



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

November 7, 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: 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

Case Name: City of San Clemente v. Capistrano Shores, et al.
Case Number: OCSC 30-2014-00709987

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: 5

- C. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Pursuant to Government Code Section 54956.8
Property: 2.8 acre San Mateo site north of Calle Bahia, adjacent to the Golf Course site
APN(s): 060-010-37, 060-010-38
Agency Negotiator: Erik Sund, Assistant City Manager
Negotiating Party: San Diego Gas and Electric Company
Under Negotiation: Price and Terms of Payment

- D. **CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to Government Code Section 54957.6
Agency designated representative: Mayor
Unrepresented Employee: City Manager

- E. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Pursuant to Government Code section 54957
Title: City Manager

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION - James "Jim" Davis, Sr. Chaplain, Orange County Sheriff's Department

PLEDGE OF ALLEGIANCE

ROLL CALL

1. **Special Presentations.**

A. **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 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**
Staff Recommendation
[Approve the Regular City Council Meeting minutes of October 2, 2018.](#)
 - B. **Commission and Committee Minutes**
Staff Recommendation
Receive and file the following:
 - (1) [Zoning Administrator Regular Meeting minutes of September 20, 2018.](#)
 - (2) [Coastal Advisory Committee Regular Meeting minutes of June 14, 2018.](#)

- (3) [Coastal Advisory Committee Regular Meeting minutes of August 9, 2018.](#)
- (4) [Human Affairs Committee Adjourned Regular Meeting minutes of October 2, 2018.](#)
- (5) [Planning Commission Adjourned Regular Meeting minutes of October 3, 2018.](#)
- (6) [Design Review Subcommittee Regular Meeting minutes of September 26, 2018.](#)
- (7) [Planning Commission Regular Study Session minutes of October 17, 2018.](#)
- (8) [Planning Commission Regular Meeting minutes of October 17, 2018.](#)
- (9) [Zoning Administrator Regular Meeting minutes of October 18, 2018.](#)
- (10) [Zoning Administrator Regular Meeting minutes of October 4, 2018.](#)

C. Warrant Register

[Approve Wire Transfers Nos. 1908 through 1911 and Warrant Nos. 553473 through 553617, paid on 9-28-18, in the amount of.....\\$1,365,216.25](#)

[Approve Wire Transfers Nos. 1912 through 1915 and Warrant Nos. 553618 through 553780, paid on 10-5-18, in the amount of.....\\$1,912,242.02](#)

[Approve Wire Transfers Nos. 1916 through 1919 and Warrant Nos. 553781 through 553931, paid on 10-12-18, in the amount of.....\\$ 876,658.27](#)

[Approve Wire Transfers Nos. 1920 through 1922 and Warrant Nos. 553932 through 554055, paid on 10-19-18, in the amount of.....\\$1,316,502.31](#)

[Approve Wire Transfers Nos. 1923 through 1926 and Warrant Nos. 554056 through 554217, paid on 10-26-18, in the amount of.....\\$1,093,834.75](#)

TOTAL WARRANT REGISTER.....\$6,564,453.60

Payroll Register

Approve Warrant Nos. 693 through 694 and Automatic Deposit Advises 51337 through 51647, for the period 9-10-18 through 9-23-18, paid on 9-28-18, in the amount of.....\$ 466,035.35

Approve Warrant No. 695 and Automatic Deposit Advises 51648 through 51960, for the period 9-24-18 through 10-7-18, paid on 10-12-18, in the amount of.....\$ 474,050.09

Approve Warrant Nos. 696 through 697 and Automatic Deposit Advises 51961 through 52266, for the period 10-8-18 through 10-21-18, paid on 10-26-18, in the amount of.....\$ 480,573.47

TOTAL PAYROLL REGISTER.....\$ 1,420,658.91

- D. [Acceptance of Permanent Easement and Grant Deeds - Roadway Purposes for Avenida Pico Widening Associated with the Interstate 5/Avenida Pico Interchange Reconstruction Project](#) Pages 6D-1 through 6D-4

Staff Recommendation

1. Accept the Permanent Easement and Grant Deeds for Roadway Purposes for widening of Avenida Pico associated with the Interstate 5/Avenida Pico interchange reconstruction project from the Orange County Transportation Authority.
2. Authorize the Mayor and City Clerk to sign the Certificates of Acceptance for the Permanent Easement and Grant Deeds.

