



# 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)

October 6, 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: 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

#### **B. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION**

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

Case Name: City of San Clemente v Dual Diagnosis Treatment Center, Inc.

Case Number: 30-2015-00805214

Case Name: City of San Clemente v Sobertec LLC (1)

Case Number: 30-2015-00805227

Case Name: City of San Clemente v Sobertec LLC (2)

Case Number: 30-2015-00805234

*Closed Session items continued on following page*

Case Name: City of San Clemente v New Mindset, LLC  
Case Number: 30-2015-00805235

Case Name: City of San Clemente v 449 Recovery, Inc.  
Case Number: 30-2015-00805270

Case Name: City of San Clemente v Faith By The Sea, Inc.  
Case Number: 30-2015-00805980

Case Name: City of San Clemente v New Mindset, LLC  
Case Number: 30-2015-00805891

Case Name: City of San Clemente v Sober Spot, LLC  
Case Number: 30-2015-00805975

Case Name: City of San Clemente v A Mission For Michael, Inc.  
Case Number: 30-2015-00806046

Case Name: City of San Clemente v William W. Martin, PHD  
Case Number: 30-2015-00806055

Case Name: City of San Clemente v Coast To Coast Referral Center, Inc.  
Case Number: 30-2015-00806052

Case Name: City of San Clemente v Eric Olson  
Case Number: 30-2015-00811144

**C. 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

**D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8

Property: 1030 Calle Negocio, San Clemente

Agency Negotiator: Assistant City Manager

Negotiating Party: Family Assistance Ministries

Under Negotiation: Term and Rent for Possible Lease Extension

*Closed Session continued on following page*

**E. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8

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

**F. 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: OC SC 30-2014-00709987-CU-EI-CXC and 30-2014-00726889-CU-WM-CJC

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

**CALL TO ORDER**

**INVOCATION** - Mark Boud, Senior Minister, Church of Jesus Christ of Latter-day Saints

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**1. SPECIAL PRESENTATIONS**

**A. Presentation of Proclamation – Family Assistance Ministries (FAM) Hunger Walk Week**

Presentation of Proclamation to Mary Gray Perdue proclaiming October 12–18, 2015 as FAM Hunger Walk Week.

**B. Presentation of Commendation – Assistance League of Capistrano Valley's 35<sup>th</sup> Anniversary**

Presentation of Commendation to Lori Quinlan and Roberta DeLuca in recognition of the 35<sup>th</sup> Anniversary of the Assistance League of Capistrano Valley.

**C. Presentation of Proclamation – Fire Prevention Week**

Presentation of Proclamation to Orange County Fire Authority Division Chief Abel proclaiming October 4-10, 2015 as Fire Prevention Week.

**D. Presentation of Proclamation – Red Ribbon Week**

Presentation of Proclamation to Pamela Passow, Recreation Manager, proclaiming October 23-31, 2015 as Red Ribbon Week in San Clemente.

**E. Hospital Tour – Saddleback Memorial Medical Center, San Clemente Campus**

Presentation by City Manager Makshanoff and Assistant City Manager Sund concerning the recent tour of Saddleback Memorial Medical Center, San Clemente Campus, regarding SB 911 and AB 787.

**F. San Clemente Domestic Violence Task Force Update**

Report by Patricia Drown, Founder of the San Clemente Domestic Violence Task Force, concerning the status of the task force.

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 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**

- 1. [Minutes of the Special and Regular City Council meeting of September 15, 2015.](#)
- 2. [Minutes of the Special City Council meeting of September 22, 2015.](#)

B. **Receive and file:**

- 1. [Minutes of the Regular Zoning Administrator Meeting of September 16, 2015.](#)
- 2. [Minutes of the Regular Planning Commission Study Session of September 16, 2015.](#)
- 3. [Minutes of the Regular Planning Commission Meeting of September 16, 2015.](#)

C. **Warrant Register**

[Warrant Nos. 527421 through 527529, paid on 9/11/15,](#)  
[in the amount of.....\\$ 471,158.47](#)

[Wire Transfer Nos. 1434 through 1437,](#)  
[paid on 9/18/15, and Warrant Nos. 527530](#)  
[through 527678, paid on 9/18/15,](#)  
[in the amount of.....\\$1,059,685.85](#)

