



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

October 18, 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 LEGAL COUNSEL – EXISTING LITIGATION

Existing litigation pursuant to Government Code section 54956.9(d)(1)
Number of Cases: 7

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

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

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

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

B. 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

6:00 P.M. BUSINESS MEETING

CALL TO ORDER

INVOCATION - Mark Ambrose, Lead Pastor, Pacific Coast Church

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. Presentation of Proclamation - Red Ribbon Week

Presentation of Proclamation to Peggy Lacayo, Recreation Supervisor, proclaiming October 24 – 30, 2016 as Red Ribbon Week.

B. Presentation of Proclamation – World Pancreatic Cancer Day

Presentation of Proclamation to Bob Sottile, declaring November 17, 2016 as World Pancreatic Cancer Day.

C. Presentation of Commendation – Eagle Scout Matthew McWilliams

Presentation of Commendation to Matthew McWilliams for achieving the rank of Eagle Scout.

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 October 4, 2016.](#)

 - B. **Receive and file:**
 1. [Minutes of the Regular Zoning Administrator Meeting of October 5, 2016.](#)

C. **Warrant Register**

Wire Transfer Nos. 1559 through 1562 and
Warrant Nos. 536060 through 536252
paid on 9/30/2016, in the amount of\$1,868,847.21

Warrant Nos. 536253 through 536416
paid on 10/7/2016, in the amount of\$1,797,251.92

TOTAL WARRANT REGISTER\$3,666,099.13

Payroll Register

Warrant Nos. 530 through 532 and
Automatic Deposit Advises 35292 through 35597
for the period of 9/12/16 through 9/25/16,
paid on 9/30/2016, in the amount of \$415,526.27

TOTAL PAYROLL REGISTER \$415,526.27

D. **Contract Award – Calle Toledo Storm Drain Improvements** Pages 6-D-1 through 6-D-4

Staff Recommendation

1. Approve the plans and specifications for the Calle Toledo Storm Drain Improvements, Project No. 17008.
2. Approve, and authorize the Mayor to execute, Contract C16-64, by and between the City of San Clemente and Lonerock, Inc., providing for construction of the Calle Toledo Storm Drain Improvements, in the amount of \$289,910. Approval of this contract is contingent upon receiving a signed easement from the property owner.
3. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract AC-683, by and between the City of San Clemente and Stantec, providing for preparation of right-of-way documents. This Amendment increases the contract amount from \$22,300 to \$29,200, an increase of \$6,900.

E. **Sand Replenishment Project – Acceptance of Grant Revenue and Supplemental Appropriation for the Corps of Engineers Design Phase Cost Sharing Contribution** Page 6-E-1

Staff Recommendation

1. Accept grant revenue from the California Division of Boating and Waterways in the amount of \$281,000 to General Fund Account 001-000-33443-000-00000 (Sand Replenishment Grant).

Staff recommendation continued on following page

2. Approve a supplemental appropriation of \$281,000 from the General Fund to Account 001-411-45800-000-19907 (Sand Replenishment Project).

F. [Parking Restrictions on Avenida Pico East of Camino La Pedriza](#)
Pages 6-F-1 through 6-F-5

Staff Recommendation

Adopt Resolution No. 16-61 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING "RESTRICTED PARKING AREA" ON AVENIDA PICO.

G. [Acceptance of Domestic Water, Sewer and Recycled Water Improvements Related to the Marblehead Coastal Development and Release of Performance and Labor & Material Bonds](#) Pages 6-G-1 through 6-G-5

Staff Recommendation

Adopt Resolution No. 16-62 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF VARIOUS WET UTILITY IMPROVEMENTS IN WEST AVENIDA VISTA HERMOSA AND AVENIDA PICO AND RELEASE OF PERFORMANCE AND LABOR & MATERIAL BONDS RELATED TO THE MARBLEHEAD COASTAL DEVELOPMENT IN TRACT 8817.

