



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

September 17, 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 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 (5:00 P.M.)

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Existing litigation pursuant to Government Code section 54956.9(d)(1)
Number of Cases: 4

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

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

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

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, 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

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION – Don Kappauf, Chaplain, Orange County Sheriff-Coroner

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. Toll Road Update

B. Update on Homeless Issue

C. Presentation of Proclamation – Constitution Week

Presentation of Proclamation to Pat Mueller and Bertie Lloyd, Daughters of the American Revolution, proclaiming September 17-23, 2019 as Constitution Week.

D. PierPride Month

Presentation by Mikii Rathmann concerning PierPride Month activities and fundraising progress.

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

(1) [Approve the City Council Adjourned Regular Meeting minutes of September 3, 2019.](#)

B. Receive and file:

(1) [Design Review Subcommittee Regular Meeting Minutes of August 14, 2019.](#)

(2) [Zoning Administrator Regular Meeting minutes of September 5, 2019.](#)

C. **Warrant Register**

[Approve Wire Transfers Nos. 2092 through 2098 and Warrant Nos. 561181 through 561357, paid on 8-30-19, in the amount of.....\\$4,607,790.78](#)

[Approve Wire Transfers Nos. 2099 through 2100 and Warrant Nos. 561358 through 561515, paid on 9-6-19, in the amount of.....\\$ 910,456.28](#)

TOTAL WARRANT REGISTER.....\$5,518,247.06

Payroll Register

Approve Warrant Nos. 747 through 748 and Automatic Deposit Advises 58578 through 58908, for the period 8-12-19 through 8-25-19, paid on 8-30-19, in the amount of.....\$ 501,608.70

TOTAL PAYROLL REGISTER.....\$ 501,608.70

- D. [Revised City Policy and Procedure No. 1201-10 \(Distribution, Use and Reporting of Tickets and Passes Controlled by the City\)](#) Pages 6D-1 through 6D-20

Staff Recommendation

Adopt Resolution No. 19-29 entitled A RESOLUTION OF THE CITY OF SAN CLEMENTE AMENDING ITS TICKET DISTRIBUTION POLICY TO CONFORM WITH SECTION 18944.1 OF TITLE 2, CALIFORNIA CODE OF REGULATIONS, AS AMENDED BY THE FAIR POLITICAL PRACTICES COMMISSION.

- E. [Contract Amendment – Water Reclamation Plant Security Gates](#) Pages 6E-1 through 6E-45

Staff Recommendation

Approve, and authorize the Mayor Pro Tem to execute, Amendment No. 2 to Contract C17-42, by and between the City of San Clemente and Square [1] Design Group, providing for Water Reclamation Plant Security Gates. This Amendment increases the contract amount from \$61,915 to \$71,665, an increase of \$9,750.

- F. [Contract Contingency Increase – South La Esperanza Street Rehabilitation Project](#) Pages 6F-1 through 6F-35

Staff Recommendation

Approve an increase to the contingency in the amount of \$65,000 from the Street Improvement – Water Replacement Fund, Account 042-848-43420-000-24400, for the South La Esperanza Street Rehabilitation Project No. 17343.

- G. [Contract Awards – As-Needed Geotechnical and Related Services](#) Pages 6G-1 through 6G-147

Staff Recommendation

1. Approve, and authorize the City Manager to execute, Contract C19-65, by and between the City of San Clemente and LGC Geotechnical, Inc., providing for as-needed Geotechnical and Related Services.
2. Approve, and authorize the City Manager to execute, Contract C19-66, by and between the City of San Clemente and Geo-Logic Associates, Inc., providing for as-needed Geotechnical and Related Services.

Staff Recommendation continued on following page

3. Approve, and authorize the City Manager to execute, Contract C19-67, by and between the City of San Clemente and Ninyo & Moore Geotechnical & Environmental Science Consultants, providing for as-needed Geotechnical and Related Services.
4. Approve, and authorize the Public Works Director/City Engineer to execute, As-Needed Geotechnical and Related Services task authorizations under the approved master agreements, not to exceed \$200,000 total per fiscal year for each master consultant agreement, provided funds are available in prior City Council-approved project budgets.

H. [**Increase to Contract Amount – Emergency Repairs of the Recycled Water Filter Backwash Force Main at the Water Reclamation Plant**](#)
Pages 6H-1 through 6H-16

Staff Recommendation

Approve an increase of \$4,500 to Contract C19-58, the Emergency Construction Contract with Gwinco Construction and Engineering, Inc., providing for the Emergency Repairs of the Recycled Water Filter Backwash Force Main, at the Water Reclamation Plant (Project No. 24401).

