



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

December 6, 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: 6

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: Joanne Baade v. Board of Supervisors for Orange County
Case Number: OCSC 30-2016-00878657

Case Name: Daniel Walker v. City of San Clemente
Case Numbers: OCSC 30-2012-00591239-CU-WM-CJC; 9th District Court of Appeal G050552, G050987; Supreme Court S229788 and S229789

Closed Session items continued on next page

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

- C. CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to Government Code Section 54957.6
Agency designated representative: Assistant City Manager
Employee Organization: SCCEA - San Clemente City Employees Association

6:00 P.M. BUSINESS MEETING

CALL TO ORDER

INVOCATION - Mahdad Manavi, Baha'i Faith Community

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. Holiday Serenade – San Clemente High School Madrigals

Holiday serenade by the San Clemente High School Madrigals, under the direction of Choir Director Caitlen (CJ) Kemble.

B. San Clemente High School Update

Presentation by San Clemente High School students Sara Barnes and Brigham Maready concerning campus activities.

C. Presentation of City Tile – Jim Pechous

Presentation of a City Tile to former City Planner Pechous in recognition of 31 years of exemplary service to the City of San Clemente.

D. City Fiscal Reports

Presentation by Assistant City Manager Sund and Deputy Administrative Services Director Vincent concerning the Fiscal State of the City for the period ending June 30, 2016, Fiscal Year (FY) 2016 4th Quarter Financial Report, and FY 2017 1st Quarter Financial Report.

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 Regular City Council Meeting of November 15, 2016.](#)
 - B. **Receive and file:**
 1. [Minutes of the Adjourned Regular Planning Commission meeting of August 3, 2016.](#)
 2. [Minutes of the Special Meeting of the Beaches, Parks and Recreation Commission of October 26, 2016.](#)
 3. [Minutes of the Regular Zoning Administrator Meeting of November 16, 2016.](#)
 4. [Minutes of the Adjourned Regular Planning Commission Meeting of November 16, 2016.](#)

C. **Warrant Register**

Wire Transfer Nos. 1571 through 1574 and
Warrant Nos. 537113 through 537293
paid on 11/10/2016, in the amount of\$3,364,881.45

Warrant Nos. 537294 through 537492
paid on 11/18/2016, in the amount of\$1,042,799.29

Wire Transfer Nos. 1575 through 1579 and
Warrant Nos. 537493 through 537634
paid on 11/25/2016, in the amount of\$3,598,803.76

TOTAL WARRANT REGISTER\$8,006,484.50

Payroll Register

Warrant Nos. 540 through 541 and
Automatic Deposit Advises 36194 through 36488
for the period 10/24/16 through 11/6/16,
paid on 11/10/2016, in the amount of \$421,834.25

Warrant Nos. 542 through 545 and
Automatic Deposit Advises 36489 through 36786
for the period 11/7/16 through 11/20/16,
paid on 11/25/2016, in the amount of \$464,354.27

TOTAL PAYROLL REGISTER \$886,188.52

D. **FY 2015-2016 Measure M2 Expenditure Report** Pages 6-D-1 through 6-D-9

Staff Recommendation

Adopt Resolution No. 16-69 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO ADOPT THE FISCAL YEAR 2015-2016 MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF SAN CLEMENTE.

E. **City Investment Policy – Policy and Procedure 202-1** Pages 6-E-1 through 6-E-52

Staff Recommendation

Adopt Investment Policy 202-1, effective December 6, 2016.

- F. [Contract Award – Prima Deshecha Canada Channel \(Flood Control Facility No. M01\)/Avenida Vaquero Culvert Assessment and Design](#)
Pages 6-F-1 through 6-F-3

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C16-72, by and between the City of San Clemente and South Coast Engineering Services, providing for engineering and design services for the Prima Deshecha Canada Channel (Flood Control Facility No. M01)/Avenida Vaquero culvert assessment, design and preparation of a bid package, in the amount of \$81,420.

- G. [LED Street Light Conversion – Revised Approach](#) Pages 6-G-1 through 6-G-4

Staff Recommendation

1. Confirm the use of “warmer” 3000 Kelvin LED light fixtures for the City’s initial conversion of street lights under City Project No. 16505.
2. Implement the initial conversion of City street lights under City Project No. 16505 without use of SDG&E’s On-Bill Financing program.

