



# CITY OF SAN CLEMENTE

## REVISED\*

### REGULAR CITY COUNCIL MEETING

### AGENDA

*\*This agenda has been revised from the version that was posted on December 13, 2016 in that an additional item has been added as New Business Item 9-B on page 7-8 of this agenda. The newly added verbiage is highlighted in italicized type.*

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

December 20, 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**

None.

**6:00 P.M. BUSINESS MEETING**

**CALL TO ORDER**

**INVOCATION - Fr. Lewis Powell, St. Michael's Church**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

A. **[ELECTION RESULTS, ADMINISTRATION OF OATH OF ALLEGIANCE, AND ELECTION OF MAYOR AND MAYOR PRO TEMPORE](#)**

(1) **Results of the General Municipal Election Held on November 8, 2016** Pages A-1-1 through A-1-17

Staff Recommendation

Adopt Resolution No. 16-74 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD IN THE CITY ON NOVEMBER 8, 2016, DECLARING THE RESULTS, AND SUCH OTHER MATTERS AS PROVIDED BY LAW.

(2) **Oath of Allegiance - Newly-Elected City Clerk and City Treasurer**

Administration of the Oath of Allegiance to City Clerk-Elect Joanne Baade and City Treasurer-Elect Mark A. Taylor.

(3) **Oath of Allegiance - Newly-Elected Councilmembers**

Administration of the Oath of Allegiance to Councilmembers-Elect Chris Hamm and Steven Swartz.

(4) **Election of Mayor and Mayor Pro Tempore**

The City Clerk will conduct the election for Mayor. The newly elected Mayor will then assume the Mayor's seat and will conduct the election for Mayor Pro Tempore.

1. **Special Presentations.**

A. **Holiday Serenade – Vista Del Mar Elementary School 5<sup>th</sup> Grade Class**

Holiday serenade by members of the 5<sup>th</sup> grade class at Vista Del Mar Elementary School, under the direction of Debbie Peterson and Greg Rinnie.

B. **Presentation of Commendation – Chris Hangan, Eagle Scout**

Presentation of Commendation to Chris Hangan, for achieving the rank of Eagle Scout.

C. **Presentation of Commendation – Mitchell Rhine, Eagle Scout**

Presentation of Commendation to Mitchell Rhine, 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**

None.

B. **Receive and file:**

- 1. [Minutes of the Regular Coastal Advisory Committee meeting of October 13, 2016.](#)
- 2. [Minutes of the Regular Zoning Administrator meeting of December 7, 2016.](#)

C. **Warrant Register**

[Warrant Nos. 537635 through 537750  
paid on 12/2/2016, in the amount of .....\\$448,409.97](#)

[Wire Transfers 1580 through 1583 and  
Warrant Nos. 537751 through 537875  
paid on 12/9/2016, in the amount of .....\\$954,780.66](#)

TOTAL WARRANT REGISTER ...\$1,403,190.63

**Payroll Register**

Warrant Nos. 546 through 547 and Automatic  
Deposit Advises 36787 through 37058  
for the period 11/21/2016 through 12/4/2016,  
paid on 12/9/16.....\$493,685.40

TOTAL PAYROLL REGISTER .....\$493,685.40

- D. [Revisions to the Community Development Block Grant Program Policy and Procedure Manual, Home and Commercial Rehabilitation Programs](#) Pages 6-D-1 through 6-D-34

Staff Recommendation

1. Approve the revised Home Rehabilitation Program Policy Manual.
2. Approve the revised Commercial Rehabilitation Rebate Program Policy and Procedure Manual.

- E. [Contract Award – North El Camino Real Street and Sidewalk Improvements and Class 1 Bicycle and Pedestrian Path](#) Pages 6-E-1 through 6-E-7

Staff Recommendation

1. Approve the plans and specifications for the North El Camino Real Street and Sidewalk Improvements and Class I Bicycle and Pedestrian Path, Project Nos. 13308, 14325 and 16344.
2. Approve, and authorize the Mayor to execute, Contract C16-77, by and between the City of San Clemente and GMC Engineering, Inc., providing for North El Camino Real Street and Sidewalk Improvements and Class I Bicycle and Pedestrian Path, in the amount of \$1,904,969.
3. Approve a supplemental appropriation of \$86,000 from the Gas Tax undesignated fund balance to Account 012-861-45300-000-13308.

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

Staff Recommendation

1. Approve a budget transfer in the amount of \$30,000 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. 2 to Contract AC-690, by and between the City of San Clemente and Project Partners. This amendment will increase the contract amount from \$65,000 to \$95,000, an increase of \$30,000, and will extend the contract term to April 30, 2017.

