



CITY OF SAN CLEMENTE

SPECIAL AND REGULAR CITY

COUNCIL

MEETING AGENDA

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

October 15, 2019
4:30 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 invited by the Mayor, please step to the podium, and if you wish, state your name and the City in which you reside, and make 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 (4:30 P.M.)

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Number of Cases: 6

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: Emergency Shelter Coalition v. City of San Clemente

Case Number: 30-2019-01080355-CU-WM-CXC

Case Name: Anthem Sales Management, LLC et al. v. City of San Clemente et al.

Case Number: 30-2019-01063861-CU-WM-CJC

Case Name: San Clemente Coastal Access Alliance, et al. v. City of San Clemente, et al.

Case Number: 30-2018-01034124-CU-WM-CJC

Case Name: City of San Clemente v. Foothill/Eastern Transportation Corridor Agency and County of Orange

Case Number: 30-2017-00934703-CU-PT-CXC

B. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(d)(2)

Significant Exposure to Litigation

Number of potential cases: 1

Closed Session items continued on next page

C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property: 654 Camino de los Mares (San Clemente hospital)
Agency Negotiator: City Manager, Assistant City Manager, City Attorney, and Steven Ruosso
Negotiating Parties: City of San Clemente and Memorial Health Services and Saddleback Memorial Medical Center and/or their authorized agent(s)
Under Negotiation: Interim or Long Term Acquisition or Lease

Property: 2.2 acre section of and 80 acre parcel on the southwest corner of Avenida La Pata and Vista Hermosa, Assessor's Parcel Number 678-163-01
Agency Negotiators: City Manager and Assistant City Manager
Negotiating Parties: City of San Clemente, proposing parties and/or their authorized agent(s)
Under Negotiation: Consideration of proposals for acquisition or lease of surplus property

Property: 100 Avenida Presidio, Assessor's Parcel Number 692-012-01
Agency Negotiator: City Manager and Assistant City Manager
Negotiating Parties: City of San Clemente and HTL Hospitality Advisors, LLC
Under Negotiation: Price and terms for potential acquisition or lease

Property: 1 Acre Vacant Land Parcel north of the northeast corner of Avenida Fabricante and Calle Extremo, APN #690-661-09
Agency Negotiator: City Manager and Assistant City Manager
Negotiating Parties: City of San Clemente and Glaukos Corporation
Under Negotiation: Terms of Lease Extension

D. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code section 54956.9(d)(4)
Number of potential cases: 1

E. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6
Agency designated representative: Assistant City Manager
Unrepresented employees: All Employees
Employee organization: San Clemente City Employees Association

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**
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. Speakers may address Council once during either Oral Communications Part 1 or Part 2. 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 invited by the Mayor, please step to the podium, and if you wish, 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 City Council Regular Meeting Minutes of October 1, 2019.

B. Receive and file:

(1) Planning Commission Adjourned Regular Meeting Minutes of October 2, 2019.

(2) Human Affairs Committee Regular Meeting Minutes of October 8, 2019.

C. **Warrant Register**

Approve Wire Transfers Nos. 2109 through 2112 and Warrant Nos. 561835 through 561974, paid on 9-27-19, in the amount of.....\$2,961,536.16

Approve Wire Transfers Nos. 2113 through 2117, paid on 10-4-19, and Warrant Nos. 561975 through 562161, paid on 10-4-19.....\$1,275,505.66

TOTAL WARRANT REGISTER.....\$4,237,041.82

Payroll Register

Approve Warrant No. 753 and Automatic Deposit Advises 59213 through 59503, for the period 9-9-19 through 9-22-19, paid on 9-27-19, in the amount of.....\$ 488,257.10

TOTAL PAYROLL REGISTER.....\$ 488,257.10

D. [Contract Award – Baseball Field Shade Structures at Vista Hermosa Sports Park](#) Pages 6D-1 through 6D-29

Staff Recommendation

1. Approve the conceptual layout and cut sheet renderings for the Vista Hermosa Sports Park Baseball Field Shade Structures, Project No. 10109.
2. Approve the purchase and installation of shade structures from USA Shade and Fabric Structures in the amount of \$73,682, utilizing the Sourcewell Cooperative Purchase Agreement.
3. Approve, and authorize the City Manager to execute, Contract C19-69, by and between the City of San Clemente and USA Shade and Fabric Structures, providing for the Vista Hermosa Sports Park Baseball Field Shade Structures, in the amount of \$73,682.

E. [Speed Cushions – 100 and 200 Blocks of West Paseo De Cristobal](#) Pages 6E-1 through 6E-38

Staff and Planning Commission Recommendation

Approve the use of speed cushion traffic-calming treatments on the 100 and 200 blocks of West Paseo De Cristobal.

F. [San Clemente Sanitary Sewer Management Plan, Sanitary Sewer Overflow Prevention Plan and Sanitary Sewer Emergency Response Plan Updates](#) Pages 6F-1 through 6F-161

Staff Recommendation

1. Approve the Sanitary Sewer Management Plan, Sanitary Sewer Overflow Prevention Plan and Emergency Response Plan updates.
2. Authorize the City Manager and Utilities Manager to approve the Sanitary Sewer Management Plan, Sanitary Sewer Overflow Prevention Plan and Sanitary Sewer Overflow Emergency Response Plan.

