



# CITY OF SAN CLEMENTE

## ADJOURNED 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)

August 21, 2018  
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: 7

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 v. Foothill/Eastern Transportation Corridor Agency

Case Number: OCSC 30-2018-01000331-CU-WM-CJC

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

Case Number: OCSC 30-2017-00954552-CU-BC-CJC

Case Name: MemorialCare Services, et al. v. City of San Clemente

Case Number: USDC 8:16-cv-00852 DOC-JCG

Case Name: Anthem Sales and Management, LLC, et al. v. City of San Clemente

Case Number: OCSC 30-2018-01008216; USDC 8:18-cv-01359

Case Name: Anthem Sales and Management, LLC, et al. v. City of San Clemente

Case Number: OCSC 30-2018-01008216; USDC 8:18-cv-01359

Case Name: Malki v. San Clemente

Case Number: OCSC 30-2016-00840667-CU-EI-CXC

*Closed Session items continued on next page*

- 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
  
- C. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**  
Pursuant to Government Code Section 54956.9(d)(4)  
Initiation of litigation  
Number of potential cases: 3
  
- D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
Pursuant to Government Code Section 54956.8  
Property: S. La Esperanza, San Clemente  
APN # 690-012-02  
Agency Negotiator: Erik Sund, Assistant City Manager  
Negotiating Parties: City of San Clemente and HTL Hospitality Advisors, LLC  
Under Negotiation: Price and Terms of Payment for Purchase
  
- E. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
Pursuant to Government Code section 54957  
Title: City Manager

**BUSINESS MEETING (6:00 P.M.)**

**CALL TO ORDER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**1. Special Presentations.**

A. **Toll Road Update**

B. **Recognition of Out-Going Commission and Committee Members**

Presentation of City tiles to the following out-going members of the City's Commissions and Committees:

Michael Smith  
Planning Commission

*List continued on next page*

John McMains  
Coastal Advisory Committee

Kay Childs  
Human Affairs Committee

Cindi Juncal  
Human Affairs Committee

R. Scott Mahl  
Investment Advisory Committee

Patricia Holloway  
City Representative to the Friends of the Reserve Commission

C. **Public Safety Update**

Presentation by Lt. Mike Peters concerning public safety in San Clemente.

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**

- (1) [Adjourned Regular City Council Meeting minutes of July 24, 2018.](#)
- (2) [Adjourned Regular City Council Meeting minutes of July 31, 2018.](#)

B. Receive and file:

- (1) [Regular Zoning Administrator Meeting minutes of July 19, 2018.](#)
- (2) [Regular Investment Advisory Committee Meeting minutes of April 23, 2018.](#)
- (3) [Adjourned Regular Planning Commission minutes of July 18, 2018.](#)

C. **Warrant Register**

[Approve Wire Transfers Nos. 1867 through 1869 and Warrant Nos. 551557 through 551756, paid on 7-13-18, in the amount of.....\\$ 2,746,234.61](#)

[Approve Wire Transfers Nos. 1870 through 1873 and Warrant Nos. 551757 through 551920, paid on 7-20-18, in the amount of.....\\$ 1,661,091.77](#)

[Approve Warrant Nos. 551921 through 552089, paid on 7-27-18, in the amount of.....\\$ 2,269,671.85](#)

[Approve Wire Transfers Nos. 1874 through 1879 and Warrant Nos. 552090 through 552270, paid on 8-3-18, in the amount of.....\\$ 3,008,281.84](#)

[Approve Wire Transfers Nos. 1880 through 1881 and Warrant Nos. 552271 through 552489, paid on 8-10-18, in the amount of.....\\$ 787,406.08](#)

TOTAL WARRANT REGISTER.....\$10,472,686.15

**Payroll Register**

Approve Warrant Nos. 683 through 685 and Automatic Deposit Advises 49663 through 50005, for the period 7-2-18 through 7-15-18, paid on 7-20-18, in the amount of.....\$ 532,611.92

Approve Warrant Nos. 686 through 687 and Automatic Deposit Advises 50006 through 50345, for the period 7-16-18 through 7-29-18, paid on 8-3-18, in the amount of.....\$ 519,969.04

TOTAL PAYROLL REGISTER.....\$1,052,580.96

- D. **Staffing Change to the Recycled Water Specialist Position** Pages 6D-1 through 6D-4

Staff Recommendation

Adopt Resolution No. 18-45 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CHANGING THE ALLOCATION OF A LIMITED-TERM RECYCLED WATER SPECIALIST POSITION TO A REGULAR FULL-TIME POSITION AND AMENDING RESOLUTION NO. 18-22 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH.

- E. **Contract Award - Vaquero Lift Station Removal** Pages 6E-1 through 6E-4

Staff Recommendation

1. Approve the plans and specifications for the Vaquero Lift Station removal, Project No. 27206.
2. Approve a supplemental appropriation of \$67,570 from the Sewer Depreciation Reserve Fund to Account 054-476-43470-000-27206.
3. Approve, and authorize the Mayor to execute, Contract 18-34, by and between the City of San Clemente and O'Connell Construction and Engineering, providing for construction of the Vaquero Lift Station Removal, Project No. 27206, in the amount of \$126,570.

