



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 1, 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 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: OCSC 30-2014-00758880

B. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION

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

Case Name: Capistrano Shores, Inc. v. City of San Clemente

Case Numbers: OCSC 30-2014-00709987 and 30-2014-00726889

C. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION

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

Number of Cases: 8

City of San Clemente, etc. v. Dual Diagnosis Treatment Center, Inc., et al.
(1211 Puerta Del Sol)

Case Number: OCSC 30-2015-00805214

City of San Clemente, etc. v. Sobertec LLC, a California Corporation, et al.
(14 Via Lampara)

Case Number: OCSC 30-2015-00805227

City of San Clemente, etc. v. Sobertec LLC, a California Corporation, et al.
(1402 N. El Camino Real)

Case Number: OCSC 30-2015-00805234

City of San Clemente, etc. v. New Mindset, LLC, a California Limited Liability Company, et al.

(1401 N. El Camino Real, #101, 202)

Case Number: OCSC 30-2015-00805235

City of San Clemente, etc. v. 449 Recovery, Inc., a California Corporation, et al.

(1401 N. El Camino Real , #102, 104, 106, 113, 205, 207)

Case Number: OCSC 30-2015-00805270

City of San Clemente, etc. v. Faith By The Sea, Inc., et al.

(655 Camino De Los Mares, #118)

Case Number: 30-2015-00805980

City of San Clemente, etc. v. Sober Spot, LLC, et al.

(655 Camino De Los Mares, #121)

Case Number: 30-2015-00805975

City of San Clemente, etc. v. New Mindset, LLC, et al. (2)

(655 Camino De Los Mares, #120)

Case Number: 30-2015-00805981

D. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

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

Initiation of litigation

Number of potential cases: 10

E. 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

F. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(d)(2)

Significant exposure to litigation

Number of potential cases: 1

G. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency Designated Representative: Erik Sund

Employee Organization: San Clemente City Employees Association

6:00 P.M. BUSINESS MEETING

CALL TO ORDER

INVOCATION - Bishop Rod Gillins, Church of Jesus Christ of Latter-Day Saints

PLEDGE OF ALLEGIANCE

ROLL CALL

1. **SPECIAL PRESENTATIONS**

A. **World Surf League – Championship Tour Event**

Presentation by Graham Stapelberg concerning the World Surf League Championship Tour Event at Trestles Beach.

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 18, 2015.](#)

B. **Receive and file:**

1. [Minutes of the Adjourned Regular Study Session of the Planning Commission of August 10, 2015.](#)

2. [Minutes of the Regular Zoning Administrator Meeting of August 19, 2015.](#)

3. [Minutes of the Regular Planning Commission Study Session of August 19, 2015.](#)

4. [Minutes of the Regular Planning Commission Meeting of August 19, 2015.](#)

5. [Minutes of the Regular Coastal Advisory Committee Meeting of July 9, 2015.](#)

6. [Minutes of the Regular Beaches, Parks and Recreation Commission Meeting of August 11, 2015.](#)

C. **Warrant Register**

[Warrant Nos. 526735 through 526924, paid on 8/14/15, in the amount of.....\\$2,003,107.36](#)

[Wire Transfer Nos. 1424 through 1427, paid on 8/21/15, Warrant Nos. 526925 through 527063, paid on 8/21/15, in the amount of.....\\$2,556,253.74](#)

TOTAL WARRANT REGISTER.....\$4,559,361.10

Payroll Register

Warrant Nos. 420 through 423 and Automatic Deposit Advises 26261 through 26613 for the period 8/3/15 through 8/16/15, paid on 8/21/15, in the amount of.....\$ 459,720.87

TOTAL PAYROLL REGISTER.....\$ 459,720.87

- D. [Contract Award – Calle Puente Sidewalk Improvements](#) Pages 6-D-1 through 6-D-8

Staff Recommendation

1. Approve the plans and specifications for the CDBG Calle Puente sidewalk improvements, Project No. 16349.
2. Approve, and authorize the Mayor to execute, Contract C15-61 by and between the City of San Clemente and FCO Construction, Inc., providing for construction of the CDBG Calle Puente Sidewalk Improvements, in the amount of \$64,420.

- E. [Bid Rejection – Water Reclamation Plant Emergency Generator Replacement](#) Pages 6-E-1 through 6-E-4

Staff Recommendation

1. Reject the bid for the Emergency Generator Replacement Project, Project No. 24200.
2. Authorize Staff to rebid the Emergency Generator Replacement Project.