I. [**Notice of Completion – Linda Lane Pump Station Protection**](#) Pages 6I-1 through 6I-13

Staff Recommendation

1. Accept the Linda Lane Pump Station Protection, Project No.16209, from the contractor, Wright Constructing Engineering Corporation.
2. Approve a supplemental appropriation in the amount of \$25,000 to Account 054-476-45300-000-16209 from the Sewer Fund Depreciation Reserve.
3. Authorize the Mayor to execute and City Clerk to record, the Notice of Completion for Linda Lane Pump Station Protection.
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 Wright Constructing Engineering Corporation.
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.

- J. [Declaration of Surplus and Disposition of Pier Interpretive Signs](#)
Pages 6J-1 through 6J-2

Staff Recommendation

Declare the pier interpretive signs identified in Attachment #1 of the Administrative Report, dated September 17, 2019, as surplus and approve and authorize PierPride to sell the signs as a fundraising opportunity.

- K. [Initiation of Amendment to Municipal Code Title 17 \(Zoning\) to Further Clarify the Application of Title 17's Nonconformance Provisions to Mobile Homes](#) Pages 6K-1 through 6K-2

Staff Recommendation

Direct the Planning Commission to initiate the necessary Zoning Amendment to clarify the application of the Zoning Code's nonconformance provisions.

- L. [Barbecue for 2nd Battalion, 4th Marine Regiment - Budget Appropriation](#) Page 6L-1

Staff Recommendation

If Council desires to fund the full cost of the Barbecue for the 2nd Battalion, 4th Marine Regiment, approve a budget appropriation for FY2019-20 in the amount of \$6,850 to Account 001-202-44756, with \$4,720 transferred from Account 001-203-44900 (Council Contingency) and a supplemental appropriation of \$2,130 from the unassigned fund balance.

- 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. [Appeal of Conditional Use Permit 18-534, AT&T Small Cell \(MSVJO 014\) in Public Right-of-Way at 3018 Camino Vera Cruz CS](#) Page 7A-1

Public Hearing to consider an appeal of Conditional Use Permit 18-534, AT&T Small Cell (MSVJO 014) in the public right-of-way at 3018 Camino Vera Cruz CS.

Staff Recommendation

Continue the Public Hearing to the City Council meeting of October 1, 2019.

B. [Appeal of Conditional Use Permit 18-535, AT&T Small Cell \(MSVJO 016\) in Public Right-of-Way at 1101 Calle Del Cerro CS](#) Page 7B-1

Public Hearing to consider an appeal of Conditional Use Permit 18-535, AT&T Small Cell (MSVJO 016) in the public right-of-way at 1101 Calle Del Cerro CS.

Staff Recommendation

Continue the Public Hearing to the City Council meeting of October 1, 2019.

8. **Unfinished Business.**

None.

9. **New Business.**

A. [Letter of Support – Senate Bill 465 - San Onofre Nuclear Generating Station \(SONGS\)](#) Pages 9A-1 through 9A-29

Report from the Public Works Director/City Engineer concerning a possible letter of support for Senate Bill 465 regarding the San Onofre Nuclear Generating Station (SONGS).

Staff Recommendation

Approve, and authorize the Mayor Pro Tem to execute, a letter expressing the City's support of Senate Bill 465.

B. [Suspension of Opportunistic Sand Replenishment Program and Letter of Support for Corps of Engineers Funding](#) Pages 9B-1 through 9B-26

Report from the Public Works Director/City Engineer concerning possible suspension of the Opportunistic Sand Replenishment Program and a Letter of Support for Corps of Engineers funding

Staff Recommendation

1. Suspend the Opportunistic Sand Replenishment Program and focus on the proposed Corps of Engineers sand replenishment project, but continue to monitor for potential sand replenishment opportunities on an annual basis.
2. Approve, and authorize the Mayor Pro Tem to execute, a letter urging the City's Congressional representatives to support Federal funding to the Corps of Engineers for the San Clemente Sand Replenishment project.

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**

12. **Resolutions/Ordinances.**

- A. **[Ordinance No. 1679 \(Second Reading\) – Park Ranger Enforcement Authority](#)** Pages 12A-1 through 12A-3

Staff Recommendation

Adopt 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.

- B. **[Ordinance No. 1680 \(Second Reading\) – Sidewalk Vending Regulations](#)** Pages 12B-1 through 12B-26

Staff Recommendation

Adopt 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.

13. **Adjournment.**

The next Regular Council Meeting will be held on October 1, 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.