



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

August 20, 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 the Mayor Pro Tem 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 (4:30 P.M.)

A. CONFERENCE WITH LEGAL COUNSEL

Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2)

Number of potential cases: 1

B. 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, and City Attorney

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

C. 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: 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

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

Closed Session items continued on following page

Case Name: Emergency Shelter Coalition v. City of San Clemente
Case Number: 30-2019-01080355-CU-WM-CXC

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

D. CONFERENCE WITH LEGAL COUNSEL

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

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION – Shadi Farhadi, Baha’i Faith Community

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. Commendation Presentation – Posthumously Honoring Mayor Steve Swartz

Presentation of a commendation to the family of Mayor Steve Swartz posthumously honoring Mayor Swartz for a lifetime of philanthropic generosity and distinguished public leadership.

B. Toll Road Update

HOMELESS ISSUES

- A. [Standard Industrial/Commercial Single-Tenant Lease for Property Located at 950 Calle Negocio for Use as a Temporary Homeless Shelter, and Authorization for the Release of a Request for Proposal for a Shelter Operator](#) Pages A-1 through A-44

Staff Recommendation

1. Approve and authorize the Mayor Pro Tem (or designee) to execute and enter into a standard industrial/commercial single-tenant lease for the property located at 950 Calle Negocio by and between the City of San Clemente and Laurence W. Schuler.
2. Approve a FY 2019-20 supplemental appropriation of \$78,000 to Account 038-809-43720 for the FY 2019-20 lease costs from the Low and Moderate Income Housing fund balance.
3. Approve and authorize the release of a Request for Proposal for a temporary homeless shelter operator.

- B. [Consideration of Establishing a Standing Committee on Homelessness](#) Page B-1

Staff Recommendation

1. Determine whether to establish a Committee on Homelessness as a standing committee.
2. Determine whether to establish the number of members to serve on the Committee and appoint individuals to serve on the Committee, or delegate such authority to Councilmember Ferguson and Mayor Pro Tem Bane.
3. Determine whether to establish the goals of the Committee, or delegate such authority to Councilmember Ferguson and Mayor Pro Tem Bane.
4. If Council chooses to establish the Committee on Homelessness as a standing committee, direct the City Manager to assign staff support to the Committee.

- C. [Contract Amendment – Homeless Outreach Services](#) Pages C-1 through C-8

Staff Recommendation

Approve, and authorize the City Manager to execute, Amendment No. 1 to Contract C18-27, by and between the City of San Clemente and Mercy House, providing for Homeless Outreach Services for the period of July 1, 2019 through April 30, 2021.

- D. [Ordinance No. 1676 \(Second Reading\) – Prohibiting Camping on Public Property](#) Pages D-1 through D-4

Staff Recommendation

Adopt Ordinance No. 1676 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AMENDING ORDINANCE NO. 1674 FINDING THAT EXIGENT CIRCUMSTANCES RELATING TO IMMEDIATE THREATS TO THE PUBLIC HEALTH, SAFETY, AND WELFARE REQUIRE AMENDMENT TO ORDINANCE NO. 1674 RELATING TO ENFORCEMENT OF THE PROVISIONS OF SAN CLEMENTE MUNICIPAL CODE CHAPTER 8.86 PROHIBITING CAMPING ON PUBLIC PROPERTY, EXCEPT AS PERMITTED HEREIN.

- E. [Ordinance No. 1677 \(Second Reading\) – Rules for Transitional Camps](#) Pages E-1 through E-4

Staff Recommendation

Adopt Ordinance No. 1677 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE ADDING SECTION 8.86.050 TO THE SAN CLEMENTE MUNICIPAL CODE RELATING TO RULES FOR TRANSITIONAL CAMPS.

