



CITY OF SAN CLEMENTE

REGULAR CITY COUNCIL

MEETING AGENDA

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

August 15, 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. 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

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION - Phil Johnson, Deacon, St. Michael's Church

PLEDGE OF ALLEGIANCE

ROLL CALL

1. **Special Presentations.**

A. **Toll Road Update**

Update by Staff concerning the proposed toll road.

B. **Recognition of Outgoing Members of City Commissions and Committees**

Planning Commission

Wayne Eggleston

Beaches, Parks and Recreation Commission

Tim Shaw

Coastal Advisory Committee

Brian Haskins

Human Affairs Committee

Marta Smith
Patricia Hasbrook

Investment Advisory Committee

Joe Anderson

C. **Orange County American Planning Association (APA) Award**

Presentation to the Planning Division, by Amy Vazquez, with the Orange County APA, of the Transportation in Planning Award for the Paseo Master Plan project.

D. **Government Finance Officers Association (GFOA) – Certificate of Achievement for Excellence in Financial Reporting**

Presentation by the GFOA of a Certificate of Achievement for Excellence in Financial Reporting and an Award of Financial Reporting Achievement (AFRA) to the Finance Division for the City's Comprehensive Annual Financial Report (CAFR) for the fiscal year ended 2016.

E. **Recreation Update**

Presentation by Samantha Thomas, Recreation Manager, concerning the fall edition of San Clemente Magazine and the SC Open Skate Contest.

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 Regular City Council Meeting of July 18, 2017.](#)

B. Receive and file:

- (1) [Minutes of the Regular Coastal Advisory Committee Meeting of April 13, 2017.](#)
- (2) [Minutes of the Regular Coastal Advisory Committee Meeting of June 8, 2017.](#)
- (3) [Minutes of the Regular Study Session of the Planning Commission of August 2, 2017.](#)
- (4) [Minutes of the Regular Planning Commission Meeting of August 2, 2017.](#)

C. Warrant Register

[Approve Wire Transfers Nos. 1662 through 1664,
Warrant Nos. 542797 through 543042
paid on 7/14/17, in the amount of.....\\$ 1,476,640.40](#)

[Approve Wire Transfers Nos. 1665 through 1669,
Warrant Nos. 543043 through 543206
paid on 7/21/17, in the amount of.....\\$ 1,920,891.90](#)

[Approve Wire Transfers Nos. 1670 through 1671,
Warrant Nos. 543207 through 543392
paid on 7/28/17, in the amount of.....\\$ 1,921,593.14](#)

[Approve Wire Transfers Nos. 1672 through 1677,
Warrant Nos. 543393 through 543563
paid on 8/4/17, in the amount of.....\\$ 2,561,485.20](#)

TOTAL WARRANT REGISTER..... \$ 7,880,610.64

Payroll Register

Approve Warrant Nos. 602 through 606,
Automatic Deposit Advises 41600 through 41934
for the period of 7/3/2017 through 7/16/2017
paid on 7/21/17, in the amount of.....\$ 483,621.98

Approve Warrant Nos. 607 through 611,
Automatic Deposit Advises 41935 through 42272
for the period of 7/17/2017 through 7/30/2017
paid on 7/21/17, in the amount of.....\$ 475,308.52

TOTAL PAYROLL REGISTER.....\$ 958,930.50

- D. [Contract Award\(s\) – Support Management of Housing and Urban Development \(HUD\) Community Development Block Grant \(CDBG\) Funds and the CDBG Home Rehabilitation Program](#) Pages 6D-1 through 6D-38

Staff Recommendation

1. Approve, and authorize the Mayor to execute, Contract C17-31, by and between the City of San Clemente and Mike Linares, Inc., providing for the management of HUD funds for a term to expire June 30, 2018, in the amount of \$25,000, with the option for four additional one-year extensions with the approval of both the City Manager and contractor.
2. Approve, and authorize the Mayor to execute, Contract C17-32, by and between the City of San Clemente and Theresa Dobbs, providing for the management of the CDBG Home Rehabilitation Program for a term to expire June 30, 2018, in the amount of \$25,000, with the option for four additional one-year extensions with the approval of both the City Manager and contractor, in the amount of \$25,000.
3. Approve a contingency for a total amount of \$10,000 in CDBG administrative service funds for any unforeseen HUD related costs that may arise with the approval of the City Manager.

