



# 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](http://www.san-clemente.org)

August 18, 2015  
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 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.*

**5:00 P.M. CLOSED SESSION**

**A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8:

Property: 1 Acre Vacant Land Parcel North of the Northeast Corner of Avenida Fabricante and Calle Extremo, APN # 690-661-09

Agency Negotiator: Erik Sund, Assistant City Manager

Negotiating Parties: City of San Clemente and Glaukos Corporation

Under Negotiation: Lease Terms

**B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Property: City Acreage West of Avenida La Pata and North and South of Avenida Vista Hermosa

Agency negotiator: City Manager

Negotiating parties: TBD

Under Negotiation: Price and Terms of Payment

**C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8

Property: North Beach Passenger Services Building, 1900 North El Camino Real, San Clemente

Agency negotiator: Assistant City Manager

Negotiating party: Pete Van Nuys

Under Negotiation: Term and Rent for Possible Lease Extension

*Closed Session items continued on next page*

**D. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**

Pursuant to Government Code Section 54956.9(d)(4)

Initiation of litigation

Number of potential cases: 8

**E. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Government Code Section 54956.9(d)(1)

Case Name: Emergency Shelter Coalition v. City of San Clemente

Case Number: OC SC 30-2014-00758880

**6:00 P.M. BUSINESS MEETING**

**CALL TO ORDER**

**INVOCATION** - Habib Hossenihy, Baha'i Faith Community

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**1. SPECIAL PRESENTATIONS**

**A. Sand Replenishment**

Presentation by Chris Webb, Moffatt and Nichol, concerning sand replenishment.

**B. Distracted Driver Awareness and Prevention**

Presentation by Sgt. Doug Ellithorpe, of the Orange County Sheriff's Department, concerning awareness and prevention of distracted driving.

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. [Minutes of the Special and Regular City Council meeting of August 4, 2015.](#)
  
  - B. **Receive and file:**
    1. [Minutes of the Regular Beaches, Parks and Recreation Commission meeting of July 14, 2015.](#)
    2. [Minutes of the Regular Study Session of the Planning Commission meeting of August 5, 2015.](#)
    3. [Minutes of the Regular Planning Commission meeting of August 5, 2015.](#)

C. **Warrant Register**

Approve Wire Transfer 1419,  
paid on 7/31/15, Warrant Nos. 526350  
through 526566, paid on 7/31/15,  
in the amount of.....\$2,063,320.31

Approve Handwrite No. 526734,  
paid on 8/7/15, Wire Transfer Nos. 1420 through 1423,  
paid on 8/7/15, Warrant Nos. 526567  
through 526733, paid on 8/7/15,  
in the amount of.....\$ 791,841.20

TOTAL WARRANT REGISTER.....\$2,855,161.51

**Payroll Register**

Warrant Nos. 416 through 419 and  
Automatic Deposit Advises 25914 through 26260  
for the period 7/20/15 through 8/2/15,  
paid on 8/7/15, in the amount of.....\$ 480,585.26

TOTAL PAYROLL REGISTER.....\$ 480,585.26

D. **Contract Amendment – Weed Abatement** Pages 6-D-1 through 6-D-2

Staff Recommendation

Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract C96-25, by and between the City of San Clemente and E. Stewart and Associates, providing for Weed Abatement Services, in an amount not to exceed \$140,000 annually.

E. **Contract Award – Replacement of Primary Clarifier Fiber-Reinforced Plastic Covers Over the Influent Channels and Scum Troughs with Hinged Checker Aluminum Covers** Pages 6-E-1 through 6-E-4

Staff Recommendation

1. Approve the plans and specifications for the Replacement of Primary Clarifier FRP Covers Over the Influent Channels and Scum Troughs with Hinged Checker Aluminum Covers, Project No. 25206.
2. Approve, and authorize the Mayor to execute, Contract C15-57 by and between the City of San Clemente and O’Connell Engineering and Construction, providing for the replacement of Primary Clarifier RFP Covers Over the Influent Channels and Scum Troughs with Hinged Checker Aluminum Covers, in the amount of \$169,240.

- F. [Second Amendment – Communications Site Lease Agreement and Assignment and Assumption Agreement and Consent to Assignment of the Communications Site Lease Agreement Between SBA 2012 TC Assets, LLC, SBA Steel LLC, and the City of San Clemente – 3895 Calle Andalucia](#) Pages 6-F-1 through 6-F-8

Staff Recommendation

1. Approve, and authorize the Mayor to execute, the Assignment and Assumption Agreement and Consent to Assignment of the Communications Site Agreement between SBA Steel LLC, SBA 2012 TC Assets, and the City of San Clemente.
2. Approve, and authorize the Mayor to execute, Amendment No. 2 to the Communications Site Facility Lease by and between the City of San Clemente and SBA Steel LLC. Contract C09-33.