- F. [Updated 2018 South Orange County Integrated Regional Water Management Plan](#) Pages 6F-1 through 6F-4

Staff Recommendation

Adopt Resolution No.18-46 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING THE 2018 SOUTH ORANGE COUNTY INTEGRATED REGIONAL WATER MANAGEMENT PLAN.

- G. [Amendment to Water Loss Control Cost Sharing Agreement with the Municipal Water District of Orange County \(MWDOC\)](#) Pages 6G-1 through 6G-3

Staff Recommendation

1. Approve, and authorize the City Manager to execute, Amendment No. 2 to Contract AC-790, the Water Loss Control Cost Sharing Agreement, by and between the City of San Clemente and MWDOC. This Amendment increases the scope of the agreement, extends the contract term through the end of 2018, and increases the contract amount from \$9,432 to \$17,732 (an increase of \$8,300).
2. Authorize the City Manager to approve additional amendments to the Agreement for up to a maximum of three years, not to exceed \$25,000 per year.

- H. [Payment Authorization - Maintenance and Support Renewal for Superior Trakit Software](#) Pages 6H-1 through 6H-2

Staff Recommendation

Authorize payment to Superior LLC, for the purchase of annual software maintenance and technical support for Trakit permitting and licensing software, in the amount of \$33,871.

- I. [Contract Award - Fiscal Year 2018 Major Maintenance and Camino Capistrano Street Project](#) Pages 6I-1 through 6I-4

Staff Recommendation

1. Approve the plans and specifications for Major Street Maintenance FY 2018, Project No. 28301, and Camino Capistrano Street Project No. 17334.
2. Approve, and authorize the Mayor to execute, Contract C18-35 by and between the City of San Clemente and R.J. Noble Company, providing for construction for Major Street Maintenance FY 2018,

Project No. 28301, and Camino Capistrano Street Project No. 17334, in the amount of \$610,439.

3. Authorize a supplemental appropriation of \$118,500 to the Major Maintenance FY 2018 Project No. 28301, Account 001-416-45720-000-28301 from the Street Improvement Fund Undesignated Fund Balance.

J. **Contract Amendments - Sports and Aquatics Partnership Agreements**  
Pages 6J-1 through 6J-8

Staff Recommendation

1. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C15-81, by and between the City of San Clemente and American Youth Soccer Organization Region 111, providing for a three-month extension of the partnership agreement.
2. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C15-82, by and between the City of San Clemente and San Clemente Little League, providing for a three-month extension of the partnership agreement.
3. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C15-80, by and between the City of San Clemente and San Clemente Aquatics, providing for a three-month extension of the partnership agreement.

K. **Parking Prohibition on Via Montego at Via Alegre** Pages 6K-1 through 6K-8

Staff Recommendation

1. Prohibit parking on the east side of Via Montego, from the southeast curb return of Via Alegre southerly for a distance of forty (40) feet.
2. Adopt Resolution No. 18-47 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING 'NO PARKING AREAS' ON VIA MONTEGO.



- L. [Conservation Easement from the Marblehead Homeowners Association to Maintain Existing Open Space Consistent with Current General Plan and Zoning Designations](#) Pages 6L-1 through 6L-43

Staff Recommendation

Adopt Resolution No. 18-48 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACCEPTING A CONSERVATION EASEMENT FROM THE MARBLEHEAD HOA TO MAINTAIN EXISTING OPEN SPACE CONSISTENT WITH CURRENT GENERAL PLAN AND ZONING DESIGNATIONS.

- M. [Rejection of Proposals - Street Sweeping Parking Enforcement](#) Page 6M-1

Staff Recommendation

Reject all proposals received for the Parking Enforcement of Street Sweeping, and authorize Staff to re-advertise the RFP for Parking Enforcement for Street Sweeping.

- N. [Contract Award - Senior Mobility Program \(SMP\)](#) Pages 6N-1 through 6N-2

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C18-37, by and between the City of San Clemente and Cabco Yellow, Inc., dba California Yellow Cab, providing for senior transportation services under the Senior Mobility Program, for an initial term of three years at an annual cost of \$58,968 and total three-year cost of \$176,904.

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. **[100 N. Avenida Esperanza - Tentative Parcel Map 2018-137 \(Esperanza Subdivision\)](#)** Pages 7A-1 through 7A-25

Public Hearing to consider the subdivision of a single-family residential lot into three lots. No development is proposed in conjunction with the subdivision. The site is located within the Residential Low Density Zone (RL) at 100 North Avenida Esperanza, adjacent to Interstate-5 at the north end of North Avenida Esperanza.

Planning Commission Recommendation

Adopt Resolution No. 18-49 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 2018-137 (PLN 16-436), ESPERANZA SUBDIVISION, TO ALLOW THE SUBDIVISION OF A SINGLE-FAMILY RESIDENTIAL PARCEL INTO THREE LOTS LOCATED AT 100 NORTH AVENIDA ESPERANZA.

