



# CITY OF SAN CLEMENTE

## ADJOURNED 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)

June 6, 2017  
3:30 p.m. – Public Hearing  
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.*

### **PUBLIC HEARING (3:30 P.M.)**

A. **305 West Avenida Gaviota - Appeal of San Clemente Administrative Hearing Decision, Short-Term Lodging Unit (STLU) Operating License 314801 – Notice of Appeal de Novo Hearing**

Public Hearing to consider an appeal that was filed with the City of San Clemente appealing the decision rendered in an Administrative Hearing of a City-initiated STLU Operating License Revocation Hearing for the property located at 305 West Avenida Gaviota.

#### Staff Recommendation

This Public Hearing will be deferred to the Council meeting of June 20, 2017 at 3:30 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. The Public Hearing will be re-noticed.

**CLOSED SESSION (5:00 P.M.)**

**A. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9

Number of potential cases: 1

**B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Existing litigation pursuant to Government Code section 54956.9(d)(1)

Number of Cases: 6

Case Name: Emergency Shelter Coalition v. City of San Clemente

Case Number: OCSC 30-201400758880

Case Name: Sober Network Properties et al. v. City of San Clemente

Case Number: USDC 8:16-cv-00668

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: MemorialCare Services, et al. v. City of San Clemente

Case Number: OCSC 30-2016-00845211 CU-WM-CJC

Case Name: San Clemente Vacation Rental Alliance v. City of San Clemente

Case Number: OCSC 30-2016-00858999-CU-WM-CJC

**C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8

Property: Lot 91 located at 754 Avenida Acapulco, San Clemente

APN: 690-372-03

Agency Negotiator: Erik Sund, Assistant City Manager

Negotiating Parties: City of San Clemente and Frank Bassett

Under Negotiation: Price and Terms of Payment for Purchase

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

**CALL TO ORDER**

**INVOCATION** - James "Jim" Davis, Chaplain, Orange County Sheriff's Department

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**1. Special Presentations.**

**A. Presentation of Proclamation – Lt. Dave Moodie**

Presentation of a Proclamation to Lt. Dave Moodie in recognition of his distinguished service as Chief of San Clemente Police Services.

**B. Human Relations Leadership Award**

Presentation of the Human Affairs Student Leadership Award to San Clemente High School student Samantha Olmos, in recognition of her dedicated commitment to human relations.

**C. White Sharks in San Clemente (Pages 1C-1 through 1C-7)**

Presentation by Marine Safety Chief Humphreys concerning White Sharks in San Clemente.

Staff Recommendation

Receive and file the Administrative Report, dated June 6, 2017, which is on file with the City Clerk.

**D. San Clemente Friends of the Reserve Report**

Report by San Clemente Friends of the Reserve Representative Laurie Gooch concerning the Richard and Donna O'Neill Land Conservancy.

**E. Pier Pride Presentation**

Presentation by Julia Darden and Jim Nielsen concerning Pier Pride activities.

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) [Approve the minutes of the Regular City Council Meeting of May 16, 2017.](#)
    - (2) [Approve the minutes of the Adjourned Regular City Council minutes of May 22, 2017.](#)
  
  - B. **Receive and file:**
    - (1) [Minutes of the Regular Beaches, Parks and Recreation Commission meeting of March 14, 2017.](#)
    - (2) [Minutes of the Regular Beaches, Parks and Recreation Commission meeting of May 9, 2017.](#)

C. **Warrant Register**

Approve Handwrite No. 541296, paid on 5/12/17,  
Wire Transfers Nos. 1634 through 1637,  
paid on 5/12/17, and Warrant Nos. 541152  
through 541295, paid on 5/12/17, in the amount  
of.....\$ 650,842.82

Approve Warrant Nos. 541297 through 541521,  
paid on 5/19/17, in the amount of.....\$ 3,185,319.43

Wire Transfers Nos. 1638 through 1643,  
paid on 5/26/17, and Warrant Nos. 541522  
through 541655, paid on 5/26/17, in the amount  
of.....\$ 1,135,843.95

TOTAL WARRANT REGISTER..... \$ 4,972,006.20

**Payroll Register**

Approve Warrant Nos. 578 through 579, and  
Automatic Deposit Advises 39961 through 40266,  
for the period of 4/24/17 through 5/7/17, paid on  
5/12/17, in the amount of.....\$ 426,509.06

Approve Warrant Nos. 580 through 584, and  
Automatic Deposit Advises 40267 through 40598,  
for the period of 5/8/17 through 5/21/17, paid on  
5/26/17, in the amount of.....\$ 425,741.49

TOTAL PAYROLL REGISTER.....\$ 852,250.55

D. **SB 34 (Bates) – Residential Treatment Facilities** Pages 6D-1 through 6D-8

**Staff Recommendation**

Authorize the Mayor to execute a letter to Senator Bates in support of SB 34 (Bates) – Residential Treatment Facilities.

