



CITY OF SAN CLEMENTE

ADJOURNED REGULAR CITY COUNCIL MEETING REVISED* AGENDA

*This Revised Agenda varies from the original agenda for the June 12, 2018 City Council meeting that was posted on June 5, 2018 in that two additional Closed Session items were added to Closed Session Item A. The new items are 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

June 12, 2018
4:00 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 (4:00 P.M.)

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Number of Cases: 12

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

Case Number: 30-2018-D0985963-CU-MC-CJC

Case Name: Administrative Citations for Sign Violations Against Villa San Clemente Pending Before Hearing Officer Dan Joseph.

Closed Session items continued on next page

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

Orange County Catholic Worker v. Orange County
Case Number: SA CV 18-0155-DOC (JDE)

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

B. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2)
Number of potential cases: 4

C. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code section 54956.9(d)(4)
Number of potential cases: 2

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. Toll Road Update

B. Certificate of Recognition - Jake Carrera (Construction of Flag Retirement Boxes as his Eagle Scout Project)

Presentation of a Certificate of Recognition to Jake Carrera in recognition and appreciation for creating Flag Retirement Boxes for the San Clemente City Hall and Community Center as his Eagle Scout project.

C. **Presentation of Commendation - Christopher Galarze-Gonzales (Recipient of the 2018 Human Relations Leadership Award)**

Presentation of a Commendation to Christopher Galarze-Gonzales in recognition of being named the 2018 recipient of the City of San Clemente Human Relations Leadership Award.

D. **Human Affairs Committee Annual Report for FY 2017-18** Pages 1D-1 through 1D-4

Staff Recommendation

Receive and file the Human Affairs Committee's Annual Report for FY 2017-18, dated June 12, 2018, which is on file with the City Clerk.

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**

Staff Recommendation

Approve the minutes of the Regular City Council meeting of May 1, 2018, Special and Adjourned Regular City Council meeting of May 9, 2018, Adjourned Regular City Council meeting of May 15, 2018, and Adjourned Regular City Council Meeting of May 21, 2018.

B. Receive and file:

- (1) Investment Advisory Committee Regular Meeting minutes of April 23, 2018.
- (2) Golf Course Committee Regular Meeting minutes of March 1, 2018.
- (3) Coastal Advisory Committee Regular Meeting minutes of March 8, 2018.
- (4) Planning Commission Adjourned Regular Meeting minutes of May 16, 2018.
- (5) Zoning Administrator Regular Meeting minutes of May 16, 2018.
- (6) Joint City Council/Commissions/Committees meeting of May 10, 2018.

C. **Warrant Register**

Approve Wire Transfers Nos. 1829 through 1833 and Warrant Nos. 549988 through 550208, paid on 5/11/18, in the amount of.....\$1,560,240.37

Approve Wire Transfers Nos. 1834 through 1835 and Warrant Nos. 550209 through 550413, paid on 5-18-18, in the amount of.....\$ 858,004.49

Approve Wire Transfers Nos. 1836 through 1839 and Warrant Nos. 550414 through 550565, paid on 5-25-18, in the amount of.....\$1,660,722.71

Approve Wire Transfers Nos. 1840 through 1843 and Warrant Nos. 550566 through 550722, paid on 6-1-18, in the amount of.....\$3,355,865.04

TOTAL WARRANT REGISTER.....\$7,434,832.61

Payroll Register

Approve Warrant Nos. 669 through 671 and Automatic Deposit Advises 48024 through 48345, for the period 4-23-18 through 5-6-18, paid on 5-11-18, in the amount of.....\$ 507,558.26

Approve Warrant Nos. 672 through 674 and Automatic Deposit Advises 48346 through 48662, for the period 5-7-18 through 5-20-18, paid on 5-25-18, in the amount of.....\$ 457,105.91

TOTAL PAYROLL REGISTER.....\$ 964,664.17

D. **Vehicle Purchase - Replacement of Fleet Vehicles Nos. 970, 1072, 1089, 1091 and 1092** Pages 6D-1 through 6D-2

Staff Recommendation

Approve the purchase of five vehicles from Fairview Ford Sales for replacement of Fleet Vehicles Nos. 970, 1072, 1089, 1091 and 1092 from the Fleet Replacement Reserve.