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 Pro Tem 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**

Staff Recommendation

- (1) [Approve the City Council Special and Regular Meeting Minutes of June 18, 2019.](#)
- (2) [Approve the City Council Special Meeting Minutes of June 26, 2019.](#)

B. **Commission/Committee Minutes**

Staff Recommendation

Receive and file:

- (1) [Investment Advisory Committee Meeting Minutes of November 26, 2018.](#)
- (2) [Investment Advisory Committee Meeting Minutes of January 28, 2019.](#)
- (3) [Golf Course Committee Regular Meeting Minutes of May 2, 2019.](#)
- (4) [Coastal Advisory Committee Regular Meeting Minutes of May 9, 2019.](#)
- (5) [Zoning Administrator Regular Meeting Minutes of May 23, 2019.](#)
- (6) [Beaches, Parks and Recreation Commission Regular Meeting Minutes of June 11, 2019.](#)

Minutes continued on next page

- (7) [Human Affairs Committee Regular Meeting Minutes of June 11, 2019.](#)
- (8) [Zoning Administrator Regular Meeting Minutes of June 20, 2019.](#)
- (9) [Planning Commission Regular Study Session Minutes of June 19, 2019.](#)
- (10) [Planning Commission Regular Meeting Minutes of June 19, 2019.](#)
- (11) [Planning Commission Regular Meeting Minutes of July 17, 2019.](#)
- (12) [Zoning Administrator Regular Meeting Minutes of July 18, 2019.](#)
- (13) [Planning Commission Adjourned Regular Meeting Minutes of August 7, 2019.](#)

C. **Warrant Register**

[Approve Wire Transfers Nos. 2050 through 2051 paid on 5/31/19 and Warrant Nos. 559169 through 559317, paid on 6-14-19, in the amount of\\$1,071,345.93](#)

[Approve Wire Transfers Nos. 2052 through 2055 and Warrant Nos. 559318 through 559456, paid on 6-21-19, in the amount of.....\\$1,751,311.67](#)

[Approve Wire Transfers Nos. 2056 through 2057 paid on 5/31/19 and Warrant Nos. 559457 through 559686, paid on 6-28-19, in the amount of\\$1,568,124.77](#)

[Approve Wire Transfers Nos. 2058 through 2066 and Warrant Nos. 559687 through 559813, paid on 7-5-19, in the amount of.....\\$2,935,719.65](#)

[Approve Handwrite Nos. 559814 through 559823, paid on 7-8-19, Wire Transfers Nos. 2067 through 2070 and Warrant Nos. 559824 through 560034, paid on 7-12-19, in the amount of.....\\$3,658,229.51](#)

Warrant Register continued on next page

Approve Wire Transfers Nos. 2071 through 2074 and Warrant Nos. 560035 through 560204, paid on 7-19-19, in the amount of.....\$1,323,542.82

Approve Wire Transfers Nos. 2075 through 2076 and Warrant Nos. 560205 through 560372, paid on 7-26-19, in the amount of.....\$1,290,359.95

Approve Wire Transfers Nos. 2077 through 2082 and Warrant Nos. 560373 through 560560, paid on 8-1-19, in the amount of.....\$3,013,303.85

Approve Handwrite No. 560758, Wire Transfers Nos. 2083 through 2084 and Warrant Nos. 560561 through 560757, paid on 8-9-19, in the amount of.....\$1,476,748.81

TOTAL WARRANT REGISTER.....\$18,088,686.96

Payroll Register

Approve Warrant Nos. 729 through 732 and Automatic Deposit Advises 56918 through 57256, for the period 6-3-19 through 6-16-19, paid on 6-21-19, in the amount of.....\$ 507,112.70

Approve Warrant Nos. 733 through 735 and Automatic Deposit Advises 57257 through 57576, for the period 6-17-19 through 6-30-19, paid on 7-5-19, in the amount of.....\$ 508,398.96

Approve Warrant Nos. 736 through 739 and Automatic Deposit Advises 57577 through 57918, for the period 7-1-19 through 7-14-19, paid on 7-19-19, in the amount of.....\$ 534,096.03

Payroll Register continued on next page

Approve Warrant Nos. 740 through 742 and Automatic Deposit Advises 57919 through 58244, for the period 7-15-19 through 7-28-19, paid on 8-1-19, in the amount of.....\$ 531,698.12

TOTAL PAYROLL REGISTER.....\$2,081,305.81

D. [Purchase Contract – Asbestos Remediation at the Orange County Sheriff Substation at 100 Avenida Presidio](#) Pages 6D-1 through 6D-2

Staff Recommendation

1. Approve, and authorize the City Manager to execute, Contract C19-56, a purchase contract by and between the City of San Clemente and Harbro Emergency Services & Restoration, providing for remediation of asbestos at the Orange County Sheriff Substation, located at 100 Avenida Presidio, in the amount of \$83,573.
2. Approve a 10% contingency amount of \$8,357 if needed for this work.
3. Approve a supplemental appropriation in the amount of \$91,930 from the General Fund Unassigned Balance to Account 001-617-43410-000-00000 (Maintenance of Buildings).

