



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

November 21, 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. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Existing litigation pursuant to Government Code section 54956.9(d)(1)
Number of Cases: 6

Case Name: Villa San Clemente, LLC 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: Jim Bieber v. City of San Clemente, et al.
Case Number: OCSC 30-2017-00906718

Case Name: Emergency Shelter Coalition v. City of San Clemente
Case Number: OCSC 30-201400758880

Case Name: Capistrano Shores, Inc. v. City of San Clemente
Case Numbers: OCSC 30-2014-00709987 and 30-2014-00726889

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS - Pursuant to Government Code Section 54956.8
Property: 1 Acre Vacant Land Parcel North of the Northeast Corner of Avenida Fabricante and Calle Extremo, APN # 690-661-09
Agency Negotiator: Erik Sund, Assistant City Manager
Negotiating Parties: City of San Clemente and Glaukos Corporation
Under Negotiation: Price and Terms of Payment for Purchase

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION - Mark Boud, Senior Minister, Church of Jesus Christ of Latter-day Saints

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. Toll Road Update

B. San Clemente High School Campus Report

Presentation by Carni Campbell and Trey Russell, San Clemente High School students, concerning campus activities.

C. Richard and Donna O'Neill Land Conservancy Update

Presentation by Laurie Gooch, Talega Homeowners Association representative to the Richard and Donna O'Neill Land Conservancy, concerning Reserve activities and programs.

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 November 7, 2017.

B. Receive and file:

(1) Coastal Advisory Committee Regular Meeting minutes of August 10, 2017, September 14, 2017 and October 12, 2017.

(2) Human Affairs Committee Special Meeting minutes of October 10, 2017.

(3) Planning Commission Regular Meeting minutes of November 8, 2017.

(4) Planning Commission Study Session minutes of November 8, 2017.

(5) Zoning Administrator Meeting minutes of November 8, 2017.

C. **Warrant Register**

Approve Wire Transfers Nos. 1725 through 1728, and Warrant Nos. 545668 through 545898, paid on 11/3/17.....\$1,137,147.12

Approve Handwrite No. 546069 and Wire Transfers Nos. 1729 through 1732 and Warrant Nos. 545899 through 546068, paid on 11/10/17.....\$2,569,987.35

TOTAL WARRANT REGISTER.....\$3,707,134.47

Payroll Register

Approve Warrant Nos. 636 through 638 and Automatic Deposit Advises 44172 through 44471 for the period 10/23/17 through 11/5/17, paid on 11/10/17.....\$ 430,188.22

TOTAL PAYROLL REGISTER.....\$ 430,188.22

D. [Notice of Completion - Highland Light Ductile Iron Pipeline Replacements](#) Pages 6D-1 through 6D-4

Staff Recommendation

1. Accept the Highland Light Ductile Iron Pipeline Replacements Phase II, Project No. 14403, from the contractor, Gwinco Construction and Engineering, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for Highland Light Ductile Iron Pipeline Replacements Phase II.
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 Gwinco Construction and Engineering, 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. [Contract Amendment - As-Needed Geotechnical Services](#) Pages 6E-1 through 6E-2

Staff Recommendation

Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract AC-672, by and between the City of San Clemente and LGC Geotechnical, Inc., providing for as-needed geotechnical services. This contract extends the term of the contract to June 30, 2018 and increases the total contract amount from \$125,000 to \$225,000 (an increase of \$100,000).

F. [Notice of Completion - Avenida Del Presidente Waterline Replacement](#) Pages 6F-1 through 6F-4

Staff Recommendation

1. Authorize the transfer of \$41,479 from the Storm Drain Depreciation Fund to Account 052-466-45300-000-16405.
2. Accept the Avenida Del Presidente Waterline Replacement, Project No. 16405, from the contractor, Ferreira Construction, Inc.
3. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Avenida Del Presidente Waterline Replacement project.

Staff recommendation continued on next page

4. 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 Ferreira Construction, Inc.
5. 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 Award - Community Development Parking Lot Rehabilitation and Americans with Disabilities Act \(ADA\) Improvements](#) Pages 6G-1 through 6G-5

Staff Recommendation

1. Approve the plans and specifications for the Community Development Parking Lot Rehabilitation, Project No. 14328, and ADA Improvements, Project No. 24801.
2. Approve, and authorize the Mayor to execute, Contract C17-52 by and between the City of San Clemente and Horizons Construction Co. Int'l, Inc., providing for the rehabilitation of the Community Development Parking Lot and ADA Improvements, in the amount of \$382,256.70.
3. Approve a supplemental appropriation of \$255,000 from the Street Improvement Fund undesignated fund balance to Account 014-811-45300-000-14328.

H. [Initiation of Zoning Amendment – Regulation of Short-Term Lodging Units \(STLU\); STLU Ordinance Review](#) Pages 6H-1 through 6H-10

Staff Recommendation

Initiate a Zoning Ordinance Amendment to consider proposed revisions regarding the regulation of short-term lodging units and refer this item to the Planning Commission to provide a recommendation to the Council.

I. [Designation of Legal Fees](#) Page 6I-1

Staff Recommendation

1. Approve the estimated costs for Transportation Corridor Agency Legal Services as noted in the Administrative Report, dated November 21, 2017, which is on file with the City Clerk.
2. Approve a supplemental appropriation from the General Fund's Unassigned Fund Balance in the amount of \$325,000 to Other Legal Services, Account 001-203-43635-000-00000.

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. [City Design Immunity Policy No. 801-2 and Municipal Code Modifications to Reflect the New City Position of Utilities Director](#)
Pages 9A-1 through 9A-10

Report from the Public Works Director/City Engineer concerning the possibility of updating City Design Immunity Policy No. 801-2 and amending the Municipal Code to reflect the new City position of Utilities Director.

Staff Recommendation

1. Approve and adopt updated City Policy No. 801-2, entitled "Design Immunity".
2. Introduce Ordinance No. 1648 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTERS 2.20, 2.24, 13.04, 13.12, 13.24, 13.32, 13.34, 13.40, AND 13.44 OF THE MUNICIPAL CODE OF THE CITY OF SAN CLEMENTE TO ASSIGN AUTHORITIES TO THE NEW UTILITIES DIRECTOR POSITION.

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) [City Representative to Orange County Mosquito and Vector Control District Board of Trustees](#) Pages 11A(1)-1 through 11A(1)-2

Staff Recommendation

That Council take one of the below actions:

Appoint a member of the Council to serve as the City's representative on the Orange County Mosquito and Vector Control District Board of Trustees for either a two- or four-year term to commence on January 1, 2018.

OR

Direct the City Clerk to advertise and solicit applications from San Clemente registered voters to fill the vacancy for the City representative on the Orange County Mosquito and Vector Control District Board of Trustees. Further, that Council schedule interviews for the Council meeting of December 19, 2017 (time to be determined).

B. **City Manager**

C. **City Attorney**

D. **Council Members**

12. **Resolutions/Ordinances.**

- A. [Ordinance No. 1647 \(Second Reading\) - Water Rates](#) Pages 12A-1 through 12A-7

Staff Recommendation

Adopt Ordinance No. 1647 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 13.04.220, SUBSECTIONS (A) THROUGH (D), AND ADDING SUBSECTION (E) OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO WATER RATES.

13. **Adjournment.**

The next Regular Council Meeting will be held on December 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 take place 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.