- E. [Contract Award - Street Rehabilitation for Avenida Vaquero](#) Pages 6E-1 through 6E-4

Staff Recommendation

1. Approve the plans and specifications for street rehabilitation for Avenida Vaquero (from Caltrans right-of-way to Calle Vallarta), Project No. 17342.
2. Approve, and authorize the Mayor to execute, Contract C17-21, by and between the City of San Clemente and R.J. Noble Company, providing for the rehabilitation of Avenida Vaquero (from Caltrans right-of-way to Calle Vallarta) in the amount of \$304,767.

- F. [Notice of Completion – Primary Clarifier Number 5 Rehabilitation \(Sludge Collection Equipment\)](#) Pages 6F-1 through 6F-4

Staff Recommendation

1. Accept the Primary Clarifier Number 5 Rehabilitation (Sludge Collection Equipment), City Project No. 16204, from the contractor, Spiess Construction Co., Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Primary Clarifier Number 5 Rehabilitation (Sludge Collection Equipment).
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 Spiess Construction Co., 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. [Contract Award – Primary Clarifier Number 4 Rehabilitation \(Sludge Collection Equipment and Tank Coating\)](#) Pages 6G-1 through 6G-4

Staff Recommendation

1. Approve plans and specifications for the Primary Clarifier No. 4 Rehabilitation (Sludge Collection Equipment and Tank Coating), Project No. 16204.
2. Approve a supplemental appropriation in the amount of \$78,060 from the Sewer Depreciation Reserve Fund Account 054-476-45300-000-16204.
3. Approve, and authorize the Mayor to execute, Contract C17-22, by and between the City of San Clemente and Tharsos, Inc., providing for the rehabilitation of Primary Clarifier No. 4 (Sludge Collection Equipment and Tank Coating), in the amount of \$455,000.

H. [Notice of Completion – Main Pump Station HVAC Modifications](#) Pages 6H-1 through 6H-4

Staff Recommendation

1. Accept the Main Pump Station HVAC Modifications from the contractor, Ricco Refrigeration & Air Conditioning Co.; Project No. 24200.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Main Pump Station HVAC Modifications.
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 Ricco Refrigeration & Air Conditioning Co.
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.

- I. [Amendment to Heritage of San Clemente Foundation Partnership Agreement](#) Pages 6I-1 through 6I-3

Staff Recommendation

Approve, and authorize the City Manager to execute, Amendment No. 1 to the Partnership Agreement by and between the City of San Clemente and the Heritage of San Clemente Foundation (Contract C08-45). This Amendment provides for the use of two additional parking spaces on Alameda Lane for the Independence Day event located at Park Semper Fi.

- J. [Partnership Agreement – San Clemente Ocean Festival](#) Pages 6J-1 through 6J-16

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C17-23, a partnership agreement by and between the City of San Clemente and the San Clemente Ocean Festival, relating to the annual Ocean Festival, for a 5-year term with three (3) possible 5-year extensions.

- K. [Rejection of Construction Contract Bids – West Avenida Palizada Sidewalk Project](#) Pages 6K-1 through 6K-4

Staff Recommendation

1. Reject all bids for the West Avenida Palizada Sidewalk Project, Project No. 16345.
2. Authorize Staff to value engineer and rebid the West Avenida Palizada Sidewalk Project.

- L. [Rejection of Construction Contract Bids – Street Rehabilitation and Slurry Seal Projects](#) Pages 6L-1 through 6L-4

Staff Recommendation

1. Reject all bids for Street Rehabilitation for: Avenida Palizada, Project No. 17340; and Street Rehabilitation and Slurry Seal for: Avenida Presidio, Avenida Miguel and Avenida Salvador, Project No.17341; and FY 2016 Major Street Maintenance for: Avenida Calafia, West Avenida Junipero and Avenida Princesa, Project No. 27301; and Various Other Pavement Repair Locations, Project No. 27306.
2. Authorize Staff to value engineer and re-bid the projects discussed in the Administrative Report, dated June 6, 2017, and on file with the City Clerk.

- M. [Contract Amendment - Audit of City Financial Records, Single Audit of Federal Grants, Audit of Public Financing Authority, Audit of Coastal Animal Services Authority and Issuance of Related Financial Reports](#) Pages 6M-1 through 6M-11

Staff Recommendation

Approve, and authorize the City Manager to execute, Amendment No. 1 to Contract C13-16, by and between the City of San Clemente and Van, Lant & Fankhanel, LLP. This Amendment increases the contract amount from \$129,600 to \$162,600 (an increase of \$33,000), and extends the term of the Agreement until the completion of the June 30, 2017 audit, unless terminated earlier pursuant to the terms of the original agreement.

- N. [Declaration of Surplus Funds – Street Overlay and Replacement Assessment District No. 95-01](#) Pages 6N-1 through 6N-2

Staff Recommendation

1. Declare a surplus of \$160,000 related to the funds received under the assessment for the payment of bonds.
2. Authorize Staff to transfer the surplus funds to the Street Improvement Fund to be utilized for street rehabilitation projects.

- O. [Citizens Option for Public Safety Programs \(COPS\)](#) Page 6O-1

Staff Recommendation

Approve the use of COPS Grant funds for a portion of one patrol deputy position for FY 2017-18.

- P. [Park Master Plan Amendment – Vista Hermosa Sports Park’s Courtney’s Sandcastle Playground](#) Pages 6P-1 through 6P-3

Staff and Beaches, Parks and Recreation Commission Recommendation

1. Approve Amendment No. 2 to the Master Plan of Vista Hermosa Sports Park’s Courtney’s Sandcastle Playground. This Amendment adds an additional shade structure located over the sandbox area adjacent to the picnic table shelter.
2. Approve Option two of the proposed structure options, as delineated in the Administrative Report, dated June 6, 2017, and on file with the City Clerk.

*Staff Recommendation continued on next page*

3. Accept a commitment of funds from the Courtney's Sandcastle Charitable Foundation up to \$20,000 to support the funding of the shade structure to Account 031-000-36790-000-10143, and approve a supplemental appropriation of \$20,000 for project expenditures in Account 031-862-45300-000-10143.

Q. [Light Attack Helicopter Squadron HMLA-469 – Discontinuation of Formal Adoption Arrangement](#) Pages 6Q-1 through 6Q-3

Staff Recommendation

Adopt Resolution No. 17-13 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DISCONTINUING THE CITY'S ADOPTION, THROUGH THE "AMERICA SUPPORTING AMERICANS" PROGRAM, OF LIGHT ATTACK HELICOPTER SQUADRON HMLA-469, AND RESCINDING RESOLUTION NO. 13-18.

R. [Orange County Fire Authority \(OCFA\) Letter Agreement for 4<sup>th</sup> Firefighter](#) Pages 6R-1 through 6R-4

Staff Recommendation

1. Approve the staffing modification to the OCFA Fire Services contract for a 4<sup>th</sup> firefighter position, with a phased-in cost-sharing approach as proposed by OCFA.
2. Approve, and authorize the City Manager to execute, a letter agreement providing for the staffing modification.

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. **[Contract Award – Visual Simulations of Potential Toll Road Alignments](#)** Pages 8A-1 through 8A-3

Report from the Deputy Public Works Director concerning a contract award providing for visual simulations of potential Toll Road alignments.

Staff Recommendation

Provide direction to Staff on whether or not to develop visual simulations of potential toll road options. If so, then approve the following two actions:

1. Approve a Task Order under the existing As-Needed Professional Services Agreement (Contract C15-05), by and between the City of San Clemente and Kimley-Horn, providing for toll road visual simulations, at a cost of \$46,300.
2. Approve an appropriation in the amount of \$46,300 from the Council Contingency Reserve Account 001-203-44900-000-00000 for the subject Task Order.

9. **New Business.**

A. **[Water Utility Cost-of-Service Update](#)** Pages 9A-1 through 9A-51

Report from the Assistant City Manager concerning the water utility cost-of-service study.

Staff Recommendation

Provide direction and recommendations to Carollo Engineers as to which of the two water rate structures to move forward with, authorize completion of a cost-of-service study, and direct Staff to prepare a Proposition 218 notice for a future Public Hearing regarding the proposed water rate structure changes.

B. [Adoption of Fiscal Year 2017-18 City Budget](#) Pages 9B-1 through 9B-37

Report from the Assistant City Manager concerning adoption of the Fiscal Year 2017-18 City Budget.

Staff Recommendation

1. Adopt Resolution No. 17-14 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING AND APPROVING THE BUDGET AT THE FUND LEVEL FOR THE CITY OF SAN CLEMENTE FOR THE 2017-18 FISCAL YEAR AND THE COMMITMENT OF FUND BALANCE.
2. Adopt Resolution No. 17-15 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING REVISED SALARY SCHEDULES AND NEW CLASSIFICATIONS AND AMENDING RESOLUTION NO. 17-07 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH.

C. [Fiscal Year 2017-18 City Police Services Contract](#) Pages 9C-1 through 9C-47

Report from the Assistant City Manager concerning approval of the City Police Services contract for Fiscal Year 2017-18.

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C17-24, by and between the City of San Clemente and the County of Orange, providing for police services for the 2017-18 fiscal year, in the amount of \$14,373,619.

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. [Designation of Voting Delegate and Alternate\(s\) to Represent San Clemente at the League of California Cities Annual Business Meeting](#) Pages 11D(1)-1 through 11D(1)-5

Staff Recommendation

Determine whether or not to appoint a voting delegate to represent the City at the Annual Business Meeting of the League of California Cities Annual Conference on September 15, 2017, and also determine whether or not to appoint an alternate(s) to vote on the City's behalf in the event the voting delegate is unable to vote at the Annual Business Meeting.

12. **Resolutions/Ordinances.**

None.

13. **Adjournment.**

The next Regular Council Meeting will be held on June 20, 2017 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.

Subsequent Adjourned Regular Meetings will take place on June 26, 2017 and June 27, 2017 (times to be determined) for the purpose of interviewing and making appointments to the City's Commissions and Committees.

## **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 854. 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.