



# CITY OF SAN CLEMENTE

## SPECIAL AND REGULAR CITY COUNCIL MEETING AGENDA

City Council Chambers  
San Clemente Civic Center  
100 Avenida Presidio  
San Clemente, California  
[www.san-clemente.org](http://www.san-clemente.org)

September 19, 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 – SPECIAL MEETING (4:30 P.M.)**

**A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Government Code Section 54957

Title: City Manager

**B. CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Government Code Section 54957.6

Agency designated representative: Mayor

Unrepresented employee: City Manager

**C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

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

Number of Cases: 4

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

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

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

Case Number: USDC 8:16-cv-00668

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

Case Number: OCSC 30-201400758880

Case Name: City of San Clemente v. Foothill/Eastern Transportation Corridor  
Agency and County of Orange

Case Number: 30-2017-00934703-CU-PT-CXC

**BUSINESS MEETING – REGULAR MEETING (6:00 P.M.)**

**CALL TO ORDER**

**INVOCATION** - Jim Davis, Sr. Chaplain, Orange County Sheriff's Department

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**1. Special Presentations.**

**A. Toll Road Update**

Update by Staff concerning the proposed toll road.

**B. Presentation of Proclamation – Dyslexia Awareness Month**

Presentation of Proclamation to Caylin Wade, of the International Dyslexia Association, declaring the month of October 2017 as Dyslexia Awareness Month.

**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**

None.

B. **Receive and file:**

(1) [Minutes of the Adjourned Regular Planning Commission Meeting of September 6, 2017.](#)

(2) [Minutes of the Regular Golf Course Committee Meeting of July 6, 2017.](#)

(3) [Minutes of the Regular Beaches, Parks and Recreation Commission Meeting of August 8, 2017.](#)

C. **Warrant Register**

[Approve Wire Transfers Nos. 1688 through 1693, and Warrant Nos. 544198 through 544319 paid on 9/1/17, in the amount of.....\\$ 6,969,634.02](#)

[Approve Wire Transfers Nos. 1694 through 1695, and Warrant Nos. 544320 through 544504 paid on 9/8/17, in the amount of.....\\$ 1,793,383.79](#)

TOTAL WARRANT REGISTER..... \$ 8,763,017.81

**Payroll Register**

Approve Warrant Nos. 617 through 621, and Automatic Deposit Advises 42623 through 42947 for the period of 8/14/17 through 8/27/17 paid on 9/1/17, in the amount of.....\$ 459,679.29

TOTAL PAYROLL REGISTER.....\$ 459,679.29

- D. [Notice of Completion – LED Street Light Retrofit](#) Pages 6-D-1 through 6-D-4

Staff Recommendation

1. Accept the LED Street Light Retrofit from the contractor, Macadee Electrical Construction, Inc., Project No. 16505.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the LED Street Light Retrofit.
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 Macadee Electrical Construction, 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.

- E. [Amendment to Irrevocable Offer to Dedicate Trail Easement and Declaration of Restrictions Related to the Trails in the Marblehead Coastal Development](#) Pages 6-E-1 through 6-E-70

Staff Recommendation

Adopt Resolution No. 17-30 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE CITY CLERK TO EXECUTE CERTIFICATES OF ACCEPTANCE AND RECORD AN AMENDMENT TO THE IRREVOCABLE OFFER TO DEDICATE TRAIL EASEMENT AND DECLARATION OF RESTRICTIONS RELATED TO TRAILS IN THE MARBLEHEAD COASTAL DEVELOPMENT.

F. [Contract Amendment – Temporary Staff Augmentation \(Sagecrest Planning + Environmental\)](#) Pages 6-F-1 through 6-F-5

Staff Recommendation

1. Approve a budget transfer in the amount of \$60,000 from Account 001-433-41010-000-00000 (Salaries, Full Time) to Account 001-431-43890-000-00000 (Contractual Services).
2. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract 17-17, by and between the City of San Clemente and Sagecrest Planning + Environmental, providing for temporary part-time planning services through June 30, 2018 or until services are deemed no longer necessary. This Amendment increases the contract amount from \$45,000 to \$70,000, an increase of \$25,000.

G. [Initiation of Process to Designate a Parcel of Land for a Public Park \(North side of Camino Vera Cruz between Avenida Vista Hermosa and Calle Paradiso – APN 679-152-03\)](#) 6-G-1 through 6-G-3

Staff Recommendation

1. Direct the Planning Commission to initiate amendments to the General Plan, Zoning Map, and Marblehead Inland Specific Plan (MISP) as necessary to designate the 3.31 acre property on the north side of Camino Vera Cruz between Avenida Vista Hermosa and Calle Paradiso as a public park.
2. Direct that the Beaches, Parks, and Recreation Commission consider the types of public parks that are suitable for the subject property and recommend an appropriate update to the Beaches, Parks and Recreation Master Plan.

