



CITY OF SAN CLEMENTE

REGULAR CITY COUNCIL

REVISED* MEETING AGENDA

**This Revised Agenda for the City Council meeting of April 16, 2019 varies from the original Agenda that was posted on April 9, 2019 in that a new Item D has been added under Special Presentations and a new Item D has been added under New Business. These additions are included in italic type on Pages 3 and 10, respectively, on this revised agenda.*

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

April 16, 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. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code section 54957

Title: City Attorney

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Existing litigation pursuant to Government Code section 54956.9(d)(1)

Number of Cases: 3

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

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

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

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

1. **Special Presentations.**

A. **Toll Road Update**

B. **Donate Life Month Proclamation**

Presentation of proclamation to Dick Veale proclaiming April 2019 as Donate Life Month.

C. **Orange County Human Relations Report**

Presentation by Francisco Marmolejo and Susan Reese, of Orange County Human Relations, concerning Orange County Human Relations activities.

D. **USA Surfing Events**

Presentation by Greg Cruse, CEO of USA Surfing, concerning upcoming surfing events.

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**

Approve the City Council Special Meeting minutes of [April 1, 2019](#) and Regular Meeting of [April 2, 2019](#).

B. Receive and file:

(1) [Design Review Subcommittee Regular Meeting minutes of February 13, 2019.](#)

(2) [Planning Commission Adjourned Regular Meeting minutes of April 3, 2019.](#)

C. **Warrant Register**

[Approve Wire Transfers Nos. 2003 through 2010 and Warrant Nos. 557347 through 557492, paid on 3-29-19, in the amount of.....](#)\$2,956,346.14

[Approve Handwrite No. 557680, Wire Transfers Nos. 2011 through 2012, and Warrant Nos. 557493 through 557679, paid on 4-5-19, in the amount of.....](#)\$1,042,828.53

TOTAL WARRANT REGISTER.....\$3,999,174.67

Payroll Register

Approve Warrant Nos. 715 through 717 and Automatic Deposit Advises 55082 through 55371, for the period 3-11-19 through 3-24-19, paid on 3-29-19, in the amount of.....\$ 464,102.64

TOTAL PAYROLL REGISTER...\$ 464,102.64

D. [Contract Amendment - Well Water Treatment Plant Chemical Storage Building](#) Pages 6D-1 through 6D-2

Staff Recommendation

Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C18-67, by and between the City of San Clemente and AKM Consulting Engineers, providing for engineering services for the Well Water Treatment Plant Chemical Storage Building, Project No. 16408. This Amendment increases the contract amount from \$97,965 to an amount not to exceed \$126,853 (a maximum increase of \$28,888).

E. [Change Order Ratification and Approval of Additional Funding - Emergency Protection of Linda Lane Pump Station](#) Pages 6E-1 through 6E-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 \$200,000 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 \$135,000 for the Emergency Protection for Linda Lane Pump Station, Project No. 16209.

F. [Stakeholder Advisory Committee for Pier Bacteria Source Characterization Study](#) Pages 6F-1 through 6F-3

Staff Recommendation

1. Approve the formation of a Stakeholder Advisory Committee (SAC) for the Pier Bacteria Source Characterization Study.
2. Approve the list of agencies to be contacted to invite a representative to serve on the SAC.

- G. [Declaration of Surplus and Disposition of Retired Fleet Equipment and Vehicles](#) Pages 6G-1 through 6G-2

Staff Recommendation

Declare the equipment and vehicles identified on Attachment #1 of the Administrative Report, dated April 16, 2019 (on file with the City Clerk), as surplus, and approve and authorize Ken Porter Auctions for the public auctioning of the subject City of San Clemente surplus equipment and vehicles.

- H. [Possible Term Extensions for Commission/Committee Members Pending Conclusion of Council's Assessment as to Whether Changes are to be Made to the Structure and Composition of the City's Commissions and Committees](#) Pages 6H-1 through 6H-3

Staff Recommendation

1. Extend the terms of the twenty Commission and Committee members whose terms are due to expire on June 30, 2019 until such time as Council determines whether changes are to be made to the City's Commissions and Committees and the appointees to the newly-defined Commissions and Committees have assumed office.
2. In the event incumbents of positions that are due to expire on June 30, 2019 decline to serve an extended term, direct that the position(s) remain vacant unless the number of vacant positions on any Commission or Committee results in fewer members as are necessary for a quorum. In the event less than a quorum of a Commission/Committee is able to serve beyond June 30, 2019, direct Staff to return to Council for direction as to whether one or more positions on that particular Commission or Committee should be filled prior to conclusion of Council's assessment of the City's Commissions and Committees.

- I. [Notice of Completion - Corporation Yard Buildings/Structures Painting Project](#) Pages 6I-1 through 6I-4

Staff Recommendation

1. Accept the Corporation Yard Buildings/Structures Painting, Project Nos. 16529 and 26407, from Harbor Coating and Restoration.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Corporation Yard Buildings/Structures Painting, Project Nos. 16529 and 26407.
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, Harbor Coating and Restoration.

