



CITY OF SAN CLEMENTE

*REVISED

REGULAR CITY COUNCIL

MEETING AGENDA

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

July 18, 2017
5:00 p.m. – Closed Session
6:00 p.m. – Business Meeting

**Note: This revised agenda differs from the original agenda that was posted on July 11, 2017 in that an additional potential case was added to Closed Session Item A, changing the number from 1 to 2 potential cases, and Items 6-R and 6-S were added to the agenda. The changes can be found on Pages 2 and 10 of this agenda in italicized font.*

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. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

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

Number of potential cases: 2

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Number of Cases: 6

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

Closed Session items continued on following page

C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property: Tract 10686, Lots 2 (APN 679-041-02) and 3 (APNs 679-151-06 and 679-151-07); Tract 10880, Lot 106 (APN 679-151-11); Tract 10881, Lot 126 (APNs 679-151-17, 679-151-08, and 679-151-02); Tract 13054, Lot K (APN 679-231-42); Tract 15093, Lot H (APNs 679-151-22, 679-151-23, 679-221-41, and 679-221-40); Lot Line Adjustment 96-33, Parcel 1 (APN 679-151-05); Lot Line Adjustment 96-53, Parcel 3 (APNs 679-151-26 and 679-152-04); and Tract 10685, Lots 5 (APN 679-161-05) and 6 (APN 679-161-06).

Agency Negotiator: Erik Sund, Assistant City Manager.

Negotiating Parties: City of San Clemente and The Marblehead Community Association.

Under Negotiation: Terms of a conservation easement.

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. 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 Adjourned Regular City Council Meeting of June 26, 2017.](#)
 - (2) [Approve the minutes of the Adjourned Regular City Council Meeting of June 27, 2017.](#)
 - (3) [Approve the minutes of the Adjourned Regular City Council Meeting of June 20, 2017.](#)
 - B. **Receive and file:**
 - (1) [Minutes of the Regular Golf Course Committee meeting of May 11, 2017.](#)
 - (2) [Minutes of the Special Meeting of the Human Affairs Committee of May 23, 2017.](#)
 - (3) [Minutes of the Regular Zoning Administrator Meeting of June 21, 2017.](#)
 - (4) [Minutes of the Regular Planning Commission Meeting of June 21, 2017.](#)

C. **Warrant Register**

Approve Warrant Nos. 542003 through 542198,
paid on 6/16/17, in the amount of.....\$ 1,281,093.61

Approve Wire Transfers Nos. 1648 through 1651,
Warrant Nos. 542199 through 542375
paid on 6/23/17, in the amount of.....\$ 844,768.20

Approve Wire Transfers Nos. 1652 through 1654,
Warrant Nos. 542376 through 542665
paid on 6/30/17, in the amount of.....\$ 1,498,304.72

Approve Wire Transfers Nos. 1655 through 1661,
Warrant Nos. 542666 through 542796
paid on 7/7/17, in the amount of.....\$ 3,721,430.35

TOTAL WARRANT REGISTER..... \$ 7,345,596.88

Payroll Register

Approve Warrant Nos. 590 through 596,
Automatic Deposit Advises 40929 through 41266
for the period of 6/5/2017 through 6/18/2017
paid on 6/23/17, in the amount of.....\$ 445,788.57

Approve Warrant Nos. 597 through 601,
Automatic Deposit Advises 41267 through 41599
for the period of 6/19/2017 through 7/2/2017
paid on 7/7/17, in the amount of.....\$ 458,577.38

TOTAL PAYROLL REGISTER.....\$ 904,365.95

D. **Contract Award – Reservoirs 5A, 10, 12 and 14 Improvements, and Reservoir No. 8 Interior Coating** Pages 6-D-1 through 6-D-5

Staff Recommendation

1. Approve the plans and specifications for Reservoirs 5A, 10, 12, and 14 Improvements, Project No. 16410 and Reservoir No. 8 Interior Coating, Project No. 15408.
2. Approve, and authorize the Mayor to execute, Contract C17-28, by and between the City of San Clemente and Spiess Construction Co., Inc., providing for construction of Reservoirs 5A, 10, 12 and 14 Improvements, and Reservoir No. 8 Interior Coating, in the amount of \$3,486,764.

