



CITY OF SAN CLEMENTE

SPECIAL AND REGULAR CITY COUNCIL MEETING AGENDA

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

September 20, 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 (Special Meeting)

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957
Title: City Manager

B. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6
Agency designated representative: Mayor
Unrepresented employee: City Manager

C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Existing litigation pursuant to Government Code section 54956.9(d)(1)
Number of Cases: 5

Case Name: City of San Clemente v. Sobertech 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

Closed Session items continued on next page

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

- D. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**
Initiation of litigation pursuant to Government Code section 54956.9(d)(4)
Number of potential cases: 1

6:00 P.M. BUSINESS MEETING (Regular Meeting)

CALL TO ORDER

INVOCATION – Jim Davis, Senior Chaplain, Orange County Sheriff's Department

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

None.

- 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 Joint City Council/Commissions/Committees Meeting of August 30, 2016.](#)
- 2. [Approve the Minutes of the Adjourned Regular City Council Meeting of August 30, 2016.](#)
- 3. [Approve the Minutes of the Adjourned Regular City Council Meeting of September 6, 2016.](#)

B. **Receive and file:**

- 1. [Minutes of the Regular Planning Commission Meeting of September 7, 2016.](#)
- 2. [Minutes of the Regular Coastal Advisory Committee Meeting of July 14, 2016.](#)
- 3. [Minutes of the Regular Golf Course Committee Meeting of July 7, 2016.](#)
- 4. [Minutes of the Regular Beaches, Parks and Recreation Commission Meeting of August 9, 2016.](#)

C. **Warrant Register**

[Wire Transfer Nos. 1551 through 1554 and Warrant Nos. 535396 through 535594 paid on 9/2/2016, in the amount of\\$1,237,387.56](#)

[Warrant Nos. 535595 through 535714 paid on 9/9/2016, in the amount of\\$2,053,935.54](#)

TOTAL WARRANT REGISTER\$3,291,323.10

Payroll Register

Warrant Nos. 522 through 524 and Automatic Deposit Advises 34669 through 34979 for the period of 8/15/2016 through 8/28/2016, paid on 9/2/2016, in the amount of \$ 419,885.93

TOTAL WARRANT REGISTER\$ 419,885.93

- D. [Notice of Completion – Pier Planks Replacement](#) Pages 6-D-1 through 6-D-4

Staff Recommendation

1. Accept the Pier Planks Replacement, Project No. 25802.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Pier Planks Replacement.
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 Bellingham Marines Industries, 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.

- E. [Contract Award – Recycled Water Meter Services](#) Pages 6-E-1 through 6-E-3

Staff Recommendation

1. Approve the plans and specifications for Recycled Water Meter Services, Project No. 18201.
2. Approve, and authorize the Mayor to execute, Contract C16-55, by and between the City of San Clemente and Nu-Cal Pipeline Corp., providing for Recycled Water Meter Services, in the amount of \$139,400.

- F. [Contract Award – Riviera Waterline Removal](#) Pages 6-F-1 through 6-F-4

Staff Recommendation

1. Approve the plans and specifications for the Riviera Waterline Removal, Project No. 26409.
2. Approve a supplemental appropriation in the amount of \$101,417 from the Water Fund Depreciation Reserve to Account 052-466-45300-26409.
3. Approve, and authorize the Mayor to execute, Contract C16-56, by and between the City of San Clemente and Palp Inc. DBA Excel Paving, providing for the Riviera Waterline Removal, in the amount of \$148,187.

G. [Contract Award – Temporary On-Call As-Needed Licensed Operator Staffing](#) Pages 6-G-1 through 6-G-26

Staff Recommendation

1. Approve, and authorize the Mayor to execute, Contract C16-57, by and between the City of San Clemente and Aerotek, providing for temporary on-call as-needed licensed operator staffing, at the hourly rate set forth in Aerotek’s proposal that is attached to the Administrative Report, dated September 20, 2016, and on file with the City Clerk.
2. Approve, and authorize the Mayor to execute, Contract C16-58, by and between the City of San Clemente and Aqua Staffing, providing for temporary on-call as-needed licensed operator staffing, at the hourly rate set forth in Aqua Staffing’s proposal that is attached to the Administrative Report, dated September 20, 2016, and on file with the City Clerk.
3. Authorize an expenditure not to exceed \$150,000 for the Aerotek and Aqua Staffing contracts combined, to be funded from salary savings.

H. [Contract Award – As-Needed Sewer and Storm Drain Rehabilitation Services](#) Pages 6-H-1 through 6-H-3

Staff Recommendation

1. Approve the plans and specifications for the Sewer and Storm Drain Rehabilitation, Project Nos. 24200 and 26001.
2. Approve, and authorize the Mayor to execute, Contract C16-59, by and between the City of San Clemente and Sancon Engineering, Inc., providing for on-call Sewer and Storm Drain Rehabilitation services, at the per-unit price specified therein for a not-to-exceed amount of \$200,000.
3. Authorize the City Manager to approve up to two one-year extensions of the Sancon Engineering contract (Contract C16-59), at the per-unit price specified therein, for a not-to-exceed amount of \$200,000 per year, provided that funding is available in the approved Capital Improvement Program.

