



# CITY OF SAN CLEMENTE

## SPECIAL AND REGULAR CITY COUNCIL MEETING AGENDA

City Council Chambers  
San Clemente Civic Center  
100 Avenida Presidio  
San Clemente, California  
[www.san-clemente.org](http://www.san-clemente.org)

October 4, 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 (SPECIAL 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: 5

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: 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

*Closed Session Items continued on following page*

- D. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**  
Initiation of litigation pursuant to Government Code section 54956.9(d)(4)  
Number of potential cases: 2

**6:00 P.M. BUSINESS MEETING (REGULAR MEETING)**

**CALL TO ORDER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**1. Special Presentations.**

**A. San Clemente High School Update**

Presentation by San Clemente High School students Sara Barnes and Brigham Meredy concerning 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 September 20, 2016.](#)

B. **Receive and file:**

- 1. [Minutes of the Adjourned Regular Planning Commission Meeting of September 21, 2016.](#)
- 2. [Minutes of the Regular Zoning Administrator Meeting of September 22, 2016.](#)

C. **Warrant Register**

[Wire Transfer Nos. 1555 through 1558 and  
Warrant Nos. 535715 through 535824  
paid on 9/16/2016, in the amount of .....\\$1,090,045.30](#)

[Warrant Nos. 535825 through 536059  
paid on 9/23/2016, in the amount of .....\\$ 488,893.25](#)

TOTAL WARRANT REGISTER ....\$1,578,938.55

**Payroll Register**

Warrant Nos. 525 through 529 and  
Automatic Deposit Advises 34980 through 35291  
for the period of 8/29/16 through 9/11/16,  
paid on 9/16/2016, in the amount of ..... \$432,608.06

TOTAL WARRANT REGISTER ..... \$432,608.06

- D. [Contract Amendment – As Needed Storm Water Quality Technical Support](#) Page 6-D-1

Staff Recommendation

1. Approve, and authorize the City Manager to execute, Amendment No. 1 to Contract AC-692, by and between the City of San Clemente and AMEC Foster Wheeler, providing for storm water quality staff/technical support. This contract amendment will increase the total compensation from \$25,000 to \$50,000, an increase of \$25,000, and extend the term of the agreement to March 31, 2017.
2. Approve and authorize a supplemental appropriation of \$25,000 from the Clean Ocean undesignated fund balance to Account 057-541-43690 (Other Professional Services).

- E. [Grant Submittal – Orange County Transportation Authority \(OCTA\) Measure M2 Regional Traffic Signal Synchronization Program \(Project P\)](#) Pages 6-E-1 through 6-E-5

Staff Recommendation

1. Authorize the submittal of Measure M2 (Project P) grant application to OCTA for signal synchronization on the Camino Vera Cruz corridor.
2. Adopt Resolution No. 16-58, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE SUBMITTAL OF CAMINO VERA CRUZ TRAFFIC SIGNAL SYNCHRONIZATION PROJECT TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMPETITIVE MEASURE M2 REGIONAL TRANSPORTATION SIGNAL SYNCHRONIZATION PROGRAM.

- F. [Establishment of ‘No Stopping’ Zones on Calle Frontera](#) Pages 6-F-1 through 6-F-5

Staff and Planning Commission Recommendation

Adopt Resolution No. 16-59 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING “NO STOPPING ZONES” ON CALLE FRONTERA.

- G. [Initiation of Amendment to Zoning Ordinance that Considers Locations and Processing Requirements Related to Thrift Stores, Smoke and Vape Shops, Check-Cashing Stores and Pawn Shops](#)

Page 6-G-1

Staff Recommendation

Initiate an amendment to the Zoning Ordinance that considers locations and requirements related to Thrift Stores, Smoke and Vape Shops, Check-Cashing Stores and Pawn Stores uses.

- H. [Records Destruction](#) Pages 6-H-1 through 6-H-24

Staff Recommendation

Adopt Resolution No. 16-60 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.

- I. [Lease of Multi-Functional Copier Devices for all City Offices](#) Pages 6-I-1 through 6-I-39

Staff Recommendation

1. Approve, and authorize the Business Services Officer to execute, a sixty (60) month lease agreement with Cell Business Equipment, providing for copy machines for City Offices, in an amount not to exceed \$34,840 annually.
2. Declare the existing copiers surplus, and authorize the Business Services Officer to dispose of them as outlined in Policy No. 201-2-4.

- J. [Recreation Sports Partnership Review - South Coast Youth Football](#) Pages 6-J-1 through 6-J-45

Staff and Beaches, Parks and Recreation Commission Recommendation

Approve, and authorize the Mayor to execute, Contract C16-61, a Platinum Partnership Agreement, by and between the City of San Clemente and South Coast Youth Football.

K. [Designation of Legal Fees](#) Pages 6-K-1 through 6-K-9

Staff Recommendation

1. Approve the estimated legal costs for the three cases noted in the Administrative Report dated October 4, 2016, and on file with the City Clerk.
2. Approve a supplemental appropriation from the Fund Balance in the General Liability Fund in the amount of \$990,000 to Other Legal Services, Account 068-816-43640-000-00000.

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.**

A. [Contract Award – Rideshare Beta Test Rider](#)

Report from the Public Works Director/City Engineer concerning implementing a Rideshare Beta Test Rider.

Staff Recommendation

Approve and authorize the City Manager to negotiate the final terms of Contract C16-62, by and between the City of San Clemente and Lyft, providing for Rideshare Services for a two-year period, subject to City Attorney approval, in an amount not to exceed \$900,000.

9. **New Business.**

A. **South Orange County Wastewater Authority (SOCWA) Potential Structural Voting Modifications** Pages 9-A-1 through 9-A-2

Report from the Public Works Director/City Engineer concerning SOCWA potential structural voting modifications.

Staff Recommendation

Provide direction to Staff to continue discussions regarding making changes to the voting structure and to report back and receive City Council authorization prior to voting on any changes to the SOCWA's voting structure.

B. **Code Amendment – Trespass on Private Property** Pages 9-B-1 through 9-B-10

Report from the Community Development Director concerning the possibility of amending the Code of the City of San Clemente as it relates to trespassing on private property.

Staff Recommendation

Introduce Ordinance No. 1633 entitled AN ORDINANCE OF THE CITY COUNCIL OF SAN CLEMENTE, CALIFORNIA, AMENDING THE SAN CLEMENTE MUNICIPAL CODE BY ADDING CHAPTER 9.24, SECTIONS 9.24.010 THROUGH 9.24.080, REGARDING TRESPASS ON PRIVATE PROPERTY.

C. **Contract Amendment – City Manager Employment Agreement** Pages 9-C-1 through 9-C-14

Report from the City Attorney concerning the possibility of amending the City Manager's employment agreement.

Staff Recommendation

Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract C14-36, the employment agreement by and between the City of San Clemente and City Manager James Makshanoff.



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. 1632 \(Second Reading\) - Zoning Amendment 16-313 – Regulations Relating to Personal, Medical and Commercial Use of Marijuana](#) Pages 12-A-1 through 12-A-17

Staff Recommendation

Adopt Ordinance No. 1632 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING ZONING AMENDMENT 16-313, AMENDING TITLE 17 OF THE SAN CLEMENTE MUNICIPAL CODE, TO REGULATE THE PERSONAL, MEDICAL, AND COMMERCIAL USE OF MARIJUANA.

13. **Adjournment.**

The next Regular City Council Meeting will be held on October 18, 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](http://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](mailto:cityclerk@san-clemente.org) or call 949-361-8200.