



CITY OF SAN CLEMENTE

ADJOURNED REGULAR CITY

COUNCIL

MEETING AGENDA

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

July 15, 2014
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 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.

4:30 P.M. CLOSED SESSION

- A. PUBLIC EMPLOYEE APPOINTMENT, pursuant to Government Code Section 54957:

Title: City Manager

- B. CONFERENCE WITH LABOR NEGOTIATOR, pursuant to Government Code Section 54957.6:

Agency Negotiator: Erik Sund, Assistant City Manager

Employee Organizations: San Clemente City Employees Association, Management Employees, Mid-Management Employees and Confidential Employees.

- C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, pursuant to Government Code Section 54956.9(a):

Capistrano Shores Inc. v. City of San Clemente (OCSC No. 30-2014-00708545-CU-WM-CXC)

- D. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, pursuant to Government Code Section 54956.9(a):

Capistrano Shores Inc. v. City of San Clemente (OCSC No. 30-2014-00709987-CU-EI-CXC)

Closed Session items continued on following page

- E. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, pursuant to Government Code Section 54956.9(a):

Capistrano Shores Inc. v. City of San Clemente (OCSC No. 30-2014-00726889)

- F. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, pursuant to Government Code Section 54956.9(b):

One potential case.

6:00 P.M. BUSINESS MEETING

CALL TO ORDER

INVOCATION – Pastor Roger Gales, Heritage Christian Church

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. Honoraria for Outgoing Committee and Commission Members

Presentation of honoraria by Mayor Brown to outgoing City Committee and /Commission members in recognition for their service to the City:

Bill Hart	Coastal Advisory Committee
Michael Hurlbut	Golf Course Committee
Michael Kaupp	Planning Commission
Ken Nielsen	Coastal Advisory Committee
Martin Pennington	Human Affairs Committee
Peter Salgado	Coastal Advisory Committee
Michael Smith	Beaches, Parks and Recreation Commission
Bob Wright (Posthumous award will be accepted by Helene Wright)	Human Affairs Committee

B. National Oceanic and Atmospheric Administration (NOAA)/National Weather Service (NWS) Award

Presentation by Mayor Brown to Marine Safety staff for being recognized by the NOAA/National Weather Service (NWS) for reporting valuable rip current data from 2009 to 2014 for a rip current project.

C. **Marblehead Coastal Residential Development Update – Taylor Morrison Homes**

Update by Phil Bodem of Taylor Morrison Homes concerning the Marblehead Coastal residential development.

D. **Presentation of Proclamation – National Night Out**

Presentation of a Proclamation to Janet Dunford, Crime Prevention Specialist, designating August 5, 2014 as National Night Out.

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 Special and Regular City Council meeting minutes of June 17, 2014 and the Regular City Council meeting minutes of July 1, 2014.

B. Receive and file:

- 1. Regular Zoning Administrator meeting minutes of July 2, 2014.
- 2. Planning Commission Study Session Meeting Minutes of July 2, 2014.
- 3. Planning Commission Regular Meeting Minutes of July 2, 2014.

C. **Warrant Register**

Approve Wire Transfer Nos. 1271 through 1275,
 paid on 6/27/14; approve Warrant Nos. 517216
 through 517370, paid on 6/27/14,
 in the amount of.....\$1,633,584.95

Approve Wire Transfer No. 1276, and
 Warrant Nos. 517371 through 517532, paid on
 7/4/14, in the amount of.....\$3,541,695.53

TOTAL WARRANT REGISTER.....\$5,175,280.48

Payroll Register

Approve Warrant Nos. 319 through 322, and
 Automatic Deposit Advises 16536 through 16886 for the
 period of 6/9/14 through 6/22/14, paid on 6/27/14,
 in the amount of.....\$ 438,196.83

TOTAL PAYROLL REGISTER.....\$ 438,196.83

- D. **Contract Award - Parking Enforcement Services in Connection with Street Sweeping in the Neighborhood Pride Program (NPP) Posted Area** Pages 6-D-1 through 6-D-4

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C14-24, by and between the City of San Clemente and Patrol One, providing for parking enforcement services in connection with street sweeping in the Neighborhood Pride Program (NPP) posted area, in an amount not to exceed \$79,394.09.

- E. **Contract Award - City-Wide Classification and Compensation Study** Paged 6-E-1 through 6-E-2

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C14-25, by and between the City of San Clemente and Public Sector Personnel Consultants, to conduct a City-wide classification and compensation study, in an amount not to exceed \$42,000.

- F. **Communications Site Facility Lease Agreement – 721 Avenida Salvador** Pages 6-F-1 through 6-F-25

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C14-26, a Communications Site Facility Lease Agreement, by and between the City of San Clemente and Verizon Wireless, and authorize the City Manager to approve future amendments, provided that the City Manager shall not have the authority to approve a decrease in the rental rate without prior approval of the City Council.

- G. **Proposed Tax Liens – 2013 Weed Abatement and Storm Drain/Clean Ocean Charges for Fiscal Years 2012, 2013, and 2014** Pages 6-G-1 through 6-G-10

Staff Recommendation

1. Adopt Resolution No. 14-26, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE ORANGE COUNTY AUDITOR-CONTROLLER TO ADD UNPAID 2013 WEED ABATEMENT ASSESSMENTS TO THE FY 2014-15 TAX ROLLS.