E. [Contract Award - Negocio Building First Floor Renovation](#) Pages 6E-1 through 6E-9

Staff Recommendation

1. Approve the plans and specifications for the Negocio Building First Floor Renovation, Project No. 18804.
2. Approve a transfer of funds from Account 001-203-45300-000-38501 (City Hall Feasibility Study) in the amount of \$298,940 to Account 001-203-45300-000-18804 (Negocio Building First Floor Renovation).
3. Approve a supplemental appropriation of \$81,292 from the General Fund Unassigned Fund balance to Account 001-203-45300-000-18804 (Negocio Building First Floor Renovation).
4. Approve a supplemental appropriation and a transfer of \$81,292 from the Public Facilities Fee Fund - Civic Center Construction Fund to Account 001-203-45300-000-18804 (Negocio Building First Floor Renovation).
5. Approve, and authorize the Mayor and/or City Manager to execute, Amendment No. 1 to Contract C17-33, by and between the City of San Clemente and Gensler, providing for Architectural and Engineering Construction Support Services for the Negocio Building First Floor Renovation. This Amendment increases the contract amount from \$160,000 to \$220,000 (an increase of \$60,000).
6. Approve, and authorize the Mayor and/or City Manager to execute, Contract C18-56, by and between the City of San Clemente and PCN3, Inc., providing for construction of the Negocio Building First Floor Renovation, Project No. 18804, in the amount of \$2,244,618.60.

F. [Contract Award - Corporation Yard Buildings/Structures Painting Project](#) Pages 6F-1 through 6F-5

Staff Recommendation

1. Approve the plans and specifications for the Corporation Yard Buildings/Structures Painting Project, Project Nos. 16529 and 26407.
2. Approve a supplemental appropriation of \$68,000 from the Sewer Depreciation Reserve Fund to Account 054-476-43470-000-26407.

Staff Recommendation continued on next page

3. Approve, and authorize the City Manager to execute, Contract C18-57, by and between the City of San Clemente and Harbor Coating and Restorations Company, providing for construction of the Corporation Yard Buildings/Structures Painting, Project Nos. 16529 and 26407, in the amount of \$347,881.

G. [Notice of Completion - Concordia Elementary School Pedestrian and Bicycle Improvement Project](#) Pages 6G-1 through 6G-4

Staff Recommendation

1. Accept the Concordia Elementary School Pedestrian and Bicycle Improvement Project No. 17326 from the contractor, California Landscape and Design, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for Concordia Elementary School Pedestrian and Bicycle Improvement Project No. 17326.
3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Engineering Division that no liens have been levied against the contractor, California Landscape and Design, Inc.
4. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

H. [Notice of Completion - Street Rehabilitation for Avenida Palizada \(Project No. 17340\) and Avenida Presidio, Calle Miguel and Avenida Salvador \(Project No. 17341\)](#) Pages 6H-1 through 6H-4

Staff Recommendation

1. Accept the Street Rehabilitation for Avenida Palizada, Project No. 17340, and Avenida Presidio, Calle Miguel and Avenida Salvador, Project No. 17341, from Palp, Inc., dba Excel Paving Company.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the street rehabilitation of Avenida Palizada, Project No. 17340, and Avenida Presidio, Calle Miguel and Avenida Salvador, Project No. 17341.

Staff Recommendation continued on next page

3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Engineering Division that no liens have been levied against the contractor, Palp, Inc., dba Excel Paving Company.
4. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

I. **Contract Award - Water Reclamation Plant Laboratory Rehabilitation**
Pages 6I-1 through 6I-4

Staff Recommendation

1. Approve the plans and specifications for the Water Reclamation Plant Laboratory Rehabilitation, Project No. 16206.
2. Approve a supplemental appropriation in the amount of \$24,000 from the Sewer Depreciation Reserve Fund to Account 054-476-45300-000-16206.
3. Approve, and authorize the Mayor to execute, Contract C18-58, by and between the City of San Clemente and Ibuild Spectrum, providing for construction services for the rehabilitation of the Water Reclamation Plant Laboratory, Project No. 16206, in the amount of \$93,500 (including optional bid items).