B. **[Zoning Amendment \(ZA\) 17-203 - Regulation of Murals on Private Property](#)** Pages 7B-1 through 7B-10

Public Hearing to consider a City-initiated Zoning Amendment (ZA) 17-203 to the San Clemente Municipal Code (SCMC) Title 17, Zoning, to amend definitions as they relate to murals and to incorporate procedures for a mural permit with an objective checklist.

Staff Recommendation

1. Determine that the project is Categorical Exempt from further review of the California Environmental Quality Act (CEQA) because it is an administrative activity which will not result in a direct or reasonably foreseeable indirect physical change to the environment and is not a "project" as defined by section 15378 pursuant to State CEQA Guidelines 15060(c)(2 and 3).

Further, the project is also exempt pursuant to State CEQA Guidelines Section 15301 (Class 1: Existing Facilities). The Class 1 exemption specifically exempts from further CEQA review the operation, repair, maintenance, and minor repair of existing public or private structures, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

*Staff Recommendation continued on next page*

2. Introduce Ordinance No. 1660 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, MAKING CEQA FINDINGS AND FOR A CITY-INITIATED AMENDMENT (ZA 17-203) TO THE MUNICIPAL CODE CHAPTER 17.84 SIGN REGULATIONS TO INCLUDE A MURAL PERMIT AND CHAPTER 17.88.030 DEFINITIONS TO AMEND THE DEFINITIONS OF MURALS.

C. [3 Paseo Vista - Appeal of Conditional Use Permit 17-390 - Rasta Child Care](#) Page 7C-1

Public Hearing to consider an appeal of the Planning Commission's decision of April 18, 2018 approving a large family day care facility for up to 10 children where a small family day care currently operates in an existing townhome located at 3 Paseo Vista in the Talega Specific Plan (TSP) zone.

Staff Recommendation

Continue the Public Hearing concerning the appeal of Conditional Use Permit 17-390, Rasta Large Family Day Care, to the City Council meeting of September 18, 2018.

8. **Unfinished Business.**

None.

9. **New Business.**

A. [Shopping Cart Containment and Retrieval Programs](#) Pages 9A-1 through 9A-5

Report from the Community Development Director concerning containment and retrieval programs relating to shopping carts.

Staff Recommendation

Provide direction to Staff regarding modification of regulations to contain and/or retrieve shopping carts.

- B. [Update on Climate Action Plan Implementation](#) Pages 9B-1 through 9B-46

Report from the Community Development Director concerning an update on implementation of the Climate Action Plan.

Staff Recommendation

Provide direction to Staff and the Planning Commission regarding the Climate Action Plan.

- C. [Code Amendment - Use of Bicycles and Electric Bicycles on the Beach and Beach Trail](#) Pages 9C-1 through 9C-6

Report from the Assistant City Manager concerning the possibility of amending the Code of the City of San Clemente as it relates to the use of bicycles and electric bicycles on the beach and beach trail.

Staff Recommendation

Introduce Ordinance No. 1661 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 12.32.130 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO THE USE OF BICYCLES, INCLUDING ELECTRIC BICYCLES CLASS 1 AND CLASS 2, AND OTHER ACTIVITIES ON THE PIER, BEACH ACCESS ROAD, BEACH AND BEACH TRAIL.

- D. [Code Amendment - Prohibition of Smoking in Beach Parking Lots, Public Park Parking Lots, and Open Space; Requiring that Public Parking Lots be Used Only for Parking; and Requiring that Parking Meter Zones be Used Only for Parking](#) Pages 9D-1 through 9D-7

Report from the City Attorney concerning the possibility of amending the Code of the City of San Clemente as it relates to smoking prohibitions in beach parking lots, public park parking lots, and open space; requiring that public parking lots be used only for parking; and requiring that parking meter zones be used only for parking.

Staff Recommendation

Introduce Ordinance No. 1662 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA AMENDING THE SAN CLEMENTE MUNICIPAL CODE, CHAPTERS 8.64 TO PROHIBIT SMOKING IN BEACH PARKING LOTS, PUBLIC PARK PARKING LOTS, AND OPEN SPACE; 10.28 TO REQUIRE THAT PUBLIC PARKING LOTS BE USED ONLY FOR PARKING; AND 10.40 TO REQUIRE THAT PARKING METER ZONES BE USED ONLY FOR PARKING.

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.**

- A. [Ordinance No. 1658 \(Second Reading\) - Vested Rights](#) Pages 12A-1 through 12A-7

Adopt Ordinance No. 1658 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO APPROVE ZONING AMENDMENT ZA 18-209 TO AMEND SAN CLEMENTE MUNICIPAL CODE TITLE 17, ZONING, CHAPTER 17.04, ADMINISTRATION, SECTION 17.04.030, APPLICABILITY, RELATING TO THE TIMING OF VESTED RIGHTS.

13. **Adjournment.**

The next Regular Council Meeting will be held on Tuesday, September 4, 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.