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. [Complementary Paratransit Services as Part of the San Clemente Trolley](#)**  
Pages 7-A-1 through 7-A-29

Public Hearing to consider a complementary service plan associated with the City of San Clemente's fixed route transit service in conjunction with the San Clemente Trolley funded through the Orange County Transportation Authority (OCTA) and Project V. The complementary paratransit services are for individuals whose disabilities make them unable to use the fixed route.

Staff Recommendation

Adopt a Complementary Paratransit Plan as required by the Americans with Disabilities Act (ADA) and Orange County Transportation Authority (OCTA) 2017 Project V Grant for fixed-route local transit service (the San Clemente Trolley).

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

Continued 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.**

A. **[Water Utility Cost-of-Service Study and Proposition 218 Notification](#)**

Report from the Assistant City Manager concerning the final Water Utility Cost-of-Service Study and Proposition 218 Notification.

Staff Recommendation

1. Receive and file the final Water Cost-of-Service Fee Study.
2. Approve the Proposition 218 notice to be published for the November 7, 2017 Public Hearing regarding the proposed water rate structure changes.

9. **New Business.**

A. **[Updated Engineering and Traffic Survey for Posted Speed Limits on Camino Del Rio, Camino De Los Mares and North El Camino Real](#)** Pages 9-A-1 through 9-A-11

Report from the Public Works Director/City Engineer concerning an updated Engineering and Traffic Survey for posted speed limits on Camino Del Rio, Camino De Los Mares and North El Camino Real.

Staff and Planning Commission Recommendation

1. Accept the updated Engineering and Traffic Surveys for Camino Del Rio, Camino De Los Mares and North El Camino Real and approve the posted speed limits on these streets accordingly.
2. Introduce Ordinance No. 1646 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 CAMINO DEL RIO.



- B. [Update on the Road Repair and Accountability Act of 2017 and Amendment to the Fiscal Year 2018 Capital Improvement Program](#) Pages 9-B-1 through 9-B-7

Report from the Public Works Director/City Engineer concerning the Road Repair and Accountability Act of 2017 and amendment to the Fiscal Year 2018 Capital Improvement Program.

Staff Recommendation

1. Direct staff to create a new Fund Number 011 titled "Gas Tax Road Maintenance and Rehabilitation Account (RMRA)" or take similar actions to appropriately receive, segregate and track anticipated future State Gas Tax RMRA revenue and expenditures.
  2. Accept anticipated Fiscal Year 2018 Gas Tax RMRA revenue of about \$374,000 into the new Gas Tax RMRA Fund, Account 011-000-33535.
  3. Accept anticipated Fiscal Year 2018 Gas Tax Loan Repayment revenue of about \$76,000 into the existing Gas Tax 012 Fund.
  4. Adopt Resolution No. 17-31 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING THE FISCAL YEAR 2018 CAPITAL IMPROVEMENT PROGRAM TO INCLUDE PUBLIC ALLEY REHABILITATION USING FUNDS FROM THE STATE OF CALIFORNIA ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017 (SB1).
  5. Approve a supplemental appropriation of \$374,000 from the Gas Tax RMRA Fund to the Fiscal Year 2018 Alley Rehabilitation Project, Account 011-864-45300.
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 Appointing a Representative and Alternate Representative to the Transportation Corridor Agency (TCA) San Joaquin Hills Board (Mayor Ward)**

B. **City Manager**

C. **City Attorney**

D. **Council Members**

12. **Resolutions/Ordinances.**

- A. **Ordinance No. 1645 (Second Reading) – Emergency Shelters** Pages 12-A-1 through 12-A-4

Staff Recommendation

Adopt Ordinance No. 1645 entitled AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SUBDIVISIONS D.1, D.5, E.1 AND E.4 OF SECTION 17.56.100 OF CHAPTER 17.56, TITLE 17 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO EMERGENCY SHELTERS, PURSUANT TO AN ADDENDUM TO THE PREVIOUSLY CERTIFIED SAN CLEMENTE CENTENNIAL GENERAL PLAN ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 2013041021).

13. **Adjournment.**

The next Regular Council Meeting will be held on October 3, 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](http://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](mailto:cityclerk@san-clemente.org) or call 949-361-8200.