



CITY OF SAN CLEMENTE REVISED REGULAR CITY COUNCIL MEETING AGENDA

**This agenda has been revised from the version that was posted on March 14, 2017, in that Closed Session Item C and Item 6-K have been added. The subject changes are reflected on Pages 3 and 7 of this agenda in italicized type.*

City Council Chambers
San Clemente Civic Center
100 Avenida Presidio
San Clemente, California
www.san-clemente.org

March 21, 2017
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...

Resulting in a balanced community committed to protecting what is valued today while meeting tomorrow's needs.

CLOSED SESSION (5:00 P.M.)

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code section 54957

Title: City Attorney

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Existing litigation pursuant to Government Code section 54956.9(d)(1)

Number of Cases: 4

Case Name: Memorial Health Services, et al. v. City of San Clemente

Case Number: USDC 8:16-cv-00852-DOC-JCG

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: Jim Bieber v. City of San Clemente, et al.

Case Number: OCSC 30-2017-00906718

C. *CONFERENCE WITH REAL PROPERTY NEGOTIATOR, pursuant to Government Code Section 54956.8:*

Property: 8 lots within Tract 17049 of Shorecliffs Mobile Home Park, located at 3000 Calle Nuevo, San Clemente

Agency Negotiators: James Makshanoff, City Manager; Erik Sund, Assistant City Manager

Negotiating Parties: Five Star Homes; Factory Housing

Under Negotiation: Price and terms of payment

BUSINESS MEETING (6:00 P.M.) – Regular Council Meeting

CALL TO ORDER

INVOCATION – Mrs. Robin Margraf, M.A., M.S., Our Lady of Fatima Catholic Church

PLEDGE OF ALLEGIANCE

ROLL CALL

1. **Special Presentations.**

A. **San Clemente Police Services Update**

Presentation by Lt. Dave Moodie, San Clemente Police Services, concerning an update on Police Services matters.

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 agenda items requiring immediate action.** Any items agenda items 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 Adjourned Regular City Council Meeting minutes of March 2, 2017.

B. **Receive and file:**

- (1) Minutes of the Regular Zoning Administrator Meeting of February 22, 2017.
- (2) Minutes of the Regular Study Session of the Planning Commission of February 22, 2017.
- (3) Minutes of the Regular Planning Commission Meeting of March 8, 2017.

C. **Warrant Register**

Approve Wire Transfers Nos. 1608 through 1614,
 paid on 3/3/17, and Warrant Nos. 539454
 through 539596, paid on 3/3/17, in the amount
 of.....\$2,803,962.30

Approve Warrant Nos. 539597 through 539801,
 paid on 3/10/17 in the amount of.....\$ 859,680.36

TOTAL WARRANT REGISTER.....\$3,663,642.66

Payroll Register

Approve Warrant Nos. 559 through 561, and Automatic Deposit Advises 38458 through 38751, for the period 2/13/17 through 2/26/17, paid on 3/3/17, in the amount of.....\$ 413,036.80

TOTAL PAYROLL REGISTER.....\$ 413,036.80

D. **Notice of Completion – Avenida Vaquero Street Rehabilitation** Pages 6-D-1 through 6-D-4

Staff Recommendation

1. Accept the Street Rehabilitation for Avenida Vaquero, from the contractor, R.J. Noble Company, Project Nos. 11302 & 13311.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Street Rehabilitation for Avenida Vaquero.
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 the contractor, R.J. Noble Company.
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.

E. **Contract Award – LED Street Light Conversion** Pages 6-E-1 through 6-E-7

Staff Recommendation

1. Approve the specifications for the LED Street Light Conversion, Project No. 16505.
2. Approve a supplemental appropriation of \$15,000 from the Facilities Maintenance Reserve undesignated fund balance to Account 014-811-45300-000-16505.
3. Approve a purchase order with Leotek Electronics USA, LLC, not to exceed \$213,400, for the LED Street Light Conversion.
4. Approve, and authorize the Mayor to execute, Contract C17-10, by and between the City of San Clemente and Macadee Electrical Construction, providing for the LED Street Light Conversion, in the amount of \$46,543.