E. [Phase 1 Moving Expenses – 910 Calle Negocio Building Architectural Services](#) Page 6E-1

Staff Recommendation

Approve redirecting \$36,000 from the Negocio remodel construction management and inspection budget for use on first phase moving expenses via a purchase order with Coast Valley Moving and Storage.

F. [Contract Award – Marine Safety Building and Bulkhead Repairs and Accessibility Improvements](#) Pages 6F-1 through 6F-4

Staff Recommendation

1. Approve the plans and specifications for the Marine Safety Building and Bulkhead Repairs, and Accessibility Improvements, Project No. 16530.
2. Approve a supplemental appropriation in the amount of \$525,800 from the Facilities Maintenance Reserve Fund to Account 014-811-45300-000-16530.
3. Approve, and authorize the City Manager to execute, Contract C19-57, by and between the City of San Clemente and John S. Meek Company, Inc., providing for the Marine Safety Building and Bulkhead Repairs, and Accessibility Improvements, in the amount of \$1,322,380.

G. [Notice of Completion – San Clemente Municipal Pier ADA Accessibility Improvements](#) Pages 6G-1 through 6G-8

Staff Recommendation

1. Approve an increase in the project contingency from \$32,000 to \$38,220.
2. Accept the San Clemente Municipal Pier ADA Accessibility Improvements from the contractor, John S. Meek Company, Inc., Project No. 16811.
3. Authorize the Mayor Pro Tem to execute, and the City Clerk to record, the Notice of Completion for the San Clemente Municipal Pier ADA Accessibility Improvements.
4. 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 John S. Meek Company, Inc.
5. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

H. [Final Parcel Map 2018-165 – Lindley/Penn Condos at 2489 S. Ola Vista](#)
Pages 6H-1 through 6H-3

Staff Recommendation

1. Accept on behalf of the City of San Clemente the water rights as dedicated.
2. Approve Final Parcel Map 2018-165 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 verification that all fees have been paid.
4. Authorize the City Clerk to execute and submit the Final Parcel Map to the County of Orange Recorder's Office for recordation.

I. [Notice of Completion – FY 2016 and FY 2017 Sidewalk Repair Program](#)
Pages 6I-1 through 6I-14

Staff Recommendation

1. Accept the FY 2016 and FY 2017 Sidewalk Repair Program, Project No. 16355 and 27307 from the contractor, Calpromax Engineering, Inc.
2. Authorize the Mayor Pro Tem to execute, and the City Clerk to record, the Notice of Completion for the FY 2016 and FY 2017 Sidewalk Repair Program.
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 Calpromax Engineering, 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.

- J. [Sidewalk Easement and Waterline Easement – 620 Avenida Pico](#)
Pages 6J-1 through 6J-8

Staff Recommendation

1. Accept the Sidewalk Easement and Waterline Easement from 620 Avenida Pico, LLC.
2. Authorize the Mayor Pro Tem and City Clerk to execute the Sidewalk Easement Deed and Waterline Easement Deed.
3. Authorize the City Clerk to submit the Sidewalk Easement Deed and the Waterline Easement Deed to the Orange County Recorder's Office for recordation.

- K. [Proposed Parking Prohibition – Avenida La Pata](#) Pages 6K-1 through 6K-6

Staff Recommendation

1. Prohibit parking on the south side of Avenida La Pata, as specified in the Location Map attached to the Administrative Report, dated August 20, 2019, which is on file with the City Clerk.
2. Adopt Resolution No. 19-27, 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 AVENIDA LA PATA.

- L. [Notice of Completion – Boys and Girls Club Trash Enclosure](#) Pages 6L-1 through 6L-7

Staff Recommendation

1. Accept the construction of the Boys and Girls Club Trash Enclosure (Project No. 19510) from the contractor, West Gate Contractor.
2. Authorize the Mayor Pro Tem to execute, and the City Clerk to record, the Notice of Completion for the Boys and Girls Club Trash Enclosure.
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 West Gate Contractor.
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.

