



# 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](http://www.san-clemente.org)

May 7, 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: 7

Case Name: MemorialCare Services, et al. v. City of San Clemente  
Case Number: 8:16-CV-00852 DOC-JCG

Case Name: Housing is a Human Right Orange County, et al v. County of Orange et al.  
Case Number: 8:19-CV-00388 DOC-KES

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: Anthem Sales Management, LLC et al. v. City of San Clemente et al.  
Case Number: OCSC 30-2019-01063861-CU-WM-CJC

Case Name: Capistrano Shores, Inc. v. City of San Clemente  
Case Number: OCSC 30-2014-007099897-CU-EI-CXC

Case Name: City of San Clemente v. Goode, et al.  
Case Number: OCSC 30-2018-01033695 CU-OR-CJC

Case Name: City of San Clemente v. Toyota, et al.  
Case Number: OCSC 30-2018-01037112-CU-MC-NJC

*Closed Session items continued on next page*

**B. LIABILITY CLAIMS**

Pursuant to Government Code section 54956.95

Number of claims: 2

Claimant: Raya's Paradise, Inc.

Agency claimed against: City of San Clemente

Claimant: Seabreeze Vacation Rental Management

Agency claimed against: City of San Clemente

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

**CALL TO ORDER**

**INVOCATION - Pastor Roger Gales, Heritage Christian Fellowship**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**1. Special Presentations.**

A. **Toll Road Update**

B. **Buddy Poppy Days Proclamation**

Presentation of proclamation to Captain Wayne Greenleaf, of the Veterans of Foreign Wars, declaring May 25-27, 2019 as Buddy Poppy Days.

C. **Older Americans Month**

Presentation of proclamation to Beth Apodaca, Director of the San Clemente Senior Center, declaring the month of May as Older Americans Month.

D. **Southern California Edison Presentation Concerning the San Onofre Nuclear Generating Station (SONGS)**

Presentation by Tom Palmisano, of Southern California Edison, concerning the August 3, 2018 incident at SONGS (spent fuel canister downloading, event reporting, corrective actions applied, and next steps to be taken).

E. **2020 Decennial Census**

Presentation by Daniel Seleb and Rashad Zidabbagh, with the 2020 Decennial Census, concerning the upcoming 2020 census.

F. **San Clemente Online Development Map Demonstration**

Demonstration of the City's online development map by City Planner Perez.

G. **Water Safety and the World's Largest Swim Lesson Event**

Presentation by Carrie Brill, Aquatic Supervisor, regarding Water Safety and the World's Largest Swim Lesson event.

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**

Approve the City Council Regular Meeting minutes of April 16, 2019.

B. Receive and file:

(1) Planning Commission Adjourned Regular Meeting minutes of April 17, 2019.

(2) Golf Course Committee Regular Meeting minutes of November 1, 2018.

(3) Golf Course Committee Regular Meeting minutes of January 3, 2019.

(4) Golf Course Committee Regular Meeting minutes of March 7, 2019.

(5) Zoning Administrator Regular Meeting minutes of April 4, 2019.

(6) Human Affairs Committee Regular Meeting minutes of April 9, 2019.

C. **Warrant Register**

Approve Wire Transfers Nos. 2013 through 2018 and Warrant Nos. 557681 through 557829, paid on 4-12-19, in the amount of.....\$2,250,796.16

Approve Wire Transfers Nos. 2019 through 2020 and Warrant Nos. 557830 through 557973, paid on 4-19-19, in the amount of.....\$1,279,256.00

Approve Handwrite No. 558160, Wire Transfers Nos. 2021 through 2025, and Warrant Nos. 557974 through 558159, paid on 4-26-19, in the amount of.....\$ 767,527.50

TOTAL WARRANT REGISTER.....\$4,297,579.66

**Payroll Register**

Approve Warrant No. 718 and Automatic Deposit Advises 55372 through 55672, for the period 3-25-19 through 4-7-19, paid on 4-12-19, in the amount of.....\$ 469,102.62

