



# CITY OF SAN CLEMENTE

## SPECIAL AND REGULAR CITY COUNCIL MEETING REVISED\* AGENDA

\*This agenda varies from the original agenda for the City Council meeting of February 5, 2019 that was posted on January 29, 2019 in that a case number has been updated in Closed Session Item B and 2 new cases have been added to Closed Session Item C. The agenda changes are reflected on this agenda in italicized type on Page 2 of this agenda.

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

February 5, 2019  
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-ANTICIPATED LITIGATION**

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

Initiation of litigation

Number of potential cases: 2

**B. 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

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

*Case Number: 8:16-CV-00852 DOC-JCG*

Name: Capistrano Shores, Inc. v. City of San Clemente

Case Numbers: OCSC 30-2014-00709987 and 30-2014-00726889

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

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

*Number of potential cases: 4*

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

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**1. Special Presentations.**

**A. Toll Road Update**

**B. Pier Pride Foundation**

Presentation by Mikii Rathmann, PierPride Foundation, concerning Pier Pride's accomplishments during 2018, the third year of partnership with the City of San Clemente.

**C. Update on Homeless Issues in San Clemente**

Presentation by Lt. Mike Peters, Orange County Sheriff's Department, and Stephanie Ogas, Mercy House, concerning an update on homeless issues 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**

Staff Recommendation

[Approve the Special/Adjourned Regular and Regular City Council Meeting minutes of January 15, 2019.](#)

B. **Commission and Committee Minutes**

Staff Recommendation

Receive and file the following:

(1) [Coastal Advisory Committee Regular Meeting minutes of December 13, 2018.](#)

(2) [Planning Commission Adjourned Regular Meeting minutes of January 16, 2019.](#)

(3) [Beaches, Parks and Recreation Commission Regular Meeting minutes of January 8, 2019.](#)

C. **Warrant Register**

[Approve Wire Transfers Nos. 1962 through 1963 and Warrant Nos. 555670 through 555785, paid on 1-11-19, in the amount of.....\\$1,643,782.43](#)

[Approve Wire Transfers Nos. 1964 through 1969 and Warrant Nos. 555786 through 555957, paid on 1-18-19, in the amount of.....\\$1,242,617.38](#)

[Approve Wire Transfers Nos. 1970 through 1972 and Warrant Nos. 555958 through 556133, paid on 1-25-19, in the amount of.....\\$2,769,088.78](#)

TOTAL WARRANT REGISTER.....\$5,655,488.59

**Payroll Register**

Approve Warrant Nos. 705 through 706  
 and Automatic Deposit Advises 53677  
 through 53960, for the period of 12/31/18  
 through 1/13/19, paid on 1/18/19, in  
 the amount of.....\$ 454,401.52

TOTAL PAYROLL REGISTER.....\$ 454,401.52

D. **Proposed Animal Shelter Overnight Parking Restriction - City-Owned Parking Lot at 221 Avenida Fabricante** Pages 6D-1 through 6D-5

Staff Recommendation

1. Restrict parking between 8:00 p.m. and 6:00 a.m. in the City-owned Animal Shelter parking lot located at 221 Avenida Fabricante.
2. Adopt Resolution No. 19-02 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING 'RESTRICTED PARKING AREAS' WITHIN CITY-OWNED PARKING LOT ON AVENIDA FABRICANTE.

E. **Proposed Senior Center Overnight Parking Restriction - City-Owned Parking Lot at 100 and 118 Avenida Rosa** Pages 6E-1 through 6E-5

Staff Recommendation

1. Restrict parking between 10:00 p.m. and 6:00 a.m. in the City-owned parking lot at 100 and 118 Avenida Rosa which serves the Senior Center located at 117 Avenida Victoria.
2. Adopt Resolution No. 19-03 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING 'RESTRICTED PARKING AREAS' WITHIN CITY-OWNED PARKING LOTS ON AVENIDA ROSA.

F. [Purchase of Prefabricated Restroom – Vista Bahia Park Restroom Replacement](#) Pages 6F-1 through 6F-5

Staff Recommendation

1. Approve, and authorize the City Manager to execute, the National Purchasing Cooperative Interlocal Participation Agreement (Contract C19-21), providing for the purchase of the Bonito Canyon and Vista Bahia Restroom Replacements.
2. Authorize the City Manager to approve a transfer in the amount of \$200,000 from Account 001-635-45300-000-17511 (Bonito Canyon Park) to Account 001-635-45300-000-17512 (Vista Bahia) for the purchase and installation of one prefabricated restroom and improvements for Vista Bahia Park.
3. Approve, and authorize the City Manager to execute, Contract C19-22 by and between the City of San Clemente and Public Restroom Company, providing for the purchase of one prefabricated restroom for Vista Bahia Park, in the amount of \$343,425.
4. Approve an as-needed contingency of \$15,000 for the Vista Bahia restroom purchase contract.
5. Direct staff to include \$200,000 in the Fiscal Year 2020 Capital Improvement Program budget to supplement existing funding for the Bonito Canyon Restroom replacement project.

