



CITY OF SAN CLEMENTE

REGULAR CITY COUNCIL MEETING AGENDA

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

March 19, 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: 5

Case Name: Gary Lovrien v. City of San Clemente

Workers Compensation Appeals Board Case Number: ANA0303676

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

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

Case Name: Orange County Catholic Worker v. Orange County, et al.

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

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

B. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

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

Number of potential cases: 3

Closed Session continued on following page

C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

Initiation of litigation

Number of potential cases: 1

D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code section 54957

Title: City Attorney

BUSINESS MEETING (6:00 p.m.)

CALL TO ORDER

INVOCATION – Candie Blankman, Pastor, San Clemente Presbyterian Church

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. **Toll Road Update**

B. **PierPride Foundation – Replacement Educational Signs on the San Clemente Municipal Pier**

Report from Eileen Kawas, PierPride Board President, concerning replacement educational signage on the San Clemente pier.

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

(1) [Approve the Special and Regular City Council Meeting minutes of February 19, 2019.](#)

(2) [Approve the Regular City Council Meeting minutes of March 5, 2019.](#)

B. **Commission and Committee Minutes**

Staff Recommendation

Receive and file the following:

(1) [Minutes of the Regular Study Session of the Planning Commission of March 6, 2019.](#)

(2) [Minutes of the Regular Meeting of the Planning Commission of March 6, 2019.](#)

C. **Warrant Register**

[Approve Wire Transfers Nos. 1989 through 1995 and Warrant Nos. 556749 through 556879, paid on 3-1-19, in the amount of.....\\$2,765,232.34](#)

[Approve Wire Transfers Nos. 1996 through 1998 and Warrant Nos. 556880 through 557030, paid on 3-8-19, in the amount of.....\\$3,090,646.62](#)

TOTAL WARRANT REGISTER.....\$5,855,878.96

Payroll Register

Approve Warrant Nos. 711 through 712 and Automatic Deposit Advises 54506 through 54796, for the period of 2/11/19 through 2/24/19, paid on 3/1/19, in the amount of.....\$ 476,921.34

TOTAL PAYROLL REGISTER.....\$ 476,921.34

- D. [Contract Award – Replacement of Existing Primary Clarifier, Distribution Box and Grit Chamber Covers and Effluent Channel Gratings](#) Pages 6D-1 through 6D4

Staff Recommendation

1. Approve the plans and specifications for the Replacement of Existing Primary Clarifier, Distribution Box and Grit Chamber Covers and Effluent Channel Gratings, Project No. 25206.
2. Approve, and authorize the Mayor to execute, Contract C19-29, by and between the City of San Clemente and Environmental Construction, Inc., providing for replacement of existing primary clarifier, distribution box and grit chamber covers and effluent channel gratings, in the amount of \$799,610.

- E. [Final Parcel Map 2014-174, Mirasol Condominiums at 132 W. Escalones](#) Pages 6E-1 through 6E-3

Staff Recommendation

1. Accept on behalf of the City of San Clemente, the water rights within Final Parcel 2014-174 as dedicated.
2. Accept on behalf of the City of San Clemente the 4’ wide sidewalk and public access easement as dedicated.
3. Approve Final Parcel Map 2014-174 as it conforms to the requirements set forth in the Subdivision Map Act and the previously approved Tentative Parcel Map.
4. Authorize the Public Works Director/City Engineer to execute the Final Parcel Map.
5. Authorize the City Clerk to execute and submit the Final Parcel Map for recordation with the County of Orange Recorder’s Office.

- F. [Contract Award – Reservoir 10 & 6 Water Line](#) Pages 6F-1 through 6F-5

Staff Recommendation

1. Approve the plans and specifications for the Reservoir 10 & 6 Water Line, Project No. 15401.
2. Approve, and authorize the Mayor to execute, Contract C19-30, by and between the City of San Clemente and Gwinco Construction & Engineering, Inc., providing for Reservoir 10 & 6 Water Line (Project No. 19410), in the amount of \$577,727.
3. Approve, and authorize the Mayor to execute, Contract C19-31, by and between the City of San Clemente and Dudek, providing for archeological, paleontological and Native American monitoring services for Reservoir 10 & 6 Water Line (Project No. 19410), in the amount of \$24,650.

- G. [Replacement of Fleet Vehicle Numbers 1054, 1069 and 1096](#) Pages 6G-1 through 6G-2

Staff Recommendation

1. Approve the purchase of three 2019 Ford 250 trucks from Fairview Ford from the Fleet Replacement Reserve for replacement of fleet vehicle numbers 1054, 1069 and 1096.
2. Authorize a supplemental appropriation in the amount of \$71,520 to Fleet Automotive Account 065-824-45600 from the Fleet Replacement Reserve Fund balance.

- H. [2018 General Plan Progress Report](#) Pages 6H-1 through 6H-120

Staff Recommendation

1. Adopt Resolution No. 19-06 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACCEPTING THE GENERAL PLAN 2018 PROGRESS REPORT.
2. Direct Staff to submit the 2018 General Plan Progress Report to the State as required by law.

- I. [Contract Amendment – Lease and Operating Agreement for Use of the Ole Hanson Beach Club](#) Pages 6I-1 through 6I-51

Staff Recommendation

Approve, and authorize the Mayor or City Manager to execute, Amendment No. 1 to Contract C16-32, a lease and operating agreement, by and between the City of San Clemente and 24 Carrots LLC. This Amendment provides the tenant with exclusive use of the Ole Hanson Beach Club exterior lawn area on weekends.

- J. [Sports Partnership Agreement \(Silver Partnership\) - San Clemente Youth Rugby](#) Pages 6J-1 through 6J-16

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C19-32, a sports partnership agreement by and between the City of San Clemente and San Clemente Youth Rugby, providing for Silver Partnership for a one-year period.

- 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. [Contract Award – Janitorial Services](#) Pages 9A-1 through 9A-3

Report from the Public Works Director/City Engineer concerning a contract award for janitorial services at City facilities.

Staff Recommendation

- 1. Approve, and authorize the City Manager to execute, Contract C19-33, a maintenance agreement, by and between the City of San Clemente and OmniClean, providing for janitorial services for the period of April 1, 2019 through June 30, 2021, for a maximum amount of \$943,195.53.

Staff Recommendation continued on following page

2. Approve a supplemental appropriation in the amount of \$48,907 from the General Fund undesignated fund balance to the General Fund janitorial services program line items in Programs 617, 635, and 636.
 3. Approve a supplemental appropriation in the amount of \$3,200 from the Water Fund undesignated fund balance to Account 052-461-43480.
 4. Approve a supplemental appropriation in the amount of \$3,200 from the Sewer Fund undesignated fund balance to Account 054-471-43480.
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) **Coastal Animal Services Authority (CASA)**

Presentation by Mayor Swartz concerning pets available for adoption at the San Clemente Animal Shelter.
12. **Resolutions/Ordinances.**
- A. **Ordinance No. 1671 (Second Reading) – Enforcement of Camping Ordinances** Pages 12A-1 through 12A-4

Staff Recommendation

Adopt 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.

13. **Adjournment.**

The next Regular Council Meeting will be held on Tuesday, April 2, 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. 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.