



CITY OF SAN CLEMENTE

REGULAR CITY COUNCIL

REVISED* MEETING AGENDA

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

May 1, 2018
5:00 p.m. - Closed Session
6:00 p.m. - Business Meeting

***NOTE:** This revised agenda varies from the agenda that was issued on April 24, 2018 in that it includes a new Closed Session Item D. The new item is listed on this agenda on Page 3 in italicized type.

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: 10

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

Case Number: USDC 8:17-cv-1484

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

Case Number: 30-2017-00963212-CU-WM-CJC

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

Case Number: 30-2017-00947401-CU-WM-CJC

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

Case Number: 30-2017-00917422-CU-WM-CJC

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

Case Number: 30-2017-00959587-CU-WM-CJC

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

Case Number: 30-2017-00945850-CL-JR-CJC

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

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

Case Name: City of San Clemente, et al. v. Dual Diagnosis Treatment Center, Inc., et al.

Case Number: OCSC 30-2015-00805214-CU-MC-CJC

Closed Session items continued on next page

Case Name: MemorialCare Services, et al. v. City of San Clemente
Case Number: USDC 8:16-cv-00852 DOC-JCG

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

B. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2)
Number of potential cases: 3

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 LEGAL COUNSEL – EXISTING LITIGATION

Existing litigation pursuant to Government Code section 54956.9(d)(1)
Number of Cases: 1
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 - Holland Davis, Senior Pastor - Calvary Chapel San Clemente

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. **Toll Road Update**

B. **Planning Commission Update**

Presentation by Don Brown, Planning Commission Chair, concerning Planning Commission activities.

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:
 - (1) [Planning Commission Regular Meeting minutes of April 18, 2018.](#)
 - (2) [Planning Commission Regular Study Session minutes of April 18, 2018.](#)
 - (3) [Human Affairs Committee Regular Meeting minutes of April 10, 2018.](#)
 - (4) [Zoning Administrator Regular Meeting minutes of April 18, 2018.](#)

C. **Warrant Register**

Approve Wire Transfers Nos. 1810 through 1816 and Warrant Nos. 549329 through 549478, paid on 4/13/18, in the amount of.....\$1,527,507.65

Approve Warrant Nos. 549479 through 549653, paid on 4/20/18, in the amount of.....\$2,096,809.24

TOTAL WARRANT REGISTER.....\$3,624,316.89

Payroll Register

Approve Warrant No. 665, and Automatic Deposit Advises 47393 through 47703, for the period 3-26-18 through 4-8-18, paid on 4-13-18, in the amount of.....\$ 482,100.21

TOTAL PAYROLL REGISTER.....\$ 482,100.21

D. **Contract Award - Calle Redondel Storm Drain Improvement** Pages 6D-1 through 6D-4

Staff Recommendation

1. Approve the plans and specifications for the Calle Redondel Storm Drain Improvement, Project No. 15005.
2. Approve, and authorize the Mayor to execute, Contract C18-17 by and between the City of San Clemente and GCI Construction, Inc., providing for construction of the Calle Redondel Storm Drain Improvement, Project No. 15005, in the amount of \$195,500.
3. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C15-21 by and between the City of San Clemente and Stantec. This Amendment extends the term of the contract to December 1, 2018, provides for additional engineering services, and increases the contract amount from \$104,311 to \$111,311 (an increase of \$7,000).

E. **Contract Award - Reservoir No. 9 Storm Damage Repair** Pages 6E-1 through 6E-2

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C18-18 by and between the City of San Clemente and LGC Geotechnical, providing for design services for Reservoir No. 9 - Storm Damage Repair, Project No. 28401, in the amount of \$60,964.

- F. [Increased Construction Management and Inspection Services Costs - Calle Toledo Storm Drain Improvements](#) Pages 6F-1 through 6F-2

Staff Recommendation

1. Approve a supplemental appropriation in the amount of \$25,000 from the Storm Drain Fund Depreciation Reserve to Account 059-553-45300-000-17008.
2. Approve an increased budget amount of \$25,000 for Dudek to provide construction management and inspection services for the Calle Toledo Storm Drain Improvements, Project No. 17008.

- G. [Fee Waiver Request for 2018 Lifeguard Challenge Event](#) Pages 6G-1 through 6G-11

Beaches, Parks and Recreation Commission and Staff Recommendation

Approve a fee waiver of \$1,888.60 for the costs associated with the special event permit, including lifeguard service fees, for "The Lifeguard Challenge" event on August 12, 2018.

- H. [Fee Waiver Request for Relay for Life Hosted by the American Cancer Society](#) Pages 6H-1 through 6H-4

Beaches, Parks and Recreation Commission and Staff Recommendation

Approve a fee waiver in an amount not to exceed \$1,092 for costs associated with the "Relay for Life San Clemente" event at the Jim Johnson Memorial Sports Park on July 28, 2018.

