



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

April 2, 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: 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

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

Initiation of litigation

Number of potential cases: 1

BUSINESS MEETING (6:00 p.m.)

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.**A. Toll Road Update****B. Annual Employee Service Awards**

Report from Heather Lowe, Human Resources Manager, concerning the City's Annual Employee Service Awards and recognizing Maile Stivers and Johnny Torres for receiving the "Core Values Award" and Brian Fields for being named the 2018 Employee of the Year.

C. Wyland National Mayor's Challenge for Water Conservation

Report from David Rebensdorf, Utilities Director, and Niki Beach, Water Conservation Analyst, concerning water conservation and the City's participation in the 2019 Wyland National Mayor's Challenge.

- 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

- (1) [Approve the City Council Adjourned Regular Meeting minutes of March 11, 2019.](#)
- (2) [Approve the City Council Regular Meeting minutes of March 19, 2019.](#)

B. **Commission and Committee Minutes**

Staff Recommendation

Receive and file the following:

- (1) [Minutes of the Regular Meeting of the Coastal Advisory Committee of January 10, 2019.](#)
- (2) [Minutes of the Regular Meeting of the Zoning Administrator of March 7, 2019.](#)
- (3) [Minutes of the Regular Study Session of the Planning Commission of March 20, 2019.](#)
- (4) [Minutes of the Regular Meeting of the Planning Commission of March 20, 2019.](#)

C. **Warrant Register**

[Approve Wire Transfers Nos. 1999 through 2002 and Warrant Nos. 557031 through 557261, paid on 3/15/19, in the amount of.....\\$1,840,321.18](#)

[Approve Handwrite No. 557346 and Warrant Nos. 557262 through 557345, paid on 3/22/19, in the amount of.....\\$ 828,544.42](#)

TOTAL WARRANT REGISTER.....\$2,668,865.60

Payroll Register

Approve Warrant Nos. 713 through 714 and Automatic Deposit Advises 54797 through 55081, for the period of 2/25/19 through 3/10/19, paid on 3/15/19, in the amount of.....\$ 467,176.91

TOTAL PAYROLL REGISTER.....\$ 467,176.91

- D. [**Contract Award – Calle Real Pump Station Rehabilitation**](#) Pages 6D-1 through 6D-2

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C19-34, by and between the City of San Clemente and AKM Consulting Engineers, providing for engineering, design and construction support services for the Calle Real Pump Station Rehabilitation, Project No. 19516, in the amount of \$207,848.

- E. [**Notice of Completion – Fiscal Year 2018 Major Maintenance**](#) Pages 6E-1 through 6E-4

Staff Recommendation

1. Accept the Major Street Maintenance FY 2018, Project No. 28301, from the contractor, R. J. Noble Company.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for Project No. 28301, Major Street Maintenance for FY 2018.
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, R. J. Noble Company.
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.

F. [Notice of Completion – Community Development Parking Lot Rehabilitation and ADA Improvements](#) Pages 6F-1 through 6F-4

Staff Recommendation

1. Accept the Community Development Parking Lot Rehabilitation, Project No. 14328, and ADA Improvements, Project No. 24801, from Horizons Construction Co. Int'l, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Community Development Parking Lot Rehabilitation, Project No. 14328, and ADA Improvements, Project No. 24801.
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, Horizons Construction Co. Int'l, 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.

G. [Establishment of Weed Abatement Program for 2019](#) Pages 6G-1 through 6G-28

Staff Recommendation

Adopt Resolution No. 19-07 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PURSUANT TO SECTIONS 39561 AND 39562 OF THE CALIFORNIA GOVERNMENT CODE DECLARING WEEDS, RUBBISH, REFUSE, AND DIRT UPON STREETS, SIDEWALKS, PARKWAYS, AND PRIVATE PROPERTY TO BE PUBLIC NUISANCES AND PROVIDING FOR THE ABATEMENT THEREOF.

H. [Contract Amendment – Electronic Document Indexing Services](#) Pages 6H-1 through 6H-2

Staff Recommendation

Approve, and authorize the Mayor to execute, Amendment No. 8 to Contract C14-56, by and between the City of San Clemente and Maris Imaging Solutions LLC. This Amendment increases the maximum compensation amount from \$80,000 to \$100,000, an increase of \$20,000, and extends the term of the contract to February 18, 2020.

- I. [Contract Amendment – Consultant Services to Assist in the Preparation of the Local Coastal Implementation Plan](#) Pages 6I-1 through 6I-5

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, providing for consulting services to assist in the preparation of the Local Coastal Program and Implementation Plan. This Amendment increases the contract amount from \$283,250 to \$338,250, an increase of \$55,000.
2. Accept grant revenues of \$55,000 from the State of California to Account 001-000-33490.
3. Approve a related budget appropriation of \$55,000 to Account 001-431-43890.

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. [2019-20 Annual Action Plan for Expenditures of Community Development Block Grant \(CDBG\) Funds](#) Pages 7A-1 through 7A-57

Public Hearing to consider the proposed submission of the 2019-20 Annual Action Plan for expenditures of Community Development Block Grant (CDBG) Funds.

Staff Recommendation

1. Approve and adopt the Draft 2019-2020 Annual Action Plan for use of Community Development Block Grants.
2. Authorize the City Manager to execute and submit the Annual Action Plan to HUD, which will execute the HUD contract.

