



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

August 21, 2012
4:30 p.m. - Closed Session (Special Meeting)
6:00 p.m. - Business Meeting (Regular 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.) If there are no Closed Session items, the City Clerk will recess the meeting to 6:00 p.m.

A. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Initiation of litigation pursuant to Government Code Section 54956.9(c): One potential case.

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

C. 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 - Curtis D. Reese, Church of Jesus Christ of Latter-day Saints, San Clemente Stake

PLEDGE OF ALLEGIANCE

ROLL CALL

1. **Special Presentations.**

A. **Citrus Pest and Prevention Program - Asian Citrus Psyllid Pest**

Report from Mark Olson, Citrus Pest and Prevention Program, concerning the Asian citrus psyllid pest.

B. **Downtown Business Association - Status Report**

Report from Michael Kaupp, President of the Downtown Business Association, concerning the Downtown Business Association.

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

Report from Alan Korsen, General Plan Advisory Committee representative, concerning the status of the San Clemente General Plan.

D. **Interstate-5 High Occupancy Vehicle (HOV) and Pico Interchange Projects - Status Report**

Presentation by Hamid Torkamanha, Orange County Transportation Authority (OCTA), concerning the Interstate-5 High Occupancy Vehicle (HOV) and Pico Interchange Projects through San Clemente.

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 minutes of the City Council Adjourned Regular Meeting of June 12, 2012 and Regular Meeting of July 3, 2012.
 - B. Receive and file:
 - (1) Zoning Administrator Regular Meeting minutes of July 18, 2012 and August 8, 2012.
 - (2) Planning Commission Adjourned Regular Meeting minutes of July 18, 2012 and August 8, 2012.
 - (3) Beaches, Parks and Recreation Commission Regular Meeting minutes of July 10, 2012.
 - (4) Design Review Subcommittee Meeting minutes of June 27, 2012.
 - (5) Coastal Advisory Committee Regular Meeting minutes of July 12, 2012.

C. **Warrant Register**

Approve Handwrite No. 501411,
Wire Transfer Nos. 1020 through 1024, and
Warrant Nos. 501412 through 501560,
for the period 07-02-12 through 07-06-12,
in the amount of \$ 1,935,007.37

Approve Warrant Nos. 501561 through 501805,
for the period 07-09-12 through 07-13-12,
in the amount of \$ 1,199,319.84

Approve Wire Transfer Nos. 361, 1025 through
1028, and Warrant Nos. 501806 through 501960,
for the period 07-16-12 through 07-20-12,
in the amount of \$ 1,934,353.27

Approve Wire Transfer Nos. 1029 through 1030,
and Warrant Nos. 501961 through 502159,
for the period 07-23-12 through 07-27-12,
in the amount of \$ 3,679,006.20

Approve Wire Transfer Nos. 1031 through 1034,
and Warrant Nos. 502160 through 502292,
for the period 07-30-12 through 08-03-12,
in the amount of \$ 1,518,426.15

TOTAL WARRANT REGISTER..... \$10,266,112.83

Payroll Register

Approve Warrant Nos. 37 through 48, and
Automatic Deposit Advises 1389 through 1695,
for the period 06-25-12 through 07-08-12,
in the amount of \$ 465,670.07

Approve Bank Adjustment Replacement
Check Nos. 49 through 50, Warrant Nos.
51 through 64, and Automatic Deposit
Advises 1696 through 2016, for the period
07-09-12 through 07-22-12, in the amount of \$ 504,005.41

Approve Warrant Nos. 66 through 75, and
Automatic Deposit Advises 2017 through 2322,
for the period 07-23-12 through 08-05-12,
in the amount of \$ 468,356.71

TOTAL PAYROLL REGISTER..... \$ 1,438,032.19

- D. **Notice of Completion - Downtown Fire Station No. 60 and Senior Center (121 & 117 Avenida Victoria)** - Pages 6-D-1 through 6-D-3
1. Accept the construction of Downtown Fire Station No. 60, Project No. 15502, and Senior Center, Project No. 15503, completed by Surety, Fidelity and Deposit Company of Maryland and the contractor, Tutor Perini Corporation.
 2. Authorize the Mayor to execute, and City Clerk to record, the Notice of Completion for the construction of Downtown Fire Station No. 60, Project No. 15502, and Senior Center, Project No. 15503. (Contract C10-48)
- E. **Notice of Completion - Street Rehabilitation of Calle Doncella and Calle Esteban** - Pages 6-E-1 through 6-E-5
1. Accept the Street Rehabilitation of Calle Doncella, Project No. 12337, and Calle Esteban, Project No. 12338, from the contractor, All American Asphalt.
 2. Authorize the Mayor to execute, and City Clerk to record, the Notice of Completion for the Street Rehabilitation of Calle Doncella, Project No. 12337, and Calle Esteban, Project No. 12338. (Contract C11-50)
 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 All American Asphalt.
 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.
- F. **Renewal of the Solar Permit Fee Waiver Program** - Pages 6-F-1 through 6-F-2
1. Retain the current Solar Permit Fee Waiver Program.
 2. Continue to waive the portion of fees that exceeds \$300 for residential solar electric and solar water heating permits issued during Fiscal Year 2013.
 3. Continue to waive the portion of fees that exceeds \$5,720 for commercial solar electric and solar water heating permits issued during FY 2013 and continue to provide a \$300 fee credit.
 4. Retain the annual review of the Solar Permit Fee Waiver Program.

