



CITY OF SAN CLEMENTE

REGULAR CITY COUNCIL

MEETING REVISED* AGENDA

***This Revised Agenda varies from the original Agenda that was posted on September 25, 2018 in that Closed Session Item A was change from 7 to 8 cases. The newly added verbiage is contained on Page 2 of this Revised Agenda in italicized type.**

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

October 2, 2018
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.

CLOSED SESSION (5:00 P.M.)

- A. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Existing litigation pursuant to Government Code section 54956.9(d)(1)
Number of Cases: 8

Case Name: Orange County Catholic Worker v. Orange County
Case Number: SA CV 18-0155-DOC

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

Case Name: City of San Clemente v. Foothill/Eastern Transportation Corridor Agency
Case Number: OCSC 30-2018-01000331-CU-WM-CJC

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

Case Name: Anthem Sales and Management, LLC, et al. v. City of San Clemente
Case Number: OCSC 30-2018-01008216

Case Name: Anthem Sales and Management, LLC, et al. v. City of San Clemente
Case Number: USDC 8:18-cv-01359

Case Name: City of San Clemente, et al. v. Dual Diagnosis Treatment Center, Inc., et al.
Case Number: OCSC 30-2017-00954552-CU-BC-CJC

Case Name: JL Kids, LLC v. California Department of Transportation, et al.
Case Number: OCSC 30-2018-01014871-CU-EI-CXC

Closed Session items continued on next page

- B. **CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2)
Number of potential cases: 1

- C. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Pursuant to Government Code Section 54956.8
Property: 415 Avenida Granada, San Clemente
Agency Negotiator: Erik Sund, Assistant City Manager
Negotiating Parties: City of San Clemente and Casa Romantica Cultural Center and Gardens
Under Negotiation: Lease terms and related capital improvements

- D. **CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to Government Code Section 54957.6
Agency designated representative: Assistant City Manager
Unrepresented employee: All Employees

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. **Toll Road Update**

B. **Proclamation Presentation - Fire Prevention Week**

Presentation to Battalion Chief Scott Wiedensohler proclaiming the period of October 7-13, 2018 as Fire Prevention Week.

C. **Proclamation Presentation - Red Ribbon Week**

Presentation of proclamation to Jan Sener, former Crime Prevention Specialist and current Recreation Leader, proclaiming the period October 15-21, 2018 as Red Ribbon Week.

D. **Boys and Girls Club Report**

Report from Terence Hughes, Chief Executive Officer of the Boys and Girls Club, regarding Boys and Girls Club 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) [City Council Regular Meeting minutes of September 18, 2018.](#)
 - B. Receive and file:
 - (1) [Design Review Subcommittee Regular Meeting minutes of August 29, 2018.](#)
 - (2) [Planning Commission Adjourned Regular Meeting minutes of September 19, 2018.](#)

C. **Warrant Register**

Approve Wire Transfers Nos. 1901 through 1905 and Warrant Nos. 553164 through 553284, paid on 9-14-18, in the amount of.....\$2,073,718.64

Approve Wire Transfers Nos. 1906 through 1907 and Warrant Nos. 553285 through 553472, paid on 9-21-18.....\$ 779,867.02

TOTAL WARRANT REGISTER..\$ 2,853,585.66

Payroll Register

Approve Warrant Nos. 692 and Automatic Deposit Advises 51015 through 51336, for the period 8-27-18 through 9-9-18, paid on 9-14-18, in the amount of.....\$ 479,647.93

TOTAL PAYROLL REGISTER...\$ 479,647.93

D. **Contract Amendment - Short-Term Wastewater Services Agreement**
Pages 6D-1 through 6D-2

Staff Recommendation

Approve, and authorize the City Manager to execute, Amendment No. 3 to Contract C17-55, by and between the City of San Clemente and the Santa Margarita Water District, relating to the conveyance and treatment of Talega wastewater. This Amendment extends the term of the contract for 90 days.

E. **South Orange County Water Storage Coalition Letter of Interest** Pages 6E-1 through 6E-2

Staff Recommendation

Authorize the Utilities Director to execute a non-binding letter of interest to the Santa Margarita Water District for the formation of a South Orange County Water Storage Coalition.

- F. [Contract Award - Downtown Sidewalk Cleaning](#) Pages 6F-1 through 6F-3

Staff Recommendation

1. Approve, and authorize the City Manager to execute, Contract C18-55, by and between the City of San Clemente and SoCal Property Services, providing for FY 2019 downtown sidewalk cleaning, in an amount not to exceed \$26,000.
2. Approve a transfer of \$26,000 from Account 001-203-44900 (City Council Contingency) to Account 001-634-43893 (Sidewalk Pressure Washing).