8. **Unfinished Business.**

A. **[Reconsideration of Contract Amendment for Legislative Advocacy Services](#)** Pages 8A-1 through 8A-25

Report from the City Clerk concerning Council's determination to reconsider the Contract Amendment for Legislative Advocacy Services in order to resolve confusion concerning the vote that was taken by Council at its meeting of February 19, 2019.

Staff Recommendation

Re-vote on the following action that was taken by Council at its meeting of February 19, 2019:

1. Approve, and authorize the City Manager to execute, Amendment No. 2 to Contract C16-15, by and between the City of San Clemente and Aprea & Micheli, providing for legislative advocacy services. This Amendment extends the term of the contract from March 15, 2019 to March 15, 2020, and establishes the annual contract amount at \$180,000. Funds are budgeted in Other Legal Services, Account 001-203-43640-000-00000. Funding for future terms will be subject to approval through the annual budget process.
2. Direct that any contract renewal will need to be approved by Council, rather than the City Manager.

B. **[Minutes of the Regular Meeting of the Planning Commission of March 6, 2019 and Additional Information concerning Item 8-A from those Minutes Relating to the Shorecliffs Senior Rental Housing Complex at 501 Avenida Vaquero](#)** Pages 8B-1 through 8B-40

Report from the Community Development Director concerning the Regular Planning Commission Meeting Minutes of March 6, 2019, and providing additional information concerning Item 8-A from those minutes (relating to the Shorecliffs Senior Rental Housing Complex at 501 Avenida Vaquero) as requested by Council.

Staff Recommendation

Determine whether to call up Item 8-A (the Shorecliffs Senior Rental Housing Complex at 501 Avenida Vaquero - Architectural Permit 17-340, Site Plan Permit 17-339, Conditional Use Permit 17-338), or any other item from the Planning Commission Regular Meeting minutes of March 6, 2019, and receive and file the balance of those minutes.

9. **New Business.**

A. **[Contract Award - San Clemente Trolley Operations and Trolley Vehicle Destination Names](#)** Pages 9A-1 through 9A-3

Report from the Public Works Director/City Engineer concerning the possibility of awarding a contract relating to San Clemente Trolley transit services and proposed change to the destination names displayed on the Trolley vehicles.

Staff Recommendation

1. Approve, and authorize the City Manager to execute, Contract C19-35, by and between the City of San Clemente and LAZ Parking California, LLC, providing for San Clemente Trolley transit services through December 31, 2022, in the amount of \$1,340,308.
2. Approve the proposed change to the destination names displayed on the San Clemente Trolley vehicles.

B. **[Contract Amendment – LYFT for SCRIDES Program](#)** Pages 9B-1 through 9B-2

Report from the Public Works Director/City Engineer concerning proposed changes to various terms in the existing agreement with Lyft for the SCRIDES program.

Staff Recommendation

1. Approve, and authorize the City Manager to execute, Amendment No. 1 to Contract C16-63, by and between the City of San Clemente and LYFT, providing for the SCRIDES Program. This Amendment extends the term of the contract to June 30, 2023, and provides for other contract modifications as described in the Administrative Report, dated April 2, 2019, which is on file with the City Clerk.
2. Approve, and authorize the City Manager to execute, Amendment No. 1 to Contract C16-71 (OCTA Cooperative Agreement No. C-6-1301), to modify certain SCRIDE terms as described in the Administrative Report, dated April 2, 2019, which is on file with the City Clerk.

- C. [Amended Policy and Procedure 1203-1 \(City-Issued Swim, Parking or Golf Pass for Designated Retirees and Councilmembers\)](#) Pages 9C-1 through 9C-3

Report from the City Attorney concerning the possibility of adopting an Amended Policy and Procedure 1203-1 concerning City-Issued Swim, Parking or Golf Pass for Designated Retirees and Councilmembers.

Staff Recommendation

Adopt Amended Policy and Procedure 1203-1 (City-Issued Swim, Parking or Golf Pass for Designated Retirees and Councilmembers), effective April 2, 2019.

- D. [Consideration of a Resolution Requesting the California State Controller's Office to Audit the Transportation Corridor Agencies \(TCA\)](#) Pages 9D-1 through 9D-5

Report from the City Manager concerning the possibility of adopting a resolution in support of a third-party independent investigation of the Transportation Corridor Agency.

Staff Recommendation

Adopt Resolution No. 19-08 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, IN SUPPORT OF THE CALL FOR A THIRD PARTY INDEPENDENT INVESTIGATION OF THE TRANSPORTATION CORRIDOR AGENCY, A PUBLIC AGENCY, BY CONGRESSMAN MIKE LEVIN AND THE CITY OF SAN CLEMENTE TO ENSURE THE PROPER USE OF PUBLIC FUNDS.

- E. [Policy and Procedure 204-1 \(Partnership of Activities, Facility Rentals and Special Events\) and Policy and Procedure 204-5 \(Guidelines for the Acceptance of Donations, Sponsorships, and Gifts\)](#) Pages 9E-1 through 9E-17

Report from the Assistant City Manager seeking direction concerning further changes or revisions to Policy and Procedure 204-1 and Policy and Procedure 204-5.

Staff Recommendation

Provide direction on further changes or revisions to Policy No. 204-1 (Partnership of Activities, Facility Rentals and Special Events) and Policy No. 204-5 (Guidelines for the Acceptance of Donations, Sponsorships and Gifts).

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, April 16, 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.