

CITY OF SAN CLEMENTE

SPECIAL AND REGULAR CITY COUNCIL MEETING AGENDA

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

December 18, 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.) (Special Meeting)

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Existing litigation pursuant to Government Code section 54956.9(d)(1) Number of Cases: 4

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

Memorial Health Services v. City of San Clemente

Case No. 8:16-CV-00852 DOC-JCG

Case Name: San Clemente Coastal Access Alliance v. City of San Clemente

Case Number: 30-2018-0134124-CU-WM-CJC

B. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code section 54956.9(d)(4) Number of potential cases: 1

C. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

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

Number of potential cases: 1

BUSINESS MEETING (6:00 P.M.) (Regular Meeting)

CALL TO ORDER

INVOCATION - Don Kappauf, Chaplain, Orange County Sheriff-Coroner Department

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. Holiday Serenade - 5th Grade Choir Students

Holiday serenade by 5th Grade choir students from Truman Benedict, Marblehead, Vista del Mar, Concordia and La Palmas Elementary Schools, under the direction of Choir Teacher Sharon Evans.

B. **Toll Road Update**

C. <u>City Fiscal Reports</u>

Presentation by Assistant City Manager Sund and Deputy Administrative Services Director Vincent concerning the Fiscal State of the City for the period ending June 30, 2018, Fiscal Year (FY) 2018 4th Quarter Financial Report, and FY 2019 1st Quarter Financial Report.

- 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.
- 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

- (1) Approve the Regular City Council Meeting minutes of November 20, 2018.
- (2) Approve the Regular City Council Meeting minutes of December 4, 2018.

B. Commission and Committee Minutes

Staff Recommendation

Receive and file the following:

- (1) Planning Commission Regular Study Session Meeting minutes of December 5, 2018.
- (2) Planning Commission Regular Meeting minutes of December 5, 2018.
- (3) Zoning Administrator Regular Meeting minutes of December 6, 2018.

C. Warrant Register

<u>Warrant Nos. 554888 through</u>
555006, paid on 11/30/18, in the amount of.....\$1,815,210.16

<u>Approve Wire Transfers Nos. 1941 through</u>
1948 and Warrant Nos. 555007 through
555183, paid on 12/7/18, in the amount of.....\$2,348,171.67

TOTAL WARRANT REGISTER......\$4,163,381.83

Payroll Register

Approve Warrant No. 701 and Automatic Deposit Advises 52848 through 53121, for the period 11/19/18 through 12/2/18, paid on 12/7/18, in

the amount of.....\$ 567,313.01

TOTAL PAYROLL REGISTER......\$ 567,313.01

D. <u>Initiation of Zoning Amendment to Update the Inclusionary Housing</u> In-Lieu Fee Pages 6D-1 through 6D-2

Staff Recommendation

Initiate a Zoning Amendment, as authorized by Municipal Code Section 17.16.020(C)(1), to update the Inclusionary Housing In-lieu Fee.

E. Contract Amendment – Laboratory Services Pages 6E-1 through 6E-2

Staff Recommendation

- 1. Approve, and authorize the Mayor to execute, Amendment No. 4 to Contract C15-53, by and between the City of San Clemente and Sierra Analytical Labs. Inc., providing for laboratory services related to regulatory compliance and the Water Reclamation Plant Efficiency Study. This Amendment increases the contract amount from \$686,000 to \$776,000 (an increase of \$90,000).
- 2. Approve a supplemental appropriation in the amount of \$20,000 to Account No. 054-476-45300-000-16206.
- F. Contract Award Weed Abatement Pages 6F-1 through 6F-31

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C18-73, by and between the City of San Clemente and E. Stewart & Associates, providing for weed abatement and related fire-clearance services, in an amount not to exceed \$150,000.

G. San Clemente Fiscal Year 2017 – 2018 Measure M2 Expenditure Report Pages 6G-1 through 6G-4

Staff Recommendation

Adopt Resolution No. 18-55 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO ADOPT THE FISCAL YEAR 2017-2018 MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF SAN CLEMENTE.