J. **Contract Amendment - Development of a Bacteriological Sample Siting Plan** Pages 6J-1 through 6J-2

Staff Recommendation

Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract C14-33, by and between the City of San Clemente and AKM Consulting Engineers. This Amendment increases the contract amount from \$350,868 to an amount not to exceed \$375,178 (an increase of \$24,310).

- K. [Notice of Completion - Camino Del Rio Rehabilitation and Intersection Improvements and Camino De Los Mares Rehabilitation and Slurry Seal](#) Pages 6K-1 through 6K-4

Staff Recommendation

1. Accept the Camino Del Rio Rehabilitation and Intersection Improvements (Project Nos. 16347 and 16350) and Camino De Los Mares Rehabilitation and Slurry Seal (Project No. 17331) from the contractor, All American Asphalt.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Camino Del Rio Rehabilitation and Intersection Improvements (Project Nos. 16347 and 16350) and Camino De Los Mares Rehabilitation and Slurry Seal (Project No. 17331).
3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Engineering Division that no liens have been levied against the contractor, All American Asphalt.
4. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

- L. [Notice of Completion - Calle Redondel Storm Drain Improvement](#) Pages 6L-1 through 6L-4

Staff Recommendation

1. Accept the Calle Redondel Storm Drain Improvement, Project No. 15005, from the contractor, GCI Construction, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Calle Redondel Storm Drain Improvement, Project No. 15005.
3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Engineering Division that no liens have been levied against GCI Construction, Inc.
4. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

- M. [Equipment Purchase - Replacement of Fleet Vehicle No. 1149](#) Pages 6M-1 through 6M-2

Staff Recommendation

1. Approve the purchase of one 2018 Ford Transit Connect passenger van from Ken Grody Ford from the Fleet Replacement Reserve for replacement of Fleet Vehicle No. 1149.
2. Authorize a supplemental appropriation in the amount of \$26,023 to the Fleet Automotive Account 065-824-45600 from the Fleet Replacement Fund balance.

- N. [Wildfire Detection and Observation Project](#) Page 6N-1

Staff Recommendation

Authorize the City Manager to execute a Communications Site License Agreement with the Regents of the University of California (City Contract C18-59), relating to the Wildfire Detection and Observation Project.

- O. [Contract Award – Parking Enforcement for Street Sweeping](#) Page 6O-1

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C18-60, by and between the City of San Clemente and Elite Enforcement Security Solutions, Inc., providing for street sweeping parking enforcement services, at a cost not to exceed \$79,200.

- P. [Notice of Completion - Traffic Calming Speed Cushion Measures on Riachuelo](#) Pages 6P-1 through 6P-4

Staff Recommendation

1. Accept the Traffic Calming Speed Cushion Measures on Riachuelo from the contractor, AToM Engineering Construction, Inc., Project No. 39807.
2. Authorize the Mayor to execute and the City Clerk to record, the Notice of Completion for Traffic Calming Speed Cushion Measures on Riachuelo.

Staff Recommendation continued on next page

3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Engineering Division that no liens have been levied against the contractor, AToM Engineering Construction, Inc.
4. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

Q. [Contract Award – Fiscal Year 2016 and 2017 Sidewalk Repair Program](#)
Pages 6Q-1 through 6Q-11

Staff Recommendation

1. Approve the plans and specifications for the FY 2016 and FY 2017 Sidewalk Repair Program, Projects No. 16355 and 27307.
2. Approve, and authorize the City Manager to execute, Contract C18-61, by and between the City of San Clemente and Calpromax Engineering, Inc., providing for the Fiscal Year 2016 and 2017 Sidewalk Repair Program, in the amount of \$99,672.