- G. [Contract Amendment - Temporary Contract Services in the Planning Division](#) Page 6G-1

Staff Recommendation

Approve, and authorize the Mayor to execute, Amendment No. 5 to Contract C17-17, by and between the City of San Clemente and Sagecrest Planning + Environmental, providing for temporary contract services in the Planning Division. This Amendment extends the terms of the contract through February 28, 2019, or until services are no longer needed, and increases the contract amount from \$379,000 to \$415,150, an increase of \$36,150 (to be paid with developer deposit funds).

- H. [Construction Contingency, Design and Inspection Cost Increases for the Prima Deshecha Canada Channel - Flood Control Facility No. MO1/Avenida Vaquero Culvert Rehabilitation](#) Pages 6H-1 through 6H-3

Staff Recommendation

1. Approve a supplemental appropriation in the amount of \$357,850 from the Storm Drain Fund Depreciation Reserve to Account 059-553-45300-000-15006.
2. Approve a \$300,000 increase in construction contingency for the Prima Deshecha Canada Channel (Facility No. MO1/Avenida Vaquero Culvert Rehabilitation) from the Storm Drain Fund Depreciation Reserve to Account 059-553-45300-000-15006.
3. Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract C16-72, by and between the City of San Clemente and South Coast Engineering Services, providing for additional engineering services. This Amendment increases the contract amount from \$91,230 to \$149,080, an increase of \$57,850.

- I. [Declaration of Surplus Property - Retired Office Furniture, Equipment, Legal Library Books and Cubicles](#) Pages 6I-1 through 6I-2

Staff Recommendation

Declare the retired office furniture, equipment, legal library books, and cubicles to be surplus and approve and authorize GovDeals.com and Ken Porter Auctions to conduct the public auction for the City of San Clemente surplus office furniture, equipment and cubicles.

- J. [Welcome Home Parade for City's Adopted Marine Unit](#) Pages 6J-1 through 6J-4

Staff Recommendation

1. Approve the parade route, temporary street and parking lot closures and surrounding metered parking spaces along Avenida Del Mar.
2. Approve a supplemental appropriation of \$1,507 to Account 001-629-44420-000-00000 for the additional costs of materials and equipment.
3. Approve a supplemental appropriation up to \$8,170 to Account 001-629-44420-000-00000 for OCSD staff support, contingent upon the response from OCSD regarding a fee waiver request.

- K. [Position Classification and Salary Schedule Modifications](#) Pages 6K-1 through 6K-23

Staff Recommendation

1. Adopt Resolution No. 18-52 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. 18-45 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH. This Resolution changes the Park Monitor classification to Park Ranger and the Lead Park Monitor classification to Lead Park Ranger.
2. Adopt the revised Salary Schedules, effective October 8, 2018. The revised Salary Schedules include the addition of the Building Official position to the full-time schedule and Office Specialist I and II positions to the part-time schedule.

- L. [Cooperative Purchase of Telecommunications Services Through State of California Telecommunications Contract \(CALNET 3\)](#) Pages 6L-1 through 6L-6

Staff Recommendation

- 1. Approve, and authorize the Mayor to execute, Authorization To Order (ATO) for Statewide Contract C3-B-16-07-TS-43 with Cox Business for purchase of Telecommunications Services, including Metropolitan Area Network Ethernet (Category 3) and Managed Internet (Category 5) Services.
 - 2. Authorize the Mayor to execute the proposed Telecommunications Service Request agreements with Cox at a cost within the Fiscal Year 2018-19 Adopted Budget (estimated at \$97,234 per year) for the remaining life of the CALNET 3 Contract, currently due to expire no later than June 30, 2020.

- 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. [Code Amendment - Modifying the Definition of "Smoking" to Include Vaping and Electronic Devices](#) Pages 8A-1 through 8A-6

Report from the City Attorney concerning the possibility of amending the Code of the City of San Clemente to define "smoking" to include vaping and electronic devices.

Staff Recommendation

Introduce Ordinance No. 1659 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA AMENDING THE SAN CLEMENTE MUNICIPAL CODE, CHAPTER 8.64 TO DEFINE SMOKING TO INCLUDE VAPING AND ELECTRONIC SMOKING DEVICES.

- 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 October 16, 2018 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.

A subsequent Adjourned Regular Meeting will be held on November 7, 2018 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. **Please note that the November 7, 2018 Adjourned Regular Council Meeting replaces the Regular Council Meeting that would normally have been held on November 6, 2018. The November 6, 2018 meeting was rescheduled to November 7, 2018 to enable the Council Chambers to be used as a polling site for the November 6, 2018 election.**

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.