H. Notice of Completion – Street Rehabilitation for Avenida Pico, Avenida Pico/Camino Vera Cruz Intersection Improvements, Arterial Street Pavement Maintenance for Avenida La Pata and Avenida Vista Hermosa, As-Needed Pavement Repairs and Crack Sealing and Pavement Repairs for the Water Division Pages 6H-1 through 6H-4

Staff Recommendation

- Accept the Street Rehabilitation for Avenida Pico, Project No. 17328, Avenida Pico/Camino Vera Cruz Intersection Improvements, Project No. 17338, Arterial Street Pavement Maintenance for Avenida La Pata and Avenida Vista Hermosa, Project No. 18321, As-Needed Pavement Repairs and Crack Sealing, Project No. 27306 and Pavement Repairs for the Water Division, Project No. 24400, from the contractor, All American Asphalt.
- 2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Street Rehabilitation for Avenida Pico, Avenida Pico/Camino Vera Cruz Intersection Improvements, Arterial Street Pavement Maintenance for Avenida La Pata and Avenida Vista Hermosa, As-Needed Pavement Repairs and Crack Sealing and Pavement Repairs for the Water Division.
- 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.
- I. Notice of Completion Shorecliffs Middle School Safe Routes to School Pedestrian and Bicycle Improvements Pages 6I-1 through 6I-4

Staff Recommendation

- Accept the Shorecliffs Middle School Safe Routes to School Pedestrian and Bicycle Improvements, Project No. 17327, from the contractor, Calpromax Engineering, Inc.
- Authorize the Mayor to execute, and the City Clerk to record, the Notice
 of Completion for the Shorecliffs Middle School Safe Routes to School
 Pedestrian and Bicycle Improvements.

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, Calpromax Engineering, 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.
- J. Adoption of Policy and Procedure for Guidelines for the Acceptance of Donations, Sponsorships and Gifts and Amendment to Policy and Procedure Relating to Partnership of Activities, Facility Rentals and Special Events Pages 6J-1 through 6J-16

Staff Recommendation

- 1. Adopt Policy and Procedure No. 204-5 entitled "Guidelines for the Acceptance of Donations, Sponsorships and Gifts".
- 2. Approve an amendment to Policy and Procedure No. 204-1 entitled "Partnership of Activities, Facility Rentals and Special Events."
- K. Communications Site Lease Agreement Richard T. Steed Memorial Park, 247 Avenida La Pata (Sprint Spectrum) Pages 6K-1 through 6K-16

Staff Recommendation

- 1. Approve, and authorize the Mayor, or his designee, to execute Contract C18-74, a Communications Site Lease, by and between the City of San Clemente and Sprint Spectrum L.P.
- Authorize the City Manager to execute future extensions to Contract C18-74, as specified in the lease, provided that the lease rate is not reduced.
- L. Replacement of Fleet Vehicle Number 1081 and Purchase of Additional Fleet Vehicle Pages 6L-1 through 6L-2

Staff Recommendation

- Approve the purchase of two 2019 Ford F150 trucks from Raceway Ford from the Fleet Replacement Reserve for replacement of Fleet Vehicle Number 1081 and to add an additional fleet vehicle.
- 2. Authorize a supplemental appropriation in the amount of \$51,854 to Fleet Automotive Account 065-824-45600 from the Fleet Replacement Reserve Fund balance.

M. Contract Amendment – Vista Hermosa Sports Park Ballfield Improvements and Acceptance of Donation from San Clemente Little League Pages 6M-1 through 6M-2

Staff Recommendation

- 1. Approve, and authorize the City Manager to execute, Amendment No. 1 to Contract C18-40, by and between the City of San Clemente and PSFM. The amendment increases the contract amount from \$1,202,680 to 1,240,680 (an increase of \$38,000), for supplemental infield work to be completed at the Vista Hermosa Sports Park ballfields #3 and #4.
- 2. Accept a donation of an amount not to exceed \$38,000 from San Clemente Little League to fund the infield improvements to Account 001-000-21563 Wishbook/Park Improvements.
- N. City Investment Policy 202-1 Pages 6N-1 through 6N-41

Staff Recommendation

Adopt Investment Policy Number 202-1, effective December 15, 2018.

