



# CITY OF SAN CLEMENTE REVISED REGULAR CITY COUNCIL MEETING AGENDA

\*This agenda varies from the original agenda for the City Council meeting of March 5, 2019 that was posted on February 27, 2019 in that Item 9B has been added to the agenda. The agenda change is reflected in italicized type on Page 7 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)

March 5, 2019  
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: 3

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: 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

**B. PUBLIC EMPLOYEE EVALUATION**

Pursuant to Government Code Section 54957

Employee: City Attorney

**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.)**

**CALL TO ORDER**

**INVOCATION** – Jim Davis, Sr. Chaplain, Orange County Sheriff-Coroner

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**1. Special Presentations.**

**A. Toll Road Update**

**B. Orange County Vector Control District Report**

Report from Michelle Schumacher, the City's representative to the Orange County Vector Control District, concerning vector issues.

**C. Police Services Update**

Report from Lt. Peters, San Clemente Police Services Chief, concerning a San Clemente Police Services 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 agenda items requiring immediate action.** Any items agenda items 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 and Regular City Council Meeting minutes of February 19, 2019.](#)

B. **Commission and Committee Minutes**

Staff Recommendation

Receive and file the following:

(1) [Minutes of the Regular Meeting of the Human Affairs Committee of February 12, 2019.](#)

(2) [Minutes of the Regular Meeting of the Design Review Subcommittee of December 12, 2018.](#)

(3) [Minutes of the Regular Meeting of the Design Review Subcommittee of January 23, 2019.](#)

(4) [Minutes of the Regular Meeting of the Zoning Administrator of February 7, 2019.](#)

(5) [Minutes of the Regular Meeting of the Zoning Administrator of February 21, 2019.](#)

C. **Warrant Register**

[Approve Wire Transfers Nos. 1980 through 1987 and Warrant Nos. 556439 through 556667, paid on 2-15-19, in the amount of.....\\$2,881,407.13](#)

[Approve Wire Transfers Nos. 1988 and Warrant Nos. 556668 through 556748, paid on 2-22-19, in the amount of.....\\$1,582,874.18](#)

TOTAL WARRANT REGISTER.....\$4,464,281.31

**Payroll Register**

Approve Warrant Nos. 708 through 710  
 and Automatic Deposit Advises 54235  
 through 54505, for the period of 1/28/19  
 through 2/10/19, paid on 2/15/19, in  
 the amount of.....\$ 472,686.04

TOTAL PAYROLL REGISTER.....\$ 472,686.04

- D. [Contract Amendment – Water Reclamation Plant Efficiency Study](#)  
 Pages 6D-1 through 6D-2

**Staff Recommendation**

Approve, and authorize the City Manager to execute, Amendment No. 1 to 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. This amendment increases the contract amount from \$204,034 to an amount not to exceed \$232,664, a maximum increase of \$28,630.

- E. [Wyland National Mayor’s Challenge for Water Conservation](#) Pages 6E-1 through 6E-2

**Staff Recommendation**

Approve and authorize the City’s participation in the National Mayor’s Challenge and the Mayor’s signature on the online letter of support.

- 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.**

- A. [Opioid Epidemic Contingency Fee Agreement](#) Pages 8-A-1 through 8-A-13

Report from the City Attorney concerning Council consideration of an Opioid Epidemic Contingency Fee Agreement.

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C19-27, an Engagement to Represent, by and between the City of San Clemente and the law firms of Robins Kaplan LLP and Andrews & Thornton, providing a contingent fee agreement with respect to litigation the consortium attorneys will pursue with regard to the opioid epidemic.

- B. [Revised Local Coastal Program Land Use Plan Amendment \(LUPA\) Resolution](#) Pages 8B-1 through 8B-11

Report from the Community Development Director regarding a revised Local Coastal Program Land Use Plan Amendment (LUPA) Resolution.

Staff Recommendation

Adopt **REVISED** 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 COSTAL PROGRAM LAND USE PLAN AMENDMENT REGARDING THE DEFINITION OF MAJOR REMODEL IN CHAPTER 7 TO THE CALIFORNIA COASTAL COMMISSION FOR PROCESSING.

9. **New Business.**

- A. [Policy and Procedure 1002-1 \(City's Vehicle Use Policy\)](#) Pages 9A-1 through 9A-5

Report from the Assistant City Manager concerning the City's Vehicle Use Policy.

Staff Recommendation

Provide direction to the City Manager regarding the City's Vehicle Use Policy.

- B. [Code Amendment - Enforcement of Camping Ordinances](#) Pages 9B-1 through 9B-4

*Report from the City Attorney concerning the possibility of amending Section 8.86.040 of the San Clemente Municipal Code relating to enforcement of camping ordinances.*

Staff Recommendation

*Introduce Ordinance No. 1671, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA ADDING SECTION 8.86.040 TO THE SAN CLEMENTE MUNICIPAL CODE RELATING TO ENFORCEMENT OF CAMPING ORDINANCES.*

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. 1668 \(Second Reading\) – Accessory Dwelling Units \(ADUs\)](#) Pages 12A-1 through 12A-12

Staff Recommendation

Adopt Ordinance No. 1668 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, FOR A CITY-INITIATED AMENDMENT (ZA 18-243) OF THE CITY OF SAN CLEMENTE MUNICIPAL CODE TITLE 17 FOR ACCESSORY DWELLING UNITS.

- B. [Ordinance No. 1669 \(Second Reading\) – Floodplain Management Regulations](#) Pages 12B-1 through 12B-5

Staff Recommendation

Adopt Ordinance No. 1669 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MUNICIPAL CODE CHAPTER 15.76 TO UPDATE THE FLOODPLAIN MANAGEMENT CODE TO MEET THE MINIMUM REQUIREMENTS OF THE NATIONAL FLOOD INSURANCE PROGRAM.

- C. [Ordinance No. 1670 \(Second Reading\) – City Council Parliamentary Procedures](#) Pages 12C-1 through 12-C-2

Staff Recommendation

Adopt Ordinance No. 1670 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REPEALING SECTION 2.04.050 OF THE CODE OF THE CITY OF SAN CLEMENTE RELATING TO CITY COUNCIL PROCEEDINGS BEING GOVERNED UNDER “ROBERT’S RULES OF ORDER”.

**13. Adjournment.**

Adjourn to an Adjourned Regular Council meeting to be held on Monday, March 11, 2019 at 4:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, for the purpose of conducting a workshop on the Long Term Financial Plan (LTFP).

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