G. [Contract Award – Municipal Golf Course Cart Path Repair](#) Pages 6G-1 through 6G-4

Staff Recommendation

1. Approve the plans and specifications for the Municipal Golf Course Cart Path Repair, Project No. 29804.
2. Approve, and authorize the City Manager to execute, Contract C19-23, by and between the City of San Clemente and Gentry General Engineering, Inc., providing for construction of the Municipal Golf Course Cart Path Repair, in the amount of \$194,662.25.

H. [Assignment, Assumption and Consent Agreement – San Clemente Trolley Vehicle Operation](#) Pages 6H-1 through 6H-3

Staff Recommendation

Approve, and authorize the Mayor to execute, an Assignment, Assumption and Consent Agreement (Contract C19-24), to formally approve assignment of the existing San Clemente Trolley vehicle operation agreement from Professional Parking to LAZ Parking California, LLC.

I. [Notice of Completion – 910 Calle Negocio Building Third Floor Conference Room](#) Pages 6I-1 through 6I-4

Staff Recommendation

1. Accept the 910 Calle Negocio Building Third Floor Conference Room (Project No. 18804), from the contractor, Corner Keystone Construction Corporation.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the 910 Calle Negocio Building Third Floor Conference Room.
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 Corner Keystone Construction Corporation.
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. [Contract Award – FY 2018 Sidewalk Repair Program](#) Pages 6J-1 through 6J-12

Staff Recommendation

1. Approve the plans and specifications for the FY 2018 Sidewalk Repair Program, Project No. 28303.
2. Approve, and authorize the City Manager to execute, Contract C19-25, by and between the City of San Clemente and CT&T Concrete Paving, Inc., providing for the FY 2018 Sidewalk Repair Program, in the amount of \$55,383.

K. [Change Order – Emergency Protection of Linda Lane Pump Station](#)  
Pages 6K-1 through 6K-3

Staff Recommendation

1. Make a finding that an emergency exists due to the potential failure of an existing sewer pump station and that the situation requires immediate action to prevent or mitigate impairment to property and public services, that might otherwise occur if required to incur delays attributed to the typical engineering design and public competitive bidding process.
2. Declare that the public interest and necessity demand the immediate expenditure of public funds to safeguard public health.
3. Approve a supplemental appropriation in the amount of \$75,000 to Account 054-476-45300-000-16209 from the Sewer Fund Depreciation Reserve.
4. Ratify the Emergency Construction Contract Change Order with Wright Construction Engineering Corporation for up to \$50,000 for the Emergency Protection for Linda Lane Pump Station, Project No.16209.

L. [Records Destruction](#) Pages 6L-1 through 6L-10

Staff Recommendation

Adopt Resolution No. 19-04 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE DESTRUCTION OF CERTAIN CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

M. [Fee Waiver – Heritage of San Clemente Foundation's Use of Richard T. Steed Park](#) Pages 6M-1 through 6M-5

Staff Recommendation

Approve a one-time waiver of field rental fees for the Heritage of San Clemente Foundation's 2<sup>nd</sup> Battalion 4<sup>th</sup> Marines softball tournament to be held at Richard T. Steed Park on February 15, 2019.



- N. [Contract Amendment - Consultant Assistance for Preparation of Local Coastal Program and Coastal Resiliency Plan](#) Pages 6N-1 through 6N-6

Staff Recommendation

1. Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract C14-15, by and between the City of San Clemente and Dudek/McCabe & Company, providing for consulting services to assist in the preparation of the Local Coastal Program and Coastal Resiliency Plan. This Amendment increases the contract amount from \$283,250 to \$358,250, an increase of \$75,000.
2. Accept grant revenues of \$75,000 from the State of California to Account 001-000-33490 and approve a related budget appropriation of \$75,000 to Account 001-431-43890.

- O. [Hours of Operation of Public Restrooms Located West of the I-5](#) Pages 6O-1 through 6O-2

Staff Recommendation

1. Approve the locking of all public restrooms west of the I-5 on City beaches and in City parks from 10:00 p.m. to 6:30 a.m. on a regular basis.
2. Approve a supplemental appropriation of \$6,740 to Account 001-624-41030-000-00000 for part-time Park Ranger salaries.

- 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.

None.

- 8. **Unfinished Business.**

None.

9. **New Business.**

A. [Recreation Sports Partnership Agreement - San Clemente Youth Rugby](#) Pages 9A-1 through 9A-30

Report from the Beaches, Parks and Recreation Department concerning the possibility of the City entering into a Recreation Sports Partnership Agreement with San Clemente Youth Rugby.

Staff Recommendation

Grant Silver Partnership status to San Clemente Youth Rugby with a one-year agreement.

Beaches, Parks and Recreation Commission Recommendation

Grant Gold Partnership status to San Clemente Youth Rugby with a one-year agreement.

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.**

None.

13. **Adjournment.**

The next Regular Council Meeting will be held on Tuesday, February 19, 2019 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.