



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

October 20, 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: Dual Diagnosis Treatment Center, Inc., et al. v. City of San Clemente

U.S. District Court Case Number: 8:15-cv-01611

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 items continued on next page

E. 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

F. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Subsection 54956.9(d)(2)

Number of potential cases: 2

G. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Case Name: Daniel Walker v. City of San Clemente

Case Numbers: G050552 and G050987; S229788 and S229789

6:00 P.M. BUSINESS MEETING

CALL TO ORDER

INVOCATION - Robert Kenner, Chaplain, Camp Pendleton Marine Corps Base

PLEDGE OF ALLEGIANCE

ROLL CALL

1. SPECIAL PRESENTATIONS

A. San Clemente High School Update

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

B. Electric Vehicle-Grid Integration

Presentation by Duane Cave, of San Diego Gas & Electric, concerning electric vehicle-grid integration.

C. Water Rate Structure Presentation Pages 1-C-1 through 1-C-41

Presentation by Sanjay Gaur, Vice President of Raftelis, concerning the City's water rate structure.

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**

None.
 - B. **Receive and file:**
 1. [Planning Commission Regular Meeting minutes of October 7, 2015.](#)
 2. [Planning Commission Study Session minutes of October 7, 2015.](#)
 3. [Zoning Administrator Regular Meeting minutes of October 7, 2015.](#)
 4. [Coastal Advisory Committee Regular Meeting minutes of August 13, 2015.](#)

C. **Warrant Register**

Approve Wire Transfers Nos. 1438 through 1441, paid on 10-2-15, and Warrant Nos. 527894 through 528039, paid on 10-2-15, in the amount of.....\$1,586,366.83

Approve Warrant Nos. 528040 through 528194, paid on 10-9-15, in the amount of.....\$1,713,469.01

TOTAL WARRANT REGISTER.....\$3,299,835.84

Payroll Register

Approve Warrant Nos. 435 through 436* and Automatic Deposit Advises 27284 through 27599 for the period 9-14-15 through 9-27-15, paid on 10-2-15, in the amount of.....\$ 425,750.62

TOTAL PAYROLL REGISTER.....\$ 425,750.62

**Note: Warrant Nos. 430-434 were voided due to a printer malfunction.*

D. **Proposed Staffing Changes** Pages 6-D-1 through 6-D-30

Staff Recommendation

1. Adopt Resolution No.15-45 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A REVISED SALARY SCHEDULE AND NEW CLASSIFICATIONS AND AMENDING RESOLUTION NO. 15-34 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH.

2. Approve supplemental appropriations of \$37,000 each to Water and Sewer Fund Account Nos. 052-461-41010 and 054-461-41010 for additional salary and benefits for the Management Analyst II position.

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.**A. Construction and Repair of Tile Sidewalks** Pages 8-A-1 through 8-A-63

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

Staff Recommendation

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

If Council does not wish to proceed with the contract, then Staff recommends that Council reject all bids for the FY 2015 Sidewalk Repair Program, Project No. 19317.

9. New Business**A. Contract Award – Ambulance Services** Pages 9-A-1 through 9-A-3

Report by the Assistant City Manager concerning a contract award for ambulance services for a one-year pilot program.

Staff Recommendation

1. Approve, and authorize the City Manager to execute, Contract C15-71 by and between the City of San Clemente and Care Ambulance Services, providing for full-time ambulance services for a one-year period from November 1, 2015 through October 31, 2016, with two three-month extension options, for an annual amount of \$469,800.
2. Approve a supplemental budget appropriation in FY 2016 of \$238,500 to the Ambulance Program line item in the Fire Services Division budget, Account 001-226-43612-000-00000.
3. Approve additional estimated revenue of \$100,000 for FY 2016 for Ambulance Service Charges to Account 001-000-34221.

- B. [Sustainable Transportation Planning Grant Program Applications – I-5 Interchanges Study and MO2 Class I Bicycle/Pedestrian Path](#) Pages 9-B-1 through 9-B-5

Report from the Public Works Director/City Engineer concerning sustainable transportation planning grant applications for the I-5 Interchanges Study and evaluation of an MO2 Class I Bicycle/Pedestrian Path.

Staff Recommendation

Approve, and authorize the City Manager to execute and submit, a Sustainable Transportation Planning Grant Program funding application for the I-5 Interchanges Study, and provide direction on whether to also submit a grant funding application for evaluation of an M02 Class I Bicycle/Pedestrian Path.

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. 1607 \(Second Reading\) – Massage Parlors \(Amendment to Title 5 of the Municipal Code\)](#) Pages 12-A-1 through 12-A-19

Staff Recommendation

Adopt 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.

- B. [Ordinance No. 1608 \(Second Reading\) – Massage Parlors \(Amendment to Title 17 of the Municipal Code\)](#) Pages 12-B-1 through 12-B-12

Staff Recommendation

Adopt 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.

13. **Adjournment.**

The next Regular City Council Meeting will be held on November 3, 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.