- I. [Contract Amendment - Extension to the Short-Term Wastewater Services Agreement with Santa Margarita Water District \(SMWD\)](#) Page 6I-1

Staff Recommendation

Approve, and authorize the City Manager to execute, Amendment No. 2 to Contract C17-55, by and between the City of San Clemente and the Santa Margarita Water District, to extend the contract to treat wastewater flows from Talega for 120 days.

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. **[Consideration of California Coastal Commission Modified and Approved Local Coastal Program Comprehensive Land Use Plan Update](#)** Page 7A-1

Public Hearing to consider the California Coastal Commission (CCC)-approved City of San Clemente Comprehensive Land Use Plan Update. The CCC approved the LUP with suggested modifications at the CCC public hearing on February 8, 2018. The City of San Clemente is considering the suggested modifications from the CCC to the LUP and must act to accept or reject the modifications within 6 months of the CCC approval.

Staff Recommendation

Continue the Public Hearing on the California Coastal Commission (CCC) Modified and Approved Local Coastal Program (LCP) Comprehensive Land Use Plan (LUP) Update to the Council meeting of June 12, 2018.

B. **[Code Amendments - Phase 2 Comprehensive Code Updates \(Zoning Amendments 17-412 and 18-090\)](#)** Pages 7B-1 through 7B-253

Public Hearing to consider a City-initiated amendment of Municipal Code (SCMC) Title 17 "Zoning" (Zoning Amendments 17-412 and 18-090). These Zoning Amendments are City-initiated to amend the San Clemente Municipal Code (SCMC) Title 17, Zoning, for Phase 2 of the comprehensive Zoning Code updates. These updates generally include incorporating remaining zoning updates for General Plan land use consistency and Housing Element Action Plan updates. It is anticipated that the entire comprehensive update will be completed in multiple phases.

Staff Recommendation

1. Determine that the project is exempt from further review of the California Environmental Quality Act (CEQA). Pursuant to State CEQA Guidelines Section 15162, the project is exempt because it is within the scope of Final Environmental Impact Report (EIR), State Clearinghouse No. 2013041021, certified for the Centennial General Plan on February 13, 2014, and the program EIR adequately describes the project. The project could have no new effects and no new mitigations are required.

Staff Recommendation continued on next page

2. Introduce the following Ordinances:

Ordinance No. 1652 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, MAKING CEQA FINDINGS AND FOR A CITY-INITIATED AMENDMENT (ZA 17-412) TO THE CITY OF SAN CLEMENTE MUNICIPAL CODE TITLE 17, ZONING, TO ACHIEVE CONSISTENCY BETWEEN THOSE DOCUMENTS AND THE ADOPTED CENTENNIAL GENERAL PLAN, FOR PHASE 2 OF THE COMPREHENSIVE ZONING CODE PURSUANT TO GOVERNMENT CODE SECTION 65860.

Ordinance No. 1653 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, MAKING CEQA FINDINGS AND FOR A CITY-INITIATED AMENDMENT (ZA 18-090) OF THE CITY OF SAN CLEMENTE MUNICIPAL CODE SECTION 17.28.300 FOR TEMPORARY FENCING.

C. [Code Amendment - Regulation of Short-Term Lodging Units \(STLU\) Zoning Ordinance Amendment 17-392](#) Pages 7C-1 through 7C-64

Public Hearing to consider a City-initiated amendment of San Clemente Municipal Code Title 17, the Zoning Ordinance, (Zoning Amendment 17-392) regarding regulation of Short-Term Lodging Units (STLUs). The City Council will be considering changes to the existing STLU regulations including, but not limited to, the expansion of the STLU overlay area, existing development standard requirements and operating procedures. On April 18, 2018 the Planning Commission voted (4-1) to concur with Staff and recommend approval of the proposed amendment to the City Council.

Staff Recommendation

Introduce Ordinance No. 1654 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE APPROVING AN AMENDMENT TO MUNICIPAL CODE TITLE 17 REGARDING REGULATION OF SHORT-TERM LODGING UNITS.

D. [Weed Abatement Program 2018](#) Pages 7D-1 through 7D-4

Public Hearing to consider all objections or protests, if any, to the proposed abatement of weeds, rubbish, refuse and dirt upon streets, sidewalks, parkways and private property within the City of San Clemente.

Staff Recommendation

Adopt Resolution No. 18-15 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ORDERING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO ABATE THE NUISANCES BY HAVING WEEDS, RUBBISH, REFUSE, AND DIRT REMOVED FROM VACANT PROPERTIES AND UNOCCUPIED, DEVELOPED PROPERTIES WITHIN THE CITY.