O. <u>Initiation of Process to Amend San Clemente Municipal Code Title 17</u>
- Amortization Extensions of Short-Term Lodging Units (STLUs) and
Short-Term Apartment Rentals (STARs) Pages 60-1 through 60-4

Staff Recommendation

Initiate a Zoning Amendment to add an exception to eligibility requirements for an amortization extension for STLUs and STARs outside of RVL and RL Zones.

- 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. FY 2017-18 Mitigation Fee Act Annual Report Pages 7A-1 through 7A-19

Public Hearing to consider the City of San Clemente Annual Mitigation Fee Act Report for Fiscal Year 2017-18.

Staff Recommendation

Receive and file the Annual Report concerning the Mitigation Fee Act for Fiscal Year 2017-18, dated December 18, 2018, which is on file with the City Clerk.

B. 2018 Weed Abatement Billing Pages 7B-1 through 7B-7

Public Hearing to consider objections or protests, if any, to the costs of the abatement of weeds, rubbish, refuse and dirt upon streets, sidewalks, parkways and private property within the City of San Clemente and to the assignment of these costs to the properties on which the abatement was completed.

Staff Recommendation

- 1. Waive the City's notification costs for the compliant property owners.
- 2. Approve the Weed Abatement Report.
- 3. Authorize the Weed Abatement Contract Administrator to bill the amounts indicated in the report to the appropriate property owners.
- C. <u>Historic Property Preservation Agreement 18-575, Pekarek Residence 199 Avenida La Cuesta</u> Pages 7C-1 through 7C-47

Public Hearing to consider approving Historic Property Preservation Agreement 18-575, for the historic house located at 199 Avenida La Cuesta.

Staff Recommendation

Adopt Resolution No. 18-56 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 18-575 FOR THE PROPERTY LOCATED AT 199 AVENIDA LA CUESTA.

D. <u>Local Coastal Program Land Use Plan Amendment (LUPA) and Authorization to Submit LUPA to the California Coastal Commission</u>
Pages 7D-1 through 7D-22

Public Hearing to consider an amendment to the Certified Local Coastal Program (LCP) Land Use Plan (LUP), that is focused on (1) modifying the threshold year for calculating cumulative changes to an existing structure relative to the "Major Remodel" definition in the LUP and (2) modifying the designation of the two southernmost parcels on Coronado Lane from MU4 (Mixed Use - 4) to RH (Residential High) and revising the boundary of the Visitor Serving Commercial District Overlay to exclude these parcels.

Staff Recommendation

Adopt Resolution No. 18-57 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO ADOPT THE LAND USE PLAN AMENDMENT (LUPA) AND AUTHORIZE THE SUBMITTAL OF THE LOCAL COASTAL PLAN PROGRAM LAND USE PLAN AMENDMENT TO THE CALIFORNIA COASTAL COMMISSION FOR PROCESSING.

8. Unfinished Business.

None.

9. New Business.

A. Code Amendment – Solid Waste Management to Require Applicable
Businesses to Comply with Mandatory Commercial Recycling (AB 341)
and Mandatory Organics Recycling (AB 1826) Pages 9A-1 through 9A-12

Report from the Utilities Director concerning a proposed Code Amendment concerning Solid Waste Management to Require Applicable Businesses to Comply with Mandatory Commercial Recycling (AB 341) and Mandatory Organics Recycling (AB 1826).

Staff Recommendation

Introduce Ordinance No. 1666 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 8.28 ("HEALTH AND SAFETY - SOLID WASTE MANAGEMENT") OF THE CODE OF THE CITY OF SAN CLEMENTE, CALIFORNIA TO INCORPORATE NEW STATE MANDATES, CITY RULES AND REGULATIONS.

