



# CITY OF SAN CLEMENTE

## 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)

November 20, 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: 3

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: Orange County Catholic Worker v. Orange County

Case Number: SA CV 18-0155-DOC

**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 LEGAL COUNSEL- ANTICIPATED LITIGATION**

Initiation of litigation pursuant to Government Code section 54956.9(d)(4)

Number of potential cases: 2

**D. CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Government Code Section 54957.6

Agency designated representatives: Mayor and City Manager

Unrepresented employees: Executive Level Directors

**E. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Government Code section 54957

Title: City Manager

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

**CALL TO ORDER**

**INVOCATION - Candie Blackman, Pastor, San Clemente Presbyterian Church**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**1. Special Presentations.**

**A. Toll Road Update**

**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**

Staff Recommendation

Approve the Regular City Council Meeting minutes of November 7, 2018.

B. **Commission and Committee Minutes**

Staff Recommendation

Receive and file the following:

- (1) Golf Course Committee Regular Meeting minutes of September 6, 2018.
- (2) Investment Advisory Committee Regular Meeting minutes of July 23, 2018.
- (3) Beaches, Parks and Recreation Commission Regular Meeting minutes of October 9, 2018.
- (4) Planning Commission Study Session Regular Meeting minutes of November 8, 2018.
- (5) Planning Commission Regular Meeting minutes of November 8, 2018.

C. **Warrant Register**

Approve Wire Transfers Nos. 1927 through 1930 and Warrant Nos. 554218 through 554392, paid on 11-2-18, in the amount of.....\$2,348,169.96

Approve Wire Transfers Nos. 1931 through 1934 and Warrant Nos. 554393 through 554524, paid on 11-9-18, in the amount of.....\$2,662,089.55

TOTAL WARRANT REGISTER.....\$5,010,259.51

**Payroll Register**

Approve Warrant Nos. 698 through 699 and Automatic Deposit Advises 52267 through 52560, for the period of 10/22/18 through 11/4/18, paid on 11/9/18, in the amount of.....\$ 474,622.44

TOTAL PAYROLL REGISTER.....\$ 474,622.44

D. **Contract Award – Annual Cathodic Protection System Testing and Evaluation** Pages 6D-1 through 6D-2

Staff Recommendation

Approve, and authorize the City Manager to execute, Contract C18-65, by and between the City of San Clemente and Universal Corrosion Services, LLC, providing for Annual Cathodic Protection System Testing and Evaluation, in the amount of \$178,352.

E. **Contract Award – Wells 5, 6, 8 and Calafia Rehabilitation** Pages 6E-1 through 6E-4

Staff Recommendation

1. Approve the plans and specifications for the rehabilitation of Wells 5, 6, 8 and Calafia, Project No. 14408.
2. Approve a supplemental appropriation of \$159,400 from the Water Fund Depreciation Reserve Account 052-466-45300-000-14408.
3. Approve, and authorize the City Manager to execute, Contract C18-66, by and between the City of San Clemente and Best Drilling and Pump, Inc., providing for the rehabilitation of Wells 5, 6, 8 and Calafia, in the amount of \$262,063.

F. **Contract Award – Design Services for Well Water Treatment Plant Chemical Storage Building** Pages 6F-1 through 6F-3

Staff Recommendation

Approve, and authorize the City Manager to execute, Contract C18-67, by and between the City of San Clemente and AKM Consulting Engineers, providing for design services for a Well Water Treatment Plant Chemical Storage Building, in the amount of \$97,965.

G. [Notice of Completion – Water Reclamation Plant \(WRP\) Outfall Discharge Piping Repair](#) Pages 6G-1 through 6G-5

Staff Recommendation

1. Accept the WRP Outfall Discharge Piping Repair (Project No. 28208), from the contractor, NEWest Construction, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the WRP Outfall Discharge Piping Repair.
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, NEWest Construction, 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.

H. [Contract Amendment - Marine Safety Building Structural Condition Assessment](#) Pages 6H-1 through 6H-3

Staff Recommendation

Approve, and authorize the City Manager to execute, Amendment No. 3 to Contract AC-706, by and between the City of San Clemente and TranSystems Inc., providing for additional engineering and environmental permitting services for the Marine Safety building. This Amendment increases the contract amount from \$86,100 to \$133,900 (an increase of \$47,800) and extends the contract term to June 30, 2020.

I. [Notice of Completion – Playground Equipment Replacement at Rancho San Clemente Park](#) Pages 6I-1 through 6I-4

Staff Recommendation

1. Accept the Rancho San Clemente Park Playground Equipment Replacement (Project No. 18143) from the contractor, Landscape Structures, Inc. (LSI).
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Rancho San Clemente Park Playground Equipment 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 the contractor, Landscape Structures, Inc.
4. Authorize the City Clerk to release the Performance Bond.

J. [Contract Award – San Clemente Municipal Pier ADA Accessibility Improvements](#) Pages 6J-1 through 6J-4

Staff Recommendation

1. Approve the plans and specifications for the San Clemente Municipal Pier Accessibility Improvements, Project No. 16811.
2. Approve, and authorize the Mayor to execute, Contract C18-68, by and between the City of San Clemente and John S. Meek Company, Inc., providing for construction of San Clemente Municipal Pier ADA Accessibility Improvements, in the amount of \$162,730.

