



CITY OF SAN CLEMENTE REVISED* SPECIAL AND REGULAR CITY COUNCIL AGENDA

**This agenda has been revised from the version that was posted on June 28, 2016 in the following respects: 1) the number of cases on Closed Session Item C on Page 3 of this agenda has increased from 2 to 3; and 2) an additional item has been added as New Business Item 9-C on page 12 of this agenda. The newly added verbiage is highlighted in italicized type.*

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

**July 5, 2016
4:30 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...

4:30 P.M. CLOSED SESSION

A CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Existing litigation pursuant to Government Code section 54956.9(d)(1)
Number of Cases: 7

Case Name: City of San Clemente v Sobertec LLC (1)
Case Number: OCSC 30-2015-00805227

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

Case Name: City of San Clemente v. Dual Diagnosis Treatment Center, Inc.
Case Number: OCSC 30-2015-00805214

Case Name: Dual Diagnosis Treatment Center, Inc. v. City of San Clemente
Case Number: USDC 8:15-cv-01611CJC-JCG

Case Name: Emergency Shelter Coalition v. City of San Clemente
Case Number: OCSC 30-201400758880

Case Name: San Clemente Vacation Rental Alliance v. City of San Clemente
Case Number: OCSC 30-2016-00858999-CU-WM-CJC

Case Name: Memorial Health Services, et al. v. City of San Clemente
Case Number: USDC 8:16-cv-00852-DOC-JCG

B. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Initiation of Litigation Pursuant to Government Code Section 54956.9(d)(4)
Number of Potential Cases: 2

Closed Session items continued on following page

- C. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**
Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(d)(2)
Number of Potential Cases: 3
- D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Pursuant to Government Code Section 54956.8
Property: 8,934 sq.ft. freestanding office/warehouse building located at 1030 Calle Negocio in San Clemente, California
Agency negotiators: City Manager and Assistant City Manager
Negotiating parties: Family Assistance Ministries and City of San Clemente
Under Negotiation: Terms for extension and amendment of existing Lease
- E. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Pursuant to Government Co-de Section 54956.8
Property: 2.8 acre San Mateo site north of Calle Bahia, adjacent to the Golf Course site
APN(s): 060-010-37, 060-010-38
Agency negotiator: Assistant City Manager
Negotiating party: San Diego Gas and Electric Company
Under Negotiation: Price and Terms of Payment

6:00 P.M. BUSINESS MEETING

CALL TO ORDER

INVOCATION – Mark Ambrose, Lead Pastor, Pacific Coast Church

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. Human Relations Leadership Award

Presentation of Human Relations Leadership Award to Makayla Hall in honor of her dedicated commitment to human relations.

B. Presentation of Proclamation - Parks Make Life Better Month

Presentation of Proclamation to Pamela Passow, Assistant Beaches, Parks and Recreation Director, designating July 2016 as Parks Make Life Better Month.

C. **Presentation of Proclamation – LOVE SAN CLEMENTE Week**

Presentation of Proclamation to Pastor Holland Davis, of Calvary Chapel, proclaiming July 6th through July 13th as LOVE SAN CLEMENTE week.

D. **Retired Senior Volunteer Program (RSVP) – 30 Year Anniversary**

Presentation of Certificate of Recognition to Amber Hughes, RSVP Coordinator, in commemoration of the 30th anniversary of the Retired Senior Volunteer (RSVP) program.

E. **Certificate of Recognition – Chase Gutierrez, Scholar of Scholars**

Presentation of Certificate of Recognition to Chase Gutierrez in honor of being named the San Clemente High School Class of 2016 Scholar of Scholars.

F. **Capistrano Unified School District – Potential School Facilities Bond Measure**

Presentation by Clark Hampton, Deputy Superintendent, Business and Support Services, with Capistrano Unified School District (CUSD), and CUSD Staff, concerning a potential school facilities bond measure.