- F. [Contract Award – Fiscal Year 2015 Sidewalk Repair Program](#) Pages 6-F-1 through 6-F-9

Staff Recommendation

1. Approve the plans and specifications for the FY 2015 Sidewalk Repair Program, Project No. 19317.
2. Approve, and authorize the Mayor to execute, Contract C15-62 by and between the City of San Clemente and Unique Performance Construction, Inc., providing for construction of the FY 2015 Sidewalk Repair Program, in the amount of \$67,340.

- G. [Contract Award – Storm Drain Rehabilitation at 346 Avenida Adobe 2014-2015](#) Pages 6-G-1 through 6-G-4

Staff Recommendation

1. Approve the plans and specifications for the Storm Drain Rehabilitation at 346 Avenida Adobe 2014-2015, Project No. 26001.
2. Approve, and authorize the Mayor to execute, Contract C15-63 by and between the City of San Clemente and Sancon, providing for Storm Drain Rehabilitation at 346 Avenida Adobe 2014-2015, in the amount of \$51,000.

- H. [Bid Rejection – City-Wide Janitorial Services](#) Pages 6-H-1 through 6-H-2

Staff Recommendation

Reject all proposals from RFP 06-15 (Janitorial Services) and authorize Staff to advertise with new non-professional services selection criteria language included in the RFP.

- I. [Notice of Completion – Base of Pier Restroom](#) Pages 6-I-1 through 6-I-5

Staff Recommendation

1. Accept the Base of Pier Restroom Rehabilitation, Project No. 12560, from the contractor, Jasper Construction.
2. Approve a supplemental appropriation in the amount of \$46,000 from the General Fund Unassigned Fund Balance to Account 001-636-45300-12560 for the Base of Pier Restroom Rehabilitation.
3. Approve a \$42,620 increase in the construction contract contingency for the Base of Pier Restroom Rehabilitation.
4. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Base of Pier Restroom Project.
5. 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 the contractor, Jasper Construction.
6. 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 – Camino Del Rio Intersection Improvements: Alternates Development, Analysis and Design Project](#) Pages 6-J-1 through 6-J-37

Staff Recommendation

1. Approve, and authorize the Mayor to execute, Contract C15-64 by and between the City of San Clemente and Stantec, providing for preparation of design alternatives and construction documents for intersection improvements on Camino Del Rio, in the amount of \$191,709.

Recommendation continued on following page

2. Approve, and authorize the Public Works Director/City Engineer to execute, As-Needed Transportation Design Services Agreements for agreements up to \$200,000 per task authorization and within the individual project budgets.

K. [Side Letter of Agreement – Standby Requirements for Positions Represented by the San Clemente City Employees’ Association \(SCCEA\)](#) Pages 6-K-1 through 6-K-6

Staff Recommendation

1. Approve, and authorize the Mayor to execute, the Side Letter of Agreement by and between the City of San Clemente and San Clemente City Employees’ Association.
 2. Approve supplemental appropriations of \$3,033 each to Account 001-611-41460 and Account 001-617-41460 for additional standby pay in the General Fund.
 3. Approve supplemental appropriations of \$6,546 each to Account 052-461-41460, Account 052-462-41460, Account 052-463-41460, Account 054-471-41460, Account 054-472-41460, Account 054-473-41460 for additional standby pay in the Utility Funds.
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.

None.

8. **Unfinished Business.**

None.

9. **New Business**

A. **[Review of the Completed Assessment of the City Clerk's Department](#)**

Pages 9-A-1 through 9-A-75

Report from the Assistant City Manager concerning the Completed Assessment of the City Clerk's Department done by Matrix.

Staff Recommendation

1. Receive and file the report by Matrix Consulting Group on the assessment of the City Clerk's Department.
2. Direct Staff to move forward with implementation of the assessment recommendations per the approach presented in the Administrative Report, dated September 1, 2015, and on file with the City Clerk.
3. Direct Staff to provide periodic updates on the status and progress of implementation.

B. **[Special Event Application - Slide the City](#)** Pages 9-B-1 through 9-B-8

Report from the Beaches, Parks and Recreation Department concerning a Special Event application for Slide the City.

Staff Recommendation

Review the proposed application and recommended conditions and costs and provide direction.

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.**

The next Regular City Council Meeting will be held on September 15, 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. 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.