- M. [Notice of Completion – Fire Station No. 59 Diesel Fuel Tank](#) Pages 6M-1 through 6M-7

Staff Recommendation

1. Accept the construction of the Fire Station No. 59 Diesel Fuel Tank (Project No. 16812) from the contractor, Tafoya & Associates.
2. Authorize the Mayor Pro Tem to execute, and the City Clerk to record, the Notice of Completion for the Fire Station No. 59 Diesel Fuel Tank.
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 Tafoya & Associates.
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 a supplemental appropriation in the amount of \$20,900 from the Public Facilities Construction Fund – Reserve for Public Safety Construction to Account 030-818-45300-000-16812.

- N. [Proposed Calle Las Bolas/Avenida Florencia Intersection Re-Striping Concept](#) Pages 6N-1 through 6N-5

Staff and Planning Commission Recommendation

Approve implementation of the proposed intersection concept at the Calle Las Bolas/Avenida Florencia intersection to remove existing large radius right-turn yield lanes using striping and raised pavement markers.

- O. [Ratification of Emergency Construction Contract and Notice of Completion – Emergency Repairs of the Recycled Water Filter Backwash Force Main at the Water Reclamation Plant](#) Pages 6O-1 through 6O-4

Staff Recommendation

1. Make a finding that an emergency existed due to the potential failure of delivery of recycled water due to a broken pipe and loss of recycled water production during peak summer demands. This situation required immediate action to avoid putting many customers out of recycled water for an extended period of time.
2. Declare that the public interest and necessity demanded the immediate expenditure of public funds to safeguard public needs and interest.

Staff Recommendation continued on next page

3. Ratify the Emergency Construction Contract by and between the City of San Clemente and Gwinco Construction & Engineering Inc., providing for the Emergency Repairs of the Recycled Water Backwash Force Main, at the Water Reclamation Plant, Project No. 24401, in the amount of \$109,927.42. (Contract C19-58)
4. Accept the Emergency Repairs of the Recycled Water Backwash Force Main at the Water Reclamation Plant.
5. Authorize the Mayor Pro Tem to execute, and the City Clerk to record, the Notice of Completion for the Emergency Repairs of the Recycled Water Backwash Force Main at the Water Reclamation Plant.
6. Authorize the City Clerk to release the retention 35 days from the recordation of the Notice of Completion upon verification with the Engineering Division that no liens have been levied against Gwinco Construction & Engineering Inc., and upon receipt of a Warranty Bond from Gwinco Construction & Engineering Inc. in the amount of 25% of the construction cost.
7. Approve a supplemental appropriation in the amount of \$135,000 from the Water Operating undesignated fund balance to Account 052-466-43420-000-24401, Annual Water System Rehabilitation.

P. **[Contract Amendments – As-Needed Building Plan Check and Building Code Inspection Services](#)** Pages 6P-1 through 6P-6

Staff Recommendation

1. Approve, and authorize the Mayor Pro Tem to execute, Amendment No. 1 to Contract AC-826, by and between the City of San Clemente and West Coast Code Consultants, providing as-needed building plan check and building code inspection services for the Building Division. This Amendment increases the contract amount from \$25,000 to \$130,000, an increase of \$105,000. Of the increased amount, \$15,000 is allotted for plan review services and \$90,000 is allotted for inspection services.
2. Approve, and authorize the Mayor Pro Tem to execute, Amendment No. 1 to Contract AC-827, by and between the City of San Clemente and Interwest Consulting Group, providing for as-needed building plan check services for the Building Division. This Amendment increases the contract amount from \$25,000 to \$30,000, an increase of \$5,000.

- Q. [Contract Award – Supply and Delivery of Polymer – South Orange County Wastewater Authority \(SOCWA\) and Polydyne, Inc.](#) Pages 6Q-1 through 6Q-167

Staff Recommendation

1. Approve, and authorize the City Manager to execute, Contract C19-59, a joint contract through South Orange County Wastewater Authority (SOCWA) and Polydyne, Inc., providing for supply and delivery of Polymer.
2. Authorize the City Manager to approve up to three one-year extensions to the contract if SOCWA and the City make a determination to extend the contract after the initial two-year period.