- G. [Notice of Completion – Sewer Manhole Rehabilitation FY 2015](#) Pages 6-G-1 through 6-G-4

Staff Recommendation

1. Accept the Sewer Manhole Rehabilitation FY 2015, Project No. 24200, from the contractor, Zebron Contracting, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Sewer Manhole Rehabilitation FY 2015.
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 Zebron Contracting, 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.

- H. [Notice of Completion – Water Reclamation Plant Fire Service Rehabilitation](#) Pages 6-H-1 through 6-H-4

Staff Recommendation

1. Accept the Water Reclamation Plant Fire Service Rehabilitation, Project No. 24203, from the contractor, Atlas-Allied, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Water Reclamation Plant Fire Service Rehabilitation.

*Recommendation continued on following page*

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 Atlas-Allied, 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.

I. [Notice of Completion – FY 2015 Annual Slurry Seal Program](#) Pages 6-I-1 through 6-I-7

Staff Recommendation

1. Accept the FY 2015 Slurry Seal Program, Project No. 27304, from the contractor, American Asphalt South, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the FY 2015 Slurry Seal 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 American Asphalt South, 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. [Contract Award - Temporary Staffing Services](#) Pages 6-J-1 through 6-J-2

Staff Recommendation

1. Approve, and authorize the Mayor to execute, Contract C15-58 by and between the City of San Clemente and Labor Ready Southwest, Inc. providing as-needed temporary staffing for a period of one year with a one year renewal option, at a cost not to exceed \$175,000 per year.
2. Authorize a budget transfer in the amount of \$54,000 from the Facilities Maintenance-Salaries, Regular Full-Time Account 001-617-41010 to the Facilities Maintenance-Other Contractual Services Account 001-617-43890.
3. Authorize a budget transfer in the amount of \$22,000 from the Collection Salaries, Regular Full-Time Account 054-473-41010 to the Collection Other Contractual Services Account 054-473-43890).
4. Authorize a budget transfer in the amount of \$10,000 from the Storm Drain-Maintenance Salaries, Regular Full-Time Account 059-552-41010 to the Storm Drain-Maintenance Other Contractual Services Account 059-552-43890.

K. [Contract Award – North Beach Traffic Calming and Pedestrian Improvements](#) Pages 6-K-1 through 6-K-10

Staff Recommendation

1. Approve the plans and specifications for the North Beach Traffic Calming and Pedestrian Improvements, Project No. 15806.
2. Approve, and authorize the Mayor to execute, Contract C15-59 by and between the City of San Clemente and All American Asphalt, providing for North Beach Traffic Calming and Pedestrian Improvements, in the amount of \$189,714.
3. Approve, and authorize the City Manager to execute, Contract C15-60 by and between the City of San Clemente and LandCare, providing for Landscape and Irrigation of North Beach Traffic Calming Project, in the amount of \$12,351.08.

L. [Private Golf Carts at the San Clemente Municipal Golf Course](#) Pages 6-L-1 through 6-L-17

Staff Recommendation

1. Adopt Resolution No. 15-41 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING CERTAIN FEES FOR PLAY UPON THE MUNICIPAL GOLF COURSE, AND REPEALING RESOLUTION NO. 14-65.
2. Adopt Resolution No. 15-42 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING CERTAIN REGULATIONS FOR PLAY UPON THE MUNICIPAL GOLF COURSE, AND REPEALING RESOLUTION NO. 04-59.

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. [\*\*Urgency Ordinance Extension – Temporary Moratorium on Permitting or Establishment in Residential Zones of Sober Living Homes and Large Alcoholism or Drug Abuse Recovery or Treatment Facilities\*\*](#) Pages 7-A-1 through 7-A-8

Public Hearing to consider adopting an Interim Urgency Ordinance Extending the Temporary Moratorium on Permitting or Establishment in Residential Zones of (1) Sober Living Homes and (2) Large Alcoholism or Drug Abuse Recovery or Treatment Facilities, subject to reasonable accommodation, to allow time for consideration of appropriate amendments to the City Municipal Code and a “Report of the City Council of the City of San Clemente of Measures Taken to Alleviate the Conditions Previously Identified and Leading to the Adoption of a Moratorium on the Permitting or Establishment in Residential Zones (1) Sober Living Homes and (2) Large Alcoholism or Drug Abuse Recovery or Treatment Facilities, Subject to Reasonable Accommodation, in the City (Ordinance No 1602)”.