I. [Recreation Sports Partnership Review – South Coast Youth Football](#) Pages 6-I-1 through 6-I-30

Staff and Beaches, Parks and Recreation Commission Recommendation

Grant Platinum Partnership status to South Coast Youth Football with a three-year agreement.

- J. [Proposed H.R. Bill \(Issa\) – Regulating Residential Recovery Facilities](#)
Pages 6-J-1 through 6-J-4

Staff Recommendation

1. Support Congressman Issa’s legislation intended to help states and localities regulate and zone sober living homes by amending the Fair Housing Act.
2. Direct Staff to send the support letter, which is attached to the Administrative Report, dated September 20, 2016, and on file with the City Clerk.

- K. [Contract Award – Telephone System Replacement](#) Pages 6-K-1 through 6-K-83

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C16-62, by and between the City of San Clemente and Client First Technology Consulting, providing for professional services in connection with the Telephone System Replacement project, in the amount of \$33,725.

- L. [Update to Senior Center Project Funding Agreement](#) Pages 6-L-1 through 6-L-56

Staff Recommendation

1. Receive and file the Administrative Report, dated September 20, 2016, that is on file with the City Clerk.
2. Direct Staff to provide periodic updates on the status and/or progress related to the Project Funding Agreement.

- M. [Proposition 57 – Criminal Sentences \(Juvenile Criminal Proceedings and Sentencing, Initiative Constitutional Amendment and Statute \(“The Public Safety and Rehabilitation Act of 2016\)\)](#) Pages 6-M-1 through 6-M-8

Staff Recommendation

1. Take a position of opposition on Proposition 57.
2. Direct Staff to send the letter of opposition to Governor Jerry Brown.

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. [Zoning Amendment 16-313 – Regulations Relating to Personal, Medical and Commercial Use of Marijuana](#) Pages 7-A-1 through 7-A-30

Public Hearing to consider amending the Code of the City of San Clemente, to regulate the personal, medical, and commercial use of marijuana.

Staff Recommendation

1. Approve Option 1 as described in the Administrative Report (Page 3 of Exhibit A), dated September 20, 2016, which includes provisions for an Indoor Cultivation Permit.
2. Introduce Ordinance No. 1632 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING ZONING AMENDMENT 16-313, AMENDING TITLE 17 OF THE SAN CLEMENTE MUNICIPAL CODE, TO REGULATE THE PERSONAL, MEDICAL, AND COMMERCIAL USE OF MARIJUANA.

B. [2015-16 Consolidated Annual Performance Evaluation Report \(CAPER\) for Expenditure of Community Development Block Grant Funds](#) Pages 7-B-1 through 7-B-58

Public Hearing to consider the 2015-16 Consolidated Annual Performance Evaluation Report (CAPER) for expenditure of Community Development Block Grant Funds.

Staff Recommendation

Approve and adopt the 2015-16 Consolidated Annual Performance Evaluation Report (CAPER) for submittal to the Department of Housing and Urban Development.

8. Unfinished Business.**A. [Contract Award – North Beach Opportunistic Sand Replenishment Project](#) Pages 8-A-1 through 8-A-5**

Report from the Public Works Director concerning the North Beach Opportunistic Sand Replenishment project.

Staff Recommendation

1. Provide direction on whether or not to proceed with the North Beach Opportunistic Sand Replenishment Project and if the project is approved, then take the following actions:
2. Approve the plans and specifications for the North Beach Opportunistic Sand Replenishment Project, Project No. 27701.
3. Approve a supplemental appropriation in the amount of \$171,200 from the FY 2017 General Fund undesignated fund balance to Account 001-636-45700-000-27701.
4. Approve, and authorize the Mayor to execute, Contract C16-60, by and between the City of San Clemente and Wright Construction Engineering Corporation, providing for the FY 2017 North Beach Opportunistic Sand Replenishment project, in the amount of \$425,900.
5. Waive the requirement to provide a warranty bond upon completion of the project.
6. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract AC-704, by and between the City of San Clemente and Moffat & Nichol, providing for professional services relating to environmental permits for the North Beach Sand Replenishment project. This Amendment increases the contract amount from \$24,900 to \$175,000, an increase of \$150,100.

B. [Capistrano Unified School District Measure M Update](#) Pages 8-B-1 through 8-B-75

Report from the Assistant City Manager concerning an update on Capistrano Unified School District Measure M.

Staff Recommendation

1. Receive and file the Administrative Report, dated September 20, 2016, that is on file with the City Clerk.
2. Direct Staff to provide periodic updates on the status and/or progress related to Measure M.

9. **New Business.**

None.

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. **Orange County Transportation Authority (OCTA) Project Update**

Report from Councilmember Donchak concerning the status of various OCTA projects.

12. **Resolutions/Ordinances.**

None.

13. **Adjournment.**

The next Regular City Council Meeting will be held on October 4, 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.

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.