G. **Contract Award - Annual Street Slurry Seal Program** - Pages 6-G-1 through 6-G-19

1. Approve the plans and specifications for the Fiscal Year 2013 Slurry Seal Program, Project No. 27304.
2. Approve, and authorize the Mayor to execute, Contract C12-35, by and between the City of San Clemente and American Asphalt South, Inc., providing for the Annual Street Slurry Seal Program, Project No. 27304, in the amount of \$335,998.
3. Authorize Staff to negotiate and execute a change order for additional slurry seal areas to the extent surplus contingency funds permit while staying within the project budget.

H. **Communications Site Lease Agreement - New Cingular Wireless PCS - 2401½ Avenida Del Presidente** - Pages 6-H-1 through 6-H-17

Approve, and authorize the Mayor to execute, a Communications Site Lease Agreement, by and between the City of San Clemente and New Cingular Wireless PCS, LLC, providing for the operation of a communications facility on the City's property located at 2401½ Avenida Del Presidente. (Contract C12-36)

I. **2012-2014 Memorandum of Understanding with San Clemente City Employees Association and Revised Personnel Rules** - Pages 6-I-1 through 6-I-4

1. Approve, and authorize the Mayor, City Manager, Assistant City Manager/City Treasurer and Human Resources Manager to execute, the Memorandum of Understanding, by and between the City of San Clemente and the San Clemente City Employees Association (SCCEA).
2. Approve the revised Personnel Rules, drug testing policy, and restated pension plan.
3. Approve the benefit changes as outlined in the Administrative Report, dated August 21, 2012, which is on file with the City Clerk.
4. Adopt Resolution No. 12-50 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING RESOLUTION NO. 94-09, ADOPTING REVISED SALARY SCHEDULES.

(Staff Recommendation continued on next page)

5. Approve a supplemental appropriation of \$224,000 between all funds from fund balance to the salaries and benefit expenditure accounts (\$156,000 of this supplemental appropriation would be in the General Fund and come from the unassigned General Fund fund balance).

J. **City Pension Program - Defined Benefit Service Agreement** - Pages 6-J-1

Approve, and authorize the Mayor to execute, the Defined Benefit Service Agreement, by and between the City of San Clemente and Great-West Life and Annuity Company, concerning the City's pension program. (Contract C10-46)

K. **Adoption of Revised Form 806 (Agency Report of Public Official Appointments)** - Pages 6-K-1 through 6-K-4

Adopt revised Form 806 (Agency Report of Public Official Appointments) as presented in the Administrative Report, dated August 21, 2012, which is on file with the City Clerk.

L. **Notice of Completion - Vista Hermosa Sports Park and Aquatic Center Project Close Out** - Pages 6-L-1 through 6-L-6

1. Accept the Target/Sports Park traffic signal and street improvements from the contractor, ValleyCrest Landscape Development.
2. Accept revenues in the amount of \$318,900 in Account 031-000-36855 upon receipt from the Target Corporation, and approve a supplemental appropriation for their share of signalized intersection costs, to the Sports Park Project Fund, Account 031-862-45300-000-18142.
3. Accept revenues in the amount of \$219,920 in Account 031-000-36790-000-18142 from the Friends of San Clemente Beaches, Parks and Recreation Foundation and approve a supplemental appropriation to the Sports Park Project Fund, Account 031-862-45300-000-18142.
4. Accept a fund transfer in the amount of \$46,040 from Talega Associates developer impact fees and approve a supplemental appropriation to the Sports Park Project Fund, Account 031-862-45300-000-18142.
5. Accept the Vista Hermosa Sports Park and San Clemente Aquatics Center from the contractors, ValleyCrest Landscape Development and Jaynes Corp. of California.

