



CITY OF SAN CLEMENTE

ADJOURNED REGULAR CITY COUNCIL MEETING AGENDA

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

June 20, 2017
3:30 p.m. – Public Hearing
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.

PUBLIC HEARING (3:30 P.M.) – (Adjourned Regular Meeting)

- A. [305 West Avenida Gaviota - Appeal of San Clemente Administrative Hearing Decision, Short-Term Lodging Unit \(STLU\) Operating License 314801 – Appeal de Novo Hearing](#) Pages A-1 through A-89

Public Hearing to consider an appeal that was filed with the City of San Clemente appealing the decision rendered in an Administrative Hearing of a City-initiated STLU Operating License Revocation Hearing for the property located at 305 West Avenida Gaviota.

Staff Recommendation

Revoke STLU Operating License 314801, due to the extraordinary number of complaints received by the City, which the City continues to receive, related to nuisances created by the STLU, the continual demonstration of the STLU permittee to operate the property in a manner that does not maintain the character of the residential neighborhood, and the disproportionately high amount of time City Staff and the Orange County Sheriff's Department have spent responding to the nuisances and disturbances caused by this STLU. Furthermore, the property has not complied with the conditions imposed by the Administrative Hearing Officer, nor appears to have made any attempt to modify the STLU's operating standards to reduce nuisances when notified of them.

CLOSED SESSION (5:00 P.M.) – (Regular Meeting)

A. 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

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Number of Cases: 7

Case Name: Kimberly Lafferty vs. City of San Clemente

Case Number: 30-2015-00798818-CU-NP-CJC

Case Name: Emergency Shelter Coalition v. City of San Clemente

Case Number: OCSC 30-201400758880

Case Name: Sober Network Properties et al. v. City of San Clemente

Case Number: USDC 8:16-cv-00668

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: MemorialCare Services, et al. v. City of San Clemente

Case Number: OCSC 30-2016-00845211 CU-WM-CJC

Case Name: San Clemente Vacation Rental Alliance v. City of San Clemente

Case Number: OCSC 30-2016-00858999-CU-WM-CJC

C. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9

Number of potential cases: 1

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

CALL TO ORDER

INVOCATION - Mark Ambrose, Lead Pastor, Pacific Coast Church

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. Beaches, Parks and Recreation Master Plan Update

Presentation by Neelay Bhatt, PROS Consulting, concerning a progress report on the Beaches, Parks and Recreation Master Plan.

Staff Recommendation

Receive and file the Administrative Report, dated June 20, 2017, which is on file with the City Clerk.

B. Recognition of Friends of San Clemente Beaches, Parks and Recreation Foundation

Presentation by Samantha Thomas, Recreation Manager, recognizing the Friends of San Clemente Beaches, Parks and Recreation Foundation for its contributions to the City of San Clemente.

C. Toll Road Update

Update by Staff concerning the proposed toll road.

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 Joint City Council/Commissions/Committees Meeting of May 30, 2017.
- (2) Approve the minutes of the Adjourned Regular City Council Meeting of May 31, 2017.
- (3) Approve the minutes of the Adjourned Regular City Council Meeting of June 6, 2017.

B. Receive and file:

- (1) Minutes of the Regular Study Session of the Planning Commission of May 17, 2017.
- (2) Minutes of the Regular Meeting of the Planning Commission of May 17, 2017.
- (3) Minutes of the Adjourned Regular Meeting of the Planning Commission of June 7, 2017.

C. Warrant Register

Approve Warrant Nos. 541656 through 541861,
paid on 6/2/17, in the amount of.....\$ 3,716,400.57

Approve Wire Transfers Nos. 1644 through 1647,
Warrant Nos. 541862 through 542002
paid on 6/9/17, in the amount of.....\$ 1,286,126.73

TOTAL WARRANT REGISTER..... \$ 5,002,527.30

Payroll Register

Approve Warrant Nos. 585 through 589,
 Automatic Deposit Advises 40599 through 40928
 for the period of 5/22/2017 through 6/4/2017
 paid on 6/9/17, in the amount of.....\$ 434,871.55

TOTAL PAYROLL REGISTER.....\$ 434,871.55

- D. [Human Affairs Committee Annual Report FY 2016-17](#) Pages 6-D-1 through 6-D-2

Staff Recommendation

Receive and file the Human Affairs Committee Report for Fiscal Year 2016-17.

- E. [Contract Award – Reservoir Cleaning and Inspection](#) Pages 6-E-1 through 6-E-3

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C17-25, by and between the City of San Clemente and Inland Potable Services, providing for Reservoir inspection and cleaning, in the amount of \$41,613.

- F. [Contract Amendment – Temporary Staff Augmentation in the Planning Division of the Community Development Department](#) Pages 6-F-1 through 6-F-6

Staff Recommendation

1. Approve, and authorize the Mayor to execute, Amendment No. 3 to Contract AC-699, by and between the City of San Clemente and Civic Solutions, relating to part-time Planning services. This Amendment increases the contract amount from \$81,986 to \$146,986, an increase of \$65,000, and extends the contract term through June 30, 2018, not to exceed 960 hours of services.
2. Approve a budget transfer in the amount of \$65,000 from Account 001-433-41010-000-00000 (Salaries, Full Time) to Account 001-431-43890-000-00000 (Contractual Services).