- R. [Ratification of Emergency Construction Contract – Repairs to Recycled Waterline on Avenida Vista Hermosa](#) Pages 6R-1 through 6R-4

Staff Recommendation

1. Make a finding that an emergency existed due to the need to restore recycled water service to protect property, health and safety in the event of an extended outage during the summer months.
2. Declare that the public interest and necessity demanded the immediate expenditure of public funds to safeguard public needs and interest.
3. Ratify the Emergency Construction Contract by and between the City of San Clemente and O’Connell Engineering and Construction, providing for Repairs to a Recycled Waterline on Avenida Vista Hermosa (Project 24401), in the amount of \$34,636.34. (Contract C14-23)
4. Accept the Emergency Repairs to a Recycled Waterline on Avenida Vista Hermosa.
5. Authorize the Mayor Pro Tem to execute, and the City Clerk to record, the Notice of Completion for the Emergency Repairs to a Recycled Waterline on Avenida Vista Hermosa.
6. Authorize the City Clerk to release the 5% retention 35 days from the recordation of the Notice of Completion upon verification with the Engineering Division that no liens have been levied against O’Connell Engineering and Construction and upon receipt of a Warranty Bond from O’Connell Engineering and Construction in the amount of 25% of the construction cost.

- S. [Replacement of Fleet Vehicle No. 1024](#) Pages 6S-1 through 6S-2

Staff Recommendation

1. Approve the purchase of a 2020 Ford Explorer from Tuttle-Click Ford Lincoln from the Fleet Replacement Reserve for the replacement of Fleet Vehicle No. 1024.
2. Authorize a supplemental appropriation in the amount of \$31,663 to Fleet Automotive Account 065-824-45600 from the Fleet Replacement Reserve Fund balance.

- T. [Acceptance of 2019 Donation from the Friends of San Clemente Beaches, Parks and Recreation Foundation](#) Pages 6T-1 through 6T-3

Staff and Beaches, Parks and Recreation Commission Recommendation

Accept a donation from the Friends of San Clemente Beaches, Parks and Recreation Foundation in the amount of \$30,500 to be used towards recreation programs and scholarships.

- U. [Installation of a Commemorative Tile at the Ole Hanson Beach Club to Recognize Evangeline “Van” Rutan](#) Pages 6U-1 through 6U-4

Beaches, Parks and Recreation Commission Recommendation

Approve the installation of a commemorative tile for Evangeline “Van” Rutan at the Ole Hanson Beach Club in the location specified in Attachment 2 of the Administrative Report, dated August 20, 2019, which is on file with the City Clerk.

- V. [Installation of an Educational Sign Regarding the Pier and PierPride](#) Pages 6V-1 through 6V-2

Beaches, Parks and Recreation Commission Recommendation

Approve the installation of an educational sign on the San Clemente Pier regarding the Pier and PierPride, which was donated by PierPride.

- W. [Zoning Amendment 19-189 Update – Proposed Ordinance to Amend Permitting Requirements for Small Wireless Telecommunications Facilities in Response to Recent Federal Communications Commission Regulations](#) Pages 6W-1 through 6W-9

Staff Recommendation

Receive and file the Administrative Report, dated August 20, 2019, concerning an update to Zoning Amendment 19-189.

- X. [Initiation of Specific Plan Amendment – Public Safety Uses in the Rancho San Clemente Specific Plan](#) Pages 6X-1 through 6X-2

Staff Recommendation

Initiate a Specific Plan Amendment, as authorized by Municipal Code Section 17.16.030(D), to amend the Rancho San Clemente Specific Plan and add public safety uses as a permitted use in the Industrial Park Zone.

- Y. [Payment Authorization for Maintenance and Support Renewal for Superior Trakit Software](#) Pages 6Y-1 through 6Y-2

Staff Recommendation

1. Authorize payment to Superior, LLC, a Central Square Company, in the amount of \$36,732 in Fiscal Year 2019-20, for maintenance and support renewal for Superior Trakit Software.
2. Authorize payment to Superior, LLC, a Central Square Company, in an amount not to exceed \$38,569 in Fiscal Year 2020-21, for maintenance and support renewal for Superior Trakit Software.
3. Authorize payment to Superior, LLC, a Central Square Company, in an amount not to exceed \$40,497 in Fiscal Year 2021-22, for maintenance and support renewal for Superior Trakit Software.

- Z. [Contract Negotiation and Award - Hospital Transactional Consultation](#) Pages 6Z-1 through 6Z-2

Staff Recommendation

Authorize the City Manager to negotiate and execute an agreement for Hospital Consulting Services, based on the terms outlined in the Administrative Report, dated August 20, 2019, which is on file with the City Clerk, in an amount not to exceed \$10,000. (Contract C19-60)

- AA. [Contract Amendment – Legal Services \(O'Melveny & Myers LLP\)](#) Page 6AA-1

Staff Recommendation

Approve, and authorize the City Manager to execute, Amendment No. 1 to Contract C19-54, by and between the City of San Clemente and O'Melveny & Myers, LLP, providing for legal services. This amendment increases the contract amount from \$100,000 to \$150,000, an increase of \$50,000.

