



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 17, 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.) – SPECIAL MEETING

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Number of Cases: 7

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

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

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.) – REGULAR MEETING

CALL TO ORDER

INVOCATION – Mark Ambrose, Lead Pastor, Pacific Coast Church

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. Toll Road Update

(1) Demand Letter to Resource Agencies (Maintenance of Existing Mitigation Agreements)

Staff Recommendation

Determine whether to authorize a demand letter to be sent to resource agencies to maintain existing mitigation agreements.

B. Presentation by the Orange County Transportation Authority

Presentation by Staff of the Orange County Transportation Authority concerning extension of HOV lanes on the I-5.

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 Special and Regular City Council minutes of October 3, 2017.](#)

B. Receive and file:

(1) [Zoning Administrator Regular Meeting minutes of October 4, 2017.](#)

(2) [Planning Commission Regular Meeting minutes of October 4, 2017.](#)

(3) [Planning Commission Study Session minutes of October 4, 2017.](#)

C. **Warrant Register**

Approve Wire Transfers Nos. 1704 through 1707 and Warrant Nos. 544838 through 545011, paid on 9-29-17 in the amount of.....\$2,576,826.09

Approve Wire Transfers Nos. 1708 through 1712 and Warrant Nos. 545012 through 545160, paid on 10-6-17 in the amount of.....\$1,775,056.78

TOTAL WARRANT REGISTER.....\$4,351,882.87

Payroll Register

Approve Warrant Nos. 626 through 628, Automatic Deposit Advises 43267 through 43577, for the period 9-11-17 through 9-24-17, paid on 9-29-17 in the amount of.....\$ 436,993.62

TOTAL PAYROLL REGISTER.....\$ 436,993.62

- D. [Notice of Completion – Reservoir Cleaning and Inspection Project](#) Pages 6D-1 through 6D-2

Staff Recommendation

1. Accept the Reservoir Cleaning Project from the contractor, Inland Potable Services. Inc.
2. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Utilities Department that no liens have been levied against Inland Potable Services, Inc.
3. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the project cost.

- E. [Final Parcel Map 2007-160, Bissell Duplex Condominium at 214 Avenida Montalvo](#) Pages 6E-1 through 6E-2

Staff Recommendation

1. Accept on behalf of the City of San Clemente the water rights within Final Parcel Map 2007-160 (214 Avenida Montalvo) as dedicated.
2. Accept on behalf of the City of San Clemente the sidewalk and public access easement as dedicated.
3. Approve Final Parcel Map 2007-160 as it conforms to the requirements set forth in the Subdivision Map Act and the previously approved Tentative Parcel Map.
4. Authorize the Public Works Director/City Engineer to execute Final Parcel Map 2007-160.
5. Authorize the City Clerk to execute and submit the Final Parcel Map for recordation with the County of Orange Recorder's Office.

- F. [Contract Award – Water Reclamation Plant Security Gates](#) Pages 6F-1 through 6F-2

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C17-42 by and between the City of San Clemente and Square [1] Design Group, providing for design services for the Water Reclamation Plant Security Gates (Project No. 18203), in the amount of \$32,640.

- G. [Contract Award – Fat, Oil and Grease \(FOG\) Program Services](#) Pages 6G-1 through 6G-2

Staff Recommendation

1. Approve, and authorize the Mayor to execute, Contract C17-43 by and between the City of San Clemente and Environmental Compliance Inspection Services (ECIS), providing for Fat, Oil and Grease (FOG) Program inspection services, in the amount of \$62,180.
2. Approve and authorize the City Manager to execute contract extensions for two additional twelve-month periods for an amount not to exceed \$62,180.

- H. [Calle Saluda Striping Plan](#) Pages 6H-1 through 6H5

Planning Commission and Staff Recommendation

Approve the restriping of Calle Saluda as depicted in the attachments to the Administrative Report, dated October 17, 2017, which is on file with the City Clerk, with minor revisions as needed to conform to the California Manual of Uniform Traffic Control Devices.