H. [Change Order – Linda Lane Pump Station Protection](#) Pages 6-H-1 through 6-H-3

Staff Recommendation

1. Authorize the Public Works Director/City Engineer to approve Change Order No. 2 to Contract C15-52, by and between the City of San Clemente and Wright Construction Engineering Corporation, providing for protection of the Linda Lane Pump Station. This Change Order increases the contract amount from \$107,845 to \$142,349, an increase of \$34,504.
2. Approve a supplemental appropriation of \$12,000 to Account 054-476-45300-000-16209 from the Sewer Fund Depreciation Reserve.

- I. [Contract Award - On-Call Supervisory Control and Data Acquisition \(SCADA\) Support](#) Pages 6-I-1 through 6-I-2

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C16-65 by and between the City of San Clemente and AppIT, LLC, providing for integration and programming services for on-call SCADA support, in the amount of \$150,000.

- J. [Contract Award – Pavement Management System Update](#) Pages 6-J-1 through 6-J-2

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C16-66 by and between the City of San Clemente and Bucknam Infrastructure Group, Inc. providing for an upgrade to the City’s Pavement Management System, in the amount of \$49,250.

- K. [Contract Award – Operational Continuity Data Center](#) Pages 6-K-1 through 6-K-11

Staff Recommendation

1. Approve the plans and specifications for the Operational Continuity Data Center, Project No. 13810.
2. Approve a supplemental appropriation in the amount of \$115,840 to Account 063-241-45300-000-13810.
3. Approve a transfer in the amount of \$29,328 from the General Fund’s Unassigned Fund Balance to Account 063-241-45300-000-13810.
4. Approve a transfer in the amount of \$43,256 from the Water Depreciation Reserve (052-466) to Account 063-241-45300-000-13810.
5. Approve a transfer in the amount of \$43,256 from the Sewer Depreciation Reserve (054-476) to Account 063-241-45300-000-13810.
6. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract AC-635, by and between the City of San Clemente and PTS Data Center Solutions, Inc, providing for engineering construction support services for the Operational Continuity Data Center. This contract amendment increases the contract amount from \$24,880 to \$40,880, an increase of \$16,000.

Staff Recommendation continued on following page

7. Approve, and authorize the Mayor to execute, Contract C16-67, by and between the City of San Clemente and Data Specialties, Inc., providing for construction of the Operational Continuity Data Center, in the amount of \$416,918.

L. [Improvements at City-Owned Lot – 1832 N. El Camino Real \(North Beach\)](#) Page 6-L-1

Staff Recommendation

Approve a FY 2017 supplemental appropriation, from North Beach Funds in the Developers Improvement Fund, in the amount of \$23,000, to Account 037-867-43470, Maintenance of Other Facilities.

M. [Revised Salary Schedule \(Adjustment of City Manager’s Salary Grade\)](#) Pages 6-M-1 through 6-M-11

Staff Recommendation

Adopt Resolution No. 16-66 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A REVISED SALARY SCHEDULE AND AMENDING RESOLUTION NO. 16-45 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH.

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. [Zoning Amendment 16-313 – Regulation of Personal, Medical and Commercial Use of Marijuana](#) Page 7-A-1

Public Hearing to consider amending the Code of the City of San Clemente, to regulate the personal, medical, and commercial use of marijuana.

Staff Recommendation

Continue the Public Hearing to the Council meeting of November 1, 2016.

- B. [Fiscal Year 2015 Sidewalk Repair Program – Assessment of Costs to Property Owners for Repair of Defective Sidewalks](#) Pages 7-B-1 through 7-B-6

Public Hearing to consider assessing charges to applicable properties in the Sidewalk Repair Program for an amount to equal 50% of the City costs to repair defective sidewalks adjacent to identified properties.