K. [Community Facilities District No. 2006-01 \(Marblehead Coastal\) Local Agency Special Tax and Bond Accountability Act Report \(SB 165\) for Fiscal Year Ended June 30, 2018](#) Pages 6K-1 through 6K-11

Staff Recommendation

Accept and file the Community Facilities District No. 2006-01 (Marblehead Coastal) Local Agency Special Tax and Bond Accountability Act Report (SB 165) for the Fiscal Year ended June 30, 2018.

L. [Notice of Completion – San Clemente Pier Repair and Understory Bird Deterrent](#) Pages 6L-1 through 6L-4

Staff Recommendation

1. Accept the San Clemente Pier Repairs (Project No. 16811) and Understory Bird Deterrent (Project No. 18810), from the contractor, Associated Pacific Contractors, Inc.
2. Authorize the City Manager to execute, and the City Clerk to record, the Notice of Completion for the San Clemente Pier Repairs and Understory Bird Deterrent.
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 Associated Pacific Contractors, 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.

M. [Funding Authorization - 2018 Drowning Prevention Campaign Contribution](#) Pages 6M-1 through 6M-3

Staff Recommendation

Approve the transfer of \$5,000 from Account 001-203-44900, City Council Contingency Reserve, to Account 001-226-43890, Fire Services – Other Contractual Services, as a contribution to the Orange County Task Force on Drowning Prevention.

N. [Declaration of Surplus Property/Purchase and Sale Agreement - 480 Square Foot Parcel, located South of the 14th tee on the City's Municipal Golf Course, Bordered by Calle Bahia and the Parking Lot Access to the Golf Maintenance Building](#) Pages 6N-1 through 6N-3

Staff Recommendation

1. Declare the 480 square foot parcel (parcel # pending), located south of the 14<sup>th</sup> tee on the City's Municipal Golf Course, bordered by Calle Bahia and the parking lot access road to the Golf Maintenance Building as surplus property.
2. Approve, and authorize the City Manager to execute, Contract C18-69, a Purchase and Sale Agreement by and between the City of San Clemente and San Diego Gas & Electric, providing for the sale of the 480 square foot parcel.
3. Receive revenue in the amount of \$5,000 to the Golf Operating Fund, Sale of Other Assets, Account 056-000-39120.

O. [Contract Amendment – Code Enforcement Legal Services](#) Page 6O-1

Staff Recommendation

Approve, and authorize the Mayor to execute, Amendment No. 3 to Contract C17-07, by and between the City of San Clemente and Silver & Wright, LLP, providing for Code enforcement legal services. This Amendment increases the contract amount by \$150,000.



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.**

None.

9. **New Business.**

- A. **Establishment of Historic Districts** Pages 9A-1 through 9A-48

Report from the Community Development Director concerning establishment of historic districts.

Staff Recommendation

Receive and file the Administrative Report, dated November 20, 2018.

- B. **Community Choice Aggregation Feasibility** Pages 9B-1 through 9B-3

Report from the Assistant City Manager concerning Community Choice Aggregation feasibility.

Staff Recommendation

Provide direction to staff regarding Community Choice Aggregation and a potential feasibility study.

- C. **Code Amendment – Sidewalk Construction and Repair** Pages 9C-1 through 9C-5

Report from the Public Works Director/City Engineer concerning the possibility of amending the Code of the City of San Clemente (Chapter 1208) regarding Sidewalk Construction and Repair.

Staff Recommendation

If the City Council desires to change the current sidewalk construction or repair threshold, introduce Ordinance No. 1665 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MUNICIPAL CODE CHAPTER 12.08 TO UPDATE THE REQUIREMENT FOR CONSTRUCTION OF NEW SIDEWALK OR REPAIR OF EXISTING SIDEWALK.

D. [Casa Romantica Parking Lot Improvements](#) Pages 9D-1 through 9D-2

Report from the Assistant City Manager concerning parking lot improvements at the Casa Romantica.

Staff Recommendation

1. Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract C01-36, by and between the City of San Clemente and Casa Romantica Cultural Center, extending the leasing terms for 30 years and including a funding plan for the completion of improvements to the parking lot for \$550,000.
2. Appropriate \$227,500 from Account 057-543-45300-000-00000.
3. Appropriate \$227,500 from the General Fund Unassigned Fund Balance, Account 001-000-23430.

E. [Prohibition on Use of Expanded Polystyrene \(EPS\) Food Service Ware](#) Pages 9E-1 through 9E-9

Report from the Utilities Director concerning City prohibition on the use of Expanded Polystyrene (EPS) food service ware.

Staff Recommendation

Provide Staff direction if there is a desire to pursue an amendment to San Clemente Municipal Code Chapter 8.30 relating to the prohibition on use of Expanded Polystyrene food service ware.

F. [Contract Amendment – City Manager Employment Agreement](#) Pages 9F-1 through 9F-5

Report from the City Attorney concerning the possibility of amending the City Manager's employment agreement.

Staff Recommendation

Approve, and authorize the Mayor to execute, Amendment No. 4 to Contract C14-36, by and between the City of San Clemente and City Manager James Makshanoff, relating to the City Manager's employment agreement.

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 Tuesday, December 4, 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.

## **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](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.