E. **Vehicle Purchase - Replacement of Fleet Vehicles Nos. 1051 and 1131** Pages 6E-1 through 6E-2

Staff Recommendation

1. Approve the purchase of two vehicles from Fairview Ford Sales for replacement of Fleet Vehicles Nos. 1051 and 1131 from the Fleet Replacement Reserve.
2. Appropriate \$624 from the Fleet Replacement Reserve unassigned fund balance to Automotive Equipment (Account 065-824-45600) to cover the replacement shortfall.

F. **Citizens Option for Public Safety Program (COPS)** Page 6F-1

Staff Recommendation

Approve the use of COPS grant funds for a portion of one patrol deputy position for FY 2018-19.

- G. [Contract Amendment - Supplemental Inspection and Permit Counter Services for the Building Division](#) Pages 6G-1 through 6G-6

Staff Recommendation

Approve, and authorize the Mayor to execute, Amendment No. 5 to Contract AC-661, by and between the City of San Clemente and VCA Code Group, providing for temporary building inspection services. This Amendment extends the contract terms through June 30, 2019, with no increase in the maximum compensation.

- H. [Contract Amendment - Property Rental Agreement with the Friends of the San Clemente Beaches, Parks and Recreation Foundation](#) Pages 6H-1 through 6H-14

Staff Recommendation

Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract C06-48, the Property Rental Agreement by and between the City of San Clemente and the Friends of the San Clemente Beaches, Parks and Recreation Foundation.

- I. [In-Kind Donation to Friends of San Clemente Beaches, Parks and Recreation Foundation for Annual Golf Tournament](#) Pages 6I-1 through 6I-2

Staff Recommendation

Approve the donation of two foursomes at the Municipal Golf Course and one weekend pool party package at the San Clemente Aquatics Center to the Friends of San Clemente Beaches, Parks and Recreation Foundation.

- J. [Contract Amendment - Interim City Planner Services](#) Page 6J-1

Staff Recommendation

Approve, and authorize the City Manager to execute, Amendment No. 1 to Contract AC-785, by and between the City of San Clemente and Kimley-Horn and Associates, providing for as-needed interim City Planner services. This Amendment increases the contract amount from \$25,000 to a maximum of \$138,000, an increase of \$113,000.

- K. [Resolutions Required by Ordinance No. 1654 \(which Regulates Short-Term Lodging Units \(STLUs\) - Qualifications of On-Site Property Managers at STARs, Criteria for Evaluating Occupancy-Limit Waivers for STLUs, and Amortization Hardship-Waiver Application Form](#)
Pages 6K-1 through 6K-17

Staff Recommendation

1. Adopt Resolution No. 18-16 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING STANDARDS FOR PROPERTY-MANAGER TRAINING UNDER SECTION 17.28.292(D) OF THE SAN CLEMENTE MUNICIPAL CODE AND MAKING CEQA EXEMPTION FINDINGS.
2. Adopt Resolution No. 18-17 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING CRITERIA FOR EVALUATING REQUESTS FOR WAIVER OF STLU-OCCUPANCY LIMITS UNDER SECTION 17.28.292(C)(11) OF THE SAN CLEMENTE MUNICIPAL CODE AND MAKING CEQA EXEMPTION FINDINGS.

