



CITY OF SAN CLEMENTE

REVISED*

ADJOURNED REGULAR CITY COUNCIL MEETING AGENDA

**This agenda has been revised from the version that was posted on March 28, 2017, in that an additional case has been added to Closed Session Item A. The subject change is reflected on Page 2 of this agenda in italicized type.*

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

April 4, 2017
4:30 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 (4:30 P.M.) (Adjourned Regular Meeting)

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Number of Cases: 6

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: Emergency Shelter Coalition v. City of San Clemente

Case Number: OCSC 30-201400758880

Case Name: Raymundo Cueto v. City of San Clemente

Workers Compensation Appeals Board Case Numbers: ADJ9854901;

ADJ9854900; ADJ8221707; ADJ9958508

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

Case Number: *OCSC 30-2017-00906718*

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to Government Code Section 54956.8

Property: 1 Acre Vacant Land Parcel North of the Northeast Corner of Avenida Fabricante and Calle Extremo, APN # 690-661-09

Agency Negotiator: Erik Sund, Assistant City Manager

Negotiating Parties: City of San Clemente and Glaukos Corporation

Under Negotiation: Price and Terms of Payment for Purchase

Closed Session items continued on following page

C. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9

Number of potential cases: 1

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

CALL TO ORDER

INVOCATION – Don Kappauf, Chaplain, Orange County Sheriff-Coroner Department

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. San Clemente High School Update

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

B. Donate Life Month Proclamation

Presentation of Proclamation to Dick Veale proclaiming the month of April 2017 as Donate Life Month.

C. Certificates of Recognition – Mt. Kilimanjaro Expedition to Bring Awareness to Elephant Poaching

Presentation of Certificates of Recognition to Hayden Hanson, Jacob Hernandez, Matthew Risley, and Tanner Payan, of the band “Tunnel Vision”, and Daniel Delacruz, band member of “Slightly Stoopid” for reaching the summit of Mt. Kilimanjaro, to bring awareness to elephant poaching. This expedition resulted in setting world records for the highest live-stream concert and highest live-stream saxophone performance in history.

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 Regular City Council Meeting minutes of March 7, 2017.](#)
 - (2) [Approve the Regular City Council Meeting minutes of March 21, 2017.](#)

 - B. **Receive and file:**
 - (1) [Minutes of the Regular Coastal Advisory Committee Meeting of January 12, 2017.](#)
 - (2) [Minutes of the Regular Coastal Advisory Committee Meeting of February 9, 2017.](#)
 - (3) [Minutes of the Regular Zoning Administrator Meeting of March 22, 2017.](#)

C. **Warrant Register**

Approve Wire Transfers Nos. 1616 through 1619, paid on 3/17/17, and Warrant Nos. 539802 through 539978, paid on 3/17/17, in the amount of.....\$ 1,081,857.07

Approve Wire Transfer No. 1620, paid on 3/24/17, and Warrant Nos. 539979 through 540179, paid on 3/24/17, in the amount of.....\$11,052,615.60

TOTAL WARRANT REGISTER.....\$12,134,472.67

Payroll Register

Approve Warrant Nos. 562 through 566, and Automatic Deposit Advises 38752 through 39052, for the period 2/27/17 through 3/12/17, paid on 3/17/17, in the amount of.....\$ 417,495.52

TOTAL PAYROLL REGISTER.....\$ 417,495.52

D. **Contract Award and Acceptance of Grant Revenue – South El Camino Real Street Rehabilitation** Pages 6-D-1 through 6-D-4

Staff Recommendation

1. Approve the plans and specifications for Street Rehabilitation for South El Camino Real, Project No. 14326.
2. Approve, and authorize the Mayor to execute, Contract C17-12, by and between the City of San Clemente and R.J. Noble Company, providing for Street Rehabilitation for South El Camino Real, in the amount of \$709,949.
3. Accept grant revenue from the Orange County Transportation Authority in the amount of \$395,043 for FY 2017 to Account 012-000-33180-000-00000, Other Federal Grants.

E. [Contract Award – Concordia Elementary School Pedestrian and Bicycle Improvement Project](#) Pages 6-E-1 through 6-E-5

Staff Recommendation

1. Approve the plans and specifications for the Concordia Elementary School Pedestrian and Bicycle Improvement Project, Project No. 17326.
2. Approve, and authorize the Mayor to execute, Contract C17-13, by and between the City of San Clemente and California Landscape and Design, Inc., providing for the Concordia Elementary School Pedestrian and Bicycle Improvement Project, in the amount of \$1,043,770.50.
3. Approve a transfer of \$237,000 to the General Fund from the Fund Balance of the Street Improvement Fund.
4. Approve a supplemental appropriation of \$237,000 in the General Fund to Account 001-416-45300-000-17326.

F. [Notice of Completion – Street Improvements for Calle de los Molinos, Calle Valle, Calle Bonito, Rincon Court, and Avenida de la Estrella](#) Pages 6-F-1 through 6-F-4

Staff Recommendation

1. Accept the FY 2016 Street Improvements for Calle De Los Molinos, Calle Valle, Calle Bonito, Rincon Court, and Avenida De La Estrella, from the contractor, All American Asphalt, Project Nos. 18118, 19102 & 16351.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for FY 2016 Street Improvements for Calle De Los Molinos, Calle Valle, Calle Bonito, Rincon Court, and Avenida De La Estrella.
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, All American Asphalt.
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.