Staff recommendation continued on following page

2. Adopt Resolution No. 14-27, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE ORANGE COUNTY AUDITOR-CONTROLLER TO ADD DELINQUENT STORM DRAIN AND CLEAN OCEAN FEES TO THE FY 2014-15 TAX ROLLS.
3. Direct the City Clerk to file the resolutions with the Orange County Auditor-Controller, thereby placing a lien on the affected properties in order to collect revenue owed to the City.

H. **Final Parcel Map 2013-142 – Sayer Condominiums, 311 West Avenida Palizada** Pages 6-H-1 through 6-H-3

Staff Recommendation

1. Accept on behalf of the City of San Clemente the water rights as dedicated.
2. Approve Final Parcel Map 2013-142 as it conforms to the requirements set forth in the Subdivision Map Act and the previously approved Tentative Parcel Map.
3. Authorize the Public Works Director/City Engineer to execute the Final Parcel Map upon confirmation of OCFA approval to remove the condition of approval for the fire lanes.
4. Authorize the City Clerk to execute and submit the Final Parcel Map for recordation with the County of Orange Recorder's Office.

I. **Notice of Completion – Sarmentoso Pressure Reducing Station Rehabilitation** Pages 6-I-1 through 6-I-4

Staff Recommendation

1. Accept the Sarmentoso Pressure Reducing Station Rehabilitation, Project No. 13406, from the contractor, GCI Construction, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Sarmentoso Pressure Reducing Station Rehabilitation, Project No. 13406. (Contract C14-02)
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 GCI Construction 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.

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. **SB2 Emergency Homeless Shelter Zone and Development Standards**

Public Hearing concerning the SB 2 Emergency Homeless Shelter Zone and Development Standards.

Planning Commission Recommendation

1. Adopt Resolution 14-28, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING A NEGATIVE DECLARATION AND APPROVING AMENDMENTS TO THE GENERAL PLAN AND THE RANCHO SAN CLEMENTE AND WEST PICO SPECIFIC PLANS TO IMPLEMENT SENATE BILL 2 ("SB2"), THE EMERGENCY SHELTER ACT; GPA 14-122 AND SPA 14-123.
2. Introduce Ordinance No. 1585, entitled AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA TO AMEND SECTION 17.56.100 OF THE MUNICIPAL CODE TO IMPLEMENT SENATE BILL 2 ("SB2"), THE EMERGENCY SHELTER ACT; CITY FILE NO. ZA 14-121.

8. **Unfinished Business.**

None.

9. **New Business.**

A. **Declaration of Surplus Property – Real Property at Corner of La Pata/Vista Hermosa, 1030 Calle Negocio and 754 Ave. Acapulco; and Possibility of Leasing the City-Owned Property at 1100 North El Camino Real** Pages 9-A-1 through 9-A-13

Report from the Assistant City Manager concerning the possibility of declaring the properties at the corner of La Pata and Vista Hermosa (open lot), 1030 Calle Negocio (former fire station), and 754 Ave. Acapulco, to be surplus, and the possibility of leasing the City-owned property at 1100 North El Camino Real.

Staff Recommendation

1. Declare the following real property to be surplus and direct Staff on disposition of property:
 - 1) Lot on corner of La Pata and Vista Hermosa
 - 2) 1030 Calle Negocio (former fire station)
 - 3) 754 Ave. Acapulco
2. Approve the leasing of City-owned property at 1100 North El Camino Real in accordance to the Policy #901-1 Section 5.5.

B. **C.A.R.E. Program** Pages 9-B-1 through 9-B-18

Report from the Beaches, Parks and Recreation Director concerning the C.A.R.E. (Celebrate, Acknowledge, Remember, and Enhance) program.

Beaches, Parks and Recreation Commission Recommendation

Approve the proposed C.A.R.E. Program, with all presented amenities and design options.

Staff Recommendation

1. Approve the proposed C.A.R.E. Program.
2. Approve Option 3 for customized benches.
3. Approve Option 1 for picnic tables.
4. Conceptually approve the proposed tile mural and customized stair risers.

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**

(1) Coastal Advisory Committee Vacancy Page 11-A-1

Report from the City Clerk concerning filling an unexpired vacancy on the Coastal Advisory Committee.

Staff Recommendation

1. Accept the resignation of Ken Nielsen from the Coastal Advisory Committee.
2. Direct the City Clerk to advertise to fill the unexpired term on the Coastal Advisory Committee, that is due to expire on June 30, 2015.
3. Establish a date/time to interview candidates and make an appointment to fill the vacancy.

B. **City Manager**

C. **City Attorney**

D. **Council Members**

12. **Resolutions/Ordinances.**

None.

13. **Adjournment.**

Adjourn to an Adjourned Regular Council Meeting to be held on July 23, 2014 at 8:00 a.m. in the Ocean View Conference Room at City Hall, located at 100 Avenida Presidio, San Clemente, California for the purpose of conducting interviews for the City Manager position.

A subsequent Adjourned Regular Council Meeting will be held on July 24, 2014 in the Ocean View Conference at City Hall at 8:00 a.m. for the purpose of continuing interviews for the City Manager position.

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.