



# 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)

June 4, 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 Manager

**B. CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Government Code Section 54957.6

Agency designated representative: Mayor Pro Tem

Unrepresented employee: City Manager

**C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

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

Number of Cases: 8

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: USDC 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

*Closed Session items continued on next page*

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

Case Name: Malamud, et al. v. City of San Clemente, et al.  
Case Number: USDC 8:19-CV-00855

**D. 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** – Holland Davis, Senior Pastor – Calvary Chapel San Clemente

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**1. Special Presentations.**

A. **Toll Road Update**

B. **Update on Homeless Issue**

C. **2020 Decennial Census**

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

D. **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.

E. **Commendation Presentation - Human Relations Leadership Award**

Presentation of a commendation to Leslie Ramos for being named the 2019 recipient of the City of San Clemente Human Relations Leadership Award.

- F. [Human Affairs Committee's Annual Report for FY 2018-2019](#) Pages 1F-1 through 1F-3

Presentation of the Human Affairs Committee's Annual Report for FY 2018-2019.

Staff Recommendation

Receive and file the Human Affairs Committee's Annual Report for FY 2018/19.

- G. **Orange County Mosquito and Vector Control District Report**

Presentation by Rick Howard, General Manager of the Orange County Mosquito and Vector Control District, concerning rodents at North Beach.

- H. **San Clemente Online Development Map Demonstration**

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

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

Approve the following:

- (1) [City Council Special and Regular Meeting minutes of May 21, 2019.](#)

B. **Commission and Committee Minutes**

Staff Recommendation

Receive and file the following:

- (1) [Planning Commission Adjourned Regular Meeting minutes of May 23, 2019.](#)

C. **Warrant Register**

[Approve Wire Transfers Nos. 2036 through 2039, paid on 5-24-19, and Warrant Nos. 558687 through 558846, paid on 5-24-19, in the amount of.....\\$1,124,515.61](#)

[Approve Handwrite No. 559001, paid on 5-31-19, Wire Transfers Nos. 2040 and 2041, and Warrant Nos. 558847 through 559000, paid on 5-31-19, in the amount of.....\\$ 445,294.03](#)

TOTAL WARRANT REGISTER...\$1,569,809.64

Payroll Register

Approve Warrant Nos. 724 through 726, Automatic Deposit Advises 56294 through 56609, for the period 5-6-19 through 5-19-19, paid on 5-24-19, in the amount of.....\$ 478,447.14

TOTAL PAYROLL REGISTER.....\$ 478,447.14

- D. [Contract Award - South La Esperanza Street Rehabilitation](#) Pages 6D-1 through 6D-4

Staff Recommendation

1. Approve the plans and specifications for the South La Esperanza Street Rehabilitation, Project No. 17343.
2. Approve, and authorize the City Manager to execute, Contract C19-39, by and between the City of San Clemente and All American Asphalt, providing for the rehabilitation of South La Esperanza, in the amount of \$384,055.

- E. [Contract Amendment - State Water Resources Control Board Agreement for Recycled Water Expansion](#) Pages 6E-1 through 6E-34

Staff Recommendation

Approve, and authorize the City Manager to execute, Amendment No. 2 to Contract C12-64, by and between the City of San Clemente and the California State Water Resources Control Board, relating to recycled water expansion.

- F. [Contract Amendment - On-Call Supervisory Control and Data Acquisition \(SCADA\) Support](#) Pages 6F-1 through 6F-4

Staff Recommendation

Approve, and authorize the Mayor Pro Tem to execute, Amendment No. 1 to Contract C16-65, by and between the City of San Clemente and ApplT, LLC, providing for on-call SCADA support services. This Amendment increases the contract amount from \$150,000 to an amount not to exceed \$225,000 (a maximum increase of \$75,000) and extends the contract term to December 30, 2020.

G. [Contract Award - Traffic Signal Systems Upgrade for Camino Vera Cruz](#) Pages 6G-1 through 6G-4

Staff Recommendation

1. Approve the plans and specifications for the Traffic Signal Systems Upgrade for Camino Vera Cruz, Project No. 18329.
2. Approve, and authorize the Mayor Pro Tem to execute, Contract C19-40, by and between the City of San Clemente and California Professional Engineering, Inc., providing for an upgrade to the traffic signal systems for Camino Vera Cruz, in the amount of \$179,886.
3. Approve a supplemental appropriation in the amount of \$65,000 from the Gas Tax Fund to Account 012-861-45300-000-18329.

H. [Renewed Measure M2 Annual Funding Eligibility - Fiscal Year 2019/2020](#) Pages 6H-1 through 6H-32

Staff Recommendation

1. Approve the Measure M2 Seven-Year Capital Improvement Program for Fiscal Years 2019/2020 through 2025/2026.
2. Adopt Resolution No. 19-20 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CONCERNING THE STATUS AND UPDATE OF THE CIRCULATION ELEMENT, MITIGATION FEE PROGRAM AND PAVEMENT MANAGEMENT PLAN FOR THE RENEWED MEASURE M (M2) PROGRAM.
3. Authorize the Public Works Director/City Engineer to execute the City's Pavement Management Plan certification form.
4. Authorize the Public Works Director/City Engineer to submit Measure M2 funding eligibility requirements on behalf of the City of San Clemente to the Orange County Transportation Authority.

