



CITY OF SAN CLEMENTE

REGULAR CITY COUNCIL

MEETING AGENDA

REVISED*

*This agenda varies from the agenda that was posted on November 28, 2017 in that an additional Closed Session was added. The new Closed Session item is identified on Page 2 of this agenda in italicized type.

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

December 5, 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.) 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: 7

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: 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

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

Case Name: Sober Network Properties et al. v. City of San Clemente
Case Number: USDC 8:16-cv-00668

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION - James "Jim" Davis, Senior Chaplain with the Orange County Sheriff's Department

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. Holiday Serenade – San Clemente High School Madrigals

Holiday serenade by the San Clemente High School Madrigals, under the direction of CJ Kemble.

B. Election of Mayor and Mayor Pro Tempore

The City Clerk will conduct the election for Mayor. The newly elected Mayor will then assume the Mayor's seat and will conduct the election for Mayor Pro Tempore.

C. Commendation/Plaque Presentation - Colonel Robert E. Thacker

Presentation of a commendation and plaque to Colonel Robert E. Thacker, USAF, Ret., in recognition and appreciation of his distinguished service and heroism during World War II, the Korean War and the Vietnam War.

D. San Clemente High School Campus Report

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

E. San Clemente Village Report

Presentation by Jan Montague, President of the San Clemente Village, concerning the San Clemente Village.

F. Presentation of Plaque to the City - 2017 Relay for Life

Presentation of a plaque to the City of San Clemente from Mary Grant in appreciation for allowing the 2017 Relay for Life, which benefits the American Cancer Society, to take place at the Jim Johnson Memorial Park on August 26, 2017.

G. Toll Road Update

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:

None.

C. **Warrant Register**

Approve Wire Transfers Nos. 1733 through 1734, and Warrant Nos. 546070 through 546231, paid on 11/17/17 in the amount of.....\$1,206,063.77

Approve Wire Transfers Nos. 1735 through 1738 and Warrant Nos. 546232 through 546380, paid on 11/24/17 in the amount of.....\$1,558,617.12

TOTAL WARRANT REGISTER.....\$2,764,680.89

Payroll Register

Approve Warrant Nos. 639 through 641 and Automatic Deposit Advises 44472 through 44768 for the period 11/6/17 through 11/19/17, paid on 11/24/17 in the amount of.....\$ 437,294.14

TOTAL PAYROLL REGISTER.....\$ 437,294.14

D. **Fiscal Year 2016-2017 Measure M2 Expenditure Report** Pages 6D-1 through 6D-8

Staff Recommendation

Adopt Resolution No. 17-38 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO ADOPT THE FISCAL YEAR 2016-2017 MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF SAN CLEMENTE.

E. **Notice of Completion - Operational Continuity Data Center** Pages 6E-1 through 6E-4

Staff Recommendation

1. Accept the Operational Continuity Data Center, Project No. 13810, from the contractor, Data Specialties, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Operational Continuity Data Center, Project No. 13810, with the County Recorder.
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 Data Specialties, 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.

F. [Contract Award - Cascadita Canyon Waterline Abandonment](#) Pages 6F-1 through 6F-4

Staff Recommendation

1. Approve the plans and specifications for the Cascadita Canyon Waterline Abandonment, Project No. 26406.
2. Approve a supplemental appropriation in the amount of \$83,000 from the Water Fund Depreciation Reserve to Account 052-466-45300-26406.
3. Approve, and authorize the Mayor to execute, Contract 17-53 by and between the City of San Clemente and GCI Construction, Inc., providing for the construction of the Cascadita Canyon Waterline Abandonment, in the amount of \$98,160.

G. [City Investment Policy 202-1](#) Pages 6G-1 through 6G-41

Staff Recommendation

Adopt Investment Policy No. 202-1, effective December 5, 2017.

H. [Bid Award - Network Switching Equipment](#) Page 6H-1

Approve the purchase of network switching equipment from CDW-G LLC, in the total amount of \$133,885.