(Staff Recommendation continued on next page)

6. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Vista Hermosa Sports Park, Project No. 18142-A for the park site. (Contract C10-21)
7. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the San Clemente Aquatics Center, Project No. 18142-B, for the pool complex.
8. Authorize the City Clerk to release the Payment Bond and balance of retention 35 days from the recordation of the Notice of Completion upon verification with the Beaches, Parks and Recreation Department that no liens have been filed against ValleyCrest Landscape Development or Jaynes Corp. of California.
9. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of \$3,138,497 (25% of the final contract amount) for ValleyCrest Landscape Development with a one-year warranty period beginning on February 25, 2012.
10. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of \$1,989,029 (25% of the final contract amount) for Jaynes Corporation of California with one-year warranty period beginning on February 25, 2012.
11. Direct Staff to consider during the development of Capital Improvement Program (CIP) budget which projects should include peer review. If peer review is to be included in a project, it should be added to the budget for the project.

M. **Extension of the Interim Golf Course Restaurant Operating Agreement** -
Page 6-M-1

Approve a supplemental appropriation of \$14,000 to Other Professional Services, Account 056-663-43690.

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. **Casa Romantica - 415 Avenida Granada (General Plan Amendment 12-229/Specific Plan Amendment 12-230) - Permitted Uses in Mixed Use 4.3 Area -**
Pages 7-A-1 through 7-A-37

Public Hearing to consider amending the General Plan and Pier Bowl Specific Plan. This City-initiated request proposes to change language in the Mixed Use 4.3 area to better reflect the past ten-year use of the Casa Romantica and its future use as a cultural center and gardens. The subject site is located at 415 Avenida Granada. The legal description of the property is Lot 27 of Block 3, Tract 784, Assessor's Parcel Number 692-012-38.

Planning Commission Recommendation

Introduce Ordinance No. 1556 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING GENERAL PLAN AMENDMENT 12-229/SPECIFIC PLAN AMENDMENT 12-230, AMENDING THE GENERAL PLAN AND PIER BOWL SPECIFIC PLAN RELATING TO THE CASA ROMANTICA - MIXED USE 4.3 DISTRICT.

- B. **240 La Paloma (Tentative Parcel Map 2010-116) - La Paloma Condominiums -**
Pages 7-B-1 through 7-B-17

Public Hearing to consider a subdivision of a previously approved residential duplex, that has not been constructed, located at 240 La Paloma within the Residential Medium (RM) zoning district in the Coastal Zone (CZ), legal description being Lot 2, Block 21 of Tract 793, Assessor's Parcel Number 692-092-09.

Planning Commission Recommendation

Adopt Resolution No. 12-51 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 2010-116, LA PALOMA CONDOMINIUMS, A REQUEST FOR A ONE LOT SUBDIVISION OF A PREVIOUSLY APPROVED DUPLEX FOR CONDOMINIUM PURPOSES ON A PROPERTY LOCATED AT 240 LA PALOMA.

8. Unfinished Business.

None.

9. New Business.**A. Code Amendment - Adjustment to Water and Sewer Fixed Rates for the Low Income Ratepayer Assistance Program - Pages 9-A-1 through 9-A-7**

Report from the Assistant City Manager/City Treasurer concerning the possibility of amending the Code of the City of San Clemente to adjust the water and sewer fixed rates for the Low Income Ratepayer Assistance Program.

Staff Recommendation

1. Introduce Ordinance No. 1557 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 13.04.220, SUBSECTION (A) OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO WATER RATES FOR THE LOW INCOME RATEPAYER ASSISTANCE PROGRAM.
2. Introduce Ordinance No. 1558 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 13.24.190, SUBSECTION (D), PARAGRAPH 2 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO SANITARY SEWER RATES FOR THE LOW INCOME RATEPAYER ASSISTANCE PROGRAM.

- 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**

- (1) **Establishment of Dates for Council to Meet in Joint Session with the City Commissions and Committees** - Pages 11-A(1)-1

Report from the City Clerk concerning the possibility of establishing the schedule of joint meetings with City Commissions and Committees.

Staff Recommendation

1. Determine whether to meet individually with one or more of the City's Commissions and Committees.
2. Determine whether a consolidated joint meeting should be scheduled.
3. Determine which, if any, of the joint meetings should be televised.

B. **City Manager**

C. **City Attorney**

D. **Council Members**

- (1) **Report from Councilmember Donchak, City Representative to the Coastal Animal Services Authority (CASA) Board, Relative to CASA Matters**

12. **Resolutions/Ordinances.**

None.

13. **Adjournment.**

The next Regular Council Meeting will be held on Tuesday, September 4, 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.