-1 through 12-A-3

Staff Recommendation

Adopt Ordinance No. 1630 entitled AN ORDINANCE OF THE CITY OF SAN CLEMENTE REPEALING ORDINANCE NOS. 1585 AND 1611, CODIFIED AT SECTIONS 17.56.100 TO 17.56.105 OF TITLE 17 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO EMERGENCY SHELTERS.

- B. [Ordinance No. 1631 \(Second Reading\) – Establishment of Speed Zones on West Avenida Vista Hermosa](#) Pages 12-B-1 through 12-B-2

Staff Recommendation

Adopt Ordinance No. 1631 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 10 OF THE MUNICIPAL CODE CONCERNING SPEED ZONES ON WEST AVENIDA VISTA HERMOSA.

13. Adjournment.

The next Regular City Council Meeting will be held on September 20, 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.