I. [Equipment Purchase - LED Street Light Fixtures for LED Street Light Retrofit Phase 2](#) Pages 6I-1 through 6I-3

Staff Recommendation

Approve a purchase order with Leotek Electronics USA, LLC, for LED Street Light Retrofit Phase 2, Project No. 18806, in an amount not to exceed \$198,567.09.

J. [Records Destruction](#) Pages 6J-1 through 6J-9

Staff Recommendation

Adopt Resolution No. 17-39 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.

K. [Contract Amendment - Temporary Staff Augmentation in the Planning Division](#) Pages 6K-1 through 6K-13

Staff Recommendation

1. Approve a budget transfer in the amount of \$86,000 from Account 001-433-41010-000-00000 (Salaries Current Planning, Full Time) to Account 001-433-43890-000-00000 (Contractual Services).
2. Approve a budget transfer in the amount of \$63,000 from Account 001-431-41010-000-00000 (Salaries Long Range, Full Time) to Account 001-433-43890-000-00000 (Contractual Services).
3. Approve, and authorize the Mayor to execute, Amendment No. 3 to Contract C17-17, by and between the City of San Clemente and Sagecrest Planning + Environmental, providing for temporary staff augmentation in the Planning Division. This Amendment extends the contract terms through June 30, 2018, or until services are no longer needed, and increases the contract amount from \$105,000 to \$349,000 (an increase of \$244,000).

L. [2017 Washington D.C. Sober Living Homes Reform Trip](#) Pages 6L-1 through 6L-5

Staff Recommendation

Approve an appropriation in the amount of \$2,600 from the Council Contingency Reserve Account to Account 001-203-43060 and authorize out of state travel.

- M. [Contract Award - Street Rehabilitation for Avenida Pico; Avenida Pico/Camino Vera Cruz Intersection Improvements; Arterial Street Pavement Maintenance for Avenida La Pata and Vista Hermosa; As-Needed Pavement Repairs and Crack Sealing; and Pavement Repairs for the Water Division](#) Pages 6M-1 through 6M-6

Staff Recommendation

1. Approve the specifications for the Street Rehabilitation for Avenida Pico, Project No. 17328; Avenida Pico/Camino Vera Cruz Intersection Improvements, Project No. 17338; Arterial Street Pavement Maintenance for Avenida La Pata and Vista Hermosa, Project No. 18321; As-Needed Pavement Repairs and Crack Sealing, Project No. 27306; and Pavement Repairs for the Water Division, Project No. 24400.
 2. Approve, and authorize the Mayor to execute, Contract C17-54 by and between the City of San Clemente and All American Asphalt, providing for the street rehabilitation of Avenida Pico, Project No. 17328; Avenida Pico/Camino Vera Cruz Intersection Improvements, Project No. 17338; Arterial Street Pavement Maintenance for Avenida La Pata and Vista Hermosa, Project No. 18321; As-Needed Pavement Repairs and Crack Sealing, Project No. 27306; and Pavement Repairs for the Water Division, Project No. 24400, in the amount of \$2,191,732.40.
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 17-276 - Appeal of the Planning Commission Decision Affirming the Requirement of a Sign Exception Permit for Freeway-Oriented Signage to Exceed Municipal Requirements for the Outlets at San Clemente - 101 West Avenida Vista Hermosa](#) Pages 7A-1 through 7A-190

Public Hearing to consider an Appeal filed by the Craig Realty Group concerning the Community Development Director's decision that the proposed Master Sign Program application for freeway-oriented signs requires a Sign Exception Permit. The Planning Commission heard this appeal on October 18, 2017, and determined the following: Denied Appeal 17-276, Appeal of Community Development Director's determination that a Sign Exception Permit is required for a pending application for Outlets at San Clemente to exceed the applicable Code requirement of one square

foot of signage per linear foot of building frontage, located at 101 West Avenida Vista Hermosa.