- BB. [Amicus Brief in Support of Petition to the U.S. Supreme Court to Grant Review of the Ninth Circuit's Decision in Martin v. City of Boise](#) Pages 6BB-1 through 6BB-2

Staff Recommendation

Direct the City Attorney to authorize Special Counsel's preparation and filing of an amicus curiae brief in support of the City of Boise's petition to the U.S. Supreme Court to grant review of the Ninth Circuit's decision in the matter of *Martin v. Boise*.

- CC. [Municipal Facility License Agreement - New Cingular Wireless PCS](#) Page 6CC-1

Staff Recommendation

1. Approve, and authorize the Mayor Pro Tem (or designee) to execute, Contract C19-61, a Municipal Facility License agreement by and between the City of San Clemente and New Cingular Wireless PCS, LLC, providing for the installation of small wireless telecommunications facilities with the public right-of-way.
2. Authorize the City Manager to execute future extensions to this agreement, as specified in the lease, provided that the lease rate is not reduced.

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. [Ordinance Introduction - Regulation of the Operation of Leaf Blowers](#) Pages 7A-1 through 7A-86

Public Hearing to consider regulation of leaf blower operations.

Planning Commission Recommendation

Introduce Ordinance No. 1678 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 8.50 RELATED TO STANDARDS FOR LEAF BLOWER OPERATION.

- B. [Ordinance Introduction - Park Ranger Enforcement Authority](#) Pages 7B-1 through 7B-4

Public Hearing to consider establishing enforcement authority for park rangers.

Staff Recommendation

Introduce Ordinance No. 1679 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING TITLE 1 OF THE SAN CLEMENTE MUNICIPAL CODE TO ESTABLISH ENFORCEMENT AUTHORITY FOR PARK RANGERS.

- C. [Ordinance Introduction - Sidewalk Vending Regulations](#) Pages 7C-1 through 7C-29

Public Hearing to consider establishing sidewalk vending regulations.

Staff Recommendation

Introduce Ordinance No. 1680 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE ADDING MUNICIPAL CODE TITLE 5, BUSINESS LICENSES AND REGULATIONS, CHAPTER 5.50, SIDEWALK VENDING, AND AMEND TITLES 8, HEALTH AND SAFETY, 9, PUBLIC PEACE, MORALS AND WELFARE, AND 12, STREETS, SIDEWALKS, AND PUBLIC PLACES, OF THE CODE, RELATING TO SIDEWALK VENDING REGULATIONS IN COMPLIANCE WITH SENATE BILL 946.

8. **Unfinished Business.**

None.

9. **New Business.**

- A. [Installation of Monofilament Recycling Canisters on the Pier](#) Pages 9A-1 through 9A-3

Report from the Beaches, Parks and Recreation Department concerning the possibility of installing Monofilament Recycling Canisters on the Pier, which were donated by PierPride.

Staff and Beaches, Parks and Recreation Commission Recommendation

Approve the installation of five (5) monofilament recycling canisters on the Pier, which were donated by PierPride.

Recommendations continued on next page

Beaches, Parks and Recreation Commission Recommendation

Approve the existing 4-inch design of the monofilament recycling canisters.

Staff Recommendation

Direct Staff to work with PierPride on the design of the monofilament recycling canisters for a 6-inch design with modified decal placement.

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 Pro Tem 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) [Designation of Voting Delegate and Alternate\(s\) to League of California Cities Annual Conference](#) Pages 11A(2)-1 through 11A(2)-4

Staff Recommendation

Appoint one Delegate and up to two Alternate Delegates to vote on the City's behalf at the Annual League of California Cities Business Meeting on October 18, 2019 in Long Beach.

12. **Resolutions/Ordinances.**

***Note:** *The second reading of Ordinance No. 1676 (Prohibiting Camping on Public Property) and Ordinance No. 1677 (Rules for Transitional Camps) will be considered during the early portion of the meeting. Please refer to Page 5 of this agenda for these items.*

13. **Adjournment.**

The next Regular Council Meeting will be held on September 3, 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.