



CITY OF SAN CLEMENTE

REGULAR CITY COUNCIL

REVISED* MEETING AGENDA

Note: This revised agenda differs from the original agenda that was posted on October 15, 2014 in that it includes an additional Closed Session Item. The new item is Closed Session Item E and is included on Page 3 of this revised agenda in bolded italic type.

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

October 21, 2014
5:00 P.M. – Closed Session
6:00 P.M. – Business Meeting

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.

Information concerning City Council Meeting protocols and procedures is contained at the end of this agenda.

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.

5:00 P.M. CLOSED SESSION

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

Joseph A. Arriola vs. L.H.C. Investments LLC, et al (OCSC Case No. 30-2011-00450299-CU-CD-CXC)

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

Hector Birman vs. Duke's Griddle N Grill, et al (OCSC Case No. 30-2012-00552716-CU-PO-CJC)

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

Callan, et al. v. Marlborough Seaview Estates Homeowners Association, et al., OCSC Case No. 01CC07556 (consolidated with Case No. 01CC15381)

- D. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, pursuant to Government Code Section 54956.8:

Property: Vista Hermosa Sports Park, 987 Avenida Vista Hermosa, San Clemente

Agency Negotiator: James Makshanoff, City Manager

Negotiating Parties: City of San Clemente and Surf N' Turf Paradiso, LLC

Under Negotiation: Price and terms of payment

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

Sadeghi v. City of San Clemente (OCSC Case No. 30-2011 00520642)

6:00 P.M. BUSINESS MEETING

CALL TO ORDER

**INVOCATION – Reverend Patrick Crerar, St. Clements-by-the-Sea Episcopal
Church**

PLEDGE OF ALLEGIANCE

ROLL CALL

SPECIAL PRESENTATIONS

A. Presentation of Proclamation – Red Ribbon Week

Presentation of a Proclamation to Crime Prevention Specialist Janet Dunford, setting apart October 20 through October 24, 2014 as Red Ribbon Week.

B. San Clemente High School Update

Presentation by San Clemente High School students McKenna Brownell and Daniel Klevit concerning San Clemente High School campus activities.

C. Proclamation - Purple Heart Cities

Presentation of Proclamation to Orange County Supervisor Pat Bates setting aside November 2014 as Purple Heart Month.

D. Proclamation – Buddy Poppy Days

Presentation of Proclamation to Dolores Padgett, San Clemente Veterans of Foreign Wars, declaring November 8 and November 9, 2014 as Buddy Poppy Days.

E. United States Marine Corps. Adopted Units Update

Update from Lt. Col Edward Powers, Commanding Officer of HLMA 469, San Clemente's adopted USMC Squadron, Vengeance, concerning the Squadron's recent activities and November deployment.

Lt. Col Mike Wilonsky, Commanding Officer of 2nd Battalion 4th Marines, San Clemente's adopted regiment, Magnificent Bastards, concerning the unit's recent activities and November deployment.

2. **Oral Communications (Part 1).** Members of the audience who wish to address Council on matters that are within the jurisdiction of the City of San Clemente, but not separately listed on the agenda, may do so during the Oral Communications portion of the meeting. A total time limitation of 30 minutes is allocated for Oral Communications Part 1, with each speaker being allotted 3 minutes in which to give his or her presentation. Speaker order is determined by the order in which speaker cards are provided to the City Clerk or Deputy City Clerk at the meeting. Speakers that cannot be accommodated during Oral Communications Part 1 will be invited to address Council during Oral Communications Part 2, which appears on this agenda as Item No. 10. When the Mayor calls your name, please step to the podium, state your name and the City in which you reside, and make your presentation. Subject to very limited exceptions, Council is not permitted to discuss or take action on items that do not appear on the agenda.
3. **Motion waiving reading in full of all Resolutions and Ordinances.**
4. **Consideration of agendizing items requiring immediate action.** Any items agendized will be considered under New Business, unless otherwise determined by a majority vote of the City Council.
5. **Closed Session Report - City Attorney.**
6. **Consent Calendar.** All items listed on the Consent Calendar are considered to be routine and will be enacted by one motion without discussion unless Council, Staff, or the public requests removal of an item for separate discussion and action.
 - A. **City Council Minutes**
 - (1) [Approve the Regular City Council meeting minutes of September 2, 2014.](#)
 - (2) Approve the Regular City Council meeting minutes of September 16, 2014.

