



REVISED AGENDA*

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

July 17, 2012
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.

**This revised Agenda replaces the agenda for July 17, 2012 that was posted on July 10, 2012. Revisions include the following: 1) Staff's recommendation has been added to Item 6-K, 2) Staff's recommendation has been added to Item 6-L, and 3) a new agenda item 11-D(1) has been added. The newly added verbiage is contained within this agenda in italicized type.*

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.) If there are no Closed Session items, the City Clerk will recess the meeting to 6:00 p.m.

- A. CONFERENCE WITH LABOR NEGOTIATOR, pursuant to Government Code Section 54957.6:

Agency Representative: Pall Gudgeirsson, Assistant City Manager.

Employee Organizations: San Clemente City Employees Association, Management Employees, Mid-Management Employees and Confidential Employees.

- B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(b): One potential case.

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION - Kevin Torrance, Chaplain of the Orange County Sheriff Department

PLEDGE OF ALLEGIANCE

ROLL CALL

1. **Special Presentations.**

A. **Presentation of Commendation - Coaches Chris Puckett and Cameron Shelley and Team Members of San Clemente American #2**

Presentation of a Commendation to Coaches Chris Puckett and Cameron Shelley and the team members of San Clemente American #2 in recognition of winning the District 68 Tournament of Champions.

B. **Presentation of Commendation - Sofia Medrano**

Presentation of a Commendation to Sofia Medrano in recognition of being awarded the Gold Award by the Girl Scouts of the USA.

C. **San Clemente General Plan - Status Report**

Report from Bill Hart, General Plan Advisory Committee representative, concerning the status of the San Clemente General Plan.

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**

None.

B. Receive and file:

(1) Design Review Subcommittee Meeting minutes of May 23, 2012 and June 13, 2012.

(2) Golf Course Committee Regular Meeting minutes of November 3, 2011, January 5, 2012, March 1, 2012, and May 3, 2012.

C. **Warrant Register**

Approve Wire Transfer Nos. 1014 through 1019, and Warrant Nos. 501089 through 501248, for the period 06-18-12 through 06-22-12, in the amount of\$1,489,178.80

Approve Warrant Nos. 501249 through 501410, for the period 06-25-12 through 06-29-12, in the amount of\$3,398,372.54

TOTAL WARRANT REGISTER.....\$4,887,551.34

Payroll Register

Approve Bank Adjustment Replacement Check No. 322697, Warrant Nos. 22 through 35, and Automatic Deposit Advises 1078 through 1388, for the period 06-11-12 through 06-24-12, in the amount of\$ 444,450.92

TOTAL PAYROLL REGISTER.....\$ 444,450.92

D. **Proposed Tax Liens - 2011 Weed Abatement and 2012 Storm Drain/Clean Ocean Charges** - Pages 6-D-1 through 6-D-10

1. Adopt Resolution No. 12-46 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE ORANGE COUNTY AUDITOR-CONTROLLER TO ADD 2011 WEED ABATEMENT ASSESSMENTS TO THE FY 2012-13 TAX ROLLS.
2. Adopt Resolution No. 12-47 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE ORANGE COUNTY AUDITOR-CONTROLLER TO ADD DELINQUENT STORM DRAIN AND CLEAN OCEAN FEES TO THE FY 2012-13 TAX ROLLS.
3. Direct the City Clerk to file the resolutions with the Orange County Auditor-Controller, thereby placing a lien on the affected properties in order to collect revenue owed to the City.

E. **Bid Rejection - Prima Deshecha Canada Channel, Facility No. M01 Rehabilitation** - Pages 6-E-1 through 6-E-4

1. Reject all bids for the Prima Deshecha Canada Channel, Facility No. M01 Rehabilitation, Project No. 10013.
2. Authorize Staff to rebid the Prima Deshecha Canada Channel, Facility No. M01 Rehabilitation, Project No. 10013.

F. **Contract Award - Corporation Yard Building 'A' Seismic Upgrade** - Pages 6-F-1 through 6-F-4

1. Approve the plans and specifications for the Corporation Yard Building 'A' Seismic Upgrade, Project No. 11547.
2. Approve, and authorize the Mayor to execute, Contract C12-31, by and between the City of San Clemente and Robert D. Gosney Construction, providing for the Corporation Yard Building 'A' Seismic Upgrade, Project No. 11547, in the amount of \$48,300.

- G. **408 Avenida Santa Barbara (Final Parcel Map 2007-107) - Chou Condominiums** - Pages 6-G-1 through 6-G-2
1. Accept on behalf of the City of San Clemente the water rights as dedicated in Final Parcel Map 2007-107.
 2. Approve Final Parcel Map 2007-107 as it conforms to the requirements set forth in the Subdivision Map Act and the previously approved Tentative Parcel Map.
 3. Authorize the Public Works Director/City Engineer to execute Final Parcel Map 2007-107.
 4. Authorize the City Clerk to execute and submit Final Parcel Map 2007-107 to the County of Orange Recorder's Office for recordation.
- H. **244 West Marquita (Final Parcel Map 2011-118) - Sayer Condominiums** - Pages 6-H-1 through 6-H-2
1. Accept on behalf of the City of San Clemente the storm drain easement and water rights as dedicated in Final Parcel Map 2011-118.
 2. Approve Final Parcel Map 2011-118 as it conforms to the requirements set forth in the Subdivision Map Act and the previously approved Tentative Parcel Map.
 3. Authorize the Public Works Director/City Engineer to execute Final Parcel Map 2011-118.
 4. Authorize the City Clerk to execute and submit Final Parcel Map 2011-118 to the County of Orange Recorder's Office for recordation.
- I. **Drainage Easement Agreement and Utility Easement Quitclaim Deed - San Clemente Senior Apartments (2350-2358 South El Camino Real)** - Pages 6-I-1 through 6-I-3
1. Accept, and authorize the Mayor to execute, the Drainage Easement Agreement and Easement Quitclaim Deed, subject to City Attorney and City Engineer approval. (Deed D-458)
 2. Authorize the City Clerk to execute and submit the Drainage Easement Agreement and Easement Quitclaim Deed to the County of Orange Recorder's Office for recordation.