- H. [Contract Award – Temporary Planning Staff Augmentation](#) Pages 6-H-1 through 6-H-39

Staff Recommendation

1. Approve a budget transfer in the amount of \$60,000 from Account 001-433-41010-000-00000 (Salaries, Full Time) to Account 001-431-43890-000-00000 (Contractual Services).
2. Approve, and authorize the Mayor to execute, Contract C16-73, by and between the City of San Clemente and Lilley Planning, providing for temporary contract services within the Planning Division, in an amount not to exceed \$35,000.
3. Approve, and authorize the Mayor to execute, Contract C16-74, by and between the City of San Clemente and Summit Environmental Group, providing for temporary as-needed services to assist the Planning Division with the Local Coastal Program, in an amount not to exceed \$25,000.

- I. [Notice of Completion – Cathodic Protection Rectifier Stations and Reservoir No. 8 Cathodic Protection System](#) Pages 6-I-1 through 6-I-4

Staff Recommendation

1. Accept the Cathodic Protection Rectifier Stations and Reservoir No. 8 Cathodic Protection System, Project Nos. 26402 and 19405, from the contractor, Corrpro.
2. Authorize the Mayor to execute, and City Clerk to record, the Notice of Completion for Cathodic Protection Rectifier Stations and Reservoir No. 8 Cathodic Protection System.
3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Engineering Division that no liens have been levied against Corrpro.
4. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

- J. [Mobility Task Force – Final Report](#) Pages 6-J-1 through 6-J-6

Staff Recommendation

Accept the Mobility Task Force final report and terminate the Mobility Task Force.

- K. [Contract Award – Camino Del Rio Rehabilitation and Intersection Improvements and Camino De Los Mares Rehabilitation and Slurry Seal](#) Pages 6-K-1 through 6-K-4

Staff Recommendation

1. Approve the plans and specifications for the Camino Del Rio Rehabilitation and Intersection Improvements, Project Nos. 16347 and 16350 and Camino De Los Mares Rehabilitation and Slurry Seal, Project No. 17331.
2. Approve, and authorize the Mayor to execute, Contract C16-75, by and between the City of San Clemente and All American Asphalt, providing for the Camino Del Rio Rehabilitation and Intersection Improvements and the Camino De Los Mares Rehabilitation and Slurry Seal, in the amount of \$1,627,627.

L. [Contract Award – Community Development Block Grant \(CDBG\) Calle Puente Sidewalk Improvements](#) Pages 6-L-1 through 6-L-4

Staff Recommendation

1. Approve the plans and specifications for the CDBG Calle Puente sidewalk Improvements, Project No. 17336.
2. Approve, and authorize the Mayor to execute, Contract C16-76, by and between the City of San Clemente and Nobest, Inc., providing for the CDBG Calle Puente Sidewalk Improvements, in the amount of \$139,955.
3. Approve a supplemental appropriation of \$21,001 from the fund balance in the CDBG Public Facilities/Infrastructure Program to Account 017-896-45300-000-17336.
4. Accept revenue in the form of unspent CDBG funds in the amount of \$21,001 to Account 017-000-33171.

M. [Amendment to Concession Agreement – Golf Course Pro Shop at the San Clemente Municipal Golf Course](#) Pages 6-M-1 through 6-M-6

Staff Recommendation

Approve, and authorize the Mayor to execute, Amendment No. 3 to Contract C87-04, by and between the City of San Clemente and Dave Cook (Golf Professional), providing for the operation of the Golf Pro Shop Concession at the San Clemente Municipal Golf Course.

N. [Notice of Completion – La Esperanza Pressure Reducing Station Rehabilitation](#) Pages 6-N-1 through 6-N-4

Staff Recommendation

1. Approve a supplemental appropriation in the amount of \$12,860 from the Water Fund Depreciation Reserve to Account 052-466-45300-15405.
2. Accept the La Esperanza Pressure Reducing Station Rehabilitation, Project No. 15405, from the contractor, O'Connell Engineering & Construction, Inc.
3. Authorize the Mayor to execute, and City Clerk to record, the Notice of Completion for the La Esperanza Pressure Reducing Station Rehabilitation.

Staff Recommendation continued on next page

4. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Engineering Division that no liens have been levied against O'Connell Engineering & Construction, Inc.
5. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

O. [Contract Amendment – Code Compliance Temporary Contract Services](#) Pages 6-O-1 through 6-O-5

Staff Recommendation

1. Authorize a supplemental appropriation in the amount of \$96,880 to Other Contractual Services Account 001-451-43890 from the General Fund Unassigned Fund balance.
2. Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract C16-10, by and between the City of San Clemente and Anderson Penna, providing for temporary staffing services in the Code Compliance Division. This contract amendment increases the contract amount from \$161,481 to \$258,361, an increase of \$96,880, and extends the term of the contract through June 30, 2017, or until services are no longer needed.

P. [Contract Amendment – On-Call Building Plan Check Services \(Fazekas & Associates\)](#) Pages 6-P-1 through 6-P-5

Staff Recommendation

Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C08-34, by and between the City of San Clemente and Scott Fazekas & Associates, Inc., extending the contract term through December 31, 2017 including options for four additional one-year extensions.