- G. [Rescind Water Shortage Level 2 Water Alert](#) Pages 6-G-1 through 6-G-6

Staff Recommendation

Adopt Resolution No. 17-16 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RESCINDING WATER SHORTAGE LEVEL 2 WATER ALERT, RESOLUTION NO. 16-48.

- H. [Renewed Measure M \(M2\) Annual Funding Eligibility – Fiscal Year 2017-18](#) Pages 6-H-1 through 6-H-145

Staff Recommendation

1. Approve the M2 Seven Year Capital Improvement Program for Fiscal Years 2017-18 through 2023-24.
2. Adopt Resolution No. 17-17 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CONCERNING THE STATUS OF THE CIRCULATION ELEMENT, LOCAL SIGNAL SYNCHRONIZATION PLAN, MITIGATION FEE PROGRAM, AND PAVEMENT MANAGEMENT PLAN FOR THE RENEWED MEASURE M (M2) PROGRAM.
3. Authorize the Deputy Public Works Director to submit M2 funding eligibility requirements on behalf of the City of San Clemente to the Orange County Transportation Authority (OCTA).

- I. [Easement Agreement - Verde Park](#) Pages 6-I-1 through 6-I-25

Staff Recommendation

Approve, and authorize the Mayor to execute, the Grant of Easement by and between the City of San Clemente and Capistrano Unified School District, for the use of Verde Park.

- J. [Establishing Appropriations Limit for Fiscal Year \(FY\) 2017-18](#) Pages 6-J-1 through 6-J-6

Staff Recommendation

1. Approve selection of the following annual adjustment factors:
 - a. Population change for the County of Orange
 - b. Increase in California per capita personal income

2. Adopt Resolution No. 17-18 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING AN APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA CONSTITUTION.

- K. [Declaration of Surplus Property](#) Pages 6-K-1 through 6-K-3

Staff Recommendation

Approve the property, designated in Exhibit 1 of the Administrative Report, dated June 20, 2017 and on file with the City Clerk, as surplus and direct Staff to recycle the surplus property with Cal Micro Recycling.

- L. [Contract Amendment – Special Counsel Services](#) Page 6-L-1

Staff Recommendation

Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract AC-734, by and between the City of San Clemente and Harper & Burns LLP. This amendment increases the contract amount from \$21,500 to \$71,500, a total increase of \$50,000, and expands the scope of services to include litigation and City Attorney services.

- M. [Contract Amendment – Code Enforcement Legal Services](#) Page 6-M-1

Staff Recommendation

Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C17-07, by and between the City of San Clemente and Silver & Wright LLP. This Amendment increases the contract amount from \$30,000 to \$105,000, a total increase of \$75,000, and expands the scope of services to include litigation.

- 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.

None.

- 8. **Unfinished Business.**

None.

- 9. **New Business.**

- A. [Code Amendment – Solid Waste Management, Solid Waste Reduction and Recycling, and Waste Management Plan for Certain Construction, Demolition and Renovation Projects](#) Pages 9-A-1 through 9-A-19

Report from the Deputy Public Works Director concerning a Code Amendment related to solid waste management, solid waste reduction and recycling, and waste management plan for certain construction, demolition and renovation projects.

Staff Recommendation

Introduce Ordinance No. 1642 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REPLACING IN ITS ENTIRETY CHAPTER 8.28 COLLECTION AND DISPOSAL OF SOLID WASTE AND CHANGING THE TITLE TO SOLID WASTE MANAGEMENT, AMENDING CHAPTER 8.68 ENTITLED SOLID WASTE REDUCTION AND RECYCLING, AND REPLACING IN ITS ENTIRETY CHAPTER 8.69 ENTITLED WASTE MANAGEMENT PLAN FOR CERTAIN CONSTRUCTION, DEMOLITION AND RENOVATION PROJECTS.

- B. [Code Amendment – Prohibition of Aggressive Solicitation](#) Pages 9-B-1 through 9-B-7

Report from the City Attorney related to a proposed amendment to the Code of the City of San Clemente to prohibit aggressive solicitation.

Staff Recommendation

Introduce Ordinance No. 1643 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 9.04 OF THE SAN CLEMENTE MUNICIPAL CODE (OFFENSES AGAINST PUBLIC PEACE AND DECENCY) TO PROHIBIT AGGRESSIVE SOLICITATION.

- 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 Establishing a Toll Road Subcommittee**

- B. **City Manager**

- C. **City Attorney**

- D. **Council Members**

- 12. **Resolutions/Ordinances.**

None.

13. **Adjournment.**

Adjourn in memory of Gary Eggert, Distribution Operator II, and Lee Steelman, to an Adjourned Regular Meeting to be held on June 26, 2017 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, at 4:00 p.m. for the purpose of interviewing and making appointments to the City's Commissions and Committees.

A Subsequent Adjourned Regular Meeting will take place on June 27, 2017 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, at 4:00 p.m. for the purpose of interviewing and making appointments to the City's Commissions and Committees.

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.