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. [Approve the Minutes of the Adjourned Regular City Council Meeting of June 13, 2016.](#)
- 2. [Approve the Minutes of the Adjourned Regular City Council Meeting of June 20, 2016.](#)
- 3. [Approve the Minutes of the Regular City Council Meeting of June 21, 2016.](#)

B. **Receive and file:**

- 1. [Minutes of the Regular Coastal Advisory Committee Meeting of May 12, 2016.](#)
- 2. [Minutes of the Regular Zoning Administrator Meeting of June 22, 2016.](#)

C. **Warrant Register**

[Wire Transfer No. 1523 and Warrant Nos. 533526 through 533685 paid on 6/17/2016, in the amount of\\$1,260,592.54](#)

[Wire Transfer Nos. 1524 through 1528 and Warrant Nos. 533686 through 533834 paid on 6/24/2016, in the amount of\\$1,633,982.99](#)

TOTAL WARRANT REGISTER ...\$2,894,575.53

Payroll Register

Warrant Nos. 500 through 504 and Automatic Deposit Advises 33029 through 33362 for the period of 6/6/2016 through 6/19/2016, paid on 6/24/2016, in the amount of \$ 426,274.13

TOTAL WARRANT REGISTER\$ 426,274.13

- D. [Contract Amendment – Code Compliance Contractual Staffing](#) Pages 6-D-1 through 6-D-4

Staff Recommendation

Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C16-10, by and between the City of San Clemente and Anderson Penna, providing for contractual Code Compliance staffing. This contract amendment will extend the term of the contract and increase the contract amount from \$64,600 to \$161,480, an increase of \$96,880.

- E. [Contract Amendment – Design and Permitting of Recycled Water Retrofit of City Parks, Medians and Customer Sites](#) Pages 6-E-1 through 6-E-2

Staff Recommendation

1. Approve a supplemental appropriation in the amount of \$183,000 from the Sewer Fund Connection Fee to Account 054-477-43890-000-34201.
2. Approve, and authorize the Mayor to execute, Amendment No. 3 to Contract C14-12, by and between the City of San Clemente and RMC Water and Environment, providing for professional engineering services to assist the City in administering its recycled water retrofit program and providing for site inspections. This contract amendment expands the scope of services, extends the term of the contract, and increases the contract amount from \$506,000 to \$689,000, an increase of \$183,000.

- F. [Notice of Completion – Storm Drain Rehabilitation at Avenida Adobe](#) Pages 6-F-1 through 6-F-4

Staff Recommendation

1. Accept the Storm Drain Rehabilitation at Avenida Adobe, Project No. 26001, from the contractor, Sancon, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Storm Drain Rehabilitation at Avenida Adobe.
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 Sancon, 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.

- G. [Memorandum of Understanding \(MOU\) – Public Mass Notification System \(Alert OC\)](#) Pages 6-G-1 through 6-G-6

Staff Recommendation

Approve, and authorize the Mayor to execute, a Memorandum of Understanding, by and between the City of San Clemente and the County of Orange, providing for continued use of the Public Mass Notification System (Alert OC). (Contract C16-38)

- H. [Contract Award – Water Reclamation Plant Concrete Repairs, Grating Replacement and Primary Splitter Box Repair](#) Pages 6-H-1 through 6-H-4

Staff Recommendation

1. Approve the plans and specifications for the Water Reclamation Plant Building Concrete Repairs, Grating Replacement and Primary Splitter Box Repair, Project Nos. 25206 & 25208.
2. Approve, and authorize the Mayor to execute, Contract C16-39, by and between the City of San Clemente and Abhe & Svoboda, Inc., providing for the Water Reclamation Plant Building Concrete Repairs, Grating Replacement and Primary Splitter Box Repair, in the amount of \$1,443,001.
3. Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract C15-09, by and between the City of San Clemente and South Coast Engineering Services. This amendment expands the scope of services and increases the contract amount from \$140,930 to \$165,740, an increase of \$24,810.

