



# CITY OF SAN CLEMENTE

## REGULAR CITY COUNCIL

### REVISED\* MEETING AGENDA

**\*This Revised Agenda varies from the Agenda issued on November 27, 2018 in that a Closed Session was added. Please refer to Page 2 of this agenda for the new Closed Session language, which is reflected in italicized type.**

City Council Chambers  
San Clemente Civic Center  
100 Avenida Presidio  
San Clemente, California  
[www.san-clemente.org](http://www.san-clemente.org)

December 4, 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 LABOR NEGOTIATORS**

*Pursuant to Government Code Section 54957.6*

*Agency designated representative: Mayor*

*Unrepresented employee: City Manager*

**B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

*Existing litigation pursuant to Government Code Section 54956.9(d)(1)*

*Number of Cases: 2*

*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*

**C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

*Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2)*

*Number of potential cases: 2*

**D. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

*Initiation of litigation pursuant to Government Code Section 54956.9(d)(4)*

*Number of potential cases: 1*

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

**CALL TO ORDER**

**INVOCATION** – Mark Ambrose, Lead Pastor, Pacific Coast Church

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

A. **ELECTION RESULTS, ADMINISTRATION OF OATH OF ALLEGIANCE, AND ELECTION OF MAYOR AND MAYOR PRO TEMPORE**

- (1) **[Results of the General Municipal Election Held on November 6, 2018](#)**

**Staff Recommendation**

Adopt Resolution No.18-44 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD NOVEMBER 6, 2018, DECLARING THE RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY LAW.

- (2) **Oath of Allegiance - Newly-Elected Councilmembers**

Administration of the Oath of Allegiance to Councilmembers-Elect Dan Bane, Laura Ferguson and Kathy Ward.

- (3) **Election of Mayor and Mayor Pro Tempore**

The City Clerk will conduct the election for Mayor. The newly elected Mayor will then assume the Mayor's seat and will conduct the election for Mayor Pro Tempore.

1. **Special Presentations.**
  - A. **Holiday Serenade - San Clemente High School Madrigals**

Holiday serenade by the San Clemente High School Madrigals, under the direction of CJ Daniel.
  - B. **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**

None.

B. **Commission and Committee Minutes**

Staff Recommendation:

Receive and file the following:

- (1) [Design Review Subcommittee Regular Meeting minutes of October 10, 2018.](#)
- (2) [Design Review Subcommittee Regular Meeting minutes of October 24, 2018.](#)
- (3) [Zoning Administrator Regular Meeting minutes of November 8, 2018.](#)
- (4) [Coastal Advisory Committee Regular Meeting minutes of September 13, 2018.](#)

C. **Warrant Register**

[Approve Wire Transfers Nos. 1935 through 1936, and Warrant Nos. 554525 through 554792, paid on 11/16/18, in the amount of.....\\$2,537,385.50](#)

[Approve Wire Transfers Nos. 1937 through 1940, and Warrant Nos. 554793 through 554887, paid on 11/23/18, in the amount of.....\\$ 659,576.25](#)

TOTAL WARRANT REGISTER.....\$3,196,961.75

**Payroll Register**

Approve Warrant No. 700 and Automatic Deposit Advises 52561 through 52847 for the period 11/5/18 through 11/18/18, paid on 11/23/18, in the amount of.....\$ 459,416.89

TOTAL PAYROLL REGISTER.....\$ 459,416.89

- D. [Notice of Completion – Primary Clarifier Number 4 Rehabilitation \(Sludge Collection Equipment and Tank Coating\)](#) Pages 6D-1 through 6D-4

Staff Recommendation

1. Accept the Primary Clarifier Number 4 Rehabilitation (Sludge Collection Equipment and Tank Coating), Project No. 16204, from the contractor, Tharsos, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Primary Clarifier Number 4 Rehabilitation (Sludge Collection Equipment and Tank Coating).
3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Utilities Division that no liens have been levied against the contractor, Tharsos, 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.

- E. [Contract Award – Boys and Girls Club Trash Enclosure](#) Pages 6E-1 through 6E-4

Staff Recommendation

1. Approve the plans and specifications for the Boys and Girls Club Trash Enclosure, Project No. 19510.
2. Approve a supplemental appropriation of \$20,545 from the Facilities Maintenance Reserve Fund undesignated fund balance to Account 014-811-45300-000-19510 for the Boys and Girls Club Trash Enclosure project.
3. Approve, and authorize the City Manager to execute, Contract C18-70, by and between the City of San Clemente and West Gate Contractor, providing for construction of the Boys and Girls Club Trash Enclosure, in the amount of \$43,770.

- F. [Contract Award – FY 2018/19 Traffic Signal Equipment Upgrades](#)  
Pages 6F-1 through 6F-9

Staff Recommendation

1. Approve the plans and specifications for the FY 2018/19 Traffic Signal Equipment Upgrades, Project Nos. 17335, 18807, 18808 and 19320.
2. Approve, and authorize the City Manager to execute, Contract C18-71, by and between the City of San Clemente and International Line Builders, Inc., providing for construction of the FY 2018/19 Traffic Signal Equipment Upgrades, in the amount of \$234,443.

- G. [Initiation of Zoning Amendment – Incentives for Housing Projects that Include Consolidation of Substandard Lots Within Mixed Use Zoning Districts](#) Pages 6G-1 through 6G-2

Staff Recommendation

Initiate a Zoning Amendment, as authorized by Municipal Code Section 17.16.020(C)(1), to provide incentives for housing projects that include consolidation of substandard lots within mixed use zoning districts.

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. [Historic Property Preservation Agreement 18-434, Lindbom House – 1815 Calle De Los Alamos](#) Pages 7A-1 through 7A-59

Public Hearing to consider approving Historic Property Preservation Agreement 18-434, for the historic house located at 1815 Calle De Los Alamos.

Staff Recommendation

Adopt Resolution No. 18-53 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 18-434 FOR THE PROPERTY LOCATED AT 1815 CALLE DE LOS ALAMOS.

- B. [Historic Property Preservation Agreement 18-442, Westbrook Residence – 235 Avenida Miramar](#) Pages 7B-1 through 7B-50

Public Hearing to consider approving Historic Property Preservation Agreement 18-442, for the historic house located at 235 Avenida Miramar.

Staff Recommendation

Adopt Resolution No. 18-54 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 18-442 FOR THE PROPERTY LOCATED AT 235 AVENIDA MIRAMAR.

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**

12. **Resolutions/Ordinances.**

- A. [Ordinance No. 1665 \(Second Reading\) – Sidewalk Construction and Repair](#) Pages 12A-1 through 12A-3

Staff Recommendation

Adopt Ordinance No. 1665 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MUNICIPAL CODE CHAPTER 12.08 TO UPDATE THE REQUIREMENT FOR CONSTRUCTION OF NEW SIDEWALK OR REPAIR OF EXISTING SIDEWALK.

13. **Adjournment.**

The next Regular Council Meeting will be held on Tuesday, December 18, 2018 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be discussed at 5:00 p.m. The General Session will commence at 6:00 p.m.

Please note that the first Regular Council Meeting in January 2019 has been cancelled because it falls on New Year's Day.

## **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.

This agenda is subject to amendment up to 72 hours prior to the meeting.