Staff Recommendation

Adopt Urgency Ordinance No. 1605 entitled INTERIM URGENCY ORDINANCE OF THE CITY OF SAN CLEMENTE EXTENDING THE TEMPORARY MORATORIUM ON PERMITTING OR ESTABLISHMENT IN RESIDENTIAL ZONES OF (1) SOBER LIVING HOMES AND (2) LARGE ALCOHOLISM OR DRUG ABUSE RECOVERY OR TREATMENT FACILITIES, SUBJECT TO REASONABLE ACCOMMODATION, TO ALLOW TIME FOR CONSIDERATION OF APPROPRIATE AMENDMENTS TO THE CITY MUNICIPAL CODE.

- B. [\*\*Urgency Ordinance Extension – Temporary Moratorium on Permitting or Establishment of Alcohol or Other Drug Abuse Programs in Commercial Zones\*\*](#) Pages 7-B-1 through 7-B-6

Public Hearing to consider adopting an Interim Urgency Ordinance Extending the Temporary Moratorium on the permitting or establishment of alcohol or other drug abuse programs in commercial zones to allow time for consideration of appropriate amendments to the City Municipal Code and a “Report of the City Council of the City of San Clemente of Measures Taken to Alleviate the Conditions Previously Identified and Leading to the Adoption of a Moratorium on the Permitting or Establishment in Commercial Zones of Alcohol or other Drug Abuse Programs in the City (Ordinance No 1603)”.

Staff Recommendation

Adopt Urgency Ordinance No. 1606 entitled INTERIM URGENCY ORDINANCE OF THE CITY OF SAN CLEMENTE EXTENDING THE TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND PERMITTING OF ALCOHOL OR OTHER DRUG ABUSE PROGRAMS IN COMMERCIAL ZONES TO ALLOW TIME FOR CONSIDERATION OF APPROPRIATE AMENDMENTS TO THE CITY MUNICIPAL CODE.

8. **Unfinished Business.**

None.

9. **New Business**

A. **[Aquatics Partnership Applications](#)** Pages 9-A-1 through 9-A-31

Report from the Beaches, Parks and Recreation Department concerning Aquatics Partnership applications.

Staff Recommendation

1. Grant Senior Partnership status to San Clemente Aquatics with a three-year agreement.
2. Grant Junior Partnership status to the San Clemente Water Polo Club with a two-year agreement.

B. **[Recreation Sports Partnership Applications](#)** Pages 9-B-1 through 9-B-88

Report from the Beaches, Parks and Recreation Department concerning Recreation Sports Partnership applications.

Staff Recommendation

1. Approve American Youth Soccer Organization Region 111 and San Clemente Little League for Platinum Partnership with three-year agreements.
2. Approve Elite Soccer League, San Clemente Girls Softball, and San Clemente Youth Football for Gold Partnership with two-year agreements.
3. Deny Partnership Status to the San Clemente Bears Football Club, San Clemente Youth Rugby Club, and San Clemente Surf Soccer Club.

C. [Ambulance Services Pilot Program](#) Pages 9-C-1 through 9-C-2

Report from the Assistant City Manager concerning the possibility of ending the current Orange County Fire Authority (OCFA) seasonal ambulance service and initiating a one-year pilot program with a private ambulance provider to provide ambulance services on a full-time basis for the pilot period.

Staff Recommendation

Authorize the City Manager to begin negotiations with OCFA and a private ambulance provider and to bring back to the City Council recommendations for implementing a pilot program.

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.**

- A. [Ordinance No. 1604 \(Second Reading\) – Cancellation of Local Enforcement Responsibility for Mobilehome Parks Act and the Special Occupancy Parks Act](#) Pages 12-A-1 through 12-A-4

Staff Recommendation

Adopt Ordinance No. 1604 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING NOTIFICATION TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR THE CANCELLATION OF LOCAL ENFORCEMENT RESPONSIBILITY FOR THE MOBILEHOME PARKS ACT AND THE SPECIAL OCCUPANCY PARKS ACT.

13. **Adjournment.**

The next Regular City Council Meeting will be held on September 1, 2015 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.

## **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](http://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](mailto:cityclerk@san-clemente.org) or call 949-361-8200.

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