



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

June 18, 2013
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...

CLOSED SESSION (5:00 P.M.) If there are no Closed Session items, the City Clerk will recess the meeting to 6:00 p.m.

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, pursuant to Government Code Section 54956.9(a):

Walker et al. v. City of San Clemente, OCSC No. 30-2012 00591239

- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, pursuant to Government Code Section 54956.9(a):

City of San Clemente v. James Goode, Court of Appeal Case No. G48001

- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, pursuant to Government Code Section 54956.9(a):

Magnus Oxford v. American Youth Soccer Organization et al., OCSC No. 30-2011-00489135-CU-PO-CJC

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

1. **Special Presentations.**

A. **Water Supply Reliability and South Orange Coastal Ocean Desalination (SOCOD)**

Presentation by Assistant City Engineer Rebensdorf and Karl Seckel, Interim General Manager of Municipal Water District of Orange County, concerning the recently completed South Orange County Water Reliability Study and an update on the status of the South Orange County Ocean Desalination Project.

B. **Human Affairs Committee Annual Report** (Pages 1-B-1 through 1-B-3)

Report from Patricia Pinto, Chair of the Human Affairs Committee, concerning Human Affairs Committee activities for the period of July 1, 2012 through June 30, 2013.

Staff Recommendation

Receive and file the Human Affairs Committee's report.

C. **Gang Reduction Intervention Partnership (GRIP)**

Presentation from Tracy Rinauro, Senior Deputy District Attorney, concerning GRIP 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**

Approve the Joint City Council/Planning Commission/General Plan Advisory Committee (GPAC) Minutes of May 29, 2013.

 - B. Receive and file:
 - (1) Planning Commission Adjourned Regular Meeting Minutes of June 5, 2013.

 - (2) Zoning Administrator Regular Meeting Minutes of June 5, 2013.

 - (3) Human Affairs Committee Regular Meeting Minutes of April 10, 2013.

C. **Warrant Register**

Approve Wire Transfers Nos. 1133 through 1137
and Warrant Nos. 508488 through 508671 paid
on 05/31/2013 in the amount of\$2,670,362.51

Approve Handwrite No. 508672 paid on 06/05/13
and Warrant Nos. 508673 through 508792 paid
on 06/07/2013 in the amount of \$1,539,711.76

TOTAL WARRANT REGISTER\$4,210,074.27

Payroll Register

Approve Warrant Nos. 213 through 219 and
Automatic Deposit Advises 7946 through 8268
for the period 5-13-13 through 5-26-13 in the
amount of \$416,157.03

TOTAL PAYROLL REGISTER..... \$416,157.03

D. **Contract Award – City Playground Maintenance** (Pages 6-D-1 through 6-D-2)

Approve, and authorize the Mayor to execute, Contract No. C10-60, by and between the City of San Clemente and Lippert Building Company, providing for Playground Equipment Repair for a period of two years from July 1, 2013 to June 30, 2015, at a cost not to exceed \$54,000 per year.

E. **Contract Amendments with Bella Collina and San Clemente Municipal Golf Courses for Recycled Water** (Pages 6-E-1 through 6-E-8)

1. Approve, and authorize the Mayor to execute, the First Amendment to Contract No. C11-44, the Non-Potable Irrigation Water Agreement, by and between the City of San Clemente and Golf Investment, LLC (Bella Collina).
2. Approve, and authorize the Mayor to execute, the First Amendment to Contract No. C11-45, the Non-Potable Irrigation Water Agreement, by and between the City of San Clemente and the San Clemente Municipal Golf Course.

F. **Contract Award – Traffic Signal Systems Upgrade and Supplemental Appropriation** (Pages 6-F-1 through 6-F-11)

- 1) Approve, and authorize the Mayor to execute, Contract No. C13-22, by and between the City of San Clemente and Select Electric Inc., providing for the Traffic Signal Systems Upgrade for Avenida Pico and El Camino Real, Project Nos. 13305 and 13307, in the amount of \$597,000.
- 2) Approve a supplemental appropriation in the amount of \$107,000 from the Gas Tax undesignated fund balance to Account 012-861-45300-000-13305 (Avenida Pico Signal Synchronization Project).
- 3) Approve a supplemental appropriation in the amount of \$47,000 from the Gas Tax undesignated fund balance to Account 012-861-45300-000-13307 (El Camino Real Signal Synchronization Project).