- E. [Contract Amendment – Weed Abatement Services](#) Pages 6E-1 through 6E-5

Staff Recommendation

Approve, and authorize the Mayor to execute, Amendment No. 3 to Contract C96-25, by and between the City of San Clemente and Ed Stewart and Associates, providing for weed abatement services. This Amendment extends the term of the contract to June 30, 2018, with an option to further extend the contract term for an additional 180 days authorized by the City Manager. The annual cost for this Amendment, appropriated through the budget process, remains at \$140,400 annually.

- F. [Records Retention Schedule Update](#) Page 6F-1

Staff Recommendation

Approve the modified Records Retention Schedule, dated August 15, 2017, as presented and on file with the City Clerk.

- G. [Assembly Bill 1408 \(Calderon\) - Crimes Supervised Release \(Letter of Support\)](#) Pages 6G-1 through 6G-17

Staff Recommendation

1. Support AB 1408 (Calderon).
2. Direct Staff to send the support letter that is attached to the Administrative Report, dated August 15, 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.

- H. [Contract Award – 910 Calle Negocio Building Architectural Services](#) Pages 6H-1 through 6H-2

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C17-33, by and between the City of San Clemente and Gensler, providing for design services for first and third floor improvements at 910 Calle Negocio, in the amount of \$160,000.

- I. [Contract Amendment – Temporary Staff Augmentation in the Planning Division](#) Pages 6I-1 through 6I-5

Staff Recommendation

Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract C16-73, by and between the City of San Clemente and Lilley Planning Group, providing for temporary staff augmentation in the Planning Division. This Amendment extends the term of the contract through June 30, 2018, or until services are no longer needed.

- J. [Notice of Completion – Riviera Waterline Removal](#) Pages 6J-1 through 6J-4

Staff Recommendation

1. Accept the Riviera Waterline Removal project from the contractor, Palp. Inc., DBA Excel Paving Company; Project No. 26409.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Riviera Waterline Removal.
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, Palp. Inc., DBA Excel Paving 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.

- K. [Temporary Recycled Water Service Agreement to Serve the California Department of Transportation \(Caltrans\)](#) Pages 6K-1 through 6K-6

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C17-34, a Temporary Recycled Water Service Agreement, by and between the City of San Clemente and South Coast Water District (SCWD), to provide recycled water to Caltrans, within SCWD's service area.

- L. [Consideration of a Donation for 2/4 Insignia Bronze Plaque at Park Semper Fi](#) Pages 6L-1 through 6L-2

Staff Recommendation

1. Approve a donation in the amount of \$500.00 to the Heritage of San Clemente Foundation toward funding of a 2/4 insignia-bronze plaque to be located at Park Semper Fi.
2. Approve a transfer from Council Contingency Reserve Account 001-203-44900 to Marine Unit Support Account 001-202-44756.

- M. [Contract Award – Defined Benefit Administration for the City’s Legacy Retirement Plan](#) Pages 6M-1 through 6M-14

Staff Recommendation

Approve, and authorize the City Manager to execute, Contract C17-35, a five-year professional services agreement by and between the City of San Clemente and Milligan, providing for defined benefit administration services for the City of San Clemente Restated Employees Retirement Plan, in an amount not to exceed \$35,200 annually, with an annual CPI escalator.