B. Receive and file:

- (1). [Minutes of the Regular Golf Course Committee meeting of September 4, 2014.](#)
- (2). [Minutes of the Regular Zoning Administrator meeting of October 8, 2014.](#)
- (3). [Minutes of the Regular Coastal Advisory Committee meeting of July 10, 2014.](#)
- (4). [Minutes of the Planning Commission Regular Study Session of October 8, 2014.](#)
- (5). [Minutes of the Regular Planning Commission meeting of October 8, 2014.](#)

C. Warrant Register

[Approve Wire Transfers Nos. 1309 through 1313, paid on 10/3/14, and Warrant Nos. 519506 through 519615, paid on 10/3/14, in the amount of.....](#)\$1,435,882.78

[Approve Warrant Nos. 519616 through 519842, paid on 10/8/14, in the amount of.....](#)\$1,022,070.19

TOTAL WARRANT REGISTER.....\$2,457,952.97

Payroll Register

Approve Warrant Nos. 336 through 337 and Automatic Deposit Advises 19006 through 19308 for the period 9/15/14 through 9/28/14, paid on 10/3/14, in the amount of.....\$ 414,212.14

TOTAL PAYROLL REGISTER.....\$ 414,212.14

D. [Contract Award – Geographic Information Systems \(GIS\) Professional Services](#) Pages 6-D-1 through 6-D-37

Staff Recommendation

1. Approve the selection of Compass Rose GIS for GIS Professional Services.
2. Approve, and authorize the Mayor to execute, Contract C14-43 by and between the City of San Clemente and Compass Rose GIS, providing for enhancement of the City's Geographical Information Systems, in an amount not to exceed \$95,000.

E. [Contract Award – Water Reclamation Plant SCADA Integration and Upgrade Design](#) Pages 6-E-1 through 6-E-3

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C14-44, by and between the City of San Clemente and ACS Engineering, Inc., providing for Water Reclamation Plant SCADA Integration and Upgrade Design, in the amount of \$227,760. (Project No. 12605)

F. [Contract Award – Water Reclamation Plant Fire Service Rehabilitation](#) Pages 6-F-1 through 6-F-6

Staff Recommendation

1. Approve the plans and specifications for the Water Reclamation Plant Fire Service Rehabilitation, Project No. 24203.
2. Relieve Falcon Construction of its bid in the amount of \$148,760 and release its bid bond due to a mistake in filling out the bid form.
3. Approve, and authorize the Mayor to execute, Contract C14-45, by and between the City of San Clemente and Atlas-Allied, Inc., providing for the Water Reclamation Plant Fire Service Rehabilitation, in the amount of \$186,071.

G. [Contract Award – Trafalgar Canyon Outlet Water Quality and Sewer Line Support at Trafalgar Canyon](#) Pages 6-G-1 through 6-G-3

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C14-46 by and between the City of San Clemente and Pacific Advanced Civil Engineering (PACE), providing for development of a scope of work for the Trafalgar Canyon Outlet Water Quality and Sewer Line Support at Trafalgar Canyon, in the amount of \$44,006. (Project Nos. 14005 and 21202)

H. [Contract Amendment – Water Reclamation Plant Solids Handling Rehabilitation](#) Pages 6-H-1 through 6-H-5

Staff Recommendation

Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract C11-03, by and between the City of San Clemente and Pacific Advanced Civil Engineering, providing for additional programming and integration work for the Water Reclamation Plant Solids Handling Rehabilitation, Project No. 10204. This Amendment increases the contract amount from \$284,392 to \$312,692, an increase of \$28,300.

I. [Contract Award – Calafia Pump Station Surge Tank Rehabilitation](#) Pages 6-I-1 through 6-I-4

Staff Recommendation

1. Approve the plans and specifications for the Calafia Pump Station Surge Tank Rehabilitation, Project No. 12449.
2. Approve, and authorize the Mayor to execute, Contract C14-47, by and between the City of San Clemente and Fleming Environmental, Inc., providing for the Calafia Pump Station Surge Tank Rehabilitation, in the amount of \$139,260.

J. [Contract Amendment – On - Call Building Plan Review Services](#) Pages 6-J-1 through 6-J-5

Staff Recommendation

1. Approve a supplemental appropriation of \$12,000 from the General Fund unassigned fund balance into Account 001-421-43890-000-00000.
2. Approve, and authorize the Mayor to execute, Amendment No. 4 to Contract C10-37, by and between the City of San Clemente and VCA Code Group, providing for temporary on-site building plans examiner services. This amendment increases the contract amount from \$113,000 to \$125,000, an increase of \$12,000.

- K. [Establishment of Findings Related to Council's Prior Approval of the Orange County Fire Authority's Second Amendment to the Amended Joint Powers Authority \(Equity Sharing\)](#) Pages 6-K-1 through 6-K-16

Staff Recommendation

Adopt Resolution No 14-45 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, MAKING FINDINGS RELATED TO THE CITY'S PRIOR APPROVAL OF THE ORANGE COUNTY FIRE AUTHORITY'S SECOND AMENDMENT TO THE AMENDED JOINT POWERS AUTHORITY AGREEMENT.