8. **Unfinished Business.**

A. [Additional San Clemente Trolley Service for the 2018 Summer Operating Season](#) Pages 8A-1 through 8A-2

Report from the Public Works Director/City Engineer concerning the possibility of authorizing additional San Clemente trolley service for the 2018 summer operating season.

Staff Recommendation

1. Approve the following actions if the City Council desires to add Thursday trolley service from May 31 through July 12:
 - a. Approve, and authorize the Mayor to execute, Amendment No. 3 to Contract C17-11, by and between the City of San Clemente and Professional Parking and Transportation Services, providing for Thursday trolley service from May 31 through July 12, in an amount not to exceed \$12,000.
 - b. Approve a supplemental appropriation in the amount of \$16,000 from the Air Quality Fund undesignated fund balance to Account 019-819-45300-000-00000.

2. Approve the following actions if the City Council desires to add Monday through Thursday trolley service from May 29 through July 12:
 - a. Approve, and authorize the Mayor to execute, Amendment No. 3 to Contract C17-11, by and between the City of San Clemente and Professional Parking and Transportation Services, providing for Monday through Thursday trolley service from May 29 through July 12, in an amount not to exceed \$42,000.

Staff Recommendation continued on next page

- b. Approve a supplemental appropriation in the amount of \$48,000 from the Air Quality Fund undesignated fund balance to Account 019-819-45300-000-00000.
- 3. Provide direction regarding a possible destination label change on the trolley vehicle as noted in the Administrative Report, dated May 1, 2018, which is on file with the City Clerk.

9. **New Business.**

A. [Ordinance Introduction - Recovery of Costs of Administrative Hearings and Appeals](#) Pages 9A-1 through 9A-9

Report from the City Attorney concerning the possibility of amending the Code of the City of San Clemente to recover costs of Administrative Hearings and Appeals.

Staff Recommendation

Introduce Ordinance No. 1655 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADDING A NEW CHAPTER 1.22 TO TITLE 1 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO FEES FOR ADMINISTRATIVE HEARINGS AND APPEALS AND AMENDING SECTIONS 1.20.080 AND 1.20.090 OF CHAPTER 1.20 OF TITLE 1 OF THE MUNICIPAL CODE RELATING TO JUDICIAL REVIEW OF ADMINISTRATIVE CITATIONS.

B. [Recreation Sports Partnership Application - Elite Soccer League](#) Pages 9B-1 through 9B-15

Report from the Beaches, Parks and Recreation Department concerning a Recreation Sports Partnership application by Elite Soccer League.

Staff Recommendation

Approve, and authorize the Mayor to execute, an Agreement (Contract No. C18-19), by and between the City of San Clemente and Elite Soccer League, providing for Gold Partnership status for a two-year period.

Beaches, Parks and Recreation Commission Recommendation

Approve, and authorize the Mayor to execute, an Agreement (Contract No. C18-19), by and between the City of San Clemente and Elite Soccer, providing for Gold Partnership status for a one-year period.

- C. [Code Amendment - Regulation of Short-Term Lodging Units \(Chapters 1.20 \(Administrative Fines\), 3.24 \(Transient Occupancy Tax\), and a Cross-Reference to Chapter 8.28 in Subsection 17.28.292\(E\)\(3\) \(Solid Waste Collection\)](#) Pages 9C-1 through 9C-9

Report from the City Attorney concerning possible amendments to the Code of the City of San Clemente regarding regulation of short-term lodging units (i.e., Chapters 1.20 (Administrative Fines), 3.24 (Transient Occupancy Tax), and a cross-reference to Chapter 8.28 in Subsection 17.28.292(E)(3) (Solid Waste Collection)).

Staff Recommendation

Introduce Ordinance No. 1656 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MUNICIPAL CODE CHAPTERS 1.20 (ADMINISTRATIVE FINES), 3.24 (TRANSIENT OCCUPANCY TAX), AND A CROSS-REFERENCE TO CHAPTER 8.28 IN SUBSECTION 17.28.292(E)(3) (SOLID WASTE MANAGEMENT) REGARDING REGULATION OF SHORT-TERM LODGING UNITS.

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) [Consideration of City Position on Federal Bill HR 3929 - Stranded Nuclear Waste Accountability Act of 2017](#) Pages 11D(1)-1 through 11D(1)-4

Staff Recommendation

Provide direction on whether or not to take a position on Federal Bill H.R. 3929, the Stranded Nuclear Waste Accountability Act of 2017.

(2) **Orange County Fire Authority Report (Mayor Brown)**

12. **Resolutions/Ordinances.**

None.

13. **Adjournment.**

Adjourn to a Joint Council/Commissions/Committees meeting to be held on Thursday, May 10, 2018 at 7:00 p.m. at the Ole Hanson Beach Club, located at 105 W. Avenida Pico, San Clemente, California.

The next Regular Council Meeting will be held on May 15, 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. 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.