- G. [Notice of Completion – FY 2016 Slurry Seal Program](#) Pages 6-G-1 through 6-G-7

Staff Recommendation

1. Accept the FY 2016 Slurry Seal Program from the contractor, Pavement Coatings Co., Project No. 26302.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the FY 2016 Slurry Seal Program.
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, Pavement Coatings Co.
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.

- H. [Notice of Completion – FY 2017 Slurry Seal Program](#) Pages 6-H-1 through 6-H-6

Staff Recommendation

1. Accept the FY 2017 Slurry Seal Program, from the contractor, American Asphalt South Inc., Project No. 27308.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the FY 2017 Slurry Seal Program.
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, American Asphalt South Inc.
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.

I. [Contract Amendments – Park Maintenance and Restroom Cleaning at the Jim Johnson Memorial Sports Park](#) Pages 6-I-1 through 6-I-2

Staff Recommendation

1. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C16-34, by and between the City of San Clemente and E. Stewart and Associates, providing for Park Maintenance at the Jim Johnson Memorial Sports Park for the period of April, 2017 through June 30, 2018. This amendment increases the contract amount from \$66,469 to \$121,494, an increase of \$55,025.
2. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C16-35, by and between the City of San Clemente and E. Stewart and Associates, providing for Restroom Cleaning at the Jim Johnson Memorial Sports Park for the period of April, 2017 through June 30, 2018. This amendment increases the contract amount from \$23,031 to \$30,056, an increase of \$7,025.

J. [SB 75 \(Bates\) – Violent Felonies](#) Pages 6-J-1 through 6-J-12

Staff Recommendation

1. Support SB 75 (Bates) – Violent Felonies.
2. Authorize the Mayor to execute the letter of support to be submitted to the Senate Committee on Public Safety.

K. [AB 27 \(Melendez\) – Violent Felonies: Sex Offenses](#) Pages 6-K-1 through 6-K-11

Staff Recommendation

1. Support AB 27 (Melendez) – Violent Felonies: Sex Offenses.
2. Authorize the Mayor to execute the letter of support to be submitted to the Assembly Appropriations Committee.

L. [AB 1326 \(Cooper\) – Theft. Aggregate Valuation](#) Pages 6-L-1 through 6-L-10

Staff Recommendation

1. Support AB 1326 (Cooper) – Theft. Aggregate Valuation.
2. Authorize the Mayor to execute the letter of support to be submitted to Assembly Member Jim Cooper.

M. [Contract Award – Interactive Voice Response System and On-Line/Mobile Payment Processing Services](#) Pages 6-M-1 through 6-M-48

Staff Recommendation

1. Approve, and authorize the City Manager to execute, Contract C17-14, by and between the City of San Clemente and Smart Utility Systems, providing for implementation of an Interactive Voice Response System and On-line/Mobile Payment Processing Services, in the amount of \$23,575.
2. Approve, and authorize the City Manager to execute, Contract C17-15, a Software as a Subscription Agreement, by and between the City of San Clemente and Smart Utility Systems, for the annual recurring subscription fee of \$21,020.

N. [Community Center Sunday Operations](#) Pages 6-N-1 through 6-N-5

Staff and Beaches, Parks and Recreation Commission Recommendation

Approve modifications to the rental restrictions on Sunday mornings at the San Clemente Community Center, allowing recurring rentals in all rooms except the Auditorium.

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. [Draft 2017-18 Annual Action Plan for Expenditure of Community Development Block Grant \(CDBG\) Funds](#) Pages 7-A-1 through 7-A-41

Public Hearing to consider the proposed submission of the 2017-18 Annual Action Plan for expenditure of Community Development Block Grant (CDBG) Funds.

Staff Recommendation

1. Approve and adopt the Draft 2017-2018 Annual Action Plan for use of Community Development Block Grant Funds.
2. Authorize the City Manager to submit the Annual Action Plan to HUD, which will execute the HUD contract (Contract C17-16).

8. **Unfinished Business.**

None.

9. **New Business.**

A. **[Code Amendment – State Video Franchises](#)** Pages 9-A-1 through 9-A-5

Report from the Assistant City Manager concerning a proposed amendment to the Code of the City of San Clemente relating to State Video Franchises.

Staff Recommendation

Introduce Ordinance No. 1640 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REAUTHORIZING AND AMENDING CHAPTER 5.26 ENTITLED "VIDEO FRANCHISE FEES, CUSTOMER SERVICE, AND OTHER VIDEO-RELATED MATTERS" IN THE SAN CLEMENTE MUNICIPAL CODE.

B. **[Park Master Plan Amendment - Jim Johnson Memorial Sports Park Synthetic Turf Field Area](#)** Pages 9-B-1 through 9-B-11

Report from the Interim Public Works Director concerning a Park Master Plan Amendment to the Jim Johnson Memorial Sports Park Synthetic Turf Field Area.

Beaches, Parks and Recreation Commission Recommendation

Amend the Master Plan of the Jim Johnson Memorial Sports Park to provide for up to 30-foot high post/net fencing along the Avenida Vista Hermosa park perimeter and along the I-5 freeway park perimeter adjacent to the synthetic turf soccer field at Avenida Vista Hermosa.

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. 1639 \(Second Reading\) – Adopting Specific Plan Amendment 16-361, Amending Land Use Designations and Standards for a Portion of the Forster Ranch Specific Plan Sector G \(Shorecliffs Senior Housing Site\)](#) Pages 12-A-1 through 12-A-5

Staff Recommendation

Adopt 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.

13. Adjournment.

The next Regular Council Meeting will be held on April 18, 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.