R. [Notice of Completion – Calle Toledo Storm Drain Improvements](#)
Pages 6R-1 through 6R-4

Staff Recommendation

1. Accept the Calle Toledo Storm Drain Improvements project, from the contractor, Lonerock, Inc., Project No. 17008.
2. Approve a supplemental appropriation in the amount of \$138,000 from the Storm Drain Fund Depreciation Reserve to Account 059-553-45300-000-17008.
3. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Calle Toledo Storm Drain Improvements.
4. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Engineering Division that no liens have been levied against Lonerock, Inc.
5. Direct the City Clerk to waive the receipt of a Warranty Bond in the amount of 25% of the construction cost.

- S. [Rescission of Resolution No. 10-29, Adopting Authoritative Citations for Standard Conditions of Approval](#) Pages 6S-1 through 6S-79

Staff Recommendation

Adopt Resolution No. 18-41 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RESCINDING RESOLUTION NO. 10-29 PROVIDING FOR THE COMMUNITY DEVELOPMENT DEPARTMENT'S MAINTENANCE OF STANDARD CONDITIONS OF APPROVAL RELATING TO THE DEVELOPMENT REVIEW PROCESS.

- T. [Payment Authorization for Maintenance and Support Renewal for Tyler Eden Software](#) Pages 6T-1 through 6T-2

Staff Recommendation

1. Authorize payment to Tyler Technologies, Inc., for maintenance and support renewal for Tyler Eden software, in the amount of \$57,423 in Fiscal Year 2018-19.
2. Authorize payment to Tyler Technologies, Inc., for maintenance and support renewal for Tyler Eden software, in the amount of \$59,720 in Fiscal Year 2019-20.
3. Authorize payment to Tyler Technologies, Inc., for maintenance and support renewal for Tyler Eden software, in the amount of \$62,109 in Fiscal Year 2020-21.

- U. [Contract Award – Environmental Planning Services](#) Pages 6U-1 through 6U-4

Staff Recommendation

Approve, and authorize the City Manager to execute, the First Amendment to Contract AC-803, by and between the City of San Clemente and Kimley-Horn, providing for environmental planning services. This Amendment increases the contract amount from \$5,000 to \$30,000 (an increase of \$25,000).

V. [Contract Award - Water Reclamation Plant \(WRP\) Efficiency Study](#)
Pages 6V-1 through 6V-3

Staff Recommendation

1. Approve, and authorize the Mayor to execute, Contract C18-62, by and between the City of San Clemente and Trussell Technologies, Inc., providing for engineering services for the Water Reclamation Plant Efficiency Study, Project No. 39202, in an amount not to exceed \$184,034.
2. Authorize the City Manager to approve amendments to the contract up to a maximum of \$20,000.

W. [Bicycle Corridor Improvement Program Grant Application](#) Pages 6W-1 through 6W-9

Staff Recommendation

1. Approve and authorize the Public Works Director/City Engineer to submit an application for the OCTA 2019 Bicycle Corridor Improvement Program (BCIP) Call for Projects.
2. Adopt Resolution No. 18-42 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AUTHORIZING APPLICATION FOR FUNDS FOR THE BICYCLE CORRIDOR IMPROVEMENT PROGRAM FUNDED WITH CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM FUNDING UNDER THE FIXING AMERICA'S SURFACE TRANSPORTATION FEDERAL TRANSPORTATION ACT FOR S. EL CAMINO REAL LANE RECONFIGURATION AND BUFFERED BIKE LANE PROJECT.

X. [Replacement of Fleet Vehicle Nos. 1153 and 1154](#) Pages 6X-1 through 6X-2

Staff Recommendation

1. Approve the purchase of two 2019 Jeep Wranglers from Tuttle Click, Inc., and related equipment outfitting from the Fleet Replacement Reserve for replacement of Fleet Vehicle Nos. 1153 and 1154.
2. Authorize a supplemental appropriation in the amount of \$57,961 to the Fleet Automotive Account 065-824-45600 from the Fleet Replacement Reserve Fund balance.
3. Declare existing unit Nos. 1153 and 1154 surplus and authorize Staff to trade them in for credit toward the purchase of the new vehicles.