- N. [Records Destruction](#) Pages 6N-1 through 6N-6

Staff Recommendation

Adopt Resolution No. 17-26 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE DESTRUCTION OF CERTAIN CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

- 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. [Appeal Concerning Temporary Banner Permits at the Outlets of San Clemente - 101 W. Avenida Vista Hermosa \(Temporary Banner Permit 17-194\)](#) Pages 7A-1 through 7A-777

Public Hearing to consider an Appeal filed by Craig Realty Group of the Planning Commission’s decision concerning banner permits at the Outlets of San Clemente, located at 101 W. Avenida Vista Hermosa.

Planning Commission Recommendation

Deny the appeal.

- B. [Miramar Events Center and Restaurants - Historic Property Preservation and Parking Waiver/Incentive Agreement 17-248 \(1700 North El Camino Real\)](#) Pages 7B-1 through 7B-187

Public Hearing to consider a request for a Historic Property Preservation and Parking Waiver/Incentive Agreement (HPPPWIA) for the rehabilitation and adaptive reuse of the historic Miramar Theater into a performing arts and event center, and the historic bowling alley into a culinary eatery, in return for a 92 parking space waiver and parking mitigation agreement. The site is located at 1700 North El Camino Real, in the Mixed Use Zoning districts and the Architectural, Coastal Zone and Central Business District Overlays (MU1-A-CZ-CBD).

Staff Recommendation

Adopt Resolution No. 17-27 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AND PARKING WAIVER INCENTIVE AGREEMENT FOR THE PROPERTY LOCATED AT 1700 NORTH EL CAMINO REAL.

8. **Unfinished Business.**

None.

9. **New Business.**

- A. [Contract Award – Emergency Medical Transport Services](#) Pages 9A-1 through 9A-4

Report from the Assistant City Manager concerning a contract award for Emergency Medical Transport Services.

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C17-36, by and between the City of San Clemente and Care Ambulance Services, providing for Emergency Medical Transport Services, for a total 5-year cost of \$6,299,690.

B. [Establishment of Speed Limits on Avenida La Pata](#) Pages 9B-1 through 9B-7

Report from the Public Works Director/City Engineer concerning establishing speed limits on Avenida La Pata.

Planning Commission and Staff Recommendation

1. Accept the Engineering and Traffic Surveys for Avenida La Pata from Calle Saluda to the County of Orange limit line, and establish speed limits as identified in the Administrative Report, dated August 15, 2017, which is on file with the City Clerk.
2. Introduce Ordinance No. 1644 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 10 OF THE MUNICIPAL CODE CONCERNING SPEED ZONES ON AVENIDA LA PATA.

C. [Public Restroom Hours and Security](#) Pages 9C-1 through 9C-4

Report from the Assistant City Manager concerning the hours of operation of public restrooms in City parks and on City beaches.

Staff Recommendation

1. Approve the locking of all public restrooms west of the I-5 on City beaches and in City parks from 10:00 p.m. to 6:30 a.m. for a one (1) year trial period.
2. Approve a supplemental appropriation of \$15,140 to Account 001-624-41030-000-00000 for part-time park monitor salaries and a supplemental appropriation of \$50,000 to Account 001-636-43420-000-00000 for supplies and labor.

D. [Coyote Safety in San Clemente](#) Pages 9D-1 through 9D-6

Report from the Coastal Animal Services Authority General Manager concerning coyote safety in San Clemente.

Staff Recommendation

Receive and file the Administrative Report, dated August 15, 2017, which is on file with the City Clerk.

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) **Update on the Orange County Fire Authority (Mayor Pro Tem Brown)**

(2) **Adopt a Pet Program (Councilmember Swartz)**

Consideration of agendizing a monthly Special Presentation by the Coastal Animal Services Authority (CASA) to promote pet adoption.

B. **City Manager**

C. **City Attorney**

D. **Council Members**

12. **Resolutions/Ordinances.**

None.

13. **Adjournment.**

The next Regular Council Meeting will be held on September 5, 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.