G. [Software License and Service Agreement - Parking Mobile Payments Application](#) Pages 6G-1 through 6G-17

Staff Recommendation

Approve, and authorize the City Manager to execute, a Software License and Service Agreement (Contract C19-70), by and between the City of San Clemente and Passport Labs, Inc., providing for mobile payment technology and citation management software for a term of three years, with an option for the City Manager to renew for one additional year.

H. [Contract Amendment - Homeless Outreach Services](#) Pages 6H-1 through 6H-22

Staff Recommendation

1. Authorize the City Manager to execute Amendment No. 1 to Contract C19-27, by and between the City of San Clemente and Mercy House, providing for homeless outreach services for the period July 1, 2019 through April 30, 2021.
2. Approve a budget transfer in FY 2019-20 for a total of \$35,000 to General Fund Account 001-218-43625 (Police Contract Services) from Account 001-441-43890 (Other Contractual Services).

I. [Grant Application - Senate Bill 2 \(SB2\) Planning Grants Program Funds to Accelerate the Production of Affordable Housing](#) Pages 6I-1 through 6I-11

Staff Recommendation

Adopt Resolution No. 19-36 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING APPLICATION FOR, AND RECEIPT OF, SB 2 PLANNING GRANTS PROGRAM FUNDS.

- J. [Assignment and Assumption Agreement and Consent to Assignment of the Lease Agreement Between Scott Shipley and the City of San Clemente](#) Pages 6J-1 through 6J-7

Staff Recommendation

1. Approve the Assignment and Assumption Agreement by and between Scott Shipley (Assignor) and Rebecca Genszler (Assignee) and authorize the Mayor to execute the Consent to Assignment of Lease Agreement on behalf of the City of San Clemente.
2. Authorize the City Manager to execute Amendment No. 1 Contract C17-18, the lease agreement for the Bait and Tackle Concession on the Municipal Pier between Scott Shipley and the City of San Clemente.

- K. [Contract Award - Community Outreach Program for Clean Ocean Program Fee Renewal](#) Pages 6K-1 through 6K-29

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C19-71, by and between the City of San Clemente and NV5, providing for Clean Ocean Fee Community Outreach Services, in an amount not to exceed \$29,945.

- L. [Grant Application - Proposition 68 Per Capita Grant](#) Pages 6L-1 through 6L-4

Staff Recommendation

Adopt Resolution No. 19-37 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING APPLICATIONS OF PER CAPITA GRANT FUNDS.

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. [Consideration of Invoicing Property Owners for their Cost Share of Defective Sidewalks Repaired Under the Fiscal Year 2016 and 2017 Sidewalk Repair Program](#) Pages 7A-1 through 7A-61

Public Hearing to consider invoicing property owners for their cost share of defective sidewalks repaired under the Fiscal Year 2016 and 2017 Sidewalk Repair Program.

Staff Recommendation

Adopt Resolution No. 19-38 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE PROPERTY OWNER SHARE OF COSTS FOR REPAIRS PERFORMED IN THE FISCAL YEAR 2016 AND FISCAL YEAR 2017 SIDEWALK REPAIR PROGRAM, PROJECT NO. 16355 AND 27307 AND AUTHORIZING THE FINANCE DIVISION TO INVOICE THE COSTS.

8. **Unfinished Business.**

A. [2019 Downtown and North Beach Parking Management Update](#) Pages 8A-1 through 8A-58

Report from the Community Development Director concerning the 2019 Downtown and North Beach Parking Management update.

Staff Recommendation

1. Discuss and provide direction on short-term and long-term parking recommendations identified in the Administrative Report, dated October 15, 2019, which is on file with the City Clerk.
2. Direct Staff on whether the existing parking waiver program should be reevaluated within a parking study to establish an in-lieu fee program.
3. If Council supports reinstating an in-lieu fee program, Staff requests direction on districts to include: Downtown, Pier Bowl, and North Beach.

9. **New Business.**

None.

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 invited by the Mayor, please step to the podium, and if you wish, state your name and the City in which you reside, and make your 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) **Appointment of Council Member to Serve as San Clemente's Alternate on the Foothill/Eastern Transportation Corridor Agency Board due to the Resignation of Mayor Pro Tem Bane from this Position**

12. **Resolutions/Ordinances.**

A. **Ordinance No. 1681 (Second Reading) - Regulation of Smoke or Tobacco Shops** Pages 12A-1 through 12A-10

Staff Recommendation

Adopt Ordinance No. 1681 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE APPROVING ZONING AMENDMENT 17-043, AMENDING MUNICIPAL CODE TITLE 17 (ZONING), CHAPTERS 17.28 (SPECIAL USES), 17.36 (COMMERCIAL ZONES AND STANDARDS), 17.40 (MIXED-USE ZONES AND STANDARDS), AND 17.88 (DEFINITIONS), TO REGULATE SMOKE OR TOBACCO SHOPS.

13. **Adjournment.**

Adjourn to a Joint Council/Commissions/Committees meeting to be held on October 29, 2019 at 7:00 p.m. in the banquet room at the Municipal Golf Course, located at 150 E. Avenida Magdalena, San Clemente, California.

The next Regular Council Meeting will be held on November 5, 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 take place 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. 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 or call 949-361-8200.