- L. [Proposed Extension of Recreation Sports Partnership Agreements](#) Pages 6-L-1 through 6-L-12

Staff Recommendation

1. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C13-43, by and between the City of San Clemente and American Youth Soccer Organization (AYSO), extending the agreement through May 31, 2015.
2. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C13-44, by and between the City of San Clemente and San Clemente Girls Softball, extending the agreement through May 31, 2015.
3. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C13-45, by and between the City of San Clemente and San Clemente Little League, extending the agreement through May 31, 2015.
4. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C13-46, by and between the City of San Clemente and South Coast Youth Football, extending the agreement through May 31, 2015.
5. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C13-47, by and between the City of San Clemente and Elite Soccer, extending the agreement through May 31, 2015.

- M. [Proposed Extension of San Clemente Aquatics Agreement](#) Pages 6-M-1 through 6-M-4

Staff Recommendation

Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C13-42, by and between the City of San Clemente and San Clemente Aquatics, extending the agreement through December 31, 2014.

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. **Foundation Fitness (232 Avenida Fabricante, Suite 106) – Conditional Use Permit 14-261** Pages 7-A-1 through 7-A-61

Public Hearing to consider an appeal of the Planning Commission's approval of Conditional Use Permit (CUP) 14-261 that would allow a commercial recreation use at 232 Avenida Fabricante, Suite 106.

Planning Commission Recommendation

Adopt Resolution No. 14-46 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 14-261, FOUNDATION FITNESS, A REQUEST TO ALLOW A COMMERCIAL RECREATION USE, GROUP INSTRUCTION OF FITNESS CLASSES, IN AN INDUSTRIAL BUILDING LOCATED AT 232 AVENIDA FABRICANTE, SUITE 106.

8. **Unfinished Business.**

A. **Billing for 2014 Weed Abatement Program** Pages 8-A-1 through 8-A-8

Report from the Community Development Director concerning billing for the 2014 Weed Abatement Program.

Staff Recommendation

1. Waive the City's notification costs for the compliant property owners.
2. Approve the Weed Abatement Report.
3. Authorize the Weed Abatement Contract Administrator to bill the property owners the amounts indicated in the report.

9. **New Business.**

A. **[Recycled Water Retrofit Loan Program](#)** Pages 9-A-1 through 9-A-3

Report from the Public Works Director/City Engineer concerning the Recycled Water Loan Retrofit Program.

Staff Recommendation

1. Approve a loan program consistent with the information in the Administrative Report, dated October 21, 2014, and direct staff to work with the City Attorney to formalize loan documents.
2. Approve an appropriation of \$400,000 from the Water Operating Fund for the Loan Program.
3. Authorize the City Manager to execute the Loan Agreements.

B. **[Appointment of City Council Representatives and Key Stakeholders for San Clemente Hospital Sub-Committee](#)** Pages 9-B-1 through 9-B-2

Report from the Assistant City Manager concerning the appointment of City Council representatives and key stakeholders for a San Clemente Hospital Sub-Committee.

Staff Recommendation

1. Appoint the designated representatives to the San Clemente Hospital Sub-Committee.
2. Appoint one or two members of the City Council to serve on the San Clemente Hospital Sub-Committee.
3. Appoint one Human Affairs Committee member to serve on the San Clemente Hospital Sub-Committee.

C. [Appointment of City Council Representatives to City Attorney Services Request for Proposal Review Committee](#) Page 9-C-1

Report from the Assistant City Manager concerning the appointment of City Council Representatives to serve on the City Attorney Services Request for Approval Committee.

Staff Recommendation

Appoint two Councilmembers to serve on the City Attorney Services Request for Proposal Review Committee.

10. **Oral Communications (Part 2).** Members of the audience who wish to address Council on matters that are within the jurisdiction of the City of San Clemente, but not separately listed on the agenda, may do so during the Oral Communications portion of the meeting. When the Mayor calls your name, please step to the podium, state your name and the City in which you reside, and make a presentation not to exceed three minutes. Subject to very limited exceptions, Council is not permitted to discuss or take action on items that do not appear on the agenda.

11. **Reports.**

- A. **Commissions and Committees**
- B. **City Manager**
- C. **City Attorney**
- D. **Council Members**

12. **Resolutions/Ordinances.**

None.

13. **Adjournment.**

Adjourn to an Adjourned Regular Council Meeting to be held on November 6, 2014 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be considered at 5:00 p.m. The Regular Business Meeting will commence at 6:00 p.m.

Note: The next Council meeting will take place on November 6, 2014 rather than November 4, 2014 to allow the Council Chambers to be used as a polling place for the General Municipal Election on November 4, 2014.

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.

This agenda is subject to amendment up to 72 hours prior to the meeting.