- I. [Notice of Completion – Marblehead Park Lighting Replacement Project, San Gorgonio Park Lighting Replacement Project, and Liberty Park Lighting Replacement Project](#) Pages 6-I-1 through 6-I-3

Staff Recommendation

1. Accept the Marblehead Park Lighting Replacement Project, Project No.16140; San Gorgonio Park Lighting Replacement Project, Project No.16141, and Liberty Park Lighting Replacement Project from the contractor, Foddrill Construction Corporation.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Marblehead Park Lighting Replacement Project, San Gorgonio Park Lighting Replacement Project, and the Liberty Park Lighting Replacement Project.

Staff 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 the contractor, Foddrill Construction Corp.
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. [Human Affairs Committee Annual Report for FY 2016](#) Pages 6-J-1 through 6-J-3

Staff Recommendation

Receive and file the Human Affairs Committee Annual Report for FY 2016.

- K. [Contract Award – Water Reclamation Plant Odor Control Systems Replacement](#) Pages 6-K-1 through 6-K-11

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C16-40, by and between the City of San Clemente and Black & Veatch, providing for Water Reclamation Plant Odor Control Systems Replacement, Project No. 17205, in an amount not to exceed \$447,100.

- L. [Contract Award and Contract Amendment – Blanco Pump Station Rehabilitation and Reeves Pump Station Design](#) Pages 6-L-1 through 6-L-4

Staff Recommendation

1. Approve, and authorize the Mayor to execute, Contract C16-41, by and between the City of San Clemente and AKM Consulting Engineers, providing for design of the Blanco Pump Station Rehabilitation project, in the amount of \$171,232.
2. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C07-43, by and between the City of San Clemente and AKM Consulting Engineers, providing for design of the Reeves Pump Station. This contract amendment modifies the scope of services and increases the contract amount from \$173,576 to \$267,108, an increase of \$93,532.

M. [Notice of Completion – North Beach Traffic Calming and Pedestrian Improvements Project](#) Pages 6-M-1 through 6-M-4

Staff Recommendation

1. Accept the North Beach Traffic Calming and Pedestrian Improvements Project, Project No.15806, from the contractor, All American Asphalt.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the North Beach Traffic Calming and Pedestrian Improvements Project.
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 the contractor, All American Asphalt.
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.

N. [Bid Rejection – Recycled Water Meter Services](#) Pages 6-N-1 through 6-N-2

Staff Recommendation

1. Reject the construction bid received from California Building Evaluation and Construction for Recycled Water Meter Services, Project 34201.
2. Direct Staff to re-evaluate the project.

O. [Fee Waiver Request – All American Boys Chorus](#) Pages 6-O-1 through 6-O-8

Beaches, Parks and Recreation Commission Recommendation

Approve a waiver of the \$2,227 rental fee for use of the Community Center Auditorium so that the All American Boys Chorus Veterans Concert on October 21, 2016 can be conducted with no associated site fees.

- P. [Lease of City Property at 1030 Calle Negocio to Family Assistance Ministries \(FAM\)](#) Page 6-P-1

Staff Recommendation

Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract C12-01, the Standard Industrial/Commercial Single-Tenant Lease – Gross, by and between the City of San Clemente and Family Assistance Ministries, providing for lease of City property located at 1030 Calle Negocio. This Amendment provides for a 6-year extension of the lease and adjustments to the rent.

- Q. [FY 2017 Revised Salary Schedule](#) Pages 6-Q-1 through 6-Q-9

Staff Recommendation

Adopt the Salary Schedule contained in the Administrative Report, dated July 5, 2016, that is on file with the City Clerk.

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. [101 Avenida Calafia \(Raya's Paradise\) - Conditional Use Permit 15-071/Site Plan Permit 15-072/Architectural Permit 15-073/Abandonment Permit 16-122/Interpretation 16-147](#) Pages 7-A-1 through 7-A-91

Continued Public Hearing to consider a request to construct a 40-unit congregate care/assisted living facility at 101 Avenida Calafia.