Staff Recommendation continued on following page

5. Authorize the Public Works Director to submit and execute a SDG&E energy efficiency rebate application and related documents as may be required by SDG&E.

F. [Farmers Market at North Beach](#) Pages 6-F-1 through 6-F-2

Staff Recommendation

1. Approve a weekly market at North Beach as a pilot program beginning April 2017.
2. Authorize the City Manager to draft an amendment to the Farmers Market Agreement (Contract C15-39), by and between the City of San Clemente and Introductions Unlimited, Inc., to include a weekly market at the North Beach/El Camino Real lot.

G. [Draft Water Quality Improvement Plan Development and Draft Jurisdictional Runoff Management Program Update](#) Pages 6-G-1 through 6-G-6

Staff Recommendation

1. Authorize the submittal of the Draft South Orange County Water Quality Improvement Plan (WQIP) to the Regional Water Quality Control Board by April 1, 2017.
2. Authorize the submittal of the Draft San Clemente Jurisdictional Runoff Management Plan (JRMP) to the Regional Water Quality Control Board by April 1, 2017.
3. Authorize the Public Works Director to approve minor corrections to the WQIP and JRMP after a 30-day public review/comment period and annual updates thereafter.

H. [Contract Amendments - Temporary Staff Augmentation in the Planning Division of the Community Development Department](#) Pages 6-H-1 through 6-H-8

Staff Recommendation

1. Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract AC-699, by and between the City of San Clemente and Civic Solutions, providing for temporary planning staffing services. This contract amendment increases the contract amount from \$59,986 to \$81,986, an increase of \$22,000, and extends the term of the contract through June 30, 2017, or until services are no longer needed.

Staff Recommendation continued on following page

2. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C16-73, by and between the City of San Clemente and Lilley Planning Group, Inc., providing for temporary planning staffing services. This contract amendment extends the contract terms to August 31, 2017, or until services are no longer needed.

I. **Contract Contingency Increase – San Luis Rey Park Playground Replacement** Pages 6-I-1 through 6-I-3

Staff Recommendation

1. Approve a supplemental appropriation in the amount of \$22,400 from the Community Development Block Grant undesignated fund balance to Account 017-896-45300-000-17349 for the San Luis Rey Park Playground Project.
2. Approve an increase to the contingency from \$7,500 to \$29,900 for the San Luis Rey Park Playground, Project 12724.

J. **Establishment of 2017 Weed Abatement Program** Pages 6-J-1 through 6-J-4

Staff Recommendation

Adopt Resolution No. 17-06 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PURSUANT TO SECTIONS 39561 AND 39562 OF THE CALIFORNIA GOVERNMENT CODE DECLARING WEEDS, RUBBISH, REFUSE, AND DIRT UPON STREETS, SIDEWALKS, PARKWAYS, AND PRIVATE PROPERTY TO BE PUBLIC NUISANCES AND PROVIDING FOR THE ABATEMENT THEREOF.

K. **SB 687 (Skinner) – Attorney General Authority on Hospital Closures Support Letter** Pages 6-K-1 through 6-K-13

Staff Recommendation

1. *Support SB 687 (Attorney General Authority on Hospital Closures)*
2. *Authorize the Mayor to execute the letter of support to be submitted to the Senate Committee on Health.*

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 Consistency for Shorecliffs Senior Housing Site – Specific Plan Amendment 16-361](#)** Pages 7-A-1 through 7-A-74

Public Hearing to consider applicant-initiated amendments to the Forster Ranch Specific Plan. The site is located adjacent to the Shorecliffs Golf Course in an area presently occupied by the club house and driving range at 501 Avenida Vaquero. The site is approximately 500 feet to the west of the Interstate-5 Avenida Vaquero overpass, and 430 feet to the northwest of the intersection of Calle Arco and Avenida Vaquero. There are residences located beyond the golf course to the west, south, and east fronting Calle Grande Vista, Avenida Vaquero, and Calle Arco.