J. **Linda Lane Runoff Treatment Project - Environmental Cleanup, Tier 1 Grant Program Application** - Pages 6-J-1 through 6-J-4

Adopt Resolution No. 12-48 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING AN APPLICATION FOR FUNDS FOR THE ENVIRONMENTAL CLEANUP, TIER 1 GRANT PROGRAM UNDER ORANGE COUNTY LOCAL TRANSPORTATION ORDINANCE NO. 3 FOR THE LINDA LANE RUNOFF TREATMENT PROJECT.

K. **Contract Award - San Gabriel Forcemain Rehabilitation, Project No. 13201** - Pages 6-K-1 through 6-K-4

1. *Approve the plans and specifications for the San Gabriel Forcemain Rehabilitation, Project No. 13201.*
2. *Approve, and authorize the Mayor to execute, Contract C12-33, by and between the City of San Clemente and GCI Construction, providing for the rehabilitation of the San Gabriel Forcemain, Project No. 13201, in the amount of \$358,065.*

L. **Sports Hall of Fame Program** - Pages 6-L-1 through 6-L-2

1. *Approve a Sports Hall of Fame program.*
2. *Allow the San Clemente Aquatics Center pool pump wall to be used to showcase the inductees to the Sports Hall of Fame.*
3. *Approve, and authorize the Mayor to execute, the Letter Agreement, by and between the City of San Clemente and the Friends of the San Clemente Beaches, Parks and Recreation Foundation, providing for administration of the Sports Hall of Fame program, subject to inclusion of an indemnification provision approved by the City Attorney. (Contract C12-27)*

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. **Modification to the Del Mar Phase I Underground Utility District No. 02-01** - Pages 7-A-1 through 7-A-9

Public Hearing to consider modifications to the Del Mar Phase I Underground Utility District No. 02-01 and whether the cost of installation of each customer's new underground electric service lateral and conversion of each customer's service meter panel to accept underground service should be included in the undergrounding project.

Staff Recommendation

Adopt Resolution No. 12-49 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING THE EXISTING DEL MAR/DOWNTOWN AREA PHASE I UNDERGROUND UTILITY DISTRICT NO. 02-01 TO INCLUDE CUSTOMER SERVICE CONNECTIONS AND ADDITIONAL PROPERTIES INTO THE DISTRICT.

8. **Unfinished Business.**

- A. **Billing for 2012 Weed Abatement Program** - Pages 8-A-1 through 8-A-9

Report from the Community Development Director concerning costs for the abatement of weeds, rubbish, refuse, and dirt upon streets, sidewalks, parkways, and private property within the City of San Clemente and to the assignment of these costs to the properties on which the abatement was completed.

Staff Recommendation

1. Waive the City's notification expenses (postage, paper and staff costs) for the compliant property owners and approve the Weed Abatement Report.
2. Authorize the Weed Abatement Contract Administrator to bill property owners the amounts indicated in the Administrative Report, dated July 17, 2012, which is on file with the City Clerk.

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**

(1) *Consideration of San Clemente Green's Request that the City of San Clemente Submit Position Letters to the Nuclear Regulatory Commission (NRC) and California Public Utilities Commission (CPUC) Relative to the San Onofre Nuclear Generating Station (SONGS) - Councilmember Donchak*

Recommendation

Determine whether to submit City position letters to the NRC and CPUC relative to SONGS.

12. **Resolutions/Ordinances.**

- A. **Ordinance No. 1554 (Second Reading) - One-Day Business License Permits and Pre-Hearing Suspension Modifications to the Business License Code** - Pages 12-A-1 through 12-A-4

Staff Recommendation

Adopt Ordinance No. 1554 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTERS 5.04 AND 5.08 RELATING TO BUSINESS LICENSES AND REGULATIONS. This ordinance would create a one-day business license permit and the ability to suspend a business license upon violation of City, State or Federal laws.

- B. **Ordinance No. 1555 (Second Reading) - Establishment of Speed Limits on Avenida Pico from El Camino Real to Calle De Los Molinos** - Pages 12-B-1 through 12-B-2

Staff Recommendation

Adopt Ordinance No. 1555 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 10 OF THE MUNICIPAL CODE CONCERNING SPEED ZONES ON CERTAIN CITY STREETS. This ordinance would establish speed limits on Avenida Pico from El Camino Real to Calle De Los Molinos.

13. **Adjournment.**

The Regular Council Meeting of August 7, 2012 was previously cancelled. Consequently, the next Regular Council Meeting will be held on **Tuesday, August 21, 2012** in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be discussed at 5:00 p.m. The General Session 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.