Staff Recommendation

Adopt Resolution No. 16-63 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE PROPERTY OWNER SHARE OF COSTS FOR REPAIRS PERFORMED IN THE FISCAL YEAR 2015 SIDEWALK REPAIR PROGRAM, PROJECT NO. 19317 AND AUTHORIZING THE FINANCE DIVISION TO INVOICE THOSE COSTS.

- C. [Emergency Shelter Overlay Zone to Implement State Law \(SB2\) - General Plan Amendment 16-319, Zoning Amendment 16-320, Specific Plan Amendment 16-321](#) Pages 7-C-1 through 7-C-174

Public Hearing to consider strategies for complying with State Law “SB2”, the Emergency Shelter Act, as required by court order.

Planning Commission Recommendation

1. Approve the Emergency Shelter Overlay Zone and Development and Operating Standards.
2. Adopt the Initial Study/ Negative Declaration, and direct staff to file a Notice of Determination.
3. Adopt Resolution No. 16-64 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND AMENDING THE GENERAL PLAN, RANCHO SAN CLEMENTE AND WEST PICO CORRIDOR SPECIFIC PLANS, TO IMPLEMENT CALIFORNIA GOVERNMENT CODE SECTION 65583 REGARDING SENATE BILL 2 (“SB 2”), THE EMERGENCY SHELTER ACT. CITY FILE NUMBERS GPA 16-319, ZA 16-320 AND SPA 16-321.
4. Introduce Ordinance No. 1834 entitled AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO AMEND SECTION 17.56.100 OF THE MUNICIPAL CODE TO IMPLEMENT SENATE BILL 2 (“SB 2”), THE EMERGENCY SHELTER ACT.

8. **Unfinished Business.**

None.

9. **New Business.**

A. **Police Services Proposed “Targeting Reduction Investigation Prevention” (TRIP) Program** Pages 9-A-1 through 9-A-2

Report from the Chief of Police Services concerning deployment of a specialized enforcement team, entitled Targeting Reduction Investigation Prevention (TRIP).

Staff Recommendation

Receive and file the Administrative Report, dated October 18, 2016.

B. **Conflict of Interest Code Biennial Update** Pages 9-B-1 through 9-B-21

Report from the City Clerk concerning the Conflict of Interest Code Biennial Update.

Staff Recommendation

1. Adopt Resolution No. 16-65 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AND ADOPTING AN AMENDED CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974.
2. Introduce Ordinance No. 1834 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 2.24 OF THE CODE OF THE CITY OF SAN CLEMENTE RELATING TO THE CITY’S CONFLICT OF INTEREST CODE.

- C. [Alleged Violation of City Code of Ethics Policy 1202-1](#) Pages 9-C-1 through 9-C-19

Report from the City Clerk concerning an alleged violation of the City Code of Ethics Policy 1202-1.

Staff Recommendation

Conduct an investigation of the formal written complaint, dated October 2, 2016, and take one of the below actions:

1. If Council determines, by majority vote, that the allegation merits formal review, Staff recommends that Council direct Staff to return to Council at its meeting of November 1, 2016, with recommendations for an independent hearing officer to conduct a formal investigation and a person responsible for presenting the complainant's position.
2. If Council determines, by majority vote, that it is not likely that a violation occurred, Staff recommends that Council direct the City Clerk to dismiss the complaint and notify the complainant and the person named in the complaint of that action.

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). [Concerned Coastal Community Coalition](#) Pages 11A(1)–1 through 11A(1)-5

Report from Councilmember Donchak concerning the Concerned Coastal Community Coalition.

- (2) [Orange County Library Update](#)

Update from Councilmember Donchak concerning the Orange County Library.

- B. City Manager
- C. City Attorney
- D. Council Members

12. Resolutions/Ordinances.

- A. [Ordinance No. 1633 \(Second Reading\) - Code Amendment Concerning Trespass on Private Property](#) Pages 12-A-1 through 12-A-6

Staff Recommendation

Adopt 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.

13. Adjournment.

Adjourn in memory of Brian Casagrande. The next Regular City Council Meeting will be held on November 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.