Planning Commission Recommendation

Adopt Resolution No. 17-40 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DENYING APPEAL 17-276, APPEAL OF PLANNING COMMISSION'S DETERMINATION THAT A SIGN EXCEPTION PERMIT IS REQUIRED FOR FREEWAY-ORIENTED SIGNAGE AT THE OUTLETS AT SAN CLEMENTE TO EXCEED THE APPLICABLE CODE REQUIREMENT OF ONE SQUARE FOOT OF SIGNAGE PER LINEAR FOOT OF BUILDING FRONTAGE, LOCATED AT 101 WEST AVENIDA VISTA HERMOSA.

- B. [Appeal 17-280 - Appeal of the Planning Commission Decision to Deny Temporary Banner Permit Renewal Applications to Exceed 120 Days - 101 West Avenida Vista Hermosa](#) Pages 7B-1 through 7B-128

Public Hearing to consider an Appeal filed by the Craig Realty Group concerning the City's denial of 18 temporary banner sign permits. The Planning Commission heard this appeal on October 18, 2017, and determined the following: Denied Appeal 17-280, Appeal of Denial of Temporary Banner Permit Renewal Application for Outlets at San Clemente, located at 101 West Avenida Vista Hermosa.

Planning Commission Recommendation

Adopt Resolution No. 17-41 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DENYING APPEAL 17-280, APPEAL OF DENIAL OF TEMPORARY BANNER PERMIT RENEWAL APPLICATIONS FOR OUTLETS AT SAN CLEMENTE LOCATED AT 101 WEST AVENIDA VISTA HERMOSA.

8. **Unfinished Business.**

None.

9. **New Business.**

- A. [Short-Term Wastewater Services Agreement with Santa Margarita Water District \(SMWD\) - Treatment of Talega Sewer Flows](#) Pages 9A-1 through 9A-3

Report from the Utilities Director concerning the possibility of entering into a Short-Term Agreement with SMWD for the treatment of Talega Sewer Flows.

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C17-55, a short-term Wastewater Services Agreement, by and between the City of San Clemente and the Santa Margarita Water District, providing for the treatment of Sewer Flows from Talega.

- B. [Agreement with Trabuco Canyon Water District to Purchase Potable Water from the Baker Water Treatment Plant to Improve Supply Reliability](#) Pages 9B-1 through 9B-3

Report from the Utilities Director concerning the possibility of purchasing potable water from the Baker Water Treatment Plant to improve supply reliability.

Staff Recommendation

- 1. Approve, and authorize the Mayor to execute, Contract C17-56, by and between the City of San Clemente and Trabuco Canyon Water District, providing for the purchase, sale, and delivery of domestic water.
- 2. Approve a supplemental appropriation in the amount of \$32,000 to Purchased Water Account 052-462-42610 from the Water Operating Restricted Fund Balance.
- 3. Approve a one-time purchase of water from the Trabuco Canyon Water District for testing Irvine Lake Water through the Baker Water Treatment Plant in the amount of \$137,451.60.

- 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) [Update to Council Appointees to Regional Committees, Commissions and Boards](#) Pages 11D(1)-1 through 11D(1)-5

Staff Recommendation

1. Update Councilmember appointments to various regional committees, commissions and boards.
2. Determine the Councilmember who will serve as the City's representative to the Orange County Fire Authority Board of Directors. If a Councilmember other than Mayor Pro Tem Brown (the City's current representative) is appointed to this post, adopt Resolution No. 17-42 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DESIGNATING AND APPOINTING ITS REPRESENTATIVE TO THE ORANGE COUNTY FIRE AUTHORITY'S BOARD OF DIRECTORS, with the direction that the name of the City's new Director be inserted.

12. Resolutions/Ordinances.

- A. [Ordinance No. 1648 \(Second Reading\) - Assigning Authorities to the New Utilities Director Position](#) Pages 12A-1 through 12A-3

Staff Recommendation

Adopt 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.

13. Adjournment.

Adjourn to an Adjourned Regular City Council Meeting to be held on December 19, 2017 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. At 4:30 p.m., Council will interview and make an appointment to the Orange County Mosquito and Vector Control District Board of Trustees. 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.