



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

October 3, 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.) If there are no Closed Session items, the City Clerk will recess the meeting to 6:00 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 employees: City Manager

Coastal Animal Services Authority General Manager

Employee Organization: San Clemente City Employees Association

Agency designated representatives: City Manager, Assistant City Manager

C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Number of Cases: 8

Case Name: Villa San Clemente v. City of San Clemente

Case Number: USDC 8:17-cv-1484

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

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

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

Case Number: OCSC 30-2017-00906718

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

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

Closed Session items continued on next page

Case Name: San Clemente Vacation Rental Alliance v. City of San Clemente
Case Number: OCSC 30-2016-00858999-CU-WM-CJC

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

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION – Chris Smith, Southcoast Church International

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. Toll Road Update

Update by Staff concerning the proposed toll road.

B. Wheeler North Artificial Kelp Reef Update

Presentation by Patrick Tennant, Senior Manager, Mitigation and Restoration Section, with San Clemente Edison, concerning an update on plans to expand the Wheeler North artificial kelp reef.

C. **Pier Pride Proclamation**

Presentation of proclamation to representatives of Pier Pride, proclaiming the month of October 2017 as Pier Pride Month.

D. **Hunger Walk Proclamation**

Presentation of proclamation to Family Assistance Ministries, proclaiming October 15, 2017 as a day set apart for the Hunger Walk.

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**

Approve the following City Council minutes:

- (1) [Special and Regular City Council Meeting minutes of September 5, 2017.](#)
- (2) [Special and Regular City Council Meeting minutes of September 19, 2017.](#)

B. Receive and file:

- (1) [Regular Zoning Administrator Meeting minutes of September 6, 2017.](#)
- (2) [Planning Commission Study Session minutes of September 20, 2017.](#)
- (3) [Regular Planning Commission Meeting minutes of September 20, 2017.](#)

C. **Warrant Register**

[Approve Wire Transfers Nos. 1696 through 1701 and Warrant Nos. 544505 through 544685, paid on 9/15/17, in the amount of.....](#)\$1,227,901.45

[Approve Wire Transfers Nos. 1702 through 1703 and Warrant Nos. 544686 through 544837, paid on 9/22/17, in the amount of.....](#)\$1,608,541.81

TOTAL WARRANT REGISTER...\$2,836,443.26

Payroll Register

Approve Warrant Nos. 622 through 625, and Automatic Deposit Advises 42948 through 43266, for the period 8/28/17 through 9/10/17, paid on 9/15/17, in the amount of.....\$ 436,675.00

TOTAL PAYROLL REGISTER.....\$ 436,675.00

D. [Use of City Pier by Pier Pride for Fishing Derby](#) Pages 6D-1 through 6D-13

Staff Recommendation

Approve the one-time use of the City Pier on October 21, 2017 for the Pier Pride Fish for Life Derby event at a flat rate site fee of \$30.

- E. [Release of Substitute Security as Required Per Assignment, Assumption, Hold Harmless, and Release Agreements Relative to Tracts 16211, 16212, and 16282 – The Reserve South, East, and North at Forster Highlands](#) Pages 6E-1 through 6E-5

Staff Recommendation

Adopt Resolution No. 17-32 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING RELEASE OF SUBSTITUTE SECURITY AS REQUIRED PER ASSIGNMENT, ASSUMPTION, HOLD HARMLESS, AND RELEASE AGREEMENTS RELATIVE TO TRACTS 16211, 16212, AND 16282, THE RESERVE SOUTH, EAST, AND NORTH AT FORSTER HIGHLANDS.

- F. [Contract Award – Water Reclamation Plant \(WRP\) Outfall Discharge Piping Repair](#) Pages 6F-1 through 6F-4

Staff Recommendation

1. Approve the plans and specifications for the Water Reclamation Plant (WRP) Piping Discharge Repair, Project No. 28208.
2. Approve an appropriation of \$287,500 to Account 054-476-43420-000-28208.
3. Approve, and authorize the City Clerk to execute, Contract C17-41, by and between the City of San Clemente and Newest Construction Company, providing for the WRP Outfall Discharge Piping Repair, in the amount of \$212,220.

- G. [Replacement of Fleet Vehicle Numbers 986, 1014, and 1020](#) Pages 6G-1 through 6G-2

Staff Recommendation

Approve the purchase of three vehicles from Connell Chevrolet to replace Fleet Vehicle Numbers 986, 1014, and 1020.

- H. [Aquatics Partnership Application – San Clemente Water Polo](#) Pages 6H-1 through 6H-22

Staff and Beaches, Parks and Recreation Commission Recommendation

Approve Junior Partnership status for the San Clemente Water Polo Club with a two-year agreement.

I. [Public Art on City-Owned Facilities](#) Pages 6I-1 through 6I-7

Staff and Beaches, Parks and Recreation Commission Recommendation

Approve the Art on City-Owned Property procedure, as set forth in the Administrative Report, dated October 3, 2017, which is on file with the City Clerk.

J. [Use of El Camino Real Lot for San Clemente Oktoberfest Special Event and Fee Approval](#) Pages 6J-1 through 6J-12

Staff Recommendation

1. Approve the one-time use of the lot located at 1832 N. El Camino Real for the 2017 San Clemente Oktoberfest event at an hourly rate of \$65 per hour.
2. Approve a waiver of the rental fees of the lot associated with the load-in and load-out event supplies in an amount not to exceed \$910.

K. [Equipment Purchase/Bid Award - Storage Area Network \(SAN\) Equipment](#) Page 6K-1

Staff Recommendation

Approve the purchase of Storage Area Network (SAN) equipment (SAN) in the amount of \$117,215.50 from CDW-G LLC.

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. [Compliance with AB 2299, SB 1069, and AB 2406: Accessory Dwelling Units and Junior Accessory Dwelling Units](#) Pages 9A-1 through 9A-46

Report from the Community Development Director concerning compliance with AB 2299, SB 1069, and AB 2406, relating to accessory dwelling units and junior accessory dwelling units.

Staff Recommendation

1. Direct staff to initiate Municipal Code amendments that update the City's Accessory Dwelling Unit regulations (formerly called Second Residential Units) in compliance with State Assembly Bill 2299 and Senate Bill 1069, and include additional requirements where the City has discretion.
2. Direct staff to initiate Municipal Code amendments for the regulation of Junior Accessory Dwelling Units according to State law Assembly Bill 2406.

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. 1646 \(Second Reading\) – Speed Zones on Camino Del Rio](#) Pages 12A-1 through 12A-2

Staff Recommendation

Adopt 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.

13. **Adjournment.**

Adjourn to an Adjourned Regular Meeting to be held on October 10, 2017 at 5:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, for the purpose of considering adoption of the 2017-2021 Housing Element.

The next Regular Council Meeting will be held on October 17, 2017 in the Council Chambers. 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 30 (or Channel 854 for high-definition televisions). 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.