G. **Contract Award – Well Water Aquifer Study, Project No. 33404** (Pages 6-G-1 through 6-G-7)

Approve, and authorize the Mayor to execute, Contract No. C13-23, by and between the City of San Clemente and Dudek, for the purpose of providing engineering services to evaluate the capacity of the City's groundwater system, and to optimize the City's yield of groundwater, in the amount of \$69,700.

H. **Contract Award – Clean Ocean Fee Election Services** (Pages 6-H-1 through 6-H-3)

1. Approve, and authorize the Mayor to execute, Contract No. C07-31, by and between the City of San Clemente and Koppel & Gruber Public Finance, providing for Clean Ocean Fee continuation balloting services, in an amount not to exceed \$54,500.
2. Approve a supplemental appropriation of \$10,500 from the General Fund undesignated fund balance to Account 001-133-44515 (Special Elections).

- I. **Contract Award – Water Reclamation Plant Odor Control Improvements, Project No. 18604** (Pages 6-I-1 through 6-I-4)
1. Approve the plans and specifications for the Water Reclamation Plant Odor Control Improvements, Project, No. 18604.
 2. Approve a supplemental appropriation in the amount of \$68,080 from the Sewer Fund Depreciation Reserve to Account 054-476-45300-000-18604.
 3. Approve, and authorize the Mayor to execute, Contract No. C13-24, by and between the City of San Clemente and Newest Construction Company, Inc., providing for Water Reclamation Plant Odor Control Improvements, Project No. 18604, in the amount of \$118,500.
- J. **Contract Award – Sewer Manhole Rehabilitation Fiscal Year (FY) 2013, Project No. 24200** (Pages 6-J-1 through 6-J-4)
1. Approve the plans and specifications for the Sewer Manhole Rehabilitation FY 2013, Project No. 24200.
 2. Approve, and authorize the Mayor to execute, Contract No. C13-25, by and between the City of San Clemente and SoCal Pacific Construction Corporation, for the Sewer Manhole Rehabilitation FY 2013, Project No. 24200, in the amount of \$49,320.
- K. **Notice of Completion – Vista Cayenta Pressure Reducing Station Rehabilitation, Project No. 12450** (Pages 6-K-1 through 6-K-4)
1. Accept the construction of the Vista Cayenta Pressure Reducing Station Rehabilitation, Project No. 12450.
 2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Vista Cayenta Pressure Reducing Station Rehabilitation, Project No. 12450. (C12-47)
 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 GCI 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.

L. **Renewed Measure M (M2) Annual Funding Eligibility – Fiscal Year (FY) 2013 – 2014** (Pages 6-L-1 through 6-L-49)

1. Approve the Measure M2 Seven-Year Capital Improvement Program for Fiscal Years 2013-2014 through 2019-2020.
2. Adopt Resolution No. 13-23 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CONCERNING THE STATUS OF THE CIRCULATION ELEMENT AND MITIGATION FEE PROGRAM FOR THE RENEWED MEASURE M (M2) PROGRAM.
3. Authorize the Public Works Director/City Engineer to submit Measure M2 funding eligibility requirements on behalf of the City of San Clemente to the Orange County Transportation Authority (OCTA).

M. **Establishing Appropriations Limit for Fiscal Year 2014** (Pages 6-M-1 through 6-M-6)

1. Approve selection of the following annual adjustment factors:
 - a. Population increase for the County of Orange.
 - b. Increase in California per capita personal income.
2. Adopt Resolution No. 13-24 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING AN APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA CONSTITUTION.

N. **Citizens Option for Public Safety (COPS) Program** (Page 6-N-1)

Approve the use of COPS funds for a portion of one patrol deputy position.

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. **De La Estrella Plaza (Valero) – 504 N. Avenida De La Estrella** (Pages 7-A-1 through 7-A-49)

Public Hearing to consider Conditional Use Permit (CUP) 11-507, Sign Exception Permit (SEP) 11-508, Discretionary Sign Permit (DSP) 11-509, Minor Conditional Use Permit (MCUP) 11-510, Architectural Permit (AP) 11-511, and Site Plan Permit (SPP) 11-512, for the De La Estrella Plaza (Valero) project, located at 504 N. Avenida De La Estrella.