Approve Warrant Nos. 719 through 721, Automatic Deposit Advises 55673 through 55986, for the period 4-8-19 through 4-21-19, paid on 4-26-19, in the amount of.....\$ 475,084.37

TOTAL PAYROLL REGISTER.....\$ 944,186.99

D. **Proposed Parking Prohibition on Camino Mira Costa** Pages 6D-1 through 6D-4

Staff Recommendation

1. Prohibit parking on the south side of Camino Mira Costa from Camino Capistrano to 60 feet east of Camino Capistrano.
2. Adopt Resolution No. 19-11 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING A 'NO PARKING AREA' ON CAMINO MIRA COSTA.

E. **Notice of Completion - FY 2018 Street Improvement Project** Pages 6E-1 through 6E-4

Staff Recommendation

1. Accept the Street Improvement Project - FY 2018 (Project No. 18327) from PALP, Inc., dba Excel Paving Company.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Street Improvement Project - 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, PALP, Inc., dba Excel Paving 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. [Final Parcel Map 2017-182, Target Commercial Retail Center at 990 West Avenida Vista Hermosa](#) Pages 6F-1 through 6F-3

Staff Recommendation

1. Accept on behalf of the City of San Clemente the water rights as dedicated.
2. Accept on behalf of the City of San Clemente the easement for roadway, sidewalk, and public access as dedicated.
3. Accept on behalf of the City of San Clemente the traffic signal easement as dedicated.
4. Approve the Final Parcel Map 2017-182 as it conforms to the requirements set forth in the Subdivision Map Act and the previously approved Tentative Parcel Map.
5. Authorize the Public Works Director/City Engineer to execute the Final Parcel Map upon confirmation of final approval of the CC&Rs and Parking Agreements by the City Attorney.
6. Authorize the City Clerk to execute and submit the Final Parcel Map to the Orange County Recorder's Office for recordation.

G. [Contract Amendment - Extension to the Short-Term Wastewater Services Agreement with Santa Margarita Water District \(SMWD\)](#) Page 6G-1

Staff Recommendation

Approve, and authorize the City Manager to execute, Amendment No. 5 to Contract C17-55, by and between the City of San Clemente and the Santa Margarita Water District, to extend the contract to treat wastewater flows from Talega for 120 days.

H. [Contract Award - Bird Abatement Services at Poche Beach](#) Pages 6H-1 through 6H-11

Staff Recommendation

1. Approve, and authorize the City Manager to execute, Contract C19-36 by and between the City of San Clemente and Adam's Falconry Service, LLC, providing for Bird Abatement Services at Poche Beach in an amount not to exceed \$57,600 for the initial year of the agreement.
2. Approve and authorize the City Manager to approve Contract Amendments to extend Contract C19-36 for three additional 12-month periods for an amount not to exceed \$57,600 per year.

I. [Notice of Completion - Reservoirs 5A, 10, 12 and 14 Improvements and Reservoir 8 Interior Coating](#) Pages 6I-1 through 6I-5

Staff Recommendation

1. Accept the Reservoirs 5A, 10, 12 and 14 Improvements (Project No. 16410) and Reservoir 8 Interior Coating (Project No. 15408) from the contractor, Spiess Construction Co., Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for Reservoirs 5A, 10, 12 and 14 Improvements and Reservoir 8 Interior Coating projects.
3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Utilities Department that no liens have been levied against Spiess Construction Co., 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.
5. Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract AC-691 by and between the City of San Clemente and CSI Services, providing for an analysis, testing and recommendation for temporary coating of Reservoir 5 and additional inspection for Reservoir 8. This Amendment extends the contract term to June 30, 2019 and increases the contract amount from \$44,700 to \$69,108 (an increase of \$24,408).