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. [Supplemental Appropriation - West Avenida Palizada Sidewalk Improvement Project](#) Pages 6J-1 through 6J-2

Staff Recommendation

1. Approve a transfer of \$40,000 to the General Fund from the undesignated fund balance of the Water Fund.
2. Approve a supplemental appropriation of \$40,000 in the General Fund to Account 001-416-45300-000-16345.
3. Approve a transfer of \$40,000 from Account 042-848-43420-000-24400 to Account 001-416-45300-000-16345.

K. [Proposed Parking Prohibition on Camino de Estrella](#) Pages 6K-1 through 6K-5

Staff Recommendation

1. Prohibit parking on the northwest side of Camino de Estrella from Avenida Las Palmas to Interstate 5.
2. Adopt Resolution No. 19-09 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING 'NO PARKING AREAS' ON CAMINO DE ESTRELLA.

L. [Designation of FY 2019-2020 Street Rehabilitation Projects Pursuant to the State Road Repair and Accountability Act of 2017 \(Senate Bill 1\)](#) Pages 6L-1 through 6L-5

Staff Recommendation

Adopt Resolution No. 19-10 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING THE LIST OF PROJECTS FOR FISCAL YEAR 2019-2020 FUNDED BY THE STATE OF CALIFORNIA SENATE BILL 1 (SB 1) ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017.

- M. [Initiation of a General Plan Amendment to Amend the Roadway Classification of Camino Mira Costa and Camino Capistrano](#) Pages 6M-1 through 6M-2

Staff Recommendation

Approve the initiation of an amendment to the General Plan, as authorized by Municipal Code Section 17.16.020(c)(1), upon receipt of conditional approval from the Orange County Transportation Authority, to:

1. Reclassify Camino Mira Costa, between Camino de Estrella and Camino Capistrano, from a secondary arterial street to a divided collector street.
2. Reclassify Camino Capistrano, between North El Camino Real and Del Gado Road, from a secondary arterial street to a collector arterial street.

- N. [Fee Waiver Request - Courtney's Sandcastle Charitable Foundation for Special Needs Resource Fair](#) Pages 6N-1 through 6N-3

Staff Recommendation

Waive the rental fees associated with the Courtney's Sandcastle Charitable Foundation Special Needs Resource Fair, to be held at the Vista Hermosa Sports Park on May 4, 2019, in an amount not to exceed \$720.

- O. [Letter Requesting Federal Funding Support for Beach Sand Replenishment](#) Pages 6O-1 through 6O-4

Staff Recommendation

Approve, and authorize the Mayor to execute, letters to the City's congressional representatives to request Federal funding support for the Corps of Engineers' San Clemente beach sand replenishment project.

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. **[2018 Downtown Parking Study](#)** Pages 9A-1 through 9A-93

Report from the Community Development Director concerning the results of the 2018 Downtown Parking Study and seeking Council direction on recommendations to improve downtown parking supply and management.

Staff Recommendation

1. Accept the 2018 Downtown Parking Study.
2. Provide direction to Staff concerning the study recommendations identified in Attachment 2 of the Administrative Report, dated April 16, 2019, which is on file with the City Clerk.

B. **[2018 North Beach Parking Study](#)** Pages 9B-1 through 9B-39

Report from the Community Development Director concerning the results of the 2018 North Beach Parking Study and seeking Council direction on recommendations to improve downtown parking supply and management.

Staff Recommendation

1. Accept the 2018 North Beach Parking Study.
2. Provide direction to Staff concerning the study recommendations identified in Attachment 2 of the Administrative Report, dated April 16, 2019, which is on file with the City Clerk.

C. **[Update on the Evaluation of Orange County Sheriff's Department Contract Law Enforcement Services Study](#)** Pages 9C-1 through 9C-45

Report from the Assistant City Manager concerning the results of the study of Orange County Sheriff's Department Contract Law Enforcement Services.

Staff Recommendation

Receive and file the Analysis of Contract Law Enforcement Services Costs and Methodology for Contract Cities study prepared by Matrix Consulting Group.

D. [Consideration of Assembly Bill 1273 \(Brough\) - Joint Exercise of Powers Agreements: Toll Roads](#) Pages 9D-1 through 9D-24

Report from the City Manager concerning the possibility of supporting AB 1273 (Brough) and authorizing the Mayor to execute, and Staff to submit, a letter of support.

Staff Recommendation

1. *Support Assembly Bill 1273 (Brough) - Joint Powers Agreements: Toll Roads.*
2. *Authorize the Mayor to execute, and Staff to submit, a letter of support.*

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) **Animal Report - Coastal Animal Services Authority (CASA)**

Presentation by Mayor Swartz concerning pets available for adoption at the San Clemente Animal Shelter.

12. **Resolutions/Ordinances.**

None.

13. **Adjournment.**

The next Regular Council Meeting will be held on May 7, 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.