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. [Appeal of Denied Sidewalk Waiver Request by Property Owner of 239 Avenida La Cuesta](#) Pages 7A-1 through 7A-7

Continued Public Hearing to consider the appeal of a denied sidewalk waiver request by the property owner of 239 Avenida La Cuesta.

Staff Recommendation

Concur with Staff's denial of the sidewalk waiver request and find that based upon the evidence presented, it is appropriate to require an easement for public sidewalk and installation of new sidewalk at 239 Avenida La Cuesta.

B. [Modification of Conditions of Approval for Tree Removal and Replacement Policy \(The Reserve Community\) - Amendment to Site Plan Permit 98-63 and Tentative Tract Map 15718](#) Pages 7B-1 through 7B-39

Public Hearing to consider a request to modify the conditions of approval for Site Plan Permit 98-63 and Tract Map 15718 relating to tree removal and placement in the Reserve community.

Staff Recommendation

Adopt Resolution No. 18-43 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SITE PLAN PERMIT 98-63 AND TENTATIVE TRACT MAP 15718, RESERVE LANDSCAPE AMENDMENT, TO MODIFY CONDITIONS OF APPROVAL FOR THE RESERVE COMMUNITY RELATING TO TREE REMOVAL AND REPLACEMENT.

8. Unfinished Business.

- A. [Possible Ballot Measures Relating to Transitioning the City Treasurer and City Clerk to Appointive Positions, Rather than Elected](#) Pages 8A-1 through 8A-7

Report from the City Clerk concerning possible ballot measures relating to transitioning the City Treasurer and City Clerk to appointive offices, rather than elected.

Staff Recommendation

Determine whether to recommend to the 2020 City Council that it consider adding a measure to the November 3, 2020 General Municipal Election ballot (or, alternatively, to the March 3, 2020 Presidential Primary Election ballot), to ask the electorate whether the offices of City Treasurer and/or City Clerk shall be appointive.

- B. [Possible Ballot Measure Relating to Term Limits for Members of the City Council and Possibility of Adopting an Ordinance to Impose Term Limits on City Commission and/or Committee Members](#) Pages 8B-1 through 8B-10

Report from the City Clerk concerning a possible ballot measure relating to term limits for members of the City Council and possibility of adopting an Ordinance to impose term limits on City Commission and/or Committee members.

Staff Recommendation

1. Determine whether to recommend to the 2020 City Council that it consider adding a measure to the November 3, 2020 General Municipal Election ballot to generally limit consecutive years of service by members of the City Council to a combined total of two consecutive four-year terms, with the ability to again serve as a member of the City Council after a lapse of service of no less than two years.
2. Determine whether to pursue a term limit ordinance for all, or some, of the City's Commissions and Committees. If Council determines to pursue a term limit ordinance, Staff recommends that Council provide direction to Staff relative to the City bodies to which the term limit restrictions are to apply, the number of consecutive two-year terms to be allowed, and the length of the hiatus required between terms. A draft Ordinance that reflects Council's directions will be agendaized for the Council meeting of November 20, 2018.

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) **Update on Fuel Transfer Operations at the San Onofre Nuclear Generating Station (SONGS) - Councilmember Swartz**
- (2) [Results of independent analysis of radiological readings at the San Onofre Nuclear Generating Station \(SONGS\) Independent Spent Fuel Storage Installation - Councilmember Swartz. Pages 11D\(2\)-1 through 11D\(2\)-4](#)

12. **Resolutions/Ordinances.**

- A. [Ordinance No. 1659 \(Second Reading\) - Modifying the Definition of "Smoking" to Include Vaping and Electronic Devices](#) Pages 12A-1 through 12A-4

Staff Recommendation

Adopt Ordinance No. 1659 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA AMENDING THE SAN CLEMENTE MUNICIPAL CODE, CHAPTER 8.64 TO DEFINE SMOKING TO INCLUDE VAPING AND ELECTRONIC SMOKING DEVICES.

13. **Adjournment.**

The next Regular Council Meeting will be held on Tuesday, November 20, 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.