



CITY OF SAN CLEMENTE

REGULAR CITY COUNCIL

MEETING REVISED* AGENDA

***This Revised Agenda replaces the original Agenda that was posted on September 11, 2018 in that a new Closed Session Item C was added to the agenda. The new agenda item is indicated in italicized type on Page 3 of this agenda.**

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

September 18, 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: 7

Case Name: Gary Lovrien v. City of San Clemente
Workers Compensation Appeals Board Case Number: ANA0303676

Case Name: Orange County Catholic Worker v. Orange County
Case Number: SA CV 18-0155-DOC

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: 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

Case Name: Anthem Sales and Management, LLC, et al. v. City of San Clemente
Case Number: USDC 8:18-cv-01359

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

C. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(d)(4)

Initiation of litigation

Number of potential cases: 1

Re: 1402 N. El Camino Real

Defendants: Church of Saint Clemente and Owner of Record

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION - Mrs. Robin Margraf, M.A., M.S., Our Lady of Fatima Church

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. Toll Road Update

B. Boys and Girls Club Report

Report from Terence Hughes, Chief Executive Officer of the Boys and Girls Club, regarding Boys and Girls Club 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**

- (1) [Approve the City Council Regular Meeting minutes of August 21, 2018.](#)
- (2) [Approve the City Council Special and Regular Meeting minutes of September 4, 2018.](#)

B. Receive and file:

- (1) [Planning Commission Adjourned Regular Meeting minutes of August 22, 2018.](#)
- (2) [Design Review Subcommittee Regular Meeting minutes of August 15, 2018.](#)
- (3) [Planning Commission Regular Meeting minutes of September 5, 2018.](#)
- (4) [Planning Commission Study Session minutes of September 5, 2018.](#)
- (5) [Golf Course Committee Regular Meeting minutes of July 5, 2018.](#)
- (6) [Beaches, Parks and Recreation Commission Regular Meeting minutes of August 14, 2018.](#)

C. **Warrant Register**

[Approve Handwrite No. 552960 and Wire Transfers Nos. 1892 through 1896 and Warrant Nos. 552826 through 552959, paid on 8-31-18, in the amount of.....\\$ 907,469.21](#)

[Approve Wire Transfers Nos. 1897 through 1900 and Warrant Nos. 552961 through 553163, paid on 9-7-18, in the amount of.....\\$4,114,927.97](#)

TOTAL WARRANT REGISTER.....\$5,022,397.18

Payroll Register

Approve Warrant No. 691, Automatic
Deposit Advises 50679 through 51014,
for the period 8-13-18 through 8-26-18,
paid on 8-31-18, in the amount of.....\$ 487,572.55

TOTAL PAYROLL REGISTER.....\$ 487,572.55

- D. **Contract Award - Delivery of 12.5% Sodium Hypochlorite** Pages 6D-1 through 6D-2

Staff Recommendation

1. Approve, and authorize the Mayor to execute, Contract C18-50, by and between the City of San Clemente and Waterline Technologies, Inc., providing for Sodium Hypochlorite deliveries, in the amount of \$50,000.
2. Authorize the City Manager to approve up to three, one-year extensions to Contract C18-50 if Waterline Technologies, Inc., and the City determine to extend the contract after the initial two-year period.

- E. **Memorandum of Understanding (MOU) - Pilot Multi-Family Food Waste Participation Program** Pages 6E-1 through 6E-2

Staff Recommendation

Authorize the City Manager to execute Contract C18-51, the Memorandum of Understanding (MOU) between the City of San Clemente and Global Green, relating to a pilot multi-family food waste participation program to assist the City in increasing its landfill diversion percentage.

- F. **Contract Amendment - Water Reclamation Plant Security Gates** Pages 6F-1 through 6F-2

Staff Recommendation

Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C17-42, by and between the City of San Clemente and Square [1] Design Group, providing for additional design services for the Water Reclamation Plant Security Gates. This Amendment increases the contract amount from \$32,640 to \$61,915 (an increase of \$29,275).

- G. [Renewal of ESRI Enterprise License Agreement for Geographic Information System \(GIS\) Software](#) Pages 6G-1 through 6G-2

Staff Recommendation

1. Approve, and authorize the Mayor to execute, Contract C18-52, the Small Enterprise Agreement County and Municipality Government with Environmental Systems Research Institute, Inc. (ESRI).
2. Authorize payment to Environmental Systems Research Institute, Inc. (ESRI) in an amount not to exceed \$50,000 per year.

- H. [Contract Amendment - CivicRec Recreation Management Software System](#) Page 6H-1

Staff Recommendation

Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C17-06, by and between the City of San Clemente and CivicPlus, Inc., providing for the CivicRec Recreation Management System. This Amendment extends the contract term by three years and increases the contract amount from \$52,000 to \$142,000 (an increase of \$90,000).

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. [3 Paseo Vista, Rasta Large Family Day Care \(Appeal of Conditional Use Permit 17-390\)](#) Pages 7A-1 through 7A-35

Continued 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

Adopt Resolution No. 18-51 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 2017-390, RASTA LARGE FAMILY DAY CARE, A REQUEST TO ALLOW A LARGE FAMILY DAY CARE FOR UP TO 10 CHILDREN UNDER THE AGE OF SIX AT 3 PASEO VISTA.

- B. [2017-2018 Consolidated Annual Performance Evaluation Report \(CAPER\) for Expenditure of Community Development Block Grant \(CDBG\) Funds](#) Pages 7B-1 through 7B-73

Public Hearing concerning the 2017-2018 Consolidated Annual Performance Evaluation Report (CAPER) for submittal to the U.S. Department of Housing and Urban Development.

Staff Recommendation

Approve and adopt the 2017-18 Consolidated Annual Performance Evaluation Report (CAPER) for submittal to the U.S. Department of Housing and Urban Development.

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) [Downtown Sidewalk Cleaning](#) Page 11D(1)-1

Staff Recommendation

Provide direction to Staff on whether or not to resume the downtown sidewalk cleaning service. If Council chooses to authorize cleaning of the downtown sidewalks, Staff recommends that Council authorize a transfer of \$18,000 from Council Contingency Account 001-203-44900 to Account 001-634-43893.

12. Resolutions/Ordinances.

- A. [Ordinance No. 1663 \(Second Reading\) - Prohibiting Possession of Open Containers of Alcohol in Public Places](#) Pages 12A-1 through 12A-3

Staff Recommendation

Adopt Ordinance No. 1663 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA AMENDING THE SAN CLEMENTE MUNICIPAL CODE, CHAPTER 9.04 TO PROHIBIT POSSESSION OF OPEN CONTAINERS OF ALCOHOL IN PUBLIC PLACES.

- B. [Ordinance No. 1664 \(Second Reading\) - Removing Language Relating to Status Crimes and to Consolidate Provisions Regarding Penalties and Administrative Fines](#) Pages 12B-1 through 12B-48

Staff Recommendation

Adopt Ordinance No. 1664 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA AMENDING THE SAN CLEMENTE MUNICIPAL CODE TO REMOVE LANGUAGE RELATING TO STATUS CRIMES AND TO CONSOLIDATE PROVISIONS REGARDING PENALTIES AND ADMINISTRATIVE FINES.

13. Adjournment.

The next Regular Council Meeting will be held on Tuesday, October 2, 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.