- G. [Supplemental Appropriation – Cost-of-Service Water Study](#) Page 6-G-1

Staff Recommendation

Approve a supplemental appropriation in the amount of \$87,000 to Other Professional Services, Account 052-461-43690, from the Water Operating Fund balance.

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. [General Plan and Zoning Cleanup Edits – General Plan Amendment \(GPA\) 16-374/Zoning Amendment \(ZA\) 16-375](#) Pages 7-A-1 through 7-A-58

Public Hearing to consider adopting City-initiated amendments to the Centennial General Plan, land use map, Zoning Ordinance, and zoning map.

Planning Commission Recommendation

1. Find that the project is exempt from further review of the California Environmental Quality Act (CEQA) beyond Final Environmental Impact Report (EIR), State Clearinghouse No. 2013041021, certified for the Centennial General Plan on February 13, 2014, pursuant to California Public Resources Code §21083.3.
2. Adopt Resolution No. 16-75 entitled, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING GENERAL PLAN AMENDMENT 16-374 AND GENERAL PLAN LAND USE MAP AMENDMENTS, TO CLARIFY POLICY INTENT BY FIXING ERRORS, CLARIFYING, REVERSING UNINTENDED CHANGES MADE PREVIOUSLY, AND ADDING STANDARDS TO PROVIDE GUIDANCE ON OPEN SPACE EASEMENTS.
3. Introduce Ordinance No. 1638, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING ZONING AMENDMENT 16-375, AMENDING TITLE 17 OF THE SAN CLEMENTE MUNICIPAL CODE AND THE ZONING MAP, TO CLARIFY POLICY INTENT BY FIXING ERRORS, CLARIFYING, REVERSING UNINTENDED CHANGES MADE PREVIOUSLY, AND ADDING STANDARDS TO PROVIDE GUIDANCE ON OPEN SPACE EASEMENTS.
4. Direct staff to incorporate the General Plan amendments into the Coastal Land Use Plan for future consideration.

- B. [City of San Clemente Annual Report Concerning the Mitigation Fee Act for Fiscal Year 2016](#) Pages 7-B-1 through 7-B-18

Public Hearing to consider the City of San Clemente Annual Mitigation Fee Act Report for Fiscal Year 2016.

Staff Recommendation

Receive and file the Annual Report concerning the Mitigation Fee Act for Fiscal Year 2016.

8. **Unfinished Business.**

None.

9. **New Business.**

- A. [Selection of San Clemente Trolley Theme and Colors](#) Pages 9-A-1 through 9-A-2

Report from the Public Works Director/City Engineer concerning the selection of the theme and colors for the San Clemente Trolley.

Staff Recommendation

Select up to two Councilmembers to participate on an ad-hoc committee to review potential themes and colors for the San Clemente Trolley.

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

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

Staff Recommendation

*Conduct an initial investigation of the formal written complaint, dated December 15, 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 January 17, 2017, with recommendations for an independent hearing officer to conduct a formal investigation, and a person responsible for presenting the complainant's position.*

*Staff recommendation continued on following page*

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 persons 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). [Human Affairs Committee and Golf Course Committee Vacancies](#) Pages 11-A(1)-1 through 11-A(1)-5

Staff Recommendation

1. Accept the resignations of Nancy Sutherland and Patricia Drown from the Human Affairs Committee, and the resignation of Kevin Kellerman from the Golf Course Committee, with regret.
2. Determine whether to fill the vacancies on the Human Affairs Committee and/or Golf Course Committee at this time, or to defer filling the vacancies until the annual selection of Commission and Committee members in June 2017.
3. If Council determines to fill the vacancies at this time, Staff recommends that Council establish a date/time to interview candidates and make appointments and direct the City Clerk to advertise to fill the positions.



- (2). [2016 Update to Council Appointees to Regional Committees, Commissions and Boards](#) Pages 11-A(2)-1 through 11-A(2)-6

Staff Recommendation

1. Update Councilmember appointments to various regional committees, commissions and boards.
2. Determine the Councilmember who will serve as the City's representative to the Orange County Fire Authority Board of Directors. After the appointee is determined, Staff recommends that Council adopt Resolution No. 16-76 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DESIGNATING AND APPOINTING ITS REPRESENTATIVE TO THE ORANGE COUNTY FIRE AUTHORITY'S BOARD OF DIRECTORS, with the direction that the name of the City's Director be inserted.

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 January 17, 2017 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.

***Note: The Regular Council Meeting of January 3, 2017 was previously cancelled.***

## **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.