



# CITY OF SAN CLEMENTE

## 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)

January 16, 2018  
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.)**

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

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

Number of Cases: 6

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: Wajih Malki v. City of San Clemente

Case Number: OCSC 30-2016-00840667

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

Case Number: USDC 8:17-cv-1484

**B. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2)

Number of potential cases: 1

*Closed Session items continued on next page*

**C. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**  
Initiation of litigation pursuant to Government Code section 54956.9(d)(4)  
Number of potential cases: 2

**D. 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 - Pastor Roger Gales, Heritage Christian Fellowship**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**1. Special Presentations.**

**A. San Clemente High School Presentation**

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

**B. Commendation Presentation - John Abel, Retired Orange County Fire Authority Division Chief**

Presentation of commendation to John Abel, Orange County Fire Authority Division Chief, in recognition of 34 years of exceptional public service.

C. **2018 Long Term Financial Plan (LTFP) Issue Papers and Objectives**

Presentation of the 2018 LTFP issue papers and objectives by Assistant City Manager Sund.

D. **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 agenda items requiring immediate action.** Any items agenda items 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 Regular City Council Minutes of December 5, 2017 and Adjourned Regular City Council Minutes of December 19, 2017.](#)

B. Receive and file:

(1) [Coastal Advisory Committee Special Meeting Minutes of November 9, 2017.](#)

(2) [Planning Commission Adjourned Regular Meeting Minutes of December 20, 2017.](#)

- (3) [Design Review Subcommittee Minutes of December 13, 2017.](#)
- (4) [Zoning Administrator Regular Meeting Minutes of December 20, 2017.](#)
- (5) [Beaches, Parks and Recreation Commission Adjourned Regular Meeting Minutes of December 12, 2017.](#)
- (6) [Golf Course Committee Regular Meeting Minutes of November 2, 2017.](#)

**C. Warrant Register**

[Approve Wire Transfers Nos. 1747 through 1748 and Warrant Nos. 546727 through 546875, paid on 12/15/17, in the amount of.....\\$3,409,728.17](#)

[Approve Wire Transfers Nos. 1749 through 1754 and Warrant Nos. 546876 through 547103, paid on 12/22/17, in the amount of.....\\$1,531,573.10](#)

[Approve Wire Transfers Nos. 1755 through 1761, and Warrant Nos. 547104 through 547193, paid on 1/5/18, in the amount of.....\\$3,016,153.41](#)

TOTAL WARRANT REGISTER.....\$7,957,454.68

**Payroll Register**

Approve Warrant No. 644 and Automatic Deposit Advises 45048 through 45349 for the period 12/4/17 through 12/17/17, paid on 12/22/17, in the amount of.....\$ 432,111.03

Approve Warrant Nos. 645 through 647, Automatic Deposit Advises 45350 through 45625, for the period 12/18/17 through 12/31/17, paid on 1/5/18, In the amount of.....\$ 424,780.95

TOTAL PAYROLL REGISTER.....\$ 856,891.98

- D. [Takeover Agreement - Completion of Work on the T-Street Overpass Concrete Maintenance Stair Nosing and Concrete Deck Repairs](#) Pages 6D-1 through 6D-14

Staff Recommendation

1. Approve the new plans and specifications for the completion of work on the T-Street Overpass Concrete Maintenance Stair Nosing and Concrete Deck Repairs, Project No. 25801.
2. Approve, and authorize the Mayor to execute, Contract C18-01, a Takeover Agreement by and between the City of San Clemente and Philadelphia Indemnity Insurance Company, providing for completion of the remaining work that The Richard Group did not perform on the T-Street Overpass Concrete Maintenance Stair Nosing and Concrete Deck Repairs, Project No. 25801.

- E. [Contract Award - Maintenance Yard Covers](#) Pages 6E-1 through 6E-4

Staff Recommendation

1. Approve the plans and specifications for the Maintenance Yard Covers, Project No. 17808.
2. Approve a supplemental appropriation of \$175,000 from the Clean Ocean Improvement Reserve Fund to Account 057-543-45300-000-17808, Maintenance Yard Covers, Project No. 17808.
3. Approve, and authorize the Mayor to execute, Contract C18-02, an agreement by and between the City of San Clemente and O'Connell Engineering & Construction, Inc., providing for construction of Maintenance Yard Covers, in the amount of \$535,200.

- F. [Contract Award - LED Street Light Conversion Phase 2](#) Pages 6F-1 through 6F-6

Staff Recommendation

1. Approve the specifications for the LED Street Light Conversion Phase 2 Project No. 18806.
2. Approve, and authorize the Mayor to execute, Contract C18-03, by and between the City of San Clemente and Siemens Industry, Inc., providing for construction of the LED Street Light Conversion Phase 2, in the amount of \$49,425.

- G. [Contract Award - Fourth of July Fireworks Display](#) Pages 6G-1 through 6G-2

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C18-04 by and between the City of San Clemente and Fireworks & Stage FX America, providing for the execution of the City's annual Fourth of July fireworks display for three (3) years, in an amount not to exceed \$41,985 per year.

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.**

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) [Toll Road Subcommittee \(Appointment of Representatives\)](#)  
Page 11D(1)-1

Staff Recommendation

Appoint representatives to the Toll Road Subcommittee for terms to be determined.

12. **Resolutions/Ordinances.**

None.

13. **Adjournment.**

Adjourn in memory of John Tengdin.

The next Regular Council Meeting will be held on February 6, 2018 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 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](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.