[Warrant Nos. 527679 through 527893, paid on 9/25/15,](#)  
[in the amount of.....\\$1,722,944.16](#)

TOTAL WARRANT REGISTER.....\$3,253,788.48

**Payroll Register**

Warrant Nos. 425 through 429  
and Automatic Deposit  
Advises 26948 through 27283  
for the period 8/31/15 through 9/13/15,  
paid on 9/18/15, in the amount of.....\$ 430,643.19

TOTAL PAYROLL REGISTER.....\$ 430,643.19

- D. [National Pollutant Discharge Elimination System \(NPDES\) Program Shared Costs Budget for Fiscal Year 2015-2016](#) Pages 6-D-1 through 6-D-30

Staff Recommendation

Approve the proposed NPDES Stormwater Program Shared Cost Budget for Fiscal Year 2015-2016.

- E. [Street Sweeping Pilot Project](#) Pages 6-E-1 through 6-E-3

Staff Recommendation

1. Approve the Street Sweeping Pilot Project as proposed.
2. Approve a supplemental appropriation of \$15,000 from the Clean Ocean Fund balance to Account 057-541-43690-000-00000.

- F. [Cooperative Agreement – San Clemente Beach Trail Fencing](#) Pages 6-F-1 through 6-F-11

Staff Recommendation

Approve, and authorize the Mayor to execute, the Cooperative Agreement by and Between Orange County Transportation Authority (OCTA) and the City of San Clemente, providing for San Clemente Beach Trail fencing.

- G. [Grant Submittal for Orange County Transportation Authority \(OCTA\) Measure M2 Regional Traffic Signal Synchronization Program \(Project P\)](#) Pages 6-G-1 through 6-G-5

Staff Recommendation

1. Authorize the submittal of a Measure M2 (Project P) grant application to OCTA for signal synchronization on the Camino Vera Cruz corridor.
2. Adopt Resolution No. 15-44 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE SUBMITTAL OF CAMINO VERA CRUZ TRAFFIC SIGNAL SYNCHRONIZATION PROJECT TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMPETITIVE MEASURE M2 REGIONAL TRANSPORTATION SIGNAL SYNCHRONIZATION PROGRAM.

- H. [Communications Site Lease Agreement – Andalucia Water Tank Site \(3895 Calle Andalucia, San Juan Capistrano\)](#) Pages 6-H-1 through 6-H-27

Staff Recommendation

1. Approve, and authorize the Mayor to execute, a Communications Site Facility Lease, by and between the City of San Clemente and Verizon Wireless, providing for the construction and operation of a communications facility at the Andalucia Water Tank Site, located at 3895 Calle Andalucia in San Juan Capistrano. (Contract C15-69)
2. Authorize the City Manager to approve future amendments, provided that the City Manager shall not have the authority to approve a decrease in the rental rate without prior approval of the City Council.

- I. [Contract Amendment - Geographic Information System Services \(GIS\)](#) Pages 6-I-1 through 6-I-25

Staff Recommendation

1. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C14-43, by and between the City of San Clemente and Compass Rose GIS, providing for GIS professional services. This Amendment would modify the contract amount from \$95,000 to \$190,000, an increase of \$95,000.
2. Authorize a budget transfer of \$95,000 from Account 063-241-41000 (Salaries and Benefits) to Account 063-241-43690 (Professional Services).

- J. [Utilization of Max Berg Plaza Park for Max Berg’s Celebration of Life](#) Pages 6-J-1 through 6-J-12

Staff Recommendation

1. Approve a fee waiver for the rental of Max Berg Plaza Park on October 18, 2015 in an amount not to exceed \$2,420.
2. Waive City Policy and Procedure 702-4 (Max Berg Plaza Park Usage) to extend the maximum attendance at Max Berg’s Celebration of Life from 150 to 200 persons on October 18, 2015.
3. Authorize reserved parking on Calle Puente adjacent to Max Berg Plaza Park and allow a loading zone on Avenida del Poniente for a total of four car spaces on October 18, 2015 to be in effect from 9:00 a.m. to 6:00 p.m.