Planning Commission Recommendation

Adopt Resolution 16-43 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO APPROVE CONDITIONAL USE PERMIT 15-071, SITE PLAN PERMIT 15-072, ARCHITECTURAL PERMIT 15-073, ABANDONMENT PERMIT 16-122, AND INTERPRETATION 16-147, RAYA'S PARADISE, A REQUEST TO CONSIDER THE CONSTRUCTION OF A 40 UNIT CONGREGATE CARE/ASSISTED LIVING FACILITY AT 101 AVENIDA CALAFIA.

Staff Recommendation

Direct Staff to draft an amendment to the General Plan for Council consideration to add a new subsection to the Growth Management Element called Infill Development with the verbiage provided in Attachment 8 of the Administrative Report, dated July 5, 2016, that is on file with the City Clerk.

8. Unfinished Business.**A. [Bicycle Corridor Improvement Program Project and Pacific Coast Bicycle Route Signage](#) Pages 8-A-1 through 8-A-16**

Report from the Public Works Director/City Engineer concerning the Bicycle Corridor Improvement program project and Pacific Coast Bicycle Route Signage.

Staff Recommendation

1. Direct Staff regarding whether to use the QR (Quick Response) code in the bicycle route wayfinding signage.
2. Approve one of the sign options contained in the Administrative Report, dated July 5, 2016, with or without QR codes.

9. New Business.**A. [Beaches, Parks and Recreation Master Plan Update Proposal](#) Pages 9-A-1 through 9-A-47**

Report from the Beaches, Parks and Recreation Department concerning the Beaches, Parks and Recreation Master Plan.

Staff and Beaches, Parks and Recreation Commission Recommendation

Approve, and authorize the Mayor to execute, Contract C16-42, by and between the City of San Clemente and Pros Consulting, providing for the preparation of a Beaches, Parks and Recreation Master Plan to update the Parks and Recreation Master Plan which was adopted on June 2, 1999, at a cost not to exceed \$123,080.

B. [Contract Award – Police Services Assessment](#) Pages 9-B-1 through 9-B-28

Report from the Assistant City Manager concerning the possibility of entering into a contract for an assessment of San Clemente Police Services.

Staff Recommendation

1. Approve, and authorize the City Manager to execute, Contract C16-43, by and between the City of San Clemente and Matrix Consulting Group, providing for an assessment of San Clemente Police Services, in an amount not to exceed \$49,000.
2. Approve a supplemental appropriation of \$49,000 for FY 2017 from the General Fund's unassigned fund balance, to Account 001-218-43690-000-00000, Other Professional Services, for a one-time assessment study.

C. [Alleged Violation of City Code of Ethics Policy 1202-1 and AB 1234](#)

Report from the City Clerk concerning an alleged violation of City Code of Ethics Policy 1202-1 and AB 1234.

Staff Recommendation

Conduct an initial investigation of the formal written complaint, dated June 29, 2016, and take one of the below actions:

1. *If Council determines, by majority vote, that the allegation merits formal review, Staff recommends that Council direct Staff to return to Council at its meeting of August 2, 2016, with recommendations for an independent hearing officer to conduct a formal investigation, a person responsible for presenting the complainant's position, and independent legal counsel to serve as technical staff throughout the review process.*
2. *If Council determines, by majority vote, that it is not likely that a violation occurred, Staff recommends that Council direct the City Clerk to dismiss the complaint and notify the complainant and the persons named in the complaint of that action.*

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**

- 1. [City Voting Delegate and Alternate\(s\) – League of California Cities Annual Business Meeting](#) Pages 11-D(1)-1 through 11-D-(1)-4

Staff Recommendation

Appoint one Voting Delegate and one or two Alternate(s) to vote on the City's behalf at the League of California Cities Annual Business Meeting on October 7, 2016 in Long Beach.

12. Resolutions/Ordinances.

None.

13. Adjournment.

The next Regular City Council Meeting will be held on August 2, 2016 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 Regular City Council Meeting of July 19, 2016 was previously cancelled.

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.

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 Office 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 Office, located at 100 Avenida Presidio, San Clemente, during normal business hours.

The City Clerk's Office 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.