Planning Commission Recommendation

1. Find the project is exempt from further review of the California Environmental Quality Act (CEQA) beyond the Centennial General Plan Environmental Impact Report (EIR), State Clearinghouse No. 2013041021, certified on February 13, 2014, pursuant to California Public Resources Code §21083.3.
2. Introduce Ordinance No. 1639 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING SPECIFIC PLAN AMENDMENT 16-361, AMENDING LAND USE DESIGNATIONS AND STANDARDS FOR A PORTION OF THE FORSTER RANCH SPECIFIC PLAN SECTOR G TO BE CONSISTENT WITH THE CENTENNIAL GENERAL PLAN.

8. **Unfinished Business.**

- A. [Contract Award – San Clemente Summer Trolley](#) Pages 8-A-1 through 8-A-25

Report from the Public Works Director/City Engineer concerning a contract award for the operation of the San Clemente Summer Trolley.

Staff Recommendation

Take one of the below actions:

1. If the City Council determines to not approve a Thursday trolley service, Staff recommends that Council approve, and authorize the Mayor to execute, Contract C17-11, by and between the City of San Clemente and Professional Parking and Transportation Services, providing for Summer Trolley Transit Operations Services, in the amount of \$78,336.
2. If the City Council determines to approve a Thursday trolley service, Staff recommends that Council approve, and authorize the Mayor to execute, Contract C17-11, by and between the City of San Clemente and Professional Parking and Transportation Services, providing for Summer Trolley Transit Operations Services, in the amount of \$78,336, plus the cost of the selected Thursday trolley service for Summer Trolley Transit Operations Services.

- B. [Staffing Changes within the Community Development Department](#) Pages 8-B-1 through 8-B-175

Report from the Assistant City Manager concerning staffing changes within the Community Development Department.

Staff Recommendation

1. Adopt Resolution No. 17-07 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A REVISED SALARY SCHEDULE AND NEW CLASSIFICATIONS AND AMENDING RESOLUTION NO. 16-66 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH.
2. Approve the job descriptions for Code Compliance Manager, Code Compliance Technician and Community Development Technician I.

9. **New Business.**

A. [Consideration of Letter Concerning the Potential 241 Toll Road Extension Option Number 9](#) Pages 9-A-1 through 9-A-3

Report from the Public Works Director/City Engineer concerning the possibility of submitting a letter to the appropriate transportation agencies and regional stakeholders concerning the potential 241 Toll Road Extension Option Number 9.

Staff Recommendation

Direct staff to prepare and submit a letter to the appropriate transportation agencies and regional stakeholders requesting that potential 241 Toll Road Extension Option Number 9 (or closely related variants) be included and evaluated in the upcoming Project Study Report and Environmental Impact Statement/Report processes.

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) [Consideration of Forming a Committee with the Cities of San Juan Capistrano and Dana Point to Discuss Issues of Mutual Concern](#) Page 11-A-1

Staff Recommendation

1. Determine if there is Council support to form a committee with the Cities of Dana Point and San Juan Capistrano to address issues of mutual concern.
2. Determine whether to direct Staff to write letters for the Mayor's signature to send to the cities of Dana Point and San Juan Capistrano seeking their commitment.
3. Determine the level of staff involvement, if any, in this new tri-city committee.

B. **City Manager**

C. **City Attorney**

D. **Council Members**

12. **Resolutions/Ordinances.**

None.

13. **Adjournment.**

The next Regular Council Meeting will be held on April 4, 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.

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 854. Meetings are also recorded via audio CD and DVD and retained as a City record in accordance with the City's records retention schedule.

USE OF ELECTRONIC VISUAL AIDS BY PUBLIC AT MEETINGS

To allow staff adequate time to confirm software compatibility, individuals wishing to utilize electronic visual aids to supplement their oral presentations at the meeting, must submit the electronic files to the City Clerk by no later than 12:00 p.m. on the day of the meeting. Only compatible electronic formats will be permitted to be used on City audio/visual computer equipment. Staff makes no guarantee that such material will be compatible, but will use its best efforts to accommodate the request.

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 Department 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 Department, located at 100 Avenida Presidio, San Clemente, during normal business hours.

The City Clerk's Department 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.