Staff Recommendation continued on following page

3. Approve transfer of funds from Accounts 052-466-45300-000-16406 (Blanco Water Pump Station) in the amount of \$1,600,000, 052-466-45300-000-15406 (Reata Water Pump Station) in the amount of \$400,000, 052-467-45300-000-15401 (Reservoir 10 and 6 Water Line) in the amount of \$60,000, 052-466-45300-000-14406 (Reservoir 12 Rehabilitation) in the amount of \$391,007, 052-466-45300-000-14407 (Reservoirs 9 & 10 Chemical Improvements) in the amount of \$229,443, and 052-466-45300-000-15408 (Reservoir 8 Interior Coating) in the amount of \$713,817 to Account 052-466-45300-16410 (Reservoirs 5A, 10, 12 and 14 Improvements).

- E. [Contract Amendment – Orange County Transportation Authority \(OCTA\) Related to Interstate 5 \(I-5\) Improvements](#) Pages 6-E-1 through 6-E-3

Staff Recommendation

Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C13-53, a Cooperative Agreement (No. C-3-2079) by and between the OCTA and the City of San Clemente, to extend the term of the agreement by one year to September 30, 2018.

- F. [Notice of Completion – Water Reclamation Plant Emergency Generator Replacement](#) Pages 6-F-1 through 6-F-4

Staff Recommendation

1. Accept the Water Reclamation Plant Emergency Generator Replacement, from the contractor, Global Power Group, Project No. 16210.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Water Reclamation Plant Emergency Generator Replacement, with the County Recorder.
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 Global Power Group.
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. [Contract Amendment – Pier Structural Construction Assessment and Design](#) Pages 6-G-1 through 6-G-3

Staff Recommendation

Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract C15-77, by and between the City of San Clemente and TranSystems. This Amendment expands the scope of the contract, increases the contract amount from \$189,799 to \$278,799, an increase of \$89,000, and extends the contract term to July 1, 2019.

- H. [Appointment of a Director and Alternate Directors to the South Orange County Wastewater Authority \(SOCWA\) Joint Powers Agency Board of Directors](#) Pages 6-H-1 through 6-H-4

Staff Recommendation

Adopt Resolution No. 17-20 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPOINTING A DIRECTOR AND ALTERNATE DIRECTORS TO THE SOUTH ORANGE COUNTY WASTEWATER AUTHORITY (SOCWA) JOINT POWERS AGENCY BOARD OF DIRECTORS.

- I. [Establishment of Parking Restrictions on Avenida Serra](#) Pages 6-I-1 through 6-I-6

Staff and Planning Commission Recommendation

1. Establish a two-hour parking restriction between the hours of 9:00 a.m. to 6:00 p.m. on Avenida Serra from El Camino Real to the alley.
2. Adopt Resolution No. 17-21 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING 'RESTRICTED PARKING AREAS' ON AVENIDA SERRA.

- J. [Grant Submittal for Orange County Transportation Authority \(OCTA\) Measure 2 Environmental Cleanup Program \(ECP\) for the Trafalgar Canyon Runoff Treatment Project](#) Pages 6-J-1 through 6-J-24

Staff Recommendation

1. Adopt Resolution No. 17-22 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING AN APPLICATION FOR FUNDS FOR THE ENVIRONMENTAL CLEANUP, TIER 1 GRANT PROGRAM UNDER ORANGE COUNTY LOCAL TRANSPORTATION ORDINANCE NO. 3 FOR THE TRAFALGAR CANYON RUNOFF TREATMENT PROJECT.
2. Authorize the Utilities Director to submit the ECP Tier 1 Grant Program project proposal titled Trafalgar Canyon Runoff Treatment Project to OCTA.

- K. [Contract Award – Water Reclamation Plant Gravity Belt Thickeners Replacement](#) Pages 6-K-1 through 6-K-2

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C17-26, by and between the City of San Clemente and PACE, providing design service for the Water Reclamation Plant Gravity Belt Thickeners Replacement, in the amount of \$195,827.

- L. [Contract Contingency Increase - Tesoro Pressure Reducing Station Rehabilitation for Interstate 5/Pico Interchange Water Improvements](#) Pages 6-L-1 through 6-L-3

Staff Recommendation

Authorize a construction contingency increase in the amount of \$300,000 to the Tesoro Pressure Reducing Station Rehabilitation with O'Connell Engineering for the construction of the Interstate 5/Pico Interchange Water Improvements.

- M. [Bid Rejection – Calle Redondel/Calle de los Molinos Storm Drain Improvements](#) Pages 6-M-1 through 6-M-3

Staff Recommendation

Reject public bids received on January 18, 2017 for construction of Calle Redondel/Calle de los Molinos Storm Drain and direct staff to re-bid the project.