I. [Consideration of the Vista Hermosa Esplanade MSP Amendment \(DSP 18-215\) from the Planning Commission Meeting Minutes of May 8, 2019 \(Item 8-B\)](#) Pages 6I-1 through 6I-35

Staff Recommendation

Determine whether to appeal the Vista Hermosa Esplanade MSP Amendment (DSP 18-215) from the Planning Commission minutes of May 8, 2019 (Item 8-B).

- J. [Establishing Appropriations Limit for FY 2019-20](#) Pages 6J-1 through 6J-5

Staff Recommendation

Adopt Resolution No. 19-21 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING AN APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIIIIB OF THE CALIFORNIA CONSTITUTION.

- K. [In-Kind Donation to Friends of San Clemente Beaches, Parks and Recreation Foundation for 2019 Annual Golf Tournament](#) Page 6K-1

Staff Recommendation

Approve a donation to the Friends of San Clemente Beaches, Parks and Recreation Foundation for two foursomes at the San Clemente Municipal Golf Course and one weekend pool party package at the San Clemente Aquatics Center.

- L. [Adoption of Fiscal Year 2019-20 Salary Schedules](#) Pages 6L-1 through 6L-28

Staff Recommendation

Adopt Resolution No. 19-22 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING REVISED SALARY SCHEDULES AND NEW CLASSIFICATIONS AND AMENDING RESOLUTION NO. 18-22 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH.

- 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. **Adoption of City Budget for FY 2019/20 and Supplemental Appropriation Related to the Implementation of Urgency Ordinance No. 1673 (Relating to Enforcement of City Code Provisions Prohibiting Camping on Public Property)** Pages 8A-1 through 8A-6

Report from the Assistant City Manager concerning adoption of the FY 2019/20 City budget and supplemental appropriation related to the implementation of Urgency Ordinance No. 1673, adopted on May 21, 2019, relating to enforcement of City Code provisions prohibiting camping on public property.

Staff Recommendation

1. Adopt Resolution No. 19-23 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING AND APPROVING THE BUDGET AT THE FUND LEVEL FOR THE CITY OF SAN CLEMENTE FOR THE 2019-20 FISCAL YEAR AND THE COMMITMENT OF FUND BALANCE.
2. Approve a supplemental budget appropriation for FY 2018-19 in the amount of \$60,000 to Account 038-809-43890 (Low/Moderate Income Housing Fund - Other Contractual Services).

- B. **Community Town Hall Meeting Concerning Homeless Issues** Pages 8B-1 through 8B-2

Report from the Community Development Director concerning the Community Town Hall meeting concerning homeless issues to be held on June 12, 2019 from 6:00 p.m. to 8:00 p.m. at the Community Center.

Staff Recommendation

Approve the proposed Community Town Hall meeting concerning homeless issues to be held on June 12, 2019 from 6:00 p.m. to 8:00 p.m. at the Community Center, and approve the format of the meeting.

- C. **Consideration of Whether to Appoint an Interim Member to the City Council To Serve Until a Successor is Elected at the November 5, 2019 Special Municipal Election and the Process to be Utilized if Council Determines to Proceed with an Interim Appointment**

Staff Recommendation

Council discretion.

**9. New Business.**

- A. [Possible Ballot Measures for the November 5, 2019 Special Municipal Election or November 3, 2020 General Municipal Election](#) Pages 9A-1 through 9A-53

Report from the City Clerk concerning the possibility of adding measures to the ballot for the November 5, 2019 Special Municipal Election or November 3, 2020 General Municipal Election. Potential measures to be considered include, but are not limited to, the following: 1) Increasing the Transient Occupancy Tax; 2) Transitioning the offices of City Treasurer and City Clerk to appointive positions, rather than elected; 3) Imposing term limits on Members of the City Council; and 4) Advisory measures.

**Staff Recommendation**

1. Determine whether to add any measure(s) to the Special Municipal Election ballot of November 5, 2019, with the understanding that the addition of a measure(s) will necessitate a precinct election, as opposed to an all-mail ballot election, and direct Staff to return to Council at its meeting of June 18, 2019 with the proposed resolutions and supplemental appropriation necessary to add the measure(s) to the Special Municipal Election ballot.
2. Determine whether to add any measure(s) to the General Municipal Election ballot of November 3, 2020, and direct Staff to return to Council in the spring of 2020 with the proposed resolutions necessary to add the measure(s) to the General Municipal Election ballot. Funding for the November 3, 2020 General Municipal Election will be included in the proposed FY 2020/21 City budget.

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. 1674 \(Second Reading\) - Finding That Exigent Circumstances Relating to Immediate Threats to the Public Health, Safety, and Welfare Require Enforcement of San Clemente Municipal Code Chapter 8.86 Prohibiting Camping on Public Property](#) Pages 12A-1 through 12A-8

Staff Recommendation

Adopt Ordinance No. 1674 entitled AN ORDINANCE OF THE CITY OF SAN CLEMENTE FINDING THAT EXIGENT CIRCUMSTANCES RELATING TO IMMEDIATE THREATS TO THE PUBLIC HEALTH, SAFETY, AND WELFARE REQUIRE ENFORCEMENT OF THE PROVISIONS OF SAN CLEMENTE MUNICIPAL CODE CHAPTER 8.86 PROHIBITING CAMPING ON PUBLIC PROPERTY, EXCEPT AS PROVIDED HEREIN.

- B. [Ordinance No. 1672 \(Second Reading\) - Speed Zones on City Streets](#) Pages 12B-1 through 12B-5

Staff Recommendation

Adopt 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.

13. **Adjournment.**

The next Regular Council Meeting will be held on Tuesday, June 18, 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/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.