J. [Bid Rejection - Via Montego/Via Cascadita Storm Drain Improvements](#) Pages 6J-1 through 6J-4

Staff Recommendation

1. Consent to relieve GCI Construction, Inc. of its bid, pursuant to Section 5101(b) of the Public Contract Code.
2. Reject all other submitted bids for the Via Montego/Via Cascadita Storm Drain Improvements, Project No. 13017, pursuant to Section 20166 of the Public Contract Code.
3. Authorize Staff to revise the bid package and re-bid the Via Montego/Via Cascadita Storm Drain Improvements, Project No. 13017.



- K. [Bid Rejection - Street Rehabilitation for Via Pico Plaza; Street Rehabilitation for Calle De Los Molinos, Calle De Industrias, and Avenida Navarro; and Street Rehabilitation for Avenida Pico](#) Pages 6K-1 through 6K-3

Staff Recommendation

1. Reject all bids for Street Rehabilitation for Via Pico Plaza, Project No. 13315; Street Rehabilitation for Calle de los Molinos, Calle De Industrias, and Avenida Navarro, Project Nos. 16352 and 16353; and Street Rehabilitation for Avenida Pico, Project No. 17329, pursuant to Section 20166 of the Public Contract Code.
  2. Authorize Staff to re-bid the projects discussed in the Administrative Report, dated May 7, 2019, which is on file with the City Clerk.
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. [Weed Abatement 2019 \(Order to Abate\)](#) Pages 7A-1 through 7A-22

Report from the Community Development Director concerning an order to abate nuisances by having weeds, rubbish, and refuse removed from vacant and unoccupied, developed properties.

Staff Recommendation

Adopt Resolution No. 19-12 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ORDERING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO ABATE THE NUISANCES BY HAVING WEEDS, RUBBISH, REFUSE AND DIRT REMOVED FROM VACANT PROPERTIES AND UNOCCUPIED, DEVELOPED PROPERTIES WITHIN THE CITY.

8. **Unfinished Business.**

None.

9. **New Business.**

A. **Establishment of Citywide Posted Speed Limits** Pages 9A-1 through 9A-11

Report from the Public Works Director/City Engineer concerning establishment of Citywide posted speed limits.

Planning Commission and Staff Recommendation

1. Approve the establishment of speed limits on City streets.
2. Introduce Ordinance No. 1672 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 10 OF THE MUNICIPAL CODE CONCERNING SPEED ZONES ON CITY STREETS.

B. **Update on Metered Parking Areas** Pages 9B-1 through 9B-3

Report from the Public Works Director/City Engineer concerning an update on metered parking areas.

Staff Recommendation

Receive and file the Administrative Report, dated May 7, 2019 (which is on file with the City Clerk), and provide further direction to Staff, if desired.

C. **Regulation of the Operation of Leaf Blowers** Pages 9C-1 through 9C-83

Report from the Community Development Director concerning regulation of the operation of leaf blowers.

Planning Commission Recommendation

Introduce Ordinance No. 1673 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, MAKING CEQA FINDINGS AND AMENDING THE CITY OF SAN CLEMENTE MUNICIPAL CODE TITLE 8, CHAPTER 8.48, NOISE CONTROL AND CHAPTER 8.50, RELATED TO STANDARDS FOR LEAF BLOWER OPERATION, as contained in Attachment 1 to the Administrative Report, dated May 7, 2019 (which is on file with the City Clerk).

Staff Recommendation

Introduce Alternative Ordinance No. 1673 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, MAKING CEQA FINDINGS AND AMENDING THE CITY OF SAN CLEMENTE MUNICIPAL CODE TITLE 8, CHAPTER 8.48, NOISE CONTROL AND CHAPTER 8.50 RELATED TO STANDARDS FOR LEAF BLOWER OPERATION, as contained in Attachment 3 to the Administrative Report, dated May 7, 2019 (which is on file with the City Clerk).

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 May 21, 2019 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be considered at 5:00 p.m. and the Regular Business Meeting will commence at 6:00 p.m.

A subsequent Adjourned Regular Council Meeting will be held on May 22, 2019 at 4:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, for the purpose of conducting a Public Hearing and workshop concerning the proposed FY 2019-20 City budget.

## **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/or 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 910 Calle Negocio, 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.