- N. [Proposed Tax Liens – 2016 Weed Abatement, 2014-2017 Storm Drain/Clean Ocean Charges, and 2013 and 2014 Sidewalk Repairs](#)
Pages 6-N-1 through 6-N-23

Staff Recommendation

1. Adopt Resolution No. 17-23 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE ORANGE COUNTY AUDITOR-CONTROLLER TO ADD UNPAID 2016 WEED ABATEMENT ASSESSMENTS TO THE FY 2017-18 TAX ROLLS.
 2. Adopt Resolution No. 17-24 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE ORANGE COUNTY AUDITOR-CONTROLLER TO ADD DELINQUENT STORM DRAIN AND CLEAN OCEAN FEES TO THE FY 2017-18 TAX ROLLS. *This Resolution requires an affirmative vote by four members to pass.*
 3. Adopt Resolution No. 17-25 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE ORANGE COUNTY AUDITOR-CONTROLLER TO ADD DELINQUENT SIDEWALK REPAIR FEES AS ASSESSMENTS TO THE FY 2017-18 TAX ROLLS.
 4. Direct the City Clerk to file the resolutions with the Orange County Auditor-Controller, thereby placing a lien on the affected properties in order to collect revenue owed to the City.
- O. [Contract Award – City-Wide Structured Cabling](#) Pages 6-O-1 through 6-O-3

Staff Recommendation

1. Approve the plans and specifications for City-Wide Structured Cabling, Project No. 27805.
2. Approve, and authorize the Mayor to execute, Contract C17-27, by and between the City of San Clemente and Berg Electric, providing for City-Wide Structured Cabling, in the amount of \$96,370.

- P. [Senate Bill 649 \(Hueso\) – Wireless Communications Facilities, Letter of Opposition](#) Pages 6-P-1 through 6-P-15

Staff Recommendation

1. Oppose SB 649 (Hueso).
2. Direct Staff to send the opposition letter that is attached to the Administrative Report, dated July 18, 2017, and on file with the City Clerk, to the author of the bill as well as the individuals listed in the “cc” section of the letter.

- Q. [Consideration of Donation to Drowning Prevention Campaign](#) Pages 6-Q-1 through 6-Q-6

Staff Recommendation

Approve the transfer of \$5,000 from Account 001-203-44900 (City Council Contingency Reserve), to Account 001-226-43890 (Fire Services - Other Contractual Services), as a contribution to the Orange County Task Force on Drowning Prevention.

- R. [Contract Award – Arterial and Mobility Study](#) Page 6-R-1

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C17-29, by and between the City of San Clemente and IBI Group, providing for an Arterial and Mobility Study, in the amount of \$89,000.

- S. [Contract Award – Strategic Planning Services](#) Pages 6-S-1 through 6-S-2

Staff Recommendation

1. *Approve, and authorize the City Manager to execute, Contract C17-30, by and between the City of San Clemente and Englander, Knabe & Allen, providing for strategic planning services, in an amount not to exceed \$102,000.*
2. *Approve a transfer of \$75,000 from the General Fund's Council Contingency Account to Account 001-203-43690-000-00000.*
3. *Approve a supplemental appropriation of \$27,000 from the General Fund's Unassigned Fund Balance to Account 001-203-43690-000-00000.*

- 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. **Consideration of Block Wall Along the Rear Property Line of Selected Properties Adjacent to Camino Del Rio** Pages 9-A-1 through 9-A-3

Report from the Public Works Director/City Engineer concerning the possibility of constructing a block wall along the rear property line of selected properties adjacent to Camino Del Rio.

Staff Recommendation

Provide direction concerning installation of a block wall along the rear property line of 6171 to 6187 Camino Forestal.

- 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) **Determination of Rules of Engagement for the Toll Road Subcommittee.**

- (2) **Report by Councilmember Swartz concerning the possibility of authorizing Councilmember Swartz (and possibly others) to work with Staff to develop a program to allow unified advertising in the trolleys.**

- B. **City Manager**
- C. **City Attorney**
- D. **Council Members**

12. **Resolutions/Ordinances.**

- A. [Ordinance No. 1642 \(Second Reading\) – Solid Waste Management, Solid Waste Reduction and Recycling, and Waste Management Plan for Certain Construction, Demolition and Renovation Projects](#) Pages 12-A-1 through 12-A-16

Staff Recommendation

Adopt 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. [Ordinance No. 1643 \(Second Reading\) – Prohibition of Aggressive Solicitation](#) Pages 12-B-1 through 12-B-5

Staff Recommendation

Adopt 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.

13. **Adjournment.**

The next Regular Council Meeting will be held on August 15, 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 City Council Meeting of August 1, 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 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.