- I. [Proposed Traffic Calming Measures on Riachuelo](#) Pages 6I-1 through 6I-5

Planning Commission and Staff Recommendation

Approve the proposed speed cushion design concept for ten speed cushions on Riachuelo as provided in Attachment 2 of the Administrative Report, dated October 17, 2017, which is on file with the City Clerk.

- J. [Initiation of Zoning Amendment Per Housing Element Programs](#) Pages 6J-1 through 6J-5

Staff Recommendation

Initiate the following Zoning Amendments to the San Clemente Municipal Code, consistent with the Housing Element Action Plan:

1. Section 17.24.070 Density Bonuses and Other Incentives
2. Chapter 17.28 for Residential Care Facilities
3. Title 17 for Transitional and Supportive Housing
4. Title 17 for Farmworker and Employee Housing

- K. [Declaration of Surplus Property and Approval of Purchase and Sale Agreement Between San Diego Gas & Electric and the City of San Clemente – 2.5 Acre Parcel of Land Located South of the 14th Tee on the City’s Municipal Golf Course, Bordered by Calle Bahia and the Parking Lot Access Road to the Golf Maintenance Building](#) Pages 6K-1 through 6K-3

Staff Recommendation

1. Declare the 2.5 acre parcel (parcel # pending), located south of the 14th tee on the City’s Municipal Golf Course, bordered by Calle Bahia and the parking lot access road to the Golf maintenance building, as surplus property.
2. Approve, and authorize the City Manager to execute, Contract C17-44, the Purchase & Sale Agreement between San Diego Gas & Electric and the City of San Clemente for the sale of the 2.5 acre parcel of land.
3. Receive revenue in the amount of \$550,000 to the Golf Operating Fund, Sale of Other Assets Account 056-000-39120.

- L. [Delegation of Authority to the City Manager to Make Findings Pursuant to Section 3400 of the California Public Contract Code](#) Pages 6L-1 through 6L-4

Staff Recommendation

Adopt Resolution No. 17-34 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DELEGATING AUTHORITY TO THE CITY MANAGER TO MAKE FINDINGS THAT A PARTICULAR MATERIAL, PRODUCT, THING, OR SERVICE BE DESIGNATED BY SPECIFIC BRAND OR TRADE NAME FOR PUBLIC WORKS PROJECTS PURSUANT TO SECTION 3400 OF THE CALIFORNIA PUBLIC CONTRACT CODE.

- M. [Replacement of Fleet Vehicle Numbers 1003 and 1019](#) Pages 6M-1 through 6M-2

Staff Recommendation

Approve the purchase of two vehicles from Fairview Ford Sales for replacement of Fleet Vehicle Numbers 1003 and 1019.

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. [Miramar Events Center and Restaurants - Historic Property Preservation and Parking Waiver/Incentive Agreement 17-248 \(1700 North El Camino Real\)](#) Pages 7A-1 through 7A-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. [Salary Adjustment for City Manager](#) Pages 8A-1 through 8A-3

Report from the City Attorney concerning a salary adjustment for the City Manager.

Recommendation

1. Adopt Resolution No. 17-35 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING SALARY ADJUSTMENT OF CITY MANAGER JAMES MAKSHANOFF.
2. Direct Staff to implement the salary adjustment.

9. **New Business.**

None.

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**

(1) **Establishment of Council Meeting Schedule and Joint Meeting(s) for 2018**

Staff Recommendation

Determine whether to schedule date(s) for one or more Joint Council/Commissions/Committees meeting(s) in 2018; 2) Determine whether to cancel Council meeting(s) in July and/or August 2018; 3) Determine whether to cancel or reschedule the Council meetings of June 5, 2018 and November 6, 2018 to enable the Council Chambers to be used as a polling site for elections being conducted on those dates; and 4) Determine whether to cancel or reschedule the first Council meeting in January 2019.

12. **Resolutions/Ordinances.**

None.

13. **Adjournment.**

The next Regular Council Meeting will be held on November 7, 2017 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be considered at 5:00 p.m. and 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.