Q. [Contract Amendment – On-Call Building Plan Check Services \(VCA Code Group\)](#) Pages 6-Q-1 through 6-Q-5

Staff Recommendation

Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C10-37, by and between the City of San Clemente and VCA Code Group, extending the contract term through December 31, 2017 including options for four additional one-year extensions.

- R. [Ambulance Services Review](#) Pages 6-R-1 through 6-R-3

Staff Recommendation

1. Approve the continuation of a second full-time ambulance in the City.
2. Direct Staff to prepare an RFP to pursue a private ambulance provider to furnish the City with the services of two full-time ambulances, along with ambulance overflow services on an as-needed basis.

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. [Reserve Community Landscape Amendment \(Amendment to Site Plan Permit 98-63 and Amendment to Tentative Tract Map 15718\)](#) Pages 7-A-1 through 7-A-124

Continued 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.

Planning Commission Recommendation

Adopt Resolution No. 16-70 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO APPROVE AMENDMENTS TO SITE PLAN PERMIT 98-63 AND TENTATIVE TRACT MAP 15718, RESERVE LANDSCAPE AMENDMENT, A REQUEST TO ALLOW THE MODIFICATION OF THE APPROVED LANDSCAPE PLAN AND THE REQUIREMENTS LIMITING THE REMOVAL OF TREES FOR THE RESERVE COMMUNITY, LOCATED IN THE RESERVE COMMUNITY IN THE GENERAL AREA BETWEEN AVENIDA VISTA HERMOSA AND COSTERO RISCO, with Staff's recommendation to require City oversight for the removal of all skyline trees and require the applicant to modify the CC&Rs to mirror the tree removal requirements and procedures identified in the Tree Maintenance Plan.

B. [Billings for 2016 Weed Abatement Program](#) Pages 7-B-1 through 7-B-5

Public Hearing to consider all objections or protests, if any, to the costs of the abatement of weeds, rubbish, refuse and dirt upon streets, sidewalks, parkways and private property within the City of San Clemente and to the assignment of these costs to the properties on which the abatement was completed.

Staff Recommendation

1. Waive the City's notification costs for the compliant property owners.
2. Approve the Weed Abatement Report by motion.
3. Authorize the Weed Abatement Contract Administrator to bill the amounts indicated in the report to the appropriate property owners.

C. [Historic Property Preservation Agreement 16-228, Stewart Residence – 137 Avenida Serra](#) Pages 7-C-1 through 7-C-38

Public Hearing to consider approving Historic Property Preservation Agreement 16-228, for the historic residence located at 137 Avenida Serra.

Staff Recommendation

Adopt Resolution No. 16-71 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 16-228 FOR THE PROPERTY LOCATED AT 137 AVENIDA SERRA.

D. [Historic Property Preservation Agreement 16-311, Mohr Residence – 120 Avenida San Pablo](#) Pages 7-D-1 through 7-D-46

Public Hearing to consider approving Historic Property Preservation Agreement 16-311, for the historic residence located at 120 Avenida San Pablo.

Staff Recommendation

Adopt Resolution No. 16-72 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 16-311 FOR THE PROPERTY LOCATED AT 120 AVENIDA SAN PABLO.

E. [Historic Property Preservation Agreement 16-322, Wach Residence – 204 West Marquita](#) Pages 6-E-1 through 6-E-42

Public Hearing to consider approving Historic Property Preservation Agreement 16-322, for the historic residence located at 204 West Marquita.

Staff Recommendation

Adopt Resolution No. 16-73 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 16-322 FOR THE PROPERTY LOCATED AT 204 WEST MARQUITA.

8. **Unfinished Business.**

None.

9. **New Business.**

A. [Update of Solar Permit Fees to Align with State Recommendations](#)
Pages 9-A-1 through 9-A-5

Report from the Community Development Director concerning an update to Solar Permit Fees to align with State recommendations.

Staff Recommendation

1. Update the fees for Solar Permits effective January 1, 2017 to the levels established in Government Code Section 66015 as follows:
 - a. For residential solar electric and solar water heating systems, set a total permit fee of \$500 for systems up to 15 KW with an additional \$15 for each KW over 15 KW.
 - b. For commercial solar electric and solar water heating systems, set a total permit fee of \$1,000 for systems up to 50 KW with an additional \$7 for each KW over 50 KW up to 250 KW and an additional \$5 for each KW over 250 KW.
2. Reevaluate the Solar Permit Fee Waiver Program annually.

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.**

None.

13. **Adjournment.**

The next Regular City Council Meeting will be held on December 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.