- L. [Emergency Protection for Linda Lane Pump Station](#) Pages 6L-1 through 6L-3

Staff Recommendation

1. Make a finding that an emergency exists due to the potential failure of an existing sewer pump station and that the situation requires immediate action to prevent or mitigate impairment to property and public services, that might otherwise occur if required to incur delays attributed to the typical engineering design and public competitive bidding process.
2. Declare that the public interest and necessity demand the immediate expenditure of public funds to safeguard public health.
3. Approve an appropriation in the amount of \$140,000 to Account 054-476-45300-000-16209 from the Sewer Fund Depreciation Reserve.
4. Ratify the Emergency Construction Contract with Wright Construction Engineering Corporation on a time-and-materials basis for up to \$100,000 for emergency protection of the Linda Lane Pump Station, Project No. 16209.

- M. [Establishment of Appropriations Limit for FY 2018-19](#) Pages 6M-1 through 6M-6

Staff Recommendation

1. Approve selection of the following annual adjustment factors:
 - a. Population change for the City of San Clemente.
 - b. Increase in California per capita personal income.
2. Adopt Resolution No. 18-18 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING AN APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA CONSTITUTION.

- N. [Minutes of Planning Commission Meeting of April 18, 2018 \(Withdrawal of Appeal for Conditional Use Permit 17-390, Rasta Large Family Day Care\)](#) Pages 6N-1 through 6N-13

Staff Recommendation

Receive and file the Planning Commission Regular Meeting minutes of April 18, 2018.

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](#) Pages 7A-1 through 7A-1,260

[PART B of Report](#)

Continued Public Hearing to consider the California Coastal Commission (CCC)-approved City of San Clemente Comprehensive Land Use Plan (LUP) 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

1. Adopt Resolution No. 18-19 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AND ADOPTING THE LOCAL COASTAL PROGRAM COMPREHENSIVE LAND USE PLAN UPDATE AS MODIFIED AND APPROVED BY THE CALIFORNIA COASTAL COMMISSION ON FEBRUARY 8, 2018.
2. Direct Staff to forward the completed LUP and Resolution to the California Coastal Commission for Executive Director sign off.
3. Direct Staff to prepare an LUP Amendment to immediately follow certification of the LUP to modify the threshold year for calculating cumulative changes related to the definition of a Major Remodel.

B. [Establishment of Fees for Administrative Hearings and Administrative Appeals](#) Pages 7B-1 through 7B-6

Public Hearing to consider establishing fees for Administrative Hearings and Administrative Appeals.

Staff Recommendation

Adopt Resolution No. 18-20 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ENACTING A FEE FOR APPEALS UNDER CHAPTER 1.22 OF THE SAN CLEMENTE MUNICIPAL CODE.

8. **Unfinished Business.**

None.

9. **New Business.**

A. [Adoption of Fiscal Year 2018-19 City Budget](#) Pages 9A-1 through 9A-30

Report from the Assistant City Manager concerning adoption of the Fiscal Year 2018-19 City budget.

Staff Recommendation

1. Adopt Resolution No. 18-21 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING AND APPROVING THE BUDGET AT THE FUND

LEVEL FOR THE CITY OF SAN CLEMENTE FOR THE 2018-19 FISCAL YEAR AND THE COMMITMENT OF FUND BALANCE.

2. Adopt Resolution No. 18-22 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING REVISED SALARY SCHEDULES AND NEW CLASSIFICATIONS AND AMENDING RESOLUTION NO. 17-15 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH.

B. **FY 2018-19 Police Services Contract**

Report from the Assistant City Manager concerning the proposed Police Services contract for FY 2018-19.

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C93-16 by and between the City of San Clemente and the County of Orange, providing for police services for the 2018-19 fiscal year.

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**

12. **Resolutions/Ordinances.**

None.

13. **Adjournment.**

Adjourn in memory of Billie-Pinnick Lovmark to an Adjourned Regular Council meeting to be held on June 13, 2018 at 4:30 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, for the purpose of interviewing and making appointments to various Commissions and Committees.

A subsequent Adjourned Regular Council meeting will be held on June 14, 2018 at 4:30 p.m. in the Council Chambers for the purpose of interviewing and making appointments to various Commissions and Committees.

The next Regular Council Meeting will be held on June 19, 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.