Planning Commission Recommendation

1. Adopt Resolution No. 13-25 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP) 11-507, SIGN EXCEPTION PERMIT (SEP) 11-508, DISCRETIONARY SIGN PERMIT (DSP) 11-509, ARCHITECTURAL PERMIT (AP) 11-511, AND SITE PLAN PERMIT (SPP) 11-512, DE LA ESTRELLA PLAZA (VALERO), A REQUEST TO DEMOLISH A SERVICE STATION AND ALL STRUCTURES ON TWO PARCELS AND DEVELOP A NEW SERVICE STATION, CONVENIENCE STORE, CARWASH, SIX FUEL STATIONS, MASTER SIGN PROGRAM, AND FREEWAY ORIENTED SIGNAGE LOCATED AT 504 AVENIDA DE LA ESTRELLA.
2. Adopt Resolution No. 13-26 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR CONDITIONAL USE PERMIT (MCUP) 11-510, A REQUEST TO ALLOW BEER AND WINE SALES FOR OFF-SITE CONSUMPTION LOCATED AT 504 AVENIDA DE LA ESTRELLA.

8. **Unfinished Business.**

- A. **City of San Clemente Fiscal Year 2014 Budget Adoption** (Pages 8-A-1 through 8-A-7)

Report from the Interim Director of Finance and Administrative Services Director concerning adoption of the Fiscal Year 2014 City budget.

Staff Recommendation

- 1) Adopt Resolution No. 13-27 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 2014 FISCAL YEAR AND THE COMMITMENT OF FUND BALANCE.
- 2) Adopt Resolution No. 13-28 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A REVISED SALARY SCHEDULE AND NEW CLASSIFICATIONS AND AMENDING RESOLUTION NO. 13-08 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH.

9. **New Business.**

- A. **Contract Award - Fiscal Year (FY) 2014 Police Services** (Pages 9-A-1 through 9-A-47)

Report from the Interim Finance and Administrative Services Director concerning the Fiscal Year 2014 Police Services Contract.

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract No. C93-16, by and between the City of San Clemente and the County of Orange, providing for police services from the Orange County Sheriff's Department, for FY 2014, in the amount of \$12,122,631.

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) Coastal Animal Services Authority (CASA)

Report from Councilmember Hamm, City representative to the Coastal Animal Services Authority (CASA), concerning CASA matters.

(2) San Joaquin Hills Transportation Corridor Agency (SJHTCA)

Report from Councilmember Evert, City representative to the San Joaquin Hills Transportation Corridor Agency (SJHTCA), concerning SJHTCA matters.

(3) Foothill Eastern Transportation Corridor Agency (FETCA)

Report from Mayor Baker, City representative to the Foothill Eastern Transportation Corridor Agency (FETCA), concerning FETCA matters.

(4) Determination as to Whether Reports from Council Representatives to Regional Committees will be Automatically Agendized

12. **Resolutions/Ordinances.**

- A. **Ordinance No. 1567 (Second Reading) – Water Rates** (Pages 12-A-1 through 12-A-6)

Staff Recommendation

Adopt Ordinance No. 1567 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 13.04.220, SUBSECTIONS (A), (B), AND (C) OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO WATER RATES.

- B. **Ordinance No. 1568 (Second Reading) – Sewer Rates** (Pages 12-B-1 through 12-B-4)

Staff Recommendation

Adopt Ordinance No. 1568 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 13.24.190, SUBSECTIONS (D), AND (E) OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO SANITARY SEWER RATES.

13. **Adjournment.**

Adjourn to an Adjourned Regular Council Meeting to be held on June 24, 2013 at 6:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, for the purpose of interviewing and making appointments to various City Commissions and Committees.

A subsequent Adjourned Regular Council Meeting will be held on June 25, 2013 at 6:00 p.m. in the Council Chambers, for the purpose of continuing interviews and making appointments to various City Commissions and Committees.

The next Regular Council Meeting will be held on July 2, 2013 in the Council Chambers. Closed Session items will be considered at 5:00 p.m. The public 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.