B. Code Amendment – Removal of Section that Allowed for Lawn Irrigation Runoff and Amendment to Explicitly State That Irrigation Runoff is a Prohibited Discharge to the Storm Drain System Pages 9B-1 through 9B-23

Report from the Utilities Director concerning a proposed Code Amendment to remove the Section that allowed for lawn irrigation runoff and amendment to explicitly state that irrigation runoff is a prohibited discharge to the storm drain system.

Staff Recommendation

Introduce Ordinance No. 1667 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DELETING CHAPTER 12.16.080 CONTROL OF IRRIGATION AND STORMWATER AND AMENDING CHAPTER 13.40 STORMWATER RUNOFF CONTROL OF THE CODE OF THE CITY OF SAN CLEMENTE, CALIFORNIA TO COMPLY WITH THE NPDES MS4 PERMIT TO PROHIBIT IRRIGATION RUNOFF.

C. <u>Aquatics Partnership Application – San Clemente Aquatics</u> Pages 9C-1 through 9C-14

Report from the Assistant City Manager concerning an Aquatics Partnership Application with San Clemente Aquatics.

Recommendation

STAFF RECOMMENDS THAT the City Council:

- Grant Senior Partnership status to San Clemente Aquatics with a three-year agreement.
- 2) Direct Staff to return to Council at a future meeting with a proposed threeyear Partnership Agreement for approval.

THE BEACHES, PARKS AND RECREATION COMMISSION RECOMMENDS THAT the City Council:

- 1) Grant Senior Partnership status to San Clemente Aquatics with a one-year agreement.
- 2) Direct Staff to return to Council at a future meeting with a proposed oneyear Partnership Agreement for approval.
- D. Recreation Sports Partnership Applications Pages 9D-1 through 9D-39

Report from the Assistant City Manager concerning consideration of Recreation Sports Partnership Applications.

Recommendation

STAFF RECOMMENDS THAT the City Council:

- Grant Platinum Partnership status to American Youth Soccer Region 111 and San Clemente Little League with a three-year agreement.
- 2. Grant Gold Partnership status to Elite Soccer League for two years, maintaining the current Partnership levels.
- 3. Direct Staff to return to Council at a future meeting with the Partnership Agreements for approval.

THE BEACHES, PARKS AND RECREATION COMMISSION RECOMMENDS THAT the City Council:

1. Grant Platinum Partnership status to American Youth Soccer Region 111 and San Clemente Little League with a three-year agreement.

Beaches, Parks and Recreation Commission recommendation continued on following page

- 2. Grant Platinum Partnership status to Elite Soccer League with a one-year agreement.
- 3. Direct Staff to return to Council at a future meeting with the Partnership Agreements for approval.
- E. Consideration of Suspending Automatic Increases to the Sewer Connection Fee Pages 9E-1 through 9E-5

Report from the Assistant City Manager concerning the possibility of suspending automatic increases to the sewer connection fee.

Staff Recommendation

Adopt Resolution No. 18-58 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SUSPENDING THE AUTOMATIC INFLATOR TO THE SEWER CONNECTION FEES UNTIL REINSTATED BY ACTION OF THE CITY COUNCIL.

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 to Council Appointees to Regional Committees, Commissions and Boards Pages 11D(1)-1 through 11D(1)-6

Staff Recommendation

- 1. Update Councilmember appointments to various regional committees, commissions and boards.
- 2. Determine the Councilmember who will serve as the City's representative to the Orange County Fire Authority Board of Directors and adopt Resolution No. 18-59 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DESIGNATING AND APPOINTING ITS REPRESENTATIVE TO THE ORANGE COUNTY FIRE AUTHORITY'S BOARD OF DIRECTORS, with the direction that the name of the City's new Director be inserted.

12. Resolutions/Ordinances.

None.

13. Adjournment.

The next Regular Council Meeting will be held on Tuesday, January 15, 2019 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. 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.