- K. [Initiation of Zoning Amendment – Procedures, Locations and Standards for Group Counseling and Related Facilities in Commercial Zones](#) Pages 6-K-1 through 6-K-2

Staff Recommendation

Initiate a Zoning Ordinance Amendment that considers procedures, locations and standards for *medical office* and *group counseling* uses, including *alcohol or other drug abuse program uses*.

- 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. [2014-2015 Consolidated Annual Performance Evaluation Report \(CAPER\) for Expenditure of Community Development Block Grant Funds](#) Pages 7-A-1 through 7-A-28

Continued Public Hearing to consider the proposed submission of the 2014-2015 Consolidated Annual Performance Evaluation Report.

Staff Recommendation

Approve and adopt the 2014-2015 Consolidated Annual Performance Evaluation Report (CAPER) for submittal to the Department of Housing and Urban Development.

- B. [Code Amendments - Massage Parlors](#) Pages 7-B-1 through 7-B-83

Public Hearing to consider amending the Code of the City of San Clemente to provide local regulatory authority over massage uses consistent with State law.

Staff Recommendation

1. Introduce Ordinance No. 1607 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING TITLE 5 OF THE SAN CLEMENTE MUNICIPAL CODE, FOR THE PURPOSE OF PROVIDING LOCAL REGULATORY AUTHORITY OVER MASSAGE USES CONSISTENT WITH STATE LAW.
2. Introduce Ordinance No. 1608 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING TITLE 17 OF THE SAN CLEMENTE MUNICIPAL CODE, FOR THE PURPOSE OF PROVIDING LOCAL REGULATORY AUTHORITY OVER MASSAGE USES CONSISTENT WITH STATE LAW.

**8. Unfinished Business.**

A. **LED Street Lighting Conversion** Pages 8-A-1 through 8-A-16

Report from the Public Works Director concerning the LED Street Lighting Conversion project.

Staff Recommendation

Confirm the direction and approvals provided at the June 2, 2015 Council meeting to implement the first phase of converting public street lights to LED technology.

**9. New Business**

A. **Repair of Tile Sidewalks** Pages 9-A-1 through 9-A-52

Report from the Public Works Director/City Engineer and Community Development Director concerning repair of tile sidewalks.

Staff Recommendation

1. Provide direction concerning designation of tile sidewalks as historic resources.
2. Provide direction concerning award of the FY 2015 Sidewalk Repair Program construction contract presented to the City Council on September 1, 2015. If Council wishes to proceed with the contract, then Staff recommends that the City Council:
  - a. Approve the plans and specifications for the FY 2015 Sidewalk Repair Project, Project No. 19317.
  - b. 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 the FY 2015 Sidewalk Repair Program, in the amount of \$67,340.

B. [Solid Waste Organics Recycling Program](#) Pages 9-B-1 through 9-B-3

Report from the Public Works Director/City Engineer concerning the Solid Waste Organics Recycling Program.

Staff Recommendation

1. Approve the proposed organic waste recycling program using Anaerobic Digestion to comply with State mandates.
2. Direct Staff to prepare an amendment to the franchise agreement with CR&R to reflect the proposed organic waste recycling program and corresponding rates.
3. Direct Staff to mail written notices for a Public Hearing to consider proposed updated solid waste collection rates related to implementation of an organic waste collection program.
4. Approve a supplemental appropriation of \$10,000 to Account 058-518-43890 from the Solid Waste Fund undesignated fund balance for preparation and distribution of Public Hearing notices.

C. [Potential New Water Supply from Cadiz Project](#) Pages 9-C-1 through 9-C-22

Report from the Public Works Director/City Engineer concerning the possibility of a new water supply from the Cadiz project.

Staff Recommendation

Direct Staff to further evaluate the Cadiz project, including City Attorney review of a draft Participation Agreement, and return to a future Council meeting with a recommendation.

D. [Memorandum of Understanding - Radiological Emergency Planning and Response](#) Pages 9-D-1 through 9-D-23

Report from the Public Works Director/City Engineer concerning a Memorandum of Understanding for Radiological Emergency Planning and Response.

Staff Recommendation

Approve, and authorize the Mayor to execute, the Radiological Emergency Planning and Response Memorandum of Understanding with Southern California Edison, Counties of Orange and San Diego, and the cities of San Clemente, San Juan Capistrano and Dana Point. (Contract C15-70)

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 October 20, 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.