



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

November 7, 2017
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...

Resulting in a balanced community committed to protecting what is valued today while meeting tomorrow's needs.

CLOSED SESSION (4:30 P.M.)

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Existing litigation pursuant to Government Code section 54956.9(d)(1)
Number of Cases: 6

Case Name: Villa San Clemente, LLC v. City of San Clemente
Case Number: U.S. District Court Case No. 8:17-cv-1484

Case Name: Villa San Clemente v. City of San Clemente
Case Number: USDC 8:17-cv-1484

Case Name: MemorialCare Services, et al. v. City of San Clemente
Case Number: OCSC 30-2016-00845211 CU-WM-CJC

Case Name: City of San Clemente v. Foothill/Eastern Transportation
Corridor Agency and County of Orange
Case Number: 30-2017-00934703-CU-PT-CXC

Case Name: Jim Bieber v. City of San Clemente, et al.
Case Number: OCSC 30-2017-00906718

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

Closed Session items continued on next page

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property: 1 Acre Vacant Land Parcel North of the Northeast Corner of Avenida Fabricante and Calle Extremo, APN # 690-661-09

Agency Negotiator: Erik Sund, Assistant City Manager

Negotiating Parties: City of San Clemente and Glaukos Corporation

Under Negotiation: Price and Terms of Payment for Purchase

C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code 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: Erik Sund, Assistant City Manager

Negotiating party: San Diego Gas and Electric Company

Under Negotiation: Price and Terms of Payment

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION - Mrs. Robin Margraf, Our Lady of Fatima Church

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. **Toll Road Update**

B. **Caltrans Presentation Concerning El Camino Real Widening Project**

Presentation by Ahmed Abou-Abdou, of Caltrans, concerning the El Camino Real widening project.

C. **Winter Recreation Magazine and New Recreation Software**

Presentation by Samantha Thomas, Recreation Manager, regarding the Winter Recreation Magazine and new Recreation Software.

D. **Wellness and Prevention Coalition to Prevent Youth Substance Use - Grant Award by White House Drug Policy Office**

Presentation by Susan Parmelee, Executive Director of the Wellness and Prevention Center, concerning the White House Drug Policy Office Award of \$125,000 Per Year for Five Years to the Wellness and Prevention Coalition to Prevent Youth Substance Use in San Clemente.

E. **Planning Commission Update**

Update on Planning Commission activities by Chairman Don Brown.

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**

Approve the City Council Adjourned Regular Meeting Minutes of October 10, 2017 and Special and Regular Meeting Minutes of October 17, 2017.

B. Receive and file:

- (1) [Beaches, Parks and Recreation Commission Regular Meeting Minutes of September 12, 2017.](#)
- (2) [Golf Course Committee Regular Meeting Minutes of September 7, 2017.](#)
- (3) [Planning Commission Adjourned Regular Meeting Minutes of October 18, 2017.](#)

C. **Warrant Register**

[Approve Wire Transfers Nos. 1713 through 1716 and Warrant Nos. 545161 through 545323, paid on 10/13/17.....\\$ 845,701.01](#)

[Approve Wire Transfers Nos. 1717 through 1720 and Warrant Nos. 545324 through 545541, paid on 10/20/17.....\\$3,182,335.03](#)

[Approve Wire Transfers Nos. 1721 through 1724 and Warrant Nos. 545542 through 545667, paid on 10/27/17.....\\$2,274,915.91](#)

TOTAL WARRANT REGISTER.....\$6,302,951.95

Payroll Register

Approve Warrant Nos. 629 through 631 and Automatic Deposit Advises 43578 through 43873, for the period 9/25/17 through 10/8/17, paid on 10/13/17.....\$ 434,441.39

Approve Warrant Nos. 632 through 635, Automatic Deposit Advises 43874 through 44171, for the period 10/9/17 through 10/22/17, paid on 10/27/17.....\$ 438,385.83

TOTAL PAYROLL REGISTER.....\$ 872,827.22

D. [Contract Amendment – Marine Safety Building Structural Condition Assessment](#) Pages 6D-1 through 6D-2

Staff Recommendation

Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract AC-706, by and between the City of San Clemente and TranSystems Inc., providing for ADA design services for the rehabilitation of the Marine Safety Building. This Amendment increases the contract amount from \$66,400 to \$86,100 (an increase of \$19,700), expands the scope of services of the contract, and extends the contract term to June 30, 2019.

E. [Contract Award – Fire Station No. 59 Diesel Fuel Tank](#) Pages 6E-1 through 6E-4

Staff Recommendation

1. Approve the plans and specifications for the Fire Station No. 59 Diesel Fuel Tank, Project No. 16812.
2. Approve a supplemental appropriation in the amount of \$166,786 from the Public Facilities Construction Fund – Reserve for Public Safety Construction to Account 030-818-45300-000-16812.
3. Approve, and authorize the Mayor to execute, Contract C17-46, by and between the City of San Clemente and Tafoya & Associates, providing for construction of the Fire Station No. 59 Diesel Fuel Tank, Project No. 16812, in the amount of \$224,351.

F. [Contract Amendment - Laboratory Services](#) Pages 6F-1 through 6F-2

Staff Recommendation

1. Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract C15-53, by and between the City of San Clemente and Sierra Analytical. This Amendment increases the contract amount from \$435,000 to \$556,000 (an increase of \$121,000).
2. Approve a supplemental appropriation in the amounts of \$68,650, \$23,444 and \$28,906 to Accounts 052-462-43890, 052-465-43890 and 054-472-43890, respectively.

- G. [Contract Award - Biosolids Management Services](#) Pages 6G-1 through 6G-2

Staff Recommendation

1. Approve, and authorize the Mayor to execute, Contract C17-47, by and between the South Orange County Wastewater Authority (of which the City of San Clemente is a member) and Nursery Products, LLC, providing for biosolids management services.
2. Authorize the City Manager to approve extensions to the contract for up to two additional five-year periods.

- H. [Equipment Purchase - Water Meters for FY 2018](#) Pages 6H-1 through 6H-5

Staff Recommendation

Approve the purchase of water meters from Ferguson Waterworks and Metron-Farnier for Fiscal Year 2018 for an amount not to exceed \$125,000, based on the fixed price quotes contained in Attachment 1 to the Administrative Report, dated November 7, 2017, which is on file with the City Clerk.

- I. [Emergency Repair and Contract Award - Santa Maria Pump Station Pump Can Replacement](#) Pages 6I-1 through 6I-2

Staff Recommendation

1. Make a finding that an emergency exists to maintain water service and fire flows during rehabilitation of Reservoir Number 5A and that the situation requires immediate action to prevent or mitigate impairment to property and public services, that might otherwise occur if required to incur delays attributed to the typical engineering design and public competitive bidding process.
2. Declare that the public interest and necessity demand the immediate expenditure of public funds to safeguard public health.
3. Approve, and authorize the Mayor to execute, Contract C17-48, by and between the City of San Clemente and NEWest Construction Company, Inc., providing for the Santa Maria Pump Station Pump Can Replacement project, in the amount of \$31,900.

- J. [Parking Agreement - Mizokami Advanced Circulatory Sports Therapy](#)
Pages 6J-1 through 6J-10

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C17-49, a Parking Agreement between the City of San Clemente and Mizokami Advanced Circulatory Sports Therapy.

- K. [Authorization to File Tax Liens to Collect Delinquent Transient Occupancy Tax](#) Pages 6K-1 through 6K-4

Staff Recommendation

Adopt Resolution No. 17-36 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACKNOWLEDGING AUTHORITY OF THE FINANCE AND ADMINISTRATIVE SERVICES DIRECTOR TO IMPOSE TAX LIENS TO COLLECT DELINQUENT TRANSIENT OCCUPANCY TAX.

- L. [22nd Annual California Joint Powers Insurance Authority Risk Management Educational Forum](#) Pages 6L-1 through 6L-4

Staff Recommendation

Receive and file the Administrative Report, dated November 7, 2017, which is on file with the City Clerk.

- M. [Designation of Legal Fees](#) Pages 6M-1 through 6M-2

Staff Recommendation

1. Approve the estimated legal costs for the three Villa San Clemente cases as identified in the Administrative Report, dated November 7, 2017, which is on file with the City Clerk.
2. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C17-50, by and between the City of San Clemente and Jenkins & Hogin, providing for City Attorney services.
3. Approve a transfer of \$300,000 from the General Fund to the General Liability Fund.
4. Approve a supplemental appropriation from the Fund Balance in the General Liability Fund in the amount of \$300,000 to Other Legal Services, Account 068-816-43640-000-00000.

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. [Water Rates](#) Pages 7A-1 through 7A-16

Public Hearing to consider amending the Code of the City of San Clemente regarding proposed rate modifications for the Water utility.

Staff Recommendation

1. Open the Public Hearing and receive comments.
2. Close the Public Hearing.
3. Consider and have the City Clerk tally protests received and presented by the City Clerk at the conclusion of the Public Hearing.
4. If no majority protest exists, introduce Ordinance No. 1647 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 13.04.220, SUBSECTIONS (A) THROUGH (D), AND ADDING SUBSECTION (E) OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO WATER RATES.

8. **Unfinished Business.**

None.

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**

12. **Resolutions/Ordinances.**

None.

13. **Adjournment.**

The next Regular Council Meeting will be held on November 21, 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 take place 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.