



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

November 15, 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: 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

B. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2)
Number of potential cases: 1

Closed Session items continued on following page

C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8
Property: 7,038 sq. ft. vacant land parcel located at 754 Avenida Acapulco
APN: 690-372-03
Agency negotiator: Assistant City Manager

D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:
Property: 10,000 sq. ft. vacant land parcel located at 200 Trafalgar Ln.
APN: 629-252-22
Agency Negotiator: Assistant City Manager
Negotiating Parties: City of San Clemente and Robert D. Schumacher
Under Negotiation: Price and Terms of Payment

6:00 P.M. BUSINESS MEETING

CALL TO ORDER

INVOCATION - Mark Boud, Senior Minister, Church of Jesus Christ of Latter-day Saints

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. Marine Safety - National Award for Readiness and Incident Response

Presentation to Marine Safety Chief Humphreys of the "National Award for Readiness and Incident Response" that was awarded to the City from the United States Lifeguard Association (USLA).

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 November 1, 2016.](#)

 - B. **Receive and file:**
 1. [Minutes of the Adjourned Regular Planning Commission meeting of November 2, 2016.](#)
 2. [Minutes of the Regular Beaches, Parks and Recreation Commission meeting of September 13, 2016.](#)
 3. [Minutes of the Regular Golf Course Committee meeting of September 1, 2016.](#)

C. **Warrant Register**

Wire Transfer Nos. 1567 through 1570 and
Warrant Nos. 536799 through 536962
paid on 10/28/2016, in the amount of\$3,561,509.53

Warrant Nos. 536963 through 537112
paid on 11/4/2016, in the amount of\$ 473,549.22

TOTAL WARRANT REGISTER\$4,035,058.75

Payroll Register

Warrant Nos. 537 through 539 and
Automatic Deposit Advises 35897 through 36193
for the period 10/10/16 through 10/23/16,
paid on 10/28/2016, in the amount of \$420,655.02

TOTAL PAYROLL REGISTER \$420, 655.02

D. **Contract Award – Provision of Rental Work Uniforms, Floor Mats,
Shop Towels and Laundry Service for Various Departments and
Divisions** Pages 6-D-1 through 6-D-6

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C16-69, by and between the City of San Clemente and Mission Linen and Uniform Supply, providing for Rental Work Uniforms, Floors Mats, Shop Towels and Laundry Services, in an amount not to exceed \$85,428.72, for the five-year contract term.

E. **Contract Award – Wells 5, 6, 8 and Calafia Rehabilitation Design**
Pages 6-E-1 through 6-E-2

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C16-70, by and between the City of San Clemente and Stantec, providing for engineering design services for Wells 5, 6, 8 and the Calafia rehabilitation, in the amount of \$97,568.

- F. [Supplemental Appropriation - Conversions of Protected Left-Turn Signals to Protective-Permissive Left Turn Signals on Avenida Pico](#)
Pages 6-F-1 through 6-F-4

Staff Recommendation

Approve a supplemental appropriation in the amount of \$60,000 from the Gas Tax undesignated fund balance to Account 012-861-45300, Protected-Permissive Left-turn Signal Conversion Project.

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. [Substantial Amendment to Community Development Block Grant \(CDBG\) 2016-2017 Annual Action Plan](#) Pages 7-A-1 through 7-A-125

Public Hearing to consider a proposed substantial amendment to the 2016-2017 Annual Action Plan to include funding of two new CDBG-eligible activities: West Avenida Palizada Sidewalks Installation and San Luis Rey Park Playground Equipment Replacement.

Staff Recommendation

1. Approve a Substantial Amendment to the Annual Action Plan for Fiscal Year 2016-17.
2. Accept revenues in the form of unspent CDBG funds in the amount of \$385,689 to Account 017-000-33171.
3. Approve supplemental appropriations in FY 2017 of \$200,000 for Palizada Sidewalk Improvements and \$175,000 for San Luis Rey Park Playground Improvements to Account 017-896-45300, and \$10,689 for the completion of the Calle Puente sidewalk improvements to Account 017-896-45300-000-17336.
4. Authorize staff to electronically transmit the amended FY 2016-17 Annual Action Plan to the U.S. Department of Housing and Urban Development Department (HUD) via the eCon Planning Suite in the Integrated Disbursement and Information System (IDIS).

B. [Reserve Community Landscape Amendment \(Amendment to Site Plan Permit 98-63 and Tentative Tract Map 15718\)](#) Page 7-B-1

Public Hearing to consider a proposed modification to the Reserve community's landscape, located in the general area between Avenida Vista Hermosa and Costero Risco.

Staff Recommendation

Continue the Public Hearing to the Council meeting of December 6, 2016.

C. [Building Code Regulations and Local Amendments](#) Pages 7-C-1 through 7-C-53

Public Hearing to consider adopting Ordinance No. 1636 to amend the Code of the City of San Clemente as it relates to building regulations.

Staff Recommendation

Adopt Ordinance No. 1636 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTERS 15.08, 15.12, 15.16, 15.20, 15.21, 15.22, AND 15.23 OF TITLE 15 OF THE SAN CLEMENTE MUNICIPAL CODE ADOPTING BUILDING REGULATIONS.

D. [Fire Code Regulations and Local Amendments](#) Pages 7-D-1 through 7-D-31

Public Hearing to consider adopting Ordinance No. 1637 to amend the Code of the City of San Clemente as it relates to Fire Code regulations.

Staff Recommendation

Adopt Ordinance No. 1637 entitled AN ORDINANCE OF THE CITY COUNCIL OF SAN CLEMENTE AMENDING CHAPTER 8.16 OF THE SAN CLEMENTE MUNICIPAL CODE AND ADOPTING FIRE CODE REGULATIONS FOR THE CITY OF SAN CLEMENTE.

8. **Unfinished Business.**

None.

9. **New Business.**

None.

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 \(Second Reading\) - Regulation of Personal, Medical and Commercial Use of Marijuana \(Zoning Amendment 16-313\)](#) Pages 12-A-1 through 12-A-19

Staff Recommendation

Adopt Ordinance No. 1632 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA AMENDING TITLE 9 OF THE SAN CLEMENTE MUNICIPAL CODE TO ESTABLISH REASONABLE REGULATIONS OF LIMITED HOME CULTIVATION